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16

FALKLAND ISLANDS

ORDINANCES

1900 TO 1913.

SIGNED AND SEALED COPIES

GOVERNOR'S OFFICE

W. Grey-Wilson

1900.



Nº 1

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,

GOVERNOR AND COMMANDER-IN-CHIEF.

(16th January, 1900.)

An Ordinance relating to duties of Customs.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

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|--|--|
| <p>1.—From and after the coming into operation of this Ordinance there shall be raised, levied, collected and paid unto Her Majesty, Her heirs and successors, for the use of this Colony, upon goods imported into this Colony, except as hereinafter exempted, the several duties of Customs as the same are respectively inserted, described and set forth in the first Schedule hereto.</p> | <p>Import duties.</p> |
| <p>2.—The goods enumerated in the second Schedule hereto shall and may be imported free of duty.</p> | <p>Exemptions.</p> |
| <p>3.—From and after the coming into operation of this Ordinance there shall be raised, levied, collected and paid, unto Her Majesty, Her heirs and successors, for the use of this Colony, upon the several kinds of produce mentioned in the third Schedule hereto which shall have been raised in this Colony, and which shall be shipped for places beyond the limits of this Colony the several duties of Customs as the same are respectively inserted, described, and set forth in the said Schedule.</p> | <p>Export duties.</p> |
| <p>4.—It shall be lawful for the Collector of Customs to require and demand from the shipper an account of such produce exported in such form, and containing such particulars as the Governor may from time to time direct.</p> | <p>Shipper to make Return.</p> |
| <p>5.—The weight or quantity of every shipment of such produce exported shall be declared by the shipper, and any person wilfully making any false or inaccurate declaration shall be liable, on summary conviction, to a penalty not exceeding Fifty Pounds.</p> | <p>Contents of Return.</p> |
| <p>6.—Export duties shall be payable by the shipper of such produce to the Collector of Customs at the time of shipment, and no vessel containing any such produce shall receive a clearance until such duties have been paid, or adequate security has been given for their payment.</p> | <p>Duties to be paid before ship is cleared.</p> |
| <p>7.—All duties and penalties payable or recoverable under this Ordinance may be sued for and recovered on information in the name of the Collector of Customs before a Magistrate or two Justices.</p> | <p>Duties unpaid how recoverable.</p> |

As to costs and duties
in default.

8.—When any person is adjudged by such Magistrate or Justices to pay any duty or penalty payable and recoverable under this Ordinance, such Magistrate or Justices shall state in the order or conviction, and also in the commitment of such person, if committed in default of payment, the amount of costs awarded to be paid by such person, as well as the duty or penalty so adjudged, and shall commit such person until payment of such duty or penalty and costs.

Collector of Customs
defined.

9.—In this Ordinance "Collector of Customs" shall mean not only that Officer or anyone acting in that behalf in Stanley, but any duly appointed Deputy Collector, either in Stanley or elsewhere, or any person acting for him.

Short title.

10.—This Ordinance shall come into operation on the passing thereof, and may be cited for all purposes as "The Tariff Ordinance, 1900."

Passed the Legislative Council this 11th day of January, 1900.

Assented to by the Governor and given under the Public Seal of the Colony this 16th day of January, 1900.

M. Craigie-Balkett.
Acting Clerk of the Council.

FIRST SCHEDULE.

TARIFF OF IMPORT DUTIES.

Spirits, Strong waters, Liqueurs, Cordials, Sweetened spirits and all articles containing any quantity of alcohol or spirit which by the Imperial Customs Laws are liable to duty as spirits				per gallon	0	10	0
Wine in casks				...	0	2	0
" " reputed quarts				... per dozen	0	4	6
" " " pints				... " "	0	2	3
British wines and all other unenumerated and unexempted beverages not liable to spirit duty				in reputed quarts	0	3	0
Malt liquor, Mum, Spruce, Cider & Perry,				in casks,	0	0	4
" reputed quarts				per gallon	0	1	0
" " pints				" dozen	0	0	6
Cigars				" "	0	5	0
Cigarettes, Cut and Manufactured Tobacco & Snuff				... lb.	0	3	0
All other unexempted Tobacco				...	0	2	0

SECOND SCHEDULE.

EXEMPTIONS.

The following articles shall be exempted from the payment of duty.

Perfumed Spirits and Cologne Water, Lemonade, Ginger Ale, Ginger Beer, Soda Water, Potash, and all other Mineral Waters.

Naphtha or Methylic Alcohol in its crude state and not fit for use as a potable spirit or for admixture with a potable spirit.

Tobacco forming an ingredient in sheep wash, or hop powder manufactured in bond in the United Kingdom.

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 to have the same refunded out of the Public Treasury 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.

The Consulates in this Colony of any Foreign Countries in which is accorded or in which hereafter may be accorded to British Consular Officers the privilege of exemption from Customs duties in respect of official goods imported into such Foreign Countries by Her Majesty's Government for the use of Her Majesty's Consulates shall have a like privilege granted to them of exemption from any duties that may be levied in this Colony on goods which may be imported by their respective Governments as bonâ fide official supplies for the use of such Consulates.

THIRD SCHEDULE.

EXPORT DUTIES.

Article.	Quantity.	Rate of Duty.
Wool	Per lb.	One twentieth of a Penny.
Sheep skins	Each.	One Half-penny.
Living sheep	"	" "
Hides	"	Three pence.

W. Grey Wilson

N^o. 2



1900.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George.

GOVERNOR AND COMMANDER-IN-CHIEF.

(19th May, 1900.)

An Ordinance to authorize the Supplementary Expenditure for the year 1899.

Whereas during the year 1899 certain sums of money were issued out of the Public Revenues of the Colony and applied to purposes and services not provided for in the Appropriation Ordinance 1899, and it is necessary to legalize such payments:—

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof, as follows:—

1.—In addition to the sums already provided for the service of the year ending on the 31st December, 1899, the appropriation of the sum of Four hundred and Nineteen pounds Fourteen shillings and Seven pence issued out of the Public Revenue and other funds of the Colony and applied to the service of that year for the purposes expressed in the following Schedule, is hereby authorized and confirmed.

SCHEDULE.

Colonial Secretary	...	186	12	11
Port and Marine	...	7	17	10
Post Office	...	77	7	7
Savings Bank	...	147	16	3
		419	14	7

Passed the Legislative Council this 17th day of May, 1900.

Assented to by the Governor and given under the Public Seal of the Colony this 19th day of May, 1900.

M. Craigie Mackell

Clerk of Councils,

W. Grey Wilson



1900.

N^o 3

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE.

Companion of the Most Distinguished Order of Saint Michael and Saint George,

GOVERNOR AND COMMANDER-IN-CHIEF.

(22nd May, 1900.)

An Ordinance relating to the Promulgation and Construction of Ordinances; the Law in force in the Falkland Islands, and certain General Rules of Law and Procedure.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1.—The printing at the Government Printing Office, or by a duly authorized Printer of any duly enacted Ordinance of the Falkland Islands, or of any official document countersigned by the Colonial Secretary, or by any person duly authorized thereunto by the Governor shall be in law a sufficient publication and promulgation of the same.

Legal Publication.

2.—Every Ordinance shall take effect on the day on which such Ordinance is sealed unless a contrary intention shall be expressed therein.

When Ordinance takes effect.

3.—Copies of existing Ordinances and of any Ordinances hereafter enacted printed at the Government Printing Office, or by any Printer duly authorized to print the same, shall be received as evidence of the passing and promulgation thereof in any Court of Civil or Criminal jurisdiction within this Colony: provided that they are not at variance with the Record copies passed under the Seal of the Colony.

What copies are legal.

4.—The draft of every Ordinance shall be published in the Gazette and a copy thereof shall be affixed to the Notice Board in Stanley for the inspection of the Public for One Week before its introduction: and copies of every such Draft shall be purchasable from the Government Printer, or other person duly authorized to sell the same for such sum as the Governor may from time to time direct, not exceeding Three Pence for each page, and the purchaser of any such draft may, without further payment, demand from the seller so authorized, at any time within Six Months of such purchase and so soon as copies of the Ordinance are printed, a true copy of the Ordinance as passed: provided always that in any case in which

Drafts to be posted, published, and may be bought.

the Governor in Council thinks it urgently necessary to dispense with such publication and public notification, and with the sale of such draft he may do so.

Disallowance.

5.—An intimation of the disallowance by Her Majesty of any Ordinance shall be published in the Gazette, or in some local Newspaper.

All Ordinances may be inspected.

6.—A copy of every Ordinance shall be available for Public inspection during Office hours in the Court House or other place appointed by the Governor.

Rules, etc., to be recorded.

7.—Two copies of all Orders, Rules, Regulations and Bye-laws, Scales of Fees, Charges and Fines made by the Governor or Governor in Council, shall be signed by the Governor, and one filed in the Supreme Court and one in the Colonial Secretary's Office, and copies of all such Orders, Rules, Regulations, Byelaws and Scales printed by order of the Government shall be received in evidence.

Repeals do not revive.

8.—Whenever any Ordinance repealing in whole or in any part any former enactment is itself repealed, such last repeal shall not revive the enactment or part before repealed, unless words be added reviving such enactment or part.

made may be
ed.

9.—When any person is empowered to make any Orders, Rules, Regulations or Bye-laws, or to fix any scale of Charges, Fees or Fines, it shall be implied that such person may revoke, alter or vary the same from time to time as occasion may require, unless it shall appear from the terms used, that such power is intended to be exercised finally in the first instance.

rules survive
repeal of an
inance.

10.—All Orders, Rules, Regulations, Bye-laws and Scales of Fees, Charges or Fines, made or prescribed under any Act or Ordinance prior to its repeal, shall if the Repealing Ordinance provides for making Orders, Rules, Regulations or Bye-laws, or prescribing Scales of Fees, Charges or Fines, remain in force after such repeal until they are revoked or superseded by Orders, Rules, Regulations, Bye-laws, or Scales of Fees, Charges or Fines made or prescribed under and by virtue of the Repealing Ordinance, and they may be read with such verbal alterations as may be required to make them applicable to the requirements of the Repealing Ordinance.

Rules, etc., as valid
as Ordinances.

11.—All Orders, Rules, Regulations, Bye-laws made, and all Scales of Fees, Charges or Fines prescribed under or by virtue of any Ordinance shall come into force on publication of the same and shall be binding in the same manner and to the same extent as if they formed part of such Ordinance, and shall be subject to disallowance by Her Majesty.

Who may arrest.

12.—Whenever it is provided by any Law that any person committing any offence may be taken into custody, and no person is specially empowered to make such arrest, it shall be lawful for any Constable, or for any other person duly authorized by the Governor in writing, to make such arrest.

Want of form does
not invalidate.

13.—No Order, Judgment, Warrant, or other proceeding made or purporting to be made under or concerning the conviction or committal of any offender shall be quashed or vacated for want of form only.

Errors do not
invalidate.

14.—No process or proceeding shall be set aside on account of

any verbal or technical error or mistake only, and it shall be competent for the Court to decide what is a verbal or technical error or mistake in any action or proceeding, and all errors or mistakes which are not calculated to misinform or mislead the opposite party shall in every instance be deemed merely verbal or technical.

15.—It shall be lawful for the Governor to appoint such persons as may be required to carry out the duties connected with any Ordinance save where any appointment is specially vested in some other person, and all appointments so made by the Governor shall be subject to the approval of the Secretary of State and shall be during pleasure only.

Appointments.

16.—The powers and duties conferred and imposed by any Ordinance upon the holder of any Office, which has been abolished or may hereafter cease to exist or which has been or may be in any way amalgamated with some other office or the duties of which have devolved upon some other person, may be lawfully exercised and performed by any person duly authorised from time to time by the Governor in writing to perform the same, and any person appointed to act in any office may lawfully exercise all the powers attached to such office.

How duties of abolished office performed.
An acting officer has full powers.

17.—The powers and duties conferred and imposed by any Act upon the holder of any office which does not exist in this Colony may be lawfully exercised and performed by any person duly authorised from time to time by the Governor in that behalf.

How duties imposed by Act are performed.

18.—When reference to any public Officer is made, such reference shall include the person for the time being lawfully exercising the duties and functions of such Officer.

Officer acting.

19.—Whenever under any Ordinance duties and powers are imposed or conferred upon any persons to be elected or appointed and such elections or appointments have not been made as required or the persons elected or appointed have declined to act and whenever any vacancy is caused by death, it shall be lawful for the Governor to appoint some person to discharge such duties and exercise such powers until there shall be some person duly elected or appointed and willing to act.

Governor may fill vacancies caused by neglect.

20.—Whenever it may be found convenient for the more efficient carrying out of any Ordinance or other purpose that the Colony should be divided into districts it shall be lawful for the Governor in Council by order to divide the Colony into as many districts as may be deemed advisable, and from time to time to re-divide, sub-divide, or alter the boundaries of any such districts.

Dividing Colony into districts.

21.—The precedence of the members of any Commission of Enquiry or Board shall be determined by the dates of their appointment or when all are appointed on the same day by the order in which their names appear in the Gazette or instrument appointing them and unless otherwise specially provided the senior member shall be the chairman.

Precedence on Boards.

22.—Any person who shall be guilty of any violation of an Order made by the Governor, or the Governor in Council under any Ordinance for which no penalty is prescribed by such Ordinance shall be liable to a penalty not exceeding Twenty Five Pounds.

Violating order made by Governor.

Obstructing.

23.—Any person wilfully obstructing the carrying out of the provisions of any Ordinance, or of any Order made thereunder shall be liable to a penalty not exceeding Five Pounds.

Penalty £2 where none is specified.

24.—Any person who shall neglect to comply with, or who shall offend against any of the provisions of any Ordinance for the breach of which no penalty is therein provided, may be summoned before any Justice and on conviction shall be liable to a penalty not exceeding Two Pounds, and in default of the payment of such penalty the Justice may issue a warrant for the levying thereof by distress and sale, or may commit the offender to prison with or without hard labour, for any period not exceeding six months unless such penalty be sooner paid.

Appeal.

25.—Any person summarily convicted may subject to the provisions of Clauses 26 and 27 of the Administration of Justice Ordinance appeal to the Supreme Court, provided he give to the Justice notice in writing of such appeal, and of the ground thereof, within seven days of such conviction and enter into a recognizance with one sufficient surety to prosecute such appeal at the next sitting of the Supreme Court, and such person may thereupon be admitted to bail.

Township may be defined.

26.—The Governor in Council may, from time to time declare any place within the Colony to be a town and define the extent, limits and boundaries of such town, and from time to time vary or alter the boundaries so defined.

Appointment of Commission of Enquiry.

27.—It shall be lawful for the Governor from time to time as he shall see fit to nominate and appoint persons to constitute a commission to enquire into and take evidence on oath upon any subject as shall to him seem necessary.

Construction.

Interpretion.

28.—In the construction of Ordinances the following Rules shall be observed, unless otherwise expressly provided for, or unless such construction would be inconsistent with the intention of the Ordinance or repugnant to the context, that is to say :—

Meaning of words.

(a) The words "Queen" or "Her Majesty" shall include Her Majesty, her heirs, or successors.

"Act" shall mean any Act of Parliament in force in this Colony.

"The Colony" shall mean The Colony of the Falkland Islands and their Dependencies.

"Colonial Waters" shall mean the sea adjacent to this Colony over which Her Majesty has or may have jurisdiction.

"Dues" shall include Duties, Taxes, and Rates.

"Estate" shall include any Estate or Interest, Charge Right, Title, Claim, Demand, Lien or incumbrance at law or in equity,

"Folio" shall mean 72 words.

"Governor" shall include the person for the time being lawfully administering the Government of the Colony.

"Governor in Council" shall mean the Governor acting by and with the advice of the Executive Council.

"The Gazette" shall mean the Government Gazette of the Colony.

- "Harbour" shall mean the landlocked water lying to the West and South-west of a line drawn from Cape Pembroke to William Point, and any Port hereafter defined and declared a harbour by the Governor in Council.
- "Justice" shall mean Justice of the Peace.
- "Lands" shall include Messuages, Tenements, Hereditaments, Houses and Buildings.
- "Law" shall include Act, Ordinance, Order in Council, Rule, Regulation, Bye-law or Proclamation, in force for the time being.
- "Magistrate" shall mean a Stipendiary Magistrate of this Colony or of any district thereof.
- "Master" in relation to a Ship, shall include any person having charge, control or command of a Ship.
- "Month" shall mean a Calendar month, and "Year" a Calendar year.
- "Order in Council" shall mean an Order made by the Queen in Council.
- "Oath" or "Affidavit" shall include affirmation or declaration in cases where by Law an affirmation or declaration may be substituted for an Oath or Affidavit and "Sworn" shall in like cases include "Affirmed."
- "Owner" shall include the Agent, Manager or beneficiary occupier.
- "Person" shall include any body of persons corporate or unincorporate.
- "Property" shall include Goods, Chattels, Money, valuable securities, Documents, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.
- "Police Officer" or "Constable" shall include any one appointed to act as such, or as a special Constable, and any one acting in aid or under the direction of any such person.
- "Registrar" shall mean Registrar of the Supreme Court.
- "The Secretary of State" shall mean Her Majesty's principal Secretary of State for the Colonies.
- "A Secretary of State" shall mean one of Her Majesty's principal Secretaries of State.
- "Summary Conviction" shall mean any conviction obtained, under and by virtue of any Law for the time being conferring on a Magistrate, or Justice, the power of summary judgment.
- "Stanley" shall mean any land, or district situate on the South side of the Harbour and within two miles of the Cathedral.
- "Suburban land" or "suburbs" shall mean any land or districts outside Stanley which can be reached without going more than six miles from the Cathedral, or any land or districts outside the limits of any Town hereafter declared, which can be reached without going more than six miles from the centre of such Town, as defined by the Governor by notice published in the Gazette.

- Penalty no bar to suit for special damages.**
- Forms.**
- Perjury.**
- Documents may be called for.**
- Quorum.**
- May.**
- Singular includes Plural.**
- Vacancies.**
- All Fines and Fees paid into Treasury.**
- Distances how measured.**
- "Vessel" shall include every description of Ship, Boat, Lighter or floating Water Tank.
- "Warrant" shall mean warrant under the hand of the person issuing the same.
- (b) The imposition of a penalty shall not relieve any person from liability to answer for special damages to a person injured.
- (c) When forms are prescribed slight deviations therefrom, not affecting the substance or calculated to mislead, shall not vitiate them.
- (d) When no forms are given in any Ordinance, and forms are required, such forms shall be used as the Governor may direct.
- (e) Whenever any Court or person shall be authorized by Law to hear, enquire into or determine any matter or thing, a power and authority to take evidence and to administer an oath shall be implied, and any person giving false evidence may be prosecuted for perjury in like manner as if such false evidence had been given in any trial before the Supreme Court.
- (f) Whenever any Court or person is authorised by law to hear, enquire into, or determine any matter or thing, a power and authority to call for the production of any paper or document shall be implied.
- (g) When the number to constitute a quorum of any Board under any Law shall not be prescribed, a majority of the Board shall be a quorum, and the Chairman shall only have an equal vote with other members, except where there is an equality of votes and in such cases he shall have a second or casting vote.
- (h) When a power is conferred upon a person by the word "may," or by the words "it shall be lawful," or by the words "it shall or may be lawful," such power may be exercised or not at discretion.
- (i) Words in the singular shall include the plural, words in the plural shall include the singular, and words importing the masculine gender shall include females.
- (j) Words purporting to give authority to three or more persons shall be construed as giving authority to a majority of such persons.
- (k) When authority to make appointments is conferred, it shall include the power to fill up vacancies caused by death, resignation, removal or refusal to act.
- (l) All Dues, Fees, Fines, Penalties, or Forfeitures, or the proceeds thereof upon sale and all casual revenues of the Crown (other than droits of the Crown and droits of Admiralty) or so much thereof respectively as shall not be otherwise expressly applied and appropriated shall be paid into the Treasury for the public uses of this Colony, and the support of the Government thereof, provided that the Secretary of State may authorize the refund of any fee to any Officer.

29.—In the measurement of any distance for the purpose of this and of any future Ordinance such distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

30.—Unless otherwise expressly provided :—

(a) Any contravention of an Ordinance may be heard and dealt with in a Summary way by any Justice, and if any forfeitures, dues, penalties, sums of money, or expenses imposed or made payable under any Ordinance, be not immediately paid, the Justice may issue a Warrant for the levying thereof by distress and sale, or in the case of a penalty, may commit the offender to prison, with or without hard labour, for any period not exceeding Six Months, unless such penalty be sooner paid.

Summary Jurisdiction.

(b) All informations and proceedings in respect of offences against any Ordinance shall be commenced within Twelve calendar months after the offences thereby respectively charged shall have been committed.

Informations must be within 12 months.

(c) Any Person may be convicted of a fresh contravention of any Ordinance, who does not carry out the order of any Justice, within seven days of such order ; and any Person who within Twelve Months is again convicted under that Ordinance shall be liable to a penalty not exceeding twice the limit fixed in that Ordinance for a first conviction, and for a third or subsequent conviction three times that amount.

Fresh contravention after 7 days.

(d) Any person giving such information as shall lead to the conviction of any person under any Law may be awarded any sum not exceeding one half of any fine imposed in such case, as the Governor may approve.

Informers.

31.—Subject to all local Ordinances and Orders in Council in force for the time being ; so much of the Law of England, for the time being, as is applicable to local circumstances, is and shall be in force in this Colony, so far as it is suitable and appropriate, and subject to such qualifications as local circumstances render necessary.

Law of England in force.

32.—Unless otherwise provided by Local Ordinance or Order in Council the procedure of the High Court of Justice in England shall as far as possible be adopted in the Supreme Court ; the procedure in a Police Magistrate's Court in England shall as far as possible be adopted in a Magistrate's Court ; and the procedure in a County Court in England shall as far as possible be adopted in any Court for the recovery of small debts.

Procedure.

33.—The Ordinances mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Repeal.

34.—This Ordinance may for all purposes be cited as " The Interpretation and General Law Ordinance, 1900.

Short Title.

Passed the Legislative Council this 17th day of May, 1900:

Assented to by the Governor and given under the Public Seal of the Colony this 22nd day of May, 1900.

M. Craigie Kalkett

Clerk of the Council.

SCHEDULE.

REPEAL.

No and Year.	Title or Short Title.	Extent of Repeal.
1 of 1853.	An Ordinance to extend to the Colony certain Acts of Parliament	The whole.
10 of 1853.	Administration of Justice Ordinance	Sections 47, 48, 49, 50, 52, 59, 60, 62 and 63.
3 of 1857.	To provide for the application of the Merchant Shipping Act of 1854 within the Colony	Sections 2, 5, 6, 7.
1 of 1869.	An Ordinance to provide for the appropriation of the Casual Revenues of the Crown arising from escheated Estates	The whole.
2 of 1873.	To extend to the Colony a certain Act of Parliament	The whole.
5 of 1876.	To extend to these Settlements certain Acts of Parliament in force in England relating to the Criminal Law	The whole.
3 of 1882.	To extend to this Colony certain Acts of Parliament in force in England relating to Merchant Shipping	The whole.
4 of 1882.	To extend to this Colony a certain Act of Parliament cited as the "Employer's and Workmen Act, 1875,"	The whole.
5 of 1882.	To extend to this Colony a certain Act of Parliament cited as the "Employer's Liability Act, 1880,"	The whole.
13 of 1882.	To amend the Pilot Ordinances	The whole.
7 of 1891.	To extend to this Colony a certain Act of Parliament cited as the Bills of Exchange Act, 1882	The whole.
8 of 1891.	The Brewer's Licensing Ordinance, 1891	Section 4.
2 of 1892.	The Commissions of Enquiry Ordinance, 1892	The whole.
1 of 1893.	The Interpretation and General Law Ordinance, 1893	The whole.

Ordinance

N^o 4

1900

Appropriation Ordinance 1901.

1 copy only. on file in safe of
Registrar of the Supreme Court.

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Ordinance

Nº 5

1900

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Relating to Aliens
Destitute Immigrants and
Naturalization.

—

W. Grey Wilson

6



1900.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George,

GOVERNOR AND COMMANDER-IN-CHIEF.

(24th December, 1900.)

An Ordinance to amend the Tariff Ordinance, 1900.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1.—The Tariff Ordinance, 1900, shall be amended:

Increase of duties
on Beer, Spirits, &c.

(a) by striking out from the first Schedule thereto the words and figures "Malt liquor, Mum, Spruce, Cider and Perry, in casks, per gallon, four pence," and substituting therefor the words and figures "Malt liquor, Mum, Spruce, Cider and Perry, in casks, per gallon, six pence."

(b) by striking out from the first Schedule thereto the words and figures "per gallon, ten shillings," and substituting therefor the words and figures "per gallon, twelve shillings."

Exemptions.

2.—Goods exempt from duty under "The Tariff Ordinance, 1900," as being imported for the use of the Governor of the Colony or 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 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.

Computation of
duties.

4.—For the better computation of the duties on any bottled spirits and other beverages liable to duty, six reputed quart bottles, or twelve reputed pint bottles, shall be taken and considered to be one gallon.

Short title.

5.—This Ordinance may be cited as "The Tariff Amendment Ordinance, 1900."

Passed the Legislative Council this 24th day of December, 1900

Assented to by the Governor and given under the Public Seal of the Colony this 24th day of December, 1900.

(Signed)

M. Craiger-Hall

Clerk of the Council.

W. Grey Wilson

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1901.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE.

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(1st January, 1901.)

An Ordinance relating to the taking from time to time of a census of the Inhabitants of the Falkland Islands.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows :—

Date of taking
Census.

1.—The Governor may at any time appoint a night for the taking of a census of the inhabitants of this Colony, and such night shall be styled the Census night, and not less than 30 days notice shall be given in the Gazette of the night so appointed for the taking of a Census..

Governor to appoint
Supervisor.

2.—The Governor may from time to time appoint any person to supervise the taking of a Census and any Enumerator to assist such Supervisor, provided that every Manager of a Station shall perform all the duties of an Enumerator within the limits of every Station controlled by him.

Schedule.

3.—The Governor in Council may from time to time vary or alter the Schedule hereto attached to be used in the taking of such Census.

Schedules to be
supplied to house-
holders, &c.

4.—Not less than twelve hours before the Census night the Supervisor shall cause to be supplied to every occupier of a house or tenement in Stanley and its vicinity, or any town hereafter declared, and to the Master of any ship then in Stanley Harbour, and to the Manager of every Station one or more of the Schedules, and the Manager of every Station shall cause to be supplied to every occupier of a house or tenement on such Station and to the Master of any ship then lying in any part of the coast of such Station one or more of the Schedules.

Occupiers to fill up
Schedules.

5.—The occupier of every house or tenement and the Master of any ship within the limits of the Colony shall fill up (or cause to be filled up) and sign a return in terms of the Schedule, giving the full particulars as therein required to the best of his knowledge and belief.

6.—An Enumerator shall visit, on the day following the Census night, every house or tenement in a Town, and shall collect

all Schedules left to be filled up, and shall complete or cause to be completed all Schedules which appear to be defective, and correct all Schedules which appear to be erroneous.

Enumerators to collect and correct Schedules.

7.—A Manager shall visit on any day (not more than 15 days after the Census night) every house or tenement on his Station, and every vessel lying off his Station from which a defective Schedule has been received, and shall complete, or cause to be completed, all Schedules which appear to be defective.

Managers of Stations to correct Schedules.

8.—Every Enumerator shall make a solemn declaration that to the best of his knowledge and belief the Schedules sent in by him represent every occupier of a house or tenement within his District or Station as the case may be, and that he does not know of any person within his District or Station whose name is not entered in one of the Schedules sent in by him.

Declaration by Enumerators.

9.—Every Enumerator shall declare to and send in a return showing every house then building and uninhabited, and also every uninhabited house within his District.

Return of houses uninhabited, &c.

10.—Any occupier of a house, or Master of a ship, who shall wilfully refuse or without lawful excuse neglect to fill up the Schedule to the best of his knowledge and belief, or to sign and deliver the same when required, or who shall wilfully make any false return of any matter specified in the Schedule, or who shall refuse to give any information in reference thereto asked by the Supervisor or an Enumerator, shall be liable on conviction to a penalty not exceeding Ten Pounds.

Penalties.

11.—The Supervisor shall obtain, by such means as shall appear best adapted for the purpose, returns of all houseless persons and of all persons who during the Census night were travelling, or on the sea, or who for any other cause were not abiding in any house on the Census night.

Returns of persons houseless, &c.

12.—This Ordinance may be cited as "The Census Ordinance, 1901."

Short title.

Passed the Legislative Council this 24th day of December, 1900.

Assented to by the Governor and given under the Public Seal of the Colony this 1st day of January, 1901.

M. Craigie-Hall
Clerk of the Council.

W. Grey Wilson

1901.

N^o 2

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(16th April. 1901.)

An Ordinance relating to Summary Jurisdiction.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1.—In this Ordinance unless the context otherwise requires:—

Definitions.

“The Court” shall mean two or more Justices sitting to hear any cause which they may be empowered to hear by this or any other Ordinance or a Magistrate sitting either alone or with other Justices.

“Complaint” shall include information, claim, debt, damage or injury.

“Criminal” includes quasi-criminal and, with reference to matters of Jurisdiction, comprehends all such matters not falling within the term “civil.”

2.—The Governor may appoint from time to time such Stipendiary Magistrates and Justices as he may deem necessary and every such Magistrate or Justice shall have and may exercise jurisdiction in civil and criminal cases as hereinafter provided over and within the district defined and specified in his warrant of appointment and if no limits be defined or specified in such warrant then he shall have jurisdiction throughout the whole Colony.

Appointment of Stipendiary Magistrates and Justices.

their jurisdiction.

3.—Whenever by any law which shall not contain an express provision to the contrary any act, matter or thing is required to be done by more than one Justice, all such acts, matters or things may be done and performed by a Magistrate of this Colony sitting alone, and, subject to the provisions of this or any other law, a Magistrate shall have full power, authority and jurisdiction—

Powers of Magistrate to act alone.

(1) To receive and inquire into all charges of indictable offences, and make such order in respect thereof as may be required.

(2) To hear, try and determine all complaints cognizable on Summary Judication.

(3) In all suits where the claim, debt, or damage or balance sought to be recovered shall not exceed the sum of Fifty Pounds, and in all suits for the recovery of the possession of a tenement where the annual rent or value thereof shall not exceed the said amount, and every such suit shall be originally instituted in the Summary Court, and

(4) Generally to do any such act, matter or thing as may by any law appertain to the office of a Magistrate or to any Justice, but he shall not have power to impose a longer term of imprisonment than one year.

Appeal to Supreme Court.

4.—Subject to the provisions of "The Administration of Justice Ordinance" and of Section 25 of "The Interpretation and General Law Ordinance 1900," an appeal shall lie to the Supreme Court from any judgment, decision, or order of the Court in the exercise of its criminal or civil jurisdiction, except from any order

(1) For the adjournment of any case or matter.

(2) In respect of an indictable offence.

(3) For the remand of any person to prison.

Magistrate may summon Justices as assessors.

5.—A Magistrate may summon two Justices to sit with him as assessors on the trial of any civil or criminal case, and the provisions relating to assessors summoned in the Supreme Court shall apply to assessors summoned by a Magistrate under this Section.

Jurisdiction of Justice acting alone not to exceed Five Pounds.

6.—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 charged) any information relating to an offence against any Ordinance containing no provisions to the contrary provided that no single Justice may impose a larger fine than Five Pounds.

When one Justice alone may act.

7.—One Justice may issue any summons, and any warrant of arrest, distress or commitment even in cases where the complaint must be heard by two or more Justices, provided that when two or more Justices are required to hear any case they must be present and acting together during the whole of the hearing and determination of the case.

Information must be laid within 12 months.

8.—When no time is specially limited for laying any information it shall not exceed twelve months from the time when the matter of such information arose.

PROCEDURE BEFORE HEARING.

Summons and Warrants.

9.—Whenever an information is laid before a Justice that any person has or is suspected to have committed any act for which he is liable by law to be imprisoned or fined or otherwise punished, and also in cases where a Summary Court has authority by law to make any order for the payment of money or otherwise such Justice may issue a summons or warrant as hereinafter provided, and every such summons or warrant shall be under the hand and seal of the Justice issuing the same.

Summons how served.

10.—A summons shall state shortly the matter of the complaint and shall name a day and hour for the defendant to appear at the Court, and such summons shall be served by delivery to the person to whom it is directed or by leaving it at his usual place of abode, or in such other special manner as the Justice may direct, provided that nothing herein shall oblige any Justice to issue any summons in any case where the application for an order is to be made *ex parte*.

11.—A witness may be summoned by any Justice upon the oath of a credible person that such witness is likely to give material evidence and will not come voluntarily. Proof of the service of a summons upon a defendant or witness shall be upon oath.

Proof of service.

12.—It shall be lawful for a Justice to issue a warrant of arrest in any of the following cases; that is to say:—

When warrant of arrest may issue.

(1.) Where an information of a felony or of an offence punishable on conviction by imprisonment is supported on oath to his satisfaction and it shall appear that the person should be immediately arrested to secure the ends of justice.

(2.) Where any person fails to appear at the time and place mentioned in any summons, and due proof of the service of such summons is given, and that such service has allowed a reasonable time for the defendant to appear, and that the case cannot or should not be heard in the absence of the defendant or his representative; provided that the Court may, instead of issuing a warrant, proceed *ex parte* to hear the complaint and adjudicate thereon as fully and effectually as if such party had personally appeared.

(3.) Where any witness shall neglect or refuse to attend and no just excuse shall be offered for such neglect or refusal, and after proof that the witness was summoned and that a reasonable sum was tendered to him for his expense in that behalf, provided that instead of committing such witness to prison the Court may in a summary way impose a fine not exceeding Ten Pounds.

(4.) Where such Justice is satisfied by evidence upon oath that it is probable that a witness will not attend and give evidence if summoned.

A warrant may be executed by any Constable or person to whom it is directed and shall state shortly the matter of the information, and shall name or otherwise describe the person against whom it has been issued, and such warrant may remain in force until it is executed, and any Constable or other person named, whether he have the warrant with him or not, may apprehend the said defendant.

13.—Any person who shall aid, abet, counsel, or procure, or attempt to commit or procure the commission of any offence punishable on summary conviction shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable on conviction to the same penalty to which such principal offender shall be by law liable.

Aiders and Abettors.

14.—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 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 the 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

Search warrant.

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.

PROCEEDINGS ON HEARING.

Complaints to be heard in open Court.

15.—Every complaint cognizable on summary judgment shall be heard and determined in an open Court to which the public shall have access so far as the same will conveniently contain them, and the Court shall, in every case, take notes in writing of the evidence, or of so much thereof as is material, in a book to be kept for that purpose.

Procedure on hearing.

16.—On the hearing of any complaint cognizable on summary judgment the Court shall state to the defendant the substance of the complaint and shall ask him what answer, if any, he desires to make thereto.

(1.) If the defendant thereupon admit the truth of the complaint and show no sufficient cause why an order should not be made against him the Court shall make such order against him as the justice of the case requires.

(2.) If the defendant does not admit the truth of the complaint the witnesses on both sides shall, unless the Court in any case expressly orders, be placed out of Court.

(3.) The Court shall then proceed to hear the complainant and such witnesses as he may examine and then the defendant and such witnesses as he may examine and then such witnesses as the complainant may examine in reply if the defendant has examined any witness or given any evidence other than as to his the defendant's general character, but the complainant shall not be entitled to make any observations in reply upon the evidence given by the defendant nor shall the defendant be entitled to make any observations in reply upon the evidence given by the complainant in reply as aforesaid.

Power of Court to order that no person shall be present at preliminary investigation.

17.—It shall be lawful for the Court to order that no person shall be present without the permission of the Court at the holding of a preliminary investigation when the offence charged is only triable before the Supreme Court and the Court is of opinion that the ends of justice will be best answered by so doing.

Depositions.

18.—All evidence given at a preliminary investigation shall be taken down in writing and such depositions shall be read over to and signed respectively by the witnesses who shall have been examined, and shall also be signed by the Court.

Charge.

19.—After the examination of all the witnesses on the part of the prosecution the Court shall read to the accused the whole of the depositions taken against him and shall say to him these words or words to the like effect:—“*Having heard the evidence do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence against you on your trial.*”

20.—The Court may at any stage in the hearing of any case adjourn the hearing of the same to a certain place and time to be then appointed and in the meantime the Court may,

Adjournment.

- (1.) Suffer the defendant to go at large, or
- (2.) Commit him to prison or a place of security, or
- (3.) Discharge him on his entering into a recognizance with or without sureties conditioned for his appearance at the time and place to which such hearing shall be so adjourned.

21.—Upon the conclusion of the hearing the Court shall, either immediately or at an adjourned sitting, give its decision on the case by either dismissing the complaint, or committing the accused person for trial to the next sessions, or adjudging the defendant to enter into a recognizance and find sureties to keep the peace, or to be of good behaviour, or making such order as the justice of the case requires.

Judgment.

22.—Any Justice who shall hear and determine any complaint under this or any Ordinance, whether or not a summons shall have been issued, may award such costs as to him shall seem meet, to be paid to or by either of the parties, and if such costs be not paid at the time ordered, such Justice may issue a warrant of distress for the recovery thereof, or commit to prison the person so fined.

Costs and mode of recovery.

23.—When any person shall be convicted of any offence and it is a first conviction the Court may discharge the offender upon his making satisfaction to the party aggrieved for any damage or costs.

First conviction.

24.—The Court may commit to prison in any of the following cases; that is to say:—

Committal to prison.

- (1.) Whenever the law under which the case is heard
 - (a) Imposes the penalty of imprisonment.
 - (b) Imposes the penalty of a fine or, in default, imprisonment, and such fine and costs be not paid at once or at the time named in any order made in regard thereto.
 - (c) Empowers a warrant of distress to be issued for the satisfaction of a penalty or sum in the nature of a penalty and no sufficient goods and chattels to levy the sum directed can be found.
 - (d) Empowers the Court to make an order for the payment of a sum of money, in the nature of a penalty, or the doing of any act or the refraining from doing any act, and the order so made is not complied with; provided that the person so imprisoned shall be discharged as soon as the order made has been complied with.

(2.) Where an information has been dismissed and the complainant has been ordered to pay costs, and such costs are not paid and no satisfactory security for their payment is tendered.

(3.) Where the hearing of a case has been adjourned and the Court is of opinion that the release of the defendant on recognizance might defeat the ends of justice.

(4.) Where any person shall refuse to be examined as a witness upon oath or to answer such questions concerning the

matter before the Court as shall then be put to him, without offering any just excuse, he may be imprisoned for any time not exceeding 7 days, unless he shall in the meantime consent to be examined.

Warrants of distress.

25.—Where a warrant of distress is issued under this Ordinance, the Court may order the detention of the person against whom it is issued until a return be made to such warrant or sufficient security be tendered to meet the amount required to satisfy it or security be given for the appearance of the defendant when a return shall be made to the warrant of distress.

To be executed between sunrise and sunset.

Exemptions from seizure.

26.—A warrant of distress shall be executed after sunrise and before sunset, and the wearing apparel and bedding of the defendant and the tools and implements of his trade to the value of £5 shall be exempt from seizure under such warrant.

To lapse on payment of amount stated and costs.

27.—In all cases where any person shall tender to the Constable having execution of a warrant of distress the sum therein mentioned together with the expenses of such distress up to the time of such tender, such Constable on receipt of the money shall cease to execute the same.

Imprisonment for non-payment of fine.

28.—In any case where a fine is imposed under any Law and such fine is not paid either immediately or at the time stated in the order and the Court is empowered to award imprisonment, such imprisonment may be with or without hard labour as such order shall direct, and for the period specified in the following scale :

For any sum not exceeding 10/-	...	...	7 days.
" " " exceeding 10/- and not exceeding £1	14	"	"
" " " " £1	"	"	"
" " " " £2	"	"	"
" " " " £5	"	"	one month.
" " " " £10	"	"	two months.
" " " " £20	"	"	three "
" " " " £30	"	"	four "
" " " " £40	"	"	five "
" " " " £50	"	"	six "
" " " " £50	...	...	one year.

Imprisonment may be consecutive where defendant is already undergoing imprisonment.

29.—When a Justice shall adjudge the defendant to be imprisoned, and such defendant shall then be undergoing imprisonment for some other offence, such Justice may order that the imprisonment upon such subsequent order shall commence at the expiration of the term of imprisonment then running.

Rewards to informers and others.

30.—In every case where a pecuniary penalty is recovered and it appears to the Governor that the informer or person prosecuting ought to be rewarded, the Governor may, in his discretion, direct any part not exceeding one moiety of such penalty to be paid to such informer or person.

Common informers.

31.—In order to discourage corrupt practices by common informers, it shall be lawful for the Court, although any part of a penalty shall be directed by any law to be paid to the informer, to adjudge that no part or some part only of the penalty shall be paid to the informer.

PENALTIES (CRIMINAL).

Perjury

32.—If in any case, civil or criminal, or in any proceeding connected therewith, it shall appear to the Court that any person

examined as a witness upon oath has committed wilful and corrupt perjury, or that any person, in any affidavit, declaration, or affirmation required to be made before the Court, has been guilty of the like offence, it shall be lawful for the Court to direct a prosecution for perjury to be forthwith instituted against any such person; or where such perjury is committed by any person examined as a witness in open Court, it shall be lawful for the Court, instead of directing such prosecution to be instituted as aforesaid, either to commit such witness, as for a contempt of the Court, to prison for any time not exceeding three months, with or without hard labour, or to fine such witness in any sum not exceeding Twenty Pounds: Provided that the powers hereinbefore given shall be in full force and operation, notwithstanding any irregularity or want of form in the administration of the oath, declaration, or affirmation.

33.—Any person who shall make and subscribe any declaration required to be made on the doing of any act, matter, or thing, or for verifying any book, account, entry or return, or for any purpose whatsoever, and shall wilfully make therein any false statement as to any material particular, shall be deemed guilty of a misdemeanour and shall be liable to a penalty not exceeding £50, and if proceeded against on indictment shall be liable on conviction to imprisonment with or without hard labour for a term not exceeding one year or to a fine not exceeding £300.

False declarations.

34.—Any person who shall unlawfully and wilfully commit any damage to or upon any real or personal property whatever either of a public or private nature, for which offence no punishment is already otherwise provided (the injury done being under the value of £50), shall pay to the party aggrieved such reasonable amount of compensation for the injury done as the Magistrate shall see fit; and shall also be liable to a fine not exceeding the sum of Forty Shillings.

For damage to real or personal property.

35.—It shall be lawful for any Magistrate or two Justices to hear and determine any information relating to the following offences; that is to say:—

(a) Robbing any goods, chattels, money, or valuable security from the person of another or stealing or obtaining goods, chattels, money, or valuable security under any false pretence, or receiving the same, knowing the same to have been robbed, stolen or unlawfully obtained; provided that it be proved by the evidence that the value of such goods, chattels, money, or valuable security charged to have been robbed, stolen or falsely or fraudulently obtained or received does not exceed the sum of Five Pounds.

Robbery.

(b) Unlawfully and maliciously wounding or inflicting any bodily harm upon any person, provided that it be proved by the evidence of a Medical Officer, if one was called in, and if not by other evidence that such wound was not serious or likely to disable.

Wounding.

And any person convicted of any of the foregoing offences may be imprisoned with hard labour for a period not exceeding six months, provided that the Court may if it think fit abstain from adjudicating upon any charge under this section, and deal with the case in all respects as if it had no authority finally to hear and determine the same.

36.—Any person shall be liable to a fine not exceeding Five Pounds who commits any of the following offences:

Being in possession of
or conveying stolen
property.

Receiving stolen goods.

Using horses without
consent.

Obtaining money or
reward by threats.

Assault.

Causing bodily hurt.

Supplying liquor to
H. M. ships without
consent.

- (a) 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.
- (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.
- (c) Any person who without the authority of the owner shall catch, ride, or use any horse.
- (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.
- (e) Any person who shall unlawfully assault or beat any other person. §

37.—Any person who by offending against this or any Ordinance shall cause hurt or damage to any person shall, on conviction pay such sum not exceeding Ten Pounds as shall appear to the Court reasonable amends to the person aggrieved, in addition to any fine or punishment to which he may be liable for the offence, and the evidence of the person aggrieved may be admitted in proof of the offence.

38.—

(1.) No person shall bring on board any of His Majesty's ships any liquor without the previous consent of the officer commanding; and any officer may with or without persons under his command search any vessel hovering about or approaching or which may have hovered about or approached any of His Majesty's ships and seize any liquor found on board such vessel, and all liquor so seized shall be forfeited to His Majesty; and any person who, without such previous consent as aforesaid, brings any liquor on board any of His Majesty's

§ **NOTE.**—For the protection of a married woman whose husband has been convicted of an aggravated assault Summary Jurisdiction is conferred by 58 & 59 Vict., Ch. 39 upon a Magistrate to make an order equivalent to a decree of judicial separation, to give her the legal custody of their children under 16 and to compel the husband to maintain her.

ships, or approaches or hovers about any of His Majesty's ships for the purpose of bringing any liquor on board the same, or of giving or selling it to men in His Majesty's service; and any person who approaches or hovers about any of His Majesty's ships for the purpose of aiding or assisting any one in His Majesty's service to desert or improperly absent himself from his ship shall be liable to a penalty not exceeding £10 and may be arrested by any officer without warrant or other process.

(2.) For the purposes of this section :—

The expression "Officer" shall include a warrant or petty officer of the Royal Navy and a non-commissioned officer of Marines and a Police Constable.

The expression "liquor" shall mean spirituous or fermented liquor of any description.

The expression "ship" shall mean any of His Majesty's ships or vessels.

39.—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.

Restoration of stolen goods may be ordered.

CIVIL SUITS.

40.—Whenever any domestic servant, artificer, labourer, 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 when-ever 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 Five Pounds 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, or other person and his employer, or the steward, manager, or agent of his employer, and to impose any fine not exceeding Five Pounds, and to make such order for payment of wages as shall seem just, and every such order may be enforced by execution against the goods, effects or other property of the party against whom such order shall be made.

Power to Court to determine complaints between employer and workman, &c.

41.—Any person with whom such domestic servant, artificer, labourer, or other person shall have so contracted may maintain an

Action by employer against person employing workman.

action on the case against any person who shall employ, retain, harbour, or conceal any such domestic servant, artificer, labourer, or other person during the existence of such contract, knowing that he was under such contract.

Claims to tenements.

42.—The decision of claims to tenements shall be subject to the following provisions :—

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 twelve months 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 Court reasonable cause why possession should not be given up, and shall still refuse or neglect to deliver up possession of the said premises to the said landlord or agent, it shall be lawful for the Court upon proof of the holding and of the end and 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.

Payment by master of vessel for Prison maintenance of crew.

43.—If the master of any vessel lying in Stanley Harbour shall apply to have any of his crew lodged in 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 Merchant Shipping Acts, and shall take a receipt for the same from the Court: Provided that if any Master shall obtain 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, which sum shall be endorsed on the receipt given at the previous conviction.

Provisions of Merchant Shipping Acts as to offences committed by seamen extended to Foreign vessels.

44.—The provisions of the Merchant Shipping Acts relating to any offence committed by any seaman or apprentice belonging to a British vessel shall extend and apply to any seaman or apprentice on board any foreign vessel, prosecuted by the Master for any such offence committed within this Colony, provided that it shall not be necessary to prove an entry in the log of an offence upon any such prosecution, and that on any prosecution for desertion, after the

departure of the vessel, it shall be sufficient to prove that the fact of the desertion was endorsed on the agreement.

45.—The Chief Justice may from time to time make rules for regulating the process and practice in the summary courts, the forms to be used, the fees to be paid and the conduct of all civil and criminal business coming within their cognisance and with regard to all other matters relating to the said Courts not otherwise specially provided for and such rules shall come into force when approved by the Governor in Council and duly published.

Power to make Rules.

46.—The Ordinances mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column of the Schedule.

Repeal.

47.—This Ordinance may be cited as "The Summary Jurisdiction Ordinance, 1901."

Short title.

Passed the Legislative Council this 11th day of April, 1901.

Assented to by the Governor and given under the Public Seal of the Colony this 16th day of April, 1901.

(Signed)

M. Craiger - Hallett.

Clerk of the Council.

SCHEDULE.

REPEAL.

No. and Year.	Short Title.	Extent of Repeal.
10 of 1853.	Administration of Justice Ordinance ...	The whole.
11 of 1853.	Summary Jurisdiction Ordinance ...	Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 27, 28, 29, 30, 33, 34, 42.
3 of 1857.	An Ordinance to provide for the application of the Merchant Shipping Act of 1854 within the Colony ...	The whole.
1 of 1862.	Summary Jurisdiction Amendment Ordinance ...	The whole.
2 of 1862.	" " " " ...	The whole.
3 of 1862.	" " " " ...	The whole.
2 of 1876.	An Ordinance to make further provision for the Administration of Justice in the Falkland Islands ...	The whole.
7 of 1886.	An Ordinance to prevent the introduction of spirituous or fermented liquors on board Her Majesty's ships without the consent of the Commander ...	The whole.
8 of 1886.	An Ordinance to make better provision for the protection of married women ...	The whole.
1 of 1890.	An Ordinance for the summary punishment of Perjury...	The whole.
10 of 1895.	An Ordinance to provide for the appointment of a Stipendiary Magistrate for the Island of West Falkland ...	The whole.

W. Grey Wilson

No. 3



1901.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George.

GOVERNOR AND COMMANDER-IN-CHIEF.

(5th July, 1901.)

An Ordinance to authorize the Supplementary Expenditure for the year 1900.

Whereas during the year 1900 certain sums of money were issued out of the Public Revenues of the Colony and applied to purposes and services not provided for in the Appropriation Ordinance 1900, and it is necessary to legalize such payments:—

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof, as follows:—

1.—In addition to the sums already provided for the service of the year ended on the 31st December, 1900, the appropriation of the sum of Two thousand Seven hundred and Sixty eight pounds Eight shillings and Two pence issued out of the Public Revenue and other funds of the Colony and applied to the service of that year for the purposes expressed in the following Schedule, is hereby authorized and confirmed.

SCHEDULE.

Colonial Secretary	...	40	14	5
Legal	...	65	10	3
Transport	...	183	16	7
Public Works	...	593	2	1
„ (Extraordinary)	...	1885	4	10
		2768	8	2

Passed the Legislative Council this 21st day of June, 1901.

Assented to by the Governor and given under the Public Seal of the Colony this 5th day of July, 1901.

M. Craigie-Hall
Clerk of the Council.

W. Grey Wilson

1901.



No 4

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire.

Companion of the Most Distinguished Order of Saint Michael and Saint George.

GOVERNOR AND COMMANDER-IN-CHIEF.

(16th September, 1901.)

An Ordinance relating to the Administration of Justice.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1.—In this Ordinance;

“The Court” shall mean the Court or the Chief Justice, or a Judge sitting in the Court Room or in Chambers.

Interpretation.

“A Court” shall mean a sitting of the Supreme Court for the trial of any civil or criminal cause.

“Judgment” shall include decree, order, sentence, or rule.

2.—The Supreme Court shall consist of the Chief Justice, and if any assessors be summoned then of the Chief Justice and such assessors, and if any other Judge or Judges be appointed hereafter then of the Chief Justice and such other Judge or Judges.

Constitution.

3.—The Chief Justice shall be a member of the Bar of England, Scotland or Ireland or 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 be nominated by the Secretary of State and appointed by the Governor under the Public Seal of the Colony and shall hold office during good behaviour. Provided that whenever the office of Chief Justice is vacant or if the Chief Justice become incapable or be suspended or be absent from the Colony then the Governor may do and execute or may appoint some officer to do and execute all things that belong to the office of Chief Justice.

Qualifications of Chief Justice.

4.—The same person may be appointed to the offices of Chief Justice and Police Magistrate and any person so appointed shall cease to be styled the Chief Justice and shall be styled the Judge.

Combined offices.

5.—Whenever the same person shall hold the offices of Judge and Police Magistrate the Supreme Court shall, for the purpose of hearing appeals from the Police Court, but for no other purpose, be

Appeals when offices combined.

held before the Judge and three Justices and on such appeals all questions shall be determined by a majority of the Court and in case the votes shall be equal the Judge shall have a casting vote.

Sittings.

6.—The Judge shall from time to time fix the days for the sitting of the Supreme Court for the purpose of hearing appeals from the Police Court and he shall summon by notice three Justices residing in or near Stanley to attend every sitting of the Court for that purpose. The Justices shall be so summoned in rotation according to the order in which their names stand on the commission, so that as far as circumstances will permit each may serve in his turn.

Justice assessors.

7.—Any Justice who being duly summoned neglects or fails without reasonable cause to attend the sitting of the Court shall be liable to be fined by the Judge a sum not exceeding Ten Pounds.

Sheriff. appointment of

8.—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 and such Sheriff may duly authorise under his hand and seal any person to be his deputy and such Sheriff and his deputy are hereby empowered to execute all writs, summonses, rules, warrants, orders, commands and processes of either the Supreme or Police Court and if a Sheriff shall not have been duly appointed by the Governor then the Chief of the Police may do and execute all things that belong to the office of Sheriff.

Jurisdiction.

9.—The Supreme Court shall have within the Colony all the jurisdiction, powers and authorities whatsoever possessed and vested in the following Courts and Judges in England;

- (1).—The Queen's Bench, Common Pleas and Exchequer Division of the High Court of Justice.
- (2).—The Chancery Division of the High Court of Justice.
- (3).—The Courts and Justices of Oyer and Terminer and general gaol delivery.
- (4).—Any Court of Quarter Sessions in England.
- (5).—The Probate, Divorce, and Admiralty Divisions of the High Court of Justice in matters of Probate and Admiralty, and in matters of Divorce subject to Her Majesty's Order in Council bearing date the 28th day of November, 1897, and to any Order in Council that may be made altering or amending such jurisdiction.

Jurisdiction.

10.—The Court shall also have and exercise jurisdiction :
Over all matters of Insolvency and Bankruptcy.

Appeals.

11.—The Court shall have appellate jurisdiction over all cases determined in all inferior Courts and in respect of any misdirections or misrulings of the Judges thereof and may set aside or correct the same.

Jurisdiction.

12.—The Court shall also have and exercise all other jurisdiction, powers and authorities whatsoever, which now are or may be hereafter expressly or impliedly vested in it by any Law.

Escheat.

13.—The Court shall have jurisdiction in all causes and questions of escheat and may entertain, decide and finally adjudicate in and on all such causes and questions.



W. Gray Wilson

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14.—The Court shall have power to appoint guardians and committees of the persons and estates of infants and of idiots and lunatics and other persons unable to govern themselves or their estates, and for that purpose to enquire into, hear and determine, by inspection of the person, or by examination on oath or otherwise of the party in whose custody or charge such person may be, or of any other person, or by such other ways and means by which the truth may be best discovered, and to act in all cases as fully and amply to all intents and purposes as the Lord High Chancellor or the grantee from the Crown of the persons and estates of such persons may do in England.

Minors and Lunatics.

15.—In every civil cause law and equity shall be administered concurrently and the Court shall have power to grant, either absolutely or on such terms and conditions as shall seem just, all such remedies as either party may appear to be entitled to in respect of either claim or defence; so that as far as possible all matters between the parties may be completely and finally determined and all multiplicity of legal proceedings avoided; and where there is any conflict between the rules of equity and the rules of common law, the rules of equity shall prevail.

Law and equity concurrent.

16.—The Chief Justice may cause any Member of Council or Justice to be summoned to sit with him as an assessor on the trial of any cause or the hearing of any proceeding civil or criminal, and any assessor who without reasonable cause shall fail to attend the Court or refuse to act as an assessor shall be liable to a fine not exceeding Ten Pounds which may be imposed summarily.

Assessors to Chief Justice.

17.—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.

Their powers.

18.—The Supreme Court shall when there are cases to be tried hold sittings in Stanley for the trial of criminal causes upon the first Wednesday of the months of February, May, August and November.

Sittings criminal.

19.—The Supreme Court shall hold sittings in Stanley for the dispatch of business on its civil side immediately on the termination of the criminal business and at such other times as the Chief Justice may direct.

Sittings civil.

20.—The Governor may direct the holding by the Chief Justice at any time and at any place of a special Court for the trial of any criminal or civil cause.

Special court.

21.—The Court may make such orders as may be necessary to procure the attendance of special or common juries at any special Court and any juror who shall without lawful excuse fail to attend and serve when summoned shall be liable to the same penalties as may be imposed upon jurors for non-attendance under any law for the time being in force relating to jurors.

Jurors at special court.

22.—The Chief Justice may by summary order remove into the Supreme Court any suit instituted in a lower Court and may also remove from the Supreme Court into a lower Court any suit which shall involve directly or indirectly any claim, demand or

Removing suits.

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 such lower Court and thereupon the Police Magistrate or Judge of the Summary Court, as the case may be, may summarily try the same.

Informations.

23.—Every prosecution in the Supreme Court shall be by information in the name of such officer as the Governor may appoint and the officer prosecuting an information shall not at the same time preside upon the bench.

Jury of 12.

24.—Every case in which the prisoner shall be arraigned on a capital charge shall be tried by a jury of twelve men and no verdict shall be recorded unless such verdict be unanimous. Every other case whether civil or criminal shall be tried by a jury of seven men: And when a sentence of penal servitude is passed the person so sentenced may be imprisoned with hard labour for any term not exceeding the term of such sentence of penal servitude.

Jury of 7.

Appeals to Privy Council.

25.—Any person may appeal to His Majesty in Council from any judgment of the Supreme Court in respect of any sum above the value of £500 if within fourteen days next after such judgment he give notice to the Registrar of the Supreme Court of his intention to appeal and within three months enter into good and sufficient security for the prosecution of the appeal and for the payment of all such costs as may be awarded by His Majesty, and the Chief Justice may direct that the judgment appealed from shall be carried into execution or be suspended pending the appeal upon such terms and subject to such security to be given by either party as may appear to be most consistent with real and substantial justice, reserving to His Majesty in Council full power and authority upon the humble petition at any time of any person aggrieved to refuse or admit an appeal from any judgment of the Supreme Court upon such terms as to His Majesty in Council shall seem meet.

Appeals to Supreme Court.

26.—Any person dissatisfied with any judgment of any inferior Court may, except as hereinafter provided, appeal to the Supreme Court by petition within fourteen days after the day on which judgment was given or within such further time as the Chief Justice shall allow and the Supreme Court may determine the case upon the evidence taken in the Police Court or may rehear the case and call any person as a witness, whether previously examined or not and determine the case in a summary way or remit the case to be tried by a jury and allow such costs to either party as justice may seem to require.

No appeal.

27.—The right of appeal shall not extend to the following cases:—

- (a.) Where the truth of the accusations or correctness of the claim has been admitted.
- (b.) Where imprisonment is adjudged for failure to comply with an order for the payment of money for the finding of sureties, for the entering into any recognizance, or for the giving of any security.
- (c.) Where in a civil case before judgment both parties agree in writing that the judgment of the inferior Court shall be final.

(d.) Where the accused has consented to an adjudication of his case by the inferior Court.

28.—It shall be lawful for the Court in civil proceedings to order and allow to all persons examined or detained as witnesses such sum of money as shall appear reasonable for defraying their expenses or affording compensation for their trouble and loss of time and also to order any witness present to give evidence notwithstanding that no payment to which he may be entitled shall have been paid or tendered to him.

Witnesses' expenses.

29.—All sums of money so allowed shall be paid by the party on whose behalf the witness is called and shall be recoverable as ordinary costs of the suit, if the Court shall so direct.

Witnesses' expenses.

30.—Where the plaintiff in any action shall prove to the satisfaction of the Chief Justice that the plaintiff has good cause of action against the defendant and that there is probable cause for believing that the defendant is about to quit the Colony and that the absence of the defendant will materially prejudice the plaintiff in the prosecution of his action the Chief Justice may order such defendant to be arrested and imprisoned for a period not exceeding six months, unless and until he give security, not exceeding the amount claimed in the action, that he will not leave the Colony without the leave of the Court.

Absconding defendants.

31.—Where the action is for a penalty, or sum in the nature of a penalty for any contract, it shall not be necessary to prove that the absence of the defendant from the Colony will materially prejudice the plaintiff in the prosecution of his action, and the security given shall be to the effect that any sum recovered against the defendant in the action shall be paid, or that the defendant shall be rendered to prison.

Absconding defendants.

32.—The expenses incurred for the subsistence in prison of any person arrested under Sections 30 and 31 shall be paid by the plaintiff at the rate of three shillings a day or such other sum as the Court may from time to time direct, and shall be made by monthly payments in advance; and the money so disbursed may be added to the costs of a decree and be recovered by the plaintiff, unless the Court shall otherwise order. The Court may release the person so imprisoned on failure by the plaintiff to pay the subsistence.

Maintenance of defendants.

33.—The Governor may from time to time appoint any person to be a notary public provided that if any notary public duly appointed by the law of England shall be available any appointment under this Ordinance shall determine and whenever the Governor shall not have appointed any notary under this Ordinance the Chief Justice shall have and may exercise within the Colony all the powers and authorities of a notary public appointed by the Law of England and shall use a Seal with the inscription "Supreme Court of the Falkland Islands, Notarial Seal."

Notary public.

34.—The Governor in Council may make rules for regulating the process, practice and mode of pleading in the Supreme Court and the conduct of all civil and criminal business coming within its cognizance, and with reference to fees of court, costs of persons admitted to practice, the duties of Officers of the Court and the powers of Commissioners and all other matters in connection with the business of the Court not otherwise specially provided for.

Rules.

Repeal.

35.—The Ordinances mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Short Title.

36.—This Ordinance may for all purposes be cited as "The Administration of Justice Ordinance, 1901."

Passed the Legislative Council this 2nd day of September, 1901.

Assented to by the Governor and given under the Public Seal of the Colony this 16th day of September, 1901.

M. Craigie - Haekke.
Clerk of the Council.

SCHEDULE.

No. and Year.	Short Title.	Extent of Repeal.
10 of 1853,	Administration of Justice, ...	Sections 1, 2, 3, 6, 7, 8, 9, 10, 15, 17, 19, 20, 21, 23, 25, 26, 31, 32, 33.
1 of 1871,	Bankruptcy Ordinance, ...	The whole.
2 of 1876,	To make further provision for the Administration of Justice, ...	Sections 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 22, 23, 24, 25.
3 of 1876,	An Ordinance for making verbal alterations, ...	The whole.
4 of 1876,	Penal Servitude Ordinance, ...	The whole.
4 of 1880,	To amend the Administration of Justice Ordinance, 1876, ...	The whole.
1 of 1891,	To make further provision for the Administration of Justice, ...	The whole.
6 of 1892,	To amend the Administration of Justice Ordinance, 1876, ...	The whole.
2 of 1898,	The Administration of Justice Ordinance, 1898, ...	The whole.

W. Grey Wilson



1901.

Nº 5

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE.

Companion of the Most Distinguished Order of Saint Michael and Saint George,

GOVERNOR AND COMMANDER-IN-CHIEF

(16th September, 1901.)

An Ordinance relating to Jurors and trials by Jury.

BELT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows ;--

1.—Every man, not being an alien, and except as hereinafter excepted, between the ages of twenty-one and sixty years, residing in this Colony, and being the owner or occupier of any real estate of the value of not less than ten pounds per annum or being in receipt of an annual salary of sixty pounds and upwards shall be qualified and liable to serve on juries in all civil and criminal proceedings in this Colony. Provided that no person whose usual place of residence is beyond a radius of six miles of Stanley shall, without the sanction of the Chief Justice, be summoned to serve, save on a coroner's inquest or at a special court ordered under Section 20 of the Administration of Justice Ordinance, 1901.

Who must serve.

2.—The following persons shall be exempted from serving on juries ; Members and Clerk of Council, persons holding office under the Imperial Government, Officers of the Court and Gaol, Barristers Solicitors and Attorneys, Consular agents not being British subjects, ministers of religion, duly qualified medical practitioners in actual practice, pilots and customs officers when on actual duty, and justices.

Exemptions.

3.—No man who hath been convicted of any treason, felony or perjury, or of any crime that is infamous, unless he shall have obtained a free pardon, shall serve on any jury.

Not fit.

4.—The Police Magistrate or some other person duly authorized by the Governor shall, on or before the first day of January in each year, prepare a list in alphabetical order of all men liable to serve on juries and shall cause the same to be published in the *Gazette* and a copy thereof to be affixed to the Court House or other conspicuous place and shall subjoin a notice that all objections to the said list will be heard on the third Monday in January at the Police Court.

Lists, annual.

Correcting lists.

5.—The Police Magistrate or some other person duly authorized by the Governor may strike out of the said list any person who shall not be liable to serve, or who from any infirmity is incapable of serving as a juror, and shall correct all errors in the said list.

Corrected list to be kept posted.

6.—A corrected copy of the jury list in which each name shall be numbered consecutively shall be signed by the Police Magistrate and shall thereupon come into force and shall be kept posted in some conspicuous place at or near the Court House and such jury list shall be in force until superseded by the list of the year next following.

Chief Justice may add or remove names.

7.—Any person whose name shall be upon any jury list, duly allowed and signed, may apply in open court to the Chief Justice for the removal of his own or any other person's name and any person duly qualified whose name has been expunged from any list may likewise apply to have his name restored, and the Chief Justice may summarily hear and decide upon any such application.

General.

8.—The Chief Justice may direct the summoning of jurors and give directions as to the time and place for which such jurors shall be summoned and as to all such other matters as shall seem requisite.

Number summoned.

9.—Unless otherwise ordered by the Chief Justice, twenty-four persons shall be summoned when a jury of twelve is required and fourteen for a jury of seven and every summons, except in the case of a coroner's inquest, shall be sent by post or personally served upon or left at the usual place of abode of the juror three clear days before the day appointed for the sitting of the Court: provided that upon a coroner's inquest the summons may be made returnable immediately or at such time and place as the coroner shall specially order.

How.

10.—Jurors shall be summoned in the order in which their names are placed in the jury list and at the commencement of every year the names shall be taken from the new list, beginning with the person whose name stands next after the juror last summoned in the preceding list.

If absent.

11.—Whenever a summons cannot be served by reason of a juror being absent and whenever any juror has failed to attend, in either case the juror who has not served in his turn shall be resummoned until he shall have served in his turn.

Failing to attend.

12.—If any person, 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 may in a summary way, either on the same or at any future day, impose a fine not exceeding Ten Pounds.

Number on jury.

13.—Every case in which the prisoner shall be arraigned on a capital charge shall be tried by a jury of twelve men and no verdict shall be recorded unless such verdict be unanimous. Juries for the trial of all issues which are not capital shall consist of seven persons; and it shall be competent for any five of such jurors after having been in deliberation for two hours at the least to find a verdict, and such verdict shall have the same force and effect as if the whole jury had concurred therein. Provided that

in delivering such verdict the foreman shall declare to the court in the presence of the jury that not less than five of their number have agreed thereto.

14.—No alien in any case shall be entitled to a jury *de medietate linguæ*, but every alien shall be triable in the same manner as if he were a natural born subject

Aliens to be tried as subjects.

15.—The jury to be empanelled for the trial of any cause shall be balloted for in the following manner: Numbered counters corresponding with the numbers opposite the names on the jury list of such persons as have been summoned shall be put into a box in open court and drawn out until a sufficient number of jurors shall be secured, and in case of a sufficient number of jurors not being in attendance the Chief Justice may complete the number from among the bystanders, provided no objection to such person be made and allowed, and any such bystander refusing to act may be fined Ten Pounds or committed for contempt for any term not exceeding thirty days.

Ballot.

Bystanders.

16.—In any case where the jury consists of seven, each party shall be allowed three peremptory challenges and no more, and when the jury consists of twelve each party shall be allowed six peremptory challenges and no more; any further objections made to any juror shall be decided by the court.

Challenge.

17.—When a view shall be considered necessary by the court the jury sworn to try the case shall make the view under the charge of some proper person to be appointed and, if necessary, of a shewer, and the trial may be postponed to any other day.

View.

18.—If during the trial of any case, not being a capital offence, one juror shall die or become incapable of acting or be absent, it shall not be necessary to discharge the jury or to add another juror, but the trial shall be proceeded with.

Illness.

19.—Whenever it shall appear that any trial cannot reasonably be concluded in one day it shall be lawful for the court to adjourn the trial and to permit any juror to depart who shall in open court take the following oath:

Release on adjournment.

“I swear that during the adjournment of the trial of
“ I will not until the conclusion of the case or the jury shall be discharged speak with,
“ listen to or receive or hold any communication with any
“ person whatsoever other than my fellows impanelled with
“ me touching or relating to this trial and that upon the
“ termination of every adjournment thereof I will again come
“ into and remain in this court.”

“ So help me God.”

20.—Jurors after retiring to consider their verdict may, in the discretion of the court, be allowed reasonable refreshment and such refreshment shall in criminal cases only be provided at the expense of Government.

Refreshments.

21.—Every juror summoned to try civil cases shall receive from the Registrar the sum of three shillings for attending the court and if he shall serve as a juror he shall receive a further sum

Pay.

of five shillings for every day he shall serve as a juror and the party requiring the jury shall deposit with the Registrar a sum sufficient for the remuneration to such jurors for one day in advance.

Tampering with **22.**—Any person corruptly attempting to influence any juror and any juror consenting thereto shall be deemed to have committed a misdemeanour and may on proof thereof before the Supreme Court be punished by a fine not exceeding £100, or imprisoned with or without hard labour for any term not exceeding one year, or both.

Grand Jury. **23.**—All crimes and offences may be tried in the Supreme Court by information and without the intervention of a Grand Jury.

Repeal. **24.**—The Ordinances mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Short Title **25.**—This Ordinance may cited as “The Jury Ordinance, 1901.”

Passed the Legislative Council this 2nd day of September, 1901.

Assented to by the Governor and given under the Public Seal of the Colony this 16th day of September, 1901.

M. Craigie - Hallatt.

Clerk of the Council.

SCHEDULE.

REPEAL.

No. and Year.	Short Title.	Extent of Repeal.
10 of 1853.	Administration of Justice,	Sections 4, 22, 24, 38, 39, 40, 41, 42, 43, 44, 45, 46.
6 of 1889.	An Ordinance to amend the laws relating to Jurors and Juries,	The whole.
2 of 1890.	And Ordinance to amend the Ordinance No. 6 of 1889 to amend the laws relating to Jurors and Juries,	The whole.
4 of 1898.	The Jury Ordinance, 1898,	The whole.

W. Grey Wilson

1901.



Nº 6

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE.

Companion of the Most Distinguished Order of Saint Michael and Saint George.

GOVERNOR AND COMMANDER-IN-CHIEF.

(15th October, 1901.)

An Ordinance relating to Scab and other infectious and contagious diseases in sheep and other animals.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1.—In this Ordinance,

Interpretation.

- “ Destroy ” shall mean kill and either bury at a depth of not less than two feet under the ground or consume by fire or boil down.
- “ Sheep ” means any ram, ewe, wether or lamb.
- “ Travelling sheep ” means sheep being driven over any road or land not in the occupation of the owner of the sheep.
- “ Infected sheep ” means any sheep infected with scab or other infectious or contagious disease or which within six months have been exposed to infection or contagion.
- “ Stray sheep ” means any sheep upon land which is neither owned nor rented by the owner of the sheep.
- “ Dipping ” means immersing in some scab-destroying preparation approved by the Governor in Council.
- “ Dressing ” means applying to a sheep a scab-destroying preparation.
- “ Imported ” means brought from any place beyond the limits of the Colony.
- “ Inspector ” includes the Chief Inspector and Sub-Inspectors.
- “ Farmer ” means the owner of any sheep and includes the manager, overseer or person in charge of any sheep.
- “ Station ” means the land, enclosures and buildings (but not a dwelling house) occupied or used by any farmer.

Inspector to be
appointed.

2.—For the purpose of carrying out the provisions of this Ordinance the Governor may appoint duly qualified persons to act as Inspectors for such periods, at such salaries and on such terms and conditions as may be thought proper by the Governor in Council. No Inspector shall either directly or indirectly be an owner of or dealer in sheep or act as the agent of any farmer, under a penalty for any such offence not exceeding Fifty Pounds.

May enter and
inspect sheep.

3.—An Inspector may at any time in the execution of his duty enter any station and if any farmer will not permit such Inspector, upon his demanding and stating his business, so to enter or refuses to collect within any enclosure upon such land any sheep, or if any person impede or hinder such Inspector in the discharge of his duty, such farmer or person shall on conviction be liable to a penalty not exceeding Fifty Pounds.

May employ labour.

4.—An Inspector may where necessary employ any person to assist him in carrying out the provisions of this Ordinance or any Regulations hereunder, and the owner through whose neglect, omission or other default or by reason of the infection or removal of or other dealing with whose sheep the expense of such employment shall have been incurred shall repay the same to the Inspector on demand as well as all other expenses incurred by the Inspector in the performance of his duty in regard to any such sheep.

Must be lodged.

5.—Any Inspector in the discharge of his duty as such may demand suitable board and lodging of any farmer and shall pay in respect thereof the sum of four shillings per day and night.

May demand
information.

6.—An Inspector may call upon any person concerned in the charge, control or management of any sheep to give information to him as to facts within his knowledge relating to such sheep, and if any person being so called upon shall refuse or neglect to give such information or shall make any statement knowing the same to be false, he shall be liable to a penalty not exceeding Twenty-five Pounds.

Farmers must
notify infection.

7.—Whenever a farmer shall become aware or have reasonable grounds to suspect that any of his sheep have become infected he shall within forty-eight hours thereafter give notice thereof in writing to the owners of adjoining stations and shall within one week thereafter give notice thereof in writing to an Inspector. He shall also within 21 days thereafter or on such date as is laid down in any rules or as may be ordered by an Inspector dip all such sheep and, within 14 days of the completion of the first dipping, dip all such sheep a second time.

Inspector may
quarantine.

8.—An Inspector on being satisfied that any station or any part of a station is infected shall, on ascertaining the extent to which the infection has spread, define the boundaries of and place the infected land in quarantine by giving notice to the proprietor or person in charge of such station in Form 1 in the First Schedule hereto and by notification in the Gazette, signed by such Inspector, of the establishment of such quarantine and all sheep within, or which may be brought within such boundaries during the existence of such quarantine shall be included and kept therein until released by order of an Inspector, and such quarantine shall continue in force until an Inspector shall issue a certificate as in Form 2 in the First Schedule hereto.

Breach of
quarantine.

9.—No person shall remove into or take out of quarantine any



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sheep without the permission in writing of an Inspector, and all sheep unlawfully taken in or out of quarantine may be seized by any person and shall be dealt with as an Inspector shall direct.

10.—Every farmer shall always have in readiness on every station all the materials and appliances necessary to dip and dress all the sheep on such station at least once to the satisfaction of an Inspector.

Dip and appliances to be always ready.

11.—An Inspector may at any time order that any sheep he may suspect to be infected be dipped and dressed and require any owner to disinfect any premises, yard or articles used by any infected sheep.

Order to dip suspected sheep.

12.—No clean certificate as in Form 2 in the First Schedule hereto shall be granted by an Inspector under Section 8 hereof until a declaration has been made by the farmer in Form 3 of the First Schedule hereto.

Clean certificate.

13.—Every farmer shall on or before the 31st day of May in every year make and transmit to the Chief Inspector a return in Form 5 of the First Schedule hereto.

Annual return.

14.—All ear marks and brands shall be subject to the approval of the Chief Inspector and when approved shall be registered and a description thereof published in the Gazette. The registered mark for wethers and rams shall be on the off ear and for ewes shall be on the near ear and no age mark shall be put on the ear which contains the registered mark.

Marks.

15.—No person shall slaughter for sale or expose for sale or export the carcase of any sheep suffering from scab or other infectious or contagious disease.

Infected sheep not to be used for food.

CLEANING ORDERS AND CLEAN CERTIFICATES.

16.—If an Inspector is satisfied that any sheep are infected he shall give the owner of such sheep an order in writing to clean such sheep within twelve months from the date of such order, and if at any time during such period such owner shall not in the opinion of an Inspector have made or be making reasonable exertions to clean such sheep or if at the expiration of the twelve months such sheep shall in the opinion of an Inspector still be infected sheep the owner thereof shall upon conviction be liable to a penalty not less than one halfpenny and not more than two-pence for every such sheep.

Order to clean sheep.

17.—If after the expiration of nine months from the date of a conviction under the preceding Section such sheep shall in the opinion of an Inspector still be infected sheep the owner of such sheep shall upon conviction be liable to a further penalty of two-pence for every such infected sheep and so on for every succeeding period of nine months, provided that a Magistrate may upon the application of an Inspector order the destruction of any sheep which have been infected for more than 21 months, and such Inspector shall cause such sheep to be destroyed and the remains disposed of for the benefit of the owner as such Inspector may direct.

Neglect to clean sheep.

18.—Every farmer who shall gather any flock for the purposes of shearing, dipping, dressing, cutting, tailing, or ear-marking or removal from the station or for any other purpose shall, forty-eight

Farmers to notify neighbours when gathering.

hours at least before gathering the same, give notice in writing to the occupiers of all the adjoining stations of his intention so to do.

TRAVELLING SHEEP.

And when driving sheep.

19.—No person shall drive any sheep upon or across any station without giving notice to the owner of such station in writing not less than twenty-four hours and not more than three days before such driving of the intention so to do and of the place whence and whither such sheep are being driven and the point at which the person driving such sheep will enter such station, provided that any farmer may give a permit in writing waiving, either absolutely or upon such terms as are stated in the permit, his claim to receive from any other farmer any notice required to be given by this or the preceding section.

Farmers may detain infected and suspected sheep.

20.—Any farmer may seize and detain any infected sheep and may detain and examine any travelling sheep approaching or being upon any part of his station upon reasonable suspicion of their being infected and upon his giving the owner of such sheep written notice to that effect he may detain them until their owner shall call in the Inspector to examine such sheep and determine whether or not they are infected: and if the owner shall prevent such sheep from being detained or examined as aforesaid or impede or hinder the proprietor or person in charge in detaining or examining them, or shall not forthwith after their detention give the Inspector written notice thereof, then such owner shall for every such offence incur a penalty not exceeding One Hundred Pounds.

Action on detention

21.—Any person so detaining any travelling sheep shall until the arrival of an Inspector keep such sheep on his own station or make such arrangements as shall prevent the further spread of disease, and if such sheep shall be declared infected all necessary expenses incurred by such person in the detention and keep of such sheep shall be repaid to him by their owner, but if it shall be found that the sheep so detained were not infected and that there was no reasonable ground for suspecting them to be infected the person detaining them shall pay the owner of such sheep the loss and expense occasioned by such detention.

Concealing cases of infection.

22.—If with intent to cause it to appear that any sheep are not infected within the meaning of this Ordinance or to conceal the ownership of any sheep any person shall separate any of the sheep of a flock from any others of the same flock or conceal or destroy any sheep or remove any mark from any sheep he shall be liable for every such offence to a penalty not exceeding One Hundred Pounds.

Leaving infected sheep in stream.

23.—If any person shall cast any infected sheep into any stream or running water or leave the carcasses of any such sheep in any stream or running water he shall be liable to a penalty not exceeding One Hundred Pounds.

Abandoning infected sheep or leaving carcass undestroyed

24.—No person shall abandon any infected sheep or leave the dead carcass of any infected sheep unburied or undestroyed by fire when it is possible to bury or so destroy the same. In cases where it is impossible to bury or destroy by fire such carcasses he shall at once remove the skins thereof and take them away well and securely packed in a bag.

IMPORTING SHEEP.

Importation.

25.—Every person intending to import sheep shall give notice in writing to an Inspector stating their number, description, from whence expected, where purchased and probable date of their arrival in the Colony.



W. Gray Wilson

[5]

26.—An Inspector may examine any imported sheep on board ship and order that they be destroyed, but no imported sheep shall be destroyed without the sanction of the Governor.

Imported sheep may be destroyed.

27.—All imported sheep which an Inspector permits to be landed shall at once be driven to and confined in a paddock and shall thereupon be in quarantine until an Inspector has granted a permit as in Form 4 of the First Schedule hereto, and any person who fails to take due precautions as to the landing of any imported sheep or permits any imported sheep to escape from quarantine shall be liable to a penalty not exceeding One Hundred Pounds and to forfeiture of the sheep.

Imported sheep to be quarantined.

MISCELLANEOUS.

28.—All expenses attending the destruction of any sheep destroyed under this Ordinance shall be payable by their owner and no person shall recover any compensation whatever for any sheep destroyed under the authority of this Ordinance.

Expenses attending destruction of sheep

29.—If it shall appear to an Inspector upon his own view that any infected sheep may because of their vicinity to the flocks of sheep on an adjacent station cause damage to the owner of those flocks it shall be lawful for such Inspector to order the owner of such infected sheep to cause them to be removed to such other place on his station as may be approved by the Inspector or to cause such sheep to be constantly herded by day and kept at night within a proper enclosure.

Removing and herding infected sheep.

30.—All sheep above the age of six months shall be marked and kept legibly marked by the owner thereof with his registered mark.

Sheep must be marked.

31.—Proof that the registered mark of any owner is marked on any sheep and that it is the only registered mark thereon shall be *prima facie* evidence of the ownership of such sheep.

Proof of ownership.

32.—Every person found guilty of any of the following acts relating to the marks and marking of any sheep shall on conviction for every such offence be liable to a penalty not exceeding One Hundred Pounds, viz :

Offences.

(1) Wilfully or negligently marking or permitting any sheep of which he is not the owner to be marked with his registered mark.

Wrongful marking.

(2) Wilfully defacing, destroying, cropping or altering any ear or other mark on sheep of which he is not the owner or permitting or being privy thereto.

Defacing marks.

(3) Cutting off the tip or more than one fourth of the ear of any sheep.

Mutilating.

(4) Using on any sheep the registered mark of any other person without his authority.

Using another's mark.

33.—For defraying the cost and expenses of carrying this Ordinance into effect there shall be raised, levied and collected on all land in the Colony, save and except all Town Lands, and all unleased Crown Lands reserved for any public purposes a tax at the rate of one-twelfth of a penny per acre, or such other less rate as the Governor in Council may determine, and as may be

Scab tax.

notified in the Gazette, which tax shall be paid to the Colonial Treasurer by the owners, lessees or managers of such land on or before the 31st day of December in each year and shall constitute a first charge or lien on the lands in respect of which the same is due.

In computing the amount of the rate the acreage of land upon which such rate shall be levied shall be accepted and taken as set forth in the Third Column of the Second Schedule hereto.

Failure to pay tax.

34.—If any farmer liable to pay such tax fail in any year to pay the amount due by him to the Colonial Treasurer on or before the 31st day of December the amount together with an additional sum equal to one-sixth part thereof by way of penalty may be recovered as herein mentioned.

Defraying expenses of this Ordinance.

35.—The Governor may by warrant order the payment from the proceeds of such tax of all expenses which may at any time be found necessary for carrying this Ordinance into effect.

Recovery of penalties

36.—All penalties and expenses under this Ordinance may be recovered in a summary way before a Magistrate on the complaint of an Inspector and all penalties, or moiety of penalties, when the half is payable to an informer, shall be paid into the Colonial Treasury and applied with the yearly tax in defraying the expenses of carrying this Ordinance into effect.

Certificate, etc. of Inspector to be evidence.

37.—Any statement, certificate, notice or order of an Inspector shall in every case for the purposes of this Ordinance be *prima facie* evidence of the truth of the matter contained therein and shall be considered conclusive unless the contrary be proved.

Rules.

38.—The Governor in Council may from time to time make Rules—

For determining the powers and duties of Inspectors.

For establishing proper places for dipping and prescribing the mode and times of dipping, the medicaments and appliances to be used and the precautions and measures to be adopted by the owner of infected sheep.

For establishing proper paddocks in which sheep may be kept after being gathered for inspection.

For the inspection and landing of sheep, relating to quarantine, the marking of sheep, the seizure, destruction or disposal of stray sheep and generally with reference to any matter in connection with this Ordinance, and the Governor may, subject to such rules, if any, and to the provisions of this Ordinance, impose such restrictions and conditions and issue such orders with reference to imported sheep, quarantine, paddocks, infected places or sheep therein as he may deem expedient.

Governor may prohibit importation.

39.—The Governor in Council may from time to time by proclamation prohibit the importation or introduction into the Colony or into any particular part thereof, of any sheep, cattle, horses or other animals or of any hay, straw, fodder or other article either generally or from any 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.

Regulations.

40.—The Governor in Council may from time to time by proclamation make such regulations for subjecting any sheep, cattle,

horses or other animals to quarantine or for causing the same to be destroyed upon their arrival in the Colony, 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 importation of sheep, cattle, horses or other animals as he may consider necessary to prevent the introduction of any contagious or infectious disorder.

41.—In cases where no specific penalty is provided elsewhere in this Ordinance, every person who shall wilfully neglect or omit to give any notice or make any return required or to carry out any lawful order given under this Ordinance shall be liable on conviction to a penalty not exceeding five pounds for every days default.

Penalties for neglect

42.—Any person who shall commit a breach of any of the provisions of this Ordinance or of any proclamation or rule made hereunder to which a penalty is not attached shall be liable on conviction to a penalty not exceeding One Hundred Pounds.

Penalties for breach.

43.—Every person who shall make or sign any declaration, report or certificate respecting any sheep knowing the same to be false, or shall forge, or alter, or utter any declaration, return, report, notice, certificate or permit, knowing the same to be forged or altered, shall be guilty of a misdemeanour and shall be liable to imprisonment for any term not exceeding three years with or without hard labour.

False declaration a misdemeanour.

44.—Any person who wilfully communicates or attempts to communicate to any sheep, scab or any other infectious or contagious disease, shall be deemed guilty of a misdemeanour and shall be liable to imprisonment with hard labour for any term not exceeding three years.

Infecting sheep a misdemeanour.

45.—The forms set out in the first schedule to this Ordinance or such other forms as the Governor may from time to time approve shall be used in all cases to which such forms are applicable.

Forms.

46.—The Ordinances mentioned in the Third Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Repeal.

47.—This Ordinance may be cited as the "Live Stock Ordinance, 1901."

Short title.

Passed the Legislative Council this 12th day of October, 1901.

Assented to by the Governor and given under the Public Seal of the Colony this 15th day of October, 1901.

M. Craigie-Hall

Clerk of the Council

FIRST SCHEDULE.

SCAB NOTICE. (Form 1.) Section 8.

Notice is hereby given that the sheep on
belonging to are infected sheep within
the meaning of "The Live Stock Ordinance, 1901," and that the*

is in quarantine.

Dated this day of 19

Inspector.

* *Here insert exact locality.*

CLEAN CERTIFICATE. (Form 2.) Section 8.

I do hereby certify that the sheep on Station
belonging to an order to clean which
sheep was issued on the day of 19
are at the date hereof not infected sheep, and that the*

is released from quarantine.

Dated this day of 19

Inspector.

* *Here insert exact locality.*

DECLARATION. (Form 3.) Section 12.

I solemnly declare that (* I have made to the best of my belief a complete gathering of all sheep on station and that) my sheep marked being in number now being at

have not within three months undergone any dipping or dressing nor have they within six months been mixed with any infected sheep nor depastured on any land in quarantine nor placed in any yard or enclosure in which there were any infected sheep, and I make this solemn declaration conscientiously believing the same to be true.

Owner.

Declared before me at this day of

19

Inspector.

* May be omitted when not required by the Inspector.

RELEASE from QUARANTINE. (Form 4.) Section 27.

I CERTIFY that I have examined the sheep described below imported by in the S.S. on the day of 190 , which sheep have been in quarantine for days, and I hereby certify that the said sheep are free from any disorder, and they are hereby released from quarantine.

Ewes

Wethers.

Lambs.

Rams.

Date

19

Inspector.

ANNUAL RETURN. (Form 5.) Section 13.

Relating to

Station.

	Number.		Registered Ear Mark.
	Males.	Females.	
Rams.			
Wethers.			
Ewes for breeding.			
„ „ slaughter.			
Lambs.			
Total.			

I solemnly and sincerely declare the foregoing is to the best of my knowledge and belief a complete and accurate statement of all sheep and lambs on

station on the 1st day of May, 19

NOTE.—This return must be made and transmitted to the Chief Inspector on or before May 31st in each year. See Section 13.



SECOND SCHEDULE.

No. of Section.	NAME of Section.	Acreage assumed for this Ordinance.	
0.	Lafonia	700,000	
1.	Port Harriet	6,000	
2.	Kelp Lagoon	10,000	
3.	Long Island	6,000	
4.	Kidney Cove	6,000	
5.	S. Port Louis	8,000	
6.	Part Howgate	6,000	
7.	Cantera	11,933	
8.	Darwin	10,122	
9.	Rio Pedro	10,000	
10.	Second Corral	10,000	
11. }	S. of Salvador	20,655	
12. }			
13.	Part Howgate	6,000	
14.	N. Port Louis	6,000	
15.	Fitzroy	10,000	
16.	Swan Inlet	10,000	
17.	Island Harbour	6,000	
18.	Mount Pleasant	14,000	
19.	Shailers Creek	10,000	
20.	S. San Carlos	6,000	
21.	Part Howgate	6,000	
22.	Pt. W. Cove Reserve	4,460	
22A.	" " "	1,540	
23.	Fanning Head "	6,000	
24.	Teal Creek	6,000	
25.	W. Norton Inlet	10,000	
26.	Archers Cove	6,000	
27.	Bluff Creek	6,000	
28.	Port Sussex		
28A.	" " Reserve		
29.	N. Swan Inlet		
30.	McKinnon Creek		
31.	In Choiseul St		
32.	" "		
33.	Rincon Gra		
34.	Laguna Isla		
35.	Bluff Cove		surveyed 15,485 acres
36.	Middle Poin		
37.	N. San Carlos		
38.	W. Bluff Cove		
38.	North Fitzroy		As surveyed 16,423 acres
39.	S. San Carlos		
40.	Cape Dolphin		
41.	Limpet Creek		
42.	Elephant "	6,000	
43.	Cape Carysfort	6,000	
44.	West of 33	6,000	
45.	Elephant Creek	6,000	
46.	Estancia	6,000	
47.	Part Howgate	6,000	
48.	" "	6,000	
49.	S. of No. 10	6,000	
50.	Johnson's Harbour	6,000	
51.	" "	6,000	
52.	" "	6,000	
53.	Salt Lagoon "	6,000	
54.	S. W. of 12	6,000	
55.	Arroyo Malo	6,000	
56.	S. of 55.	6,000	
57.	Sparrow Cove	6,000	

No. of Section.	NAME of Section.	Acreage assumed for this Ordinance.
57.	Sparrow Cove, Suburban	1,500
58.	Sisters	6,000
59. }	Berkeley Sound	15,000
60.		
61.		
59. }	ditto Suburban	1,228
60.		
61.		
62.	S. W. of Estancia	6,000
63.	W. Cow Bay	6,000
64.	W. " "	6,000
65.	W. of 64	6,000
66.	McBride's Head	6,000
67.	Cape Fichel	6,000
68.	Whittington's Rincon	13,127
69.	N. E. of Wickham Hts.	21,000
70.	N. " "	21,000
71.	Part Howgate " "	6,000
71B.	" "	6,000
72.	Cape Bougainville	24,000
73.	Third Corral	6,000
74.	Bodie Peak	37,000
75.	S. of Wickham Heights	23,000
76.	Part Cape Fichel	6,000
77.	Mullet Creek	2,000
78.	Moody Valley	3,000
79.	Peninsula	900
West Falkland.		
101.	White Rock	26,000
102.	Port Purvis or)	87,000
	" Howard)	
103.	Roy Cove	61,400
103A.	Hill Cove	109,720
104.	Many Branches	12,120
104A.	Mount Moody	28,920
105.	Chartres	100,000
106.	Dunnose Head	58,200
107.	East Fox Bay	40,800
108.	W. Fox Bay	76,297
108A.	Spring Point	60,453
109.	Port Edgar	70,640
110.	" Stephens	90,400
110	" "	21,760
Islands.		
	Beaver	12,000
	Bense	300
	Carcass	3,600
	Dunbar	724
	E. Fitzroy	320
	Fanning	720
	Hummock	500
	Jasons	6,520
	Keppel	8,320
	" Passage and Dry	800
	New	6,000
	Pebble	25,600
	Rabbit	400
	Sedge	1,120
	Split	480
	Saunders	21,000
	West Passage	6,000
	West Point	3,400
	Weddell	54,000

As surveyed 17,777 acres

As surveyed 4,500 acres

" " 6,975

" " 1,800

THIRD SCHEDULE.

REPEAL.

No. and year.	Short Title.	Extent of Repeal,
4 of 1870.	An Ordinance to prohibit the importation of sheep or other animals for the purpose of preventing the introduction of contagious or infectious disorders ...	The whole.
4 of 1895. W.E.W	An Ordinance to make provision for the eradication of scab or other infectious or contagious diseases in sheep ...	The whole.
12 of 1895 ⁵	An Ordinance to amend the Scab Ordinance, 1895 ...	The whole.
10 of 1896.	An Ordinance to further amend the Scab Ordinance 1895 and to amend No. 12 of 1895 ...	The whole.
1 of 1897.	An Ordinance to further amend the Scab Ordinance, 1895 ...	The whole.



W. Grey Wilson

7



1901.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(15th November, 1901.)

An Ordinance to amend "The Tariff Ordinance, 1900."

Whereas the public convenience may from time to time require the alteration or modification temporarily of the Tariff Ordinances to the extent herein appearing,

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

Power to remit
Customs duties.

1.—It shall be lawful for the Governor in Council from time to time, and subject to the approval of the Secretary of State for the Colonies, by order under his hand and official seal, to temporarily remit, either in whole or in part, the duties of Customs authorized to be levied on goods imported into this Colony on any class of goods specified in such order, and subject to such conditions and restrictions as may be imposed by such order.

Ordinance retros-
pective.

2.—This Ordinance shall take effect as from the 1st day of January, 1901.

Short title.

3.—This Ordinance may be cited as "The Tariff Amendment Ordinance, 1901."

Passed the Legislative Council this 11th day of November. 1901.

Assented to by the Governor and given under the Public Seal of the Colony this 15th day of November, 1901.

(Signed)

M. Craigie - Halliwell

Clerk of the Council.

W. Grey Wilson

1901.



Nº 8

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(16th November, 1901.)

An Ordinance to amend "The Licensing Ordinance, 1882."

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

1.—(i.) For Sections 5, 8, and 23 of "The Licensing Ordinance, 1882," shall be substituted the following Sections, namely:—

Billiard Table
Licence.

"5.—A Billiard Table Licence shall authorize the licensee to keep and maintain billiard or bagatelle tables for hire on the premises thereon specified, and to allow such tables to be used between the hours of ten in the morning and ten at night."

Fees for Licences.

"8.—The fees which shall be paid for licences shall be as follows:—

	£	s.	d.
For a Publican's Retail Licence for six months	10	0	0
For a Billiard Table Licence for six months, each table,	2	10	0
For a Packet Licence for twelve months	5	0	0
For a Wholesale Licence for twelve months	20	0	0

Closing hours.

"33.—All premises in which intoxicating liquors are sold by retail shall be closed as follows, (that is to say).

On Saturday night from ten o'clock until noon on Sunday.

On Sunday at one o'clock in the afternoon until four o'clock in the afternoon, and at six o'clock in the afternoon until eight o'clock on the following Monday morning.

On all other nights from ten o'clock until eight o'clock the following morning.

On Christmas Day and Good Friday as if Christmas Day and Good Friday were respectively Sunday."

Power to vary.

Provided that it shall be lawful for the Governor in Council, at any time, by order to vary the aforesaid hours.

(ii). In the Second line of Section 23 of "The Licensing Ordinance, 1882," the word "fourteen" shall be substituted for the word "twelve."

(iii.)—In the last line of Section 36 of "The Licensing Ordinance, 1882," the word "when" shall be substituted for the word "where."

Closing hours may
be extended.

2.—The Police Magistrate may, if in his discretion he thinks fit so to do, grant on any special occasion to the holder of a Publican's Licence, a special licence authorising such publican to keep his premises open during the hours specified on such special licence, and there shall be paid into the Treasury, on the issue of such special licence, the following fees;—

In respect of a licence authorizing premises to be kept open until midnight, the sum of ten shillings, and for every hour after midnight, the additional sum of three shillings.

Closing hours may
be extended.

3.—The Police Magistrate may also, if in his discretion he thinks fit so to do, grant on any special occasion to the holder of a Billiard Table Licence a special licence, authorizing such licensee to keep his premises open during the hours specified on such special licence, and there shall be paid into the Treasury, on the issue of such special licence, the following fees:—

In respect of a licence authorizing premises to be kept open until midnight, the sum of four shillings, and for every hour after midnight, the additional sum of one shilling.

Occasional Licences

4.—It shall be lawful for the Police Magistrate, if he shall consider it conducive to public convenience, to grant to any person an "Occasional Licence" for the sale of intoxicating liquors at such place, in such quantities, and for such period of time not exceeding three consecutive days as may be specified in such licence, and on the issue of any such licence there shall be paid into the Treasury a fee at the rate of Ten Shillings per diem in respect of any place within three miles of a Public house, and Five Shillings per diem in respect of any other place: Provided that no such licence shall be granted except with the consent of the occupier of the place specified in such licence.

Penalty.

5.—Any person who shall permit or allow a Billiard or Bagatelle Table to be used for hire on any premises for which a Billiard Table Licence has not been obtained shall be liable to a penalty not exceeding Twenty Pounds.

Forfeiture of
Licence.

6.—If any person who shall be duly licensed to sell liquor by retail shall be convicted of any offence against the laws for the proper regulation and good order of his house or against the conditions of the licence to him granted, such person, in addition to any punishment or penalty which may be awarded by the Court on account of such offence, may, at the option of the Court, be deprived of his licence and the said licence shall thereupon become null and void; provided that it shall be lawful for the Governor to remit any such forfeiture of a licence as aforesaid.

Short title.

7.—This Ordinance may be cited as "The Licensing Ordinance, 1901," and shall be construed as one with "The Licensing Ordinance, 1882."

Passed the Legislative Council this 11th day of November, 1901.

Assented to by the Governor and given under the Public Seal of the Colony this 16th day of November, 1901.

M. Craigie - Hallen.
Clerk of the Council.



W. Gray Wilson

FALKLAND ISLANDS.

Ordinance No. 9 of 1901.

PROBATE

AND

UNREPRESENTED

ESTATES.

No. 9.



1901.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George,

GOVERNOR AND COMMANDER-IN-CHIEF

(11th December 1901.)

An Ordinance relating to the granting of Probate of Wills and Letters of Administration and to provide for the Administration of Unrepresented Estates.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows :—

Interpretation.

1.--In this Ordinance:

“Unrepresented Estate” shall mean—

- (1). The Estate of every person who shall die intestate and whose widow, husband or next of kin shall be unknown, or shall have refused to take out Letters of Administration, or shall be absent from the Falkland Islands without having an agent therein.
- (2). The Estate of every person who shall die having made a will, when owing to any cause it shall be necessary to appoint administrators *cum testamento annexo* or *de bonis non* of such Estate, and the person entitled to such Letters of Administration shall be unknown or shall refuse to take out such Letters of Administration or shall be absent from the Falkland Islands without having an agent therein.
- (3). Every Estate whereof the Executors or Administrators shall be absent from the Falkland Islands without having an agent therein.

PART I.

PROBATE AND LETTERS OF ADMINISTRATION.

Form of Will.

2.—A Will partly written and partly printed made out and duly executed in conformity with the directions therein, on a form printed under the authority of the Governor, shall be as valid to all intents and purposes as if the same had been wholly written in words at length.

Duty to be paid and bond given before probate.

3.—No Probate of the Will nor Letters of Administration of the estate and effects of any person deceased shall be granted until the applicant has paid to the Colonial Treasurer the estate duty

payable under this Ordinance and has given a bond in such form as the Chief Justice shall approve. Such bond shall be in a penalty of double the amount of the value of the estate, as stated in the petition on which the grant is made or in such other amount as the Chief Justice may direct.

Penalty for taking possession of estate without authority.

4.—If any person shall take possession of and in any way administer any part of the estate or effects of any person deceased without obtaining Probate of the Will or Letters of Administration of such estate within six calendar months after the death, every person so offending shall be liable to a penalty not exceeding Twenty Pounds in addition to the estate duty payable under this Ordinance

Petitions.

5.—Applications for Probate or Letters of Administration shall be made by petition to the Chief Justice and the allegations contained in such petition shall be verified on oath, and

By (1) In the case of a will, the petition must state the death of the testator, that the document produced is believed to be his last will and testament, that the petitioner is the person named as the executor and that the petitioner knows of no other later will made as the last will of the testator.

In (2) In the case of intestacy, the petition must state the death of the intestate and that he died without leaving a will and it must briefly set forth the grounds on which the petitioner has applied for Letters of Administration.

To Ad- (3) In the case of a petition for Letters of Administration minister. with the will annexed, the petition must set forth the grounds on which the application is based.

Applications to be published.

6.—Notice of application for Letters of Administration must be given in the Gazette for three weeks before such letters shall be granted, except in cases where the Chief Justice shall be satisfied by affidavit or otherwise of the existence of any urgent necessity that such grant should be made before the expiration of such three weeks and shall likewise be satisfied that notice of the application has been given to all persons residing within the Colony whose claim to such grant may be prior or preferable to that of the applicant. In every such case the Chief Justice shall have the power to grant to such applicant Letters of Administration, limited or otherwise, as the circumstances of the case shall seem to require within such time before the expiration of such three weeks as to him may seem necessary: Provided always that in no case shall such administration be granted until notice of application therefor shall have been published once at least in the Gazette.

Value of Estate to be estimated.

7.—Together with every petition for Probate or Letters of Administration there shall be delivered an account signed by the petitioner of the particulars of the estate of the deceased situate in this Colony and of the estimated value thereof in such form as shall be prescribed by any Probate Rules made under the Administration of Justice Ordinance, 1901.

Refund of excess duty.

8.—If any executor or administrator at any time within one year after having paid estate duty shall discover that the estate of the deceased person was estimated at too high a value in the account delivered by him and that the amount of duty paid by him was consequently greater than he was liable to pay and shall make the same appear to be the case to the satisfaction of the Governor in Council, it shall be lawful for the Governor to issue his Warrant on the Public Treasury for the return to such executor or administrator of any excess of payment so shown to have been made by him.

W. Gray Wilson

10.—If an executor or administrator shall through mistake or oversight have omitted from the account delivered to the Chief Justice of the estate situate in this Colony he shall on the discovery of such omission notify the Chief Justice of the same and within three calendar months thereafter amend his account and pay the additional duty due on the estate without being liable to any penalty or forfeiture thereon.

Under payment of
duty.

11.—The Court may, on application made on motion or petition in chambers in a summary way and on being satisfied that the condition of any bond given to the Chief Justice has been broken, order the assignment of the same to some person to be named in such order, and such person, his executors, or administrators, shall thereupon be entitled to sue in his or their own name as if the same had been originally given to him instead of to the Chief Justice and shall be entitled to recover thereon as trustee for all persons interested the full amount recoverable in respect of any breach of the condition of the said bond.

Enforcing bond.

12.—Where a caveat shall be entered against the grant of any probate or any application for Letters of Administration before any grant of probate or of administration shall have been made or when in the opinion of the Chief Justice sufficient objection shall appear against the making of any such grant, before such grant shall be made all parties concerned or interested therein or so many of them as the Chief Justice may think necessary shall be cited to show cause before the Chief Justice why probate or administration as the case may be should not be granted to the applicant and the Chief Justice, having heard the case and the parties and having considered the evidence, shall make such order touching the premises as may seem just.

Caveats.

Hearing of

13.—When any of the parties do not appear and answer (due proof of citation on them having been made) the proceedings may be heard and determined *ex parte* or such further time may be given for appearance and on such terms as the Court may direct.

Hearing of ex-parte.

14.—The Court may require the attendance of any person whom it may think fit to examine or cause to be examined in any proceedings in respect of matters testamentary and may examine or cause to be examined upon oath or affirmation as the case may require parties and witnesses by word of mouth and may either before or after or with or without such examination cause them or any of them to be examined on interrogatories or receive their or any of their affidavits or solemn affirmations as the case may be and the Court may by writ require such attendance and order to be produced before itself or otherwise any deed, evidences, or writings being or purporting to be testamentary or otherwise in the same form or as nearly as may be as that in which a writ of "subpœna ad testificandum," or of "subpœna duces tecum," is now issued out of the Supreme Court and every person disobeying any such writ shall be considered as in Contempt of Court and also be liable to forfeit a sum not exceeding Fifty Pounds.

Witnesses
must attend.

15.—Any party interested in a will may by a petition verified by affidavit pray that such will be proved in solemn form and such petition shall be dealt with as other petitions to the Supreme Court.

Proof of Will in
solemn form.
By
person interested.

16.—Any executor or party desiring or having execution of a will may have the same proved in solemn form at any time before the court by filing a petition therefor verified as aforesaid and such petition shall be dealt with as provided in the last preceding section.

By Executor.

17.—The Court upon sufficient cause being shown may set aside any order or decree obtained in a default upon such terms as to the payment of costs or otherwise as to the Court may seem just.

When order may be
varied.

Administrator may
be substituted for
absentee.

17. When an Executor or Administrator of a Will from probate or administration has been or shall be granted shall be absent from this Colony for the period of one year without having appointed an attorney to act for and represent him the court may, on petition verified by affidavit showing to the satisfaction of the court that the interests of parties concerned in the estate are or will be prejudiced by the absence of such Executor or Administrator, appoint an Administrator with the will annexed or an Administrator *de bonis non* as the case may be, who shall respectively during the absence of such Executor or Administrator, on giving sufficient security, have, possess, and exercise the same power and authority as the Executor or Administrator so absent as aforesaid would have had if personally present and in case of contested proceedings the practice and procedure shall be similar to that provided by the eleventh section hereof.

Suits in open Court.
Business
in chambers.

18.—In any contested suit for probate or letters of administration the hearing and adjudication thereof shall be in open court and, subject thereto, all other proceedings and business under this Ordinance may unless the Court shall otherwise direct be transacted in chambers.

Citation, how served

19.—Service of citations shall be made personally upon the party to whom the same shall be directed unless in cases where for sufficient cause the Court shall otherwise direct.

Records, how kept.

20.—All grants of administration and all wills of which probate is granted shall be recorded and such grants and wills together with all the papers in any wise relating thereto shall be in all cases made up and filed together in a convenient form and arranged and preserved in alphabetical order.

Real Estate vests in
Administrator.

21.—On the grant by the Supreme Court of the Falkland Islands of Probate of the Will or Letters of Administration of the Estate of a deceased person who dies after this Ordinance has come into operation, the real estate of the deceased person shall vest in the executor or administrator in the same manner as his personal estate and the executor or administrator shall have the same power of dealing with such real estate for the purpose of administration as he has of dealing with such personal estate but nothing herein contained shall affect the beneficial interest in such real estate.

Estate Duties.

22.—The following duties shall be payable to His Majesty for the service of this Colony by the Official Administrator in respect of all Unrepresented Estate in this Colony and by the Executor or Administrator on the granting of Probate or Letters of Administration in respect of the net proceeds of the estate of the deceased situate in this Colony, that is to say :—When such estate shall be :

Under the value of £50	...	...	2/-
Of the value of £50 and under £100		...	4/-
" " £100	" £200	...	12/-
" " £200	" £500	...	£2 per cent.
" " £500	" £1000	...	£2 10/- per cent.
" " £1000	" £5000	...	£3 "
" " £5000 and over		...	£4 "

When Probate,
granted elsewhere,
valid here.

23.—The Probate of any Will or Letters of Administration granted by a Court of Probate in the United Kingdom or in any British Possession may, on being produced to the Chief Justice and a copy thereof deposited in the Supreme Court, be sealed with the seal of the Supreme Court and thereon shall be of the like force and effect and have the same operation in the Falkland Islands as if granted by the said Court. Provided that the Court shall, before sealing a Probate or Letters of Administration under this Section, be satisfied.

(a) That duty has been paid in respect of so much of the estate as is liable to duty in this Colony.

(b) In the case of Letters of Administration, that security has been given under and in accordance with the provisions of this Ordinance.

PART II.

UNREPRESENTED ESTATE.

24.—Letters of Administration shall not be granted to any person in the character of a creditor, but in every case where but for this Ordinance Letters of Administration of any Estate would be granted to a creditor thereof, such Estate shall be considered as unrepresented within the meaning of this Ordinance, provided that, under special circumstances where it may appear to the Court to be just or expedient, probate or administration may be granted to some person other than the person ordinarily or by law entitled to such probate or administration.

Creditor may not act.

25.—There shall continue to be an Official Administrator and whenever that office shall be vacant the Governor may appoint an Official Administrator, who, previously to entering upon the duties hereinafter defined, shall enter into recognizance with two sureties in such sum as the Governor shall order and shall take and subscribe the following oath :

Official Administrator.

" I do swear that I will faithfully, honestly and diligently perform the duties of Official Administrator without fear or favour, partiality or affection.—So HELP ME GOD.

and until such appointment is made and thereafter whenever there shall be no Official Administrator so appointed the Colonial Secretary shall be ex-officio Official Administrator.

26.—The Official Administrator shall not act as the agent of any person, nor as Executor or Administrator of any deceased person unless of any member of his own family not more remote than the fourth degree, and shall be personally responsible for the honesty and fidelity of every clerk and other person whom he may deem it necessary to employ in the execution of the duties of his Office.

When he may not act.

27.—Upon the death, resignation or removal from office of any Official Administrator for the time being all property in his hands or under his control as such Official Administrator, and all rights, powers and duties vested in him under any order made under this Ordinance shall devolve upon and be vested in his successor, whether ex-officio or by appointment, and upon every appointment of an Official Administrator all property, rights, powers and duties (if any) then in the hands or under the control of or vested in the Colonial Secretary of the Colony as ex-officio Official Administrator shall devolve upon and be vested in the person so appointed ; and no legal process commenced by or against any Official Administrator in his office as such shall abate or be prejudiced by the death, resignation or removal of such Official Administrator but the same may continue by or against his successor.

Perpetual succession.

28.—The Official Administrator shall, whenever he shall become aware of any Estate which he shall consider unrepresented, present a petition to the Court in the Form in the First Schedule hereto, stating the particulars of such Estate and praying for an order to collect and receive the same, and the Court shall, upon being satisfied that such Estate is unrepresented, grant such order accordingly, and thereupon the Official Administrator shall forthwith cause an inventory to be made of the Estate mentioned in such order and shall file the same in the Court.

To petition Court for order to act.

When he may act
before order.

29.—The Official Administrator shall, if he think fit so to do, immediately on becoming aware of any unrepresented Estate, and before obtaining the order in the preceding section mentioned, enter upon the Estate for the purpose of sealing up or making such other dispositions for the security of such Estate as he may deem necessary.

Order may be
revoked.

30.—If upon the representation of any person claiming to be legally entitled to the Administration or management of any Estate in respect of which any such order shall have been made as aforesaid, the Court shall be satisfied that the applicant is so entitled, the Court may revoke such order and direct the Official Administrator to desist from interfering with such Estate or may make such other order as to the Court shall seem meet. Provided always that all matters and things which shall have been *bona fide* done or performed by the Official Administrator previously to the determination of such order shall be valid and effectual to all intents and purposes whatsoever.

Shall collect Estate.

31.—The Official Administrator shall, as soon as possible after obtaining an order to collect any Estate, get in and collect all debts due to the same and institute such legal process as may be requisite for compelling payment thereof. All such process shall be carried on in the name of the Official Administrator.

Shall claim interest
on money detained
after demand.

32.—If any person shall retain in his hands or employ for his own benefit or knowingly permit any person so to retain or employ any sum of money or other effects, part of any unrepresented Estate, after a demand therefor shall have been made by the Official Administrator, every such person shall be charged and pay interest on such money or on the value of such effects at the rate of 12 per centum per annum for the time during which he shall have retained or employed the same, or permitted the same to be retained or employed as aforesaid, and the Official Administrator is hereby authorised and required to demand and sue for such interest either together with the principal money or effects, or separately, as he may think fit.

Shall give notice
to creditors.

33.—The Official Administrator shall, immediately after obtaining an order to collect any Estate, publish in the Falkland Islands Gazette and shall also affix on the Government Notice Board in Stanley, a Notice calling upon the Creditors of the Estate mentioned in such notice to come in and prove their claims on or before a certain day to be therein named, or in default thereof to be excluded from any benefit arising from such Estate, and if so ordered by the Court shall also publish such notice in one or more papers published out of the Colony to be selected by the Court, and shall repeat such notices as often as the Court shall order, and claimants or creditors residing within the Colony shall be bound to file their claims at the Office of the Official Administrator within three months after such notice aforesaid; and claimants or others residing out of the Colony shall be bound to file their claims within six months after the publication of the last notice in such foreign paper as aforesaid, on pain, in default thereof, of being excluded from any benefit arising from such Estate.

Claims how made.

34.—All claims filed by creditor or claimants shall express the name and place of abode of the creditor or claimant, the origin of the debt or claim, the degree or class of such debt and the particulars and exact amount thereof, verified by affidavit, and there shall also be annexed to every such claim the documents purporting to be evidence thereof.

Disputed claims.

35.—In the event of any dispute arising as to the validity of any claim, the parties, or on their default or where the Official Administrator himself entertains doubt of the validity of any claim, the Official Administrator shall draw up and settle a statement in writing of the grounds of such dispute, and shall submit the same

to the Court, and the Court shall thereupon make such order thereon as the circumstances of the case may require. But no action or suit shall be brought against the Official Administrator in respect of any debt due from an Estate under his administration.

36.—The Court may at any time make an order for the immediate sale by the Official Administrator of such part of any Estate as shall be of a perishable nature or from any cause whatever deteriorating in value.

Immediate sale of
perishable Estate.

37.—The Official Administrator shall, within three months after entering into possession of any Estate, sell and dispose of all the personal property belonging to such Estate by public auction after such public notice thereof as is usual in the case of sales by order of the Court. Provided that the Court may by any order in that behalf extend the time for such sale, or direct such personal property to be disposed of by private contract or any portion thereof retained for transmission to the next of kin.

Sale of personal
Estate.

38.—In case the Court shall be satisfied that the proceeds of the sale of the personal property belonging to any Estate are insufficient to discharge the debts and liabilities attaching to such Estate, the Court may by its order direct the Official Administrator to sell the whole or such part of the real property belonging to such Estate as the Court may deem necessary for the purpose aforesaid, and such sale shall be subject to all the incidents of a sale of real property by order of the Court. Provided that nothing hereinbefore contained shall be taken or construed to give any purchaser any other or better title to such property than shall have been possessed by the last owner thereof.

Sale of real Estate.

39.—All moneys received by the Official Administrator in the execution of his Office, whether of debts due to the Estate, the proceeds of sale, or from whatsoever source they may be derived, shall forthwith be paid into the Government Savings Bank to the account of the Official Administrator, and the Official Administrator shall submit monthly to the Chief Justice a return showing all such sums with the date when paid into the Government Savings Bank and the Estate to whose credit they have been received.

Moneys to be paid
into Savings Bank.

40.—After the expiration of 12 months from the date of the order for taking possession of any Estate, the Official Administrator shall dispose of the moneys arising out of such Estate as follows, that is to say :—

Distribution of
Estate.

- (1) He shall reimburse himself of all such costs and charges as he shall reasonably have incurred in administering the Estate, such costs and charges having been previously authorized by the Court.
- (2) He shall pay into the Treasury $7\frac{1}{2}$ per centum upon the gross amount of the money arising out of the Estate, to be applied as hereinafter mentioned.
- (3) He shall pay to the Treasurer the Estate duty upon the Scale laid down in Section 22 of this Ordinance.
- (4) He shall pay the creditors of the Estate in the order prescribed by law if sufficient money shall remain for the payment thereof in full.
- (5) He shall pay the balance (if any) which shall remain after such payments into the Treasury in trust for the next of kin, heir-at-law, legatee or devisee of the deceased, as the case may be.

If sufficient money shall not remain, after the satisfaction of Subsections (1), (2), and (3), for the payment of all creditors in full, then the amount shall be divided rateably among the creditors,

Remuneration of
Official
Administrator.

41.—The $7\frac{1}{2}$ per centum to be paid by the Official Administrator into the Treasury under Subsection (2) of the last preceding Section shall be applied in manner following, that is to say :—

(1) 5 per centum shall be paid by the Treasurer to the Official Administrator on the production of the certificates required by section 46 of this Ordinance as a remuneration for the services he is required to perform. Provided that the Governor may at any time order that the remuneration by this Section provided to be paid to the Official Administrator shall be commuted for a fixed salary without reference to the amount at any time produced by such remuneration.

Reserve Fund.

(2) $2\frac{1}{2}$ per centum shall be carried to a reserve fund for defraying the incidental expenses necessitated by this Ordinance.

Disposal of Real
Estate.

42.—When after winding up an Estate any real property remains undisposed of, the Official Administrator shall forthwith, and before closing the accounts of such Estate, apply to the Court for directions as to the disposal of such real property, and the Court may order the same to be sold, or may appoint a receiver or make such other order as to the Court shall seem just.

Expenses chargeable
to Reserve Fund:

43.—The expenses of every legal process and other matter which it shall be necessary for the Official Administrator to institute or perform on behalf of any Estate, the assets of which shall be insufficient to defray such expenses, shall be paid out of the reserve fund.

By order of
Governor.

44.—Upon the application of the Official Administrator the Governor may make orders by warrant upon the Treasurer for the payment out of the said reserved fund to the Official Administrator of such moneys as shall from time to time be payable therefrom under the provisions of this Ordinance.

Chief Justice shall
audit accounts

45.—The Official Administrator shall monthly exhibit a statement of his accounts to the Chief Justice, who shall satisfy himself as to their correctness and also that the payments into the Government Savings Bank, prescribed by section 39 to be made, have been duly and punctually carried out. The moneys prescribed by section 40, to be paid into the Treasury, shall be so paid within 48 hours of the final winding up of the Estate.

And
give Certificates

46.—As a condition precedent to the payment by the Treasurer to the Official Administrator of the remuneration provided by section 41, or if the same shall have been commuted, of any salary arising from such commutation, the Official Administrator shall obtain from the Chief Justice and deliver to the Treasurer a certificate in the following form :—

"I hereby certify that the Official Administrator has duly exhibited to me the monthly statement of accounts required by Section 45, and that I have audited the same and found them correct, and that all the payments required to be made into the Government Savings Bank have been so made."

A. B., Chief Justice.

Accounts.

47.—The Official Administrator shall keep a separate account of and for each Estate that he shall administer under this Ordinance, and shall keep the following books :—

A book for entry of claims against every Estate. A book for entry of debts due to every Estate. Cash book. Journal. Ledger.

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Any person may inspect the books and accounts of the Official Administrator during his Office hours and on payment of a fee of one shilling.

May be inspected.

48.—The balance of the Estate of an Intestate who is illegitimate and leaves no widow or lineal descendant, when paid into the Treasury as provided by section 40, unless any claim or claims by the natural relations of the intestate be recognized by the Governor in Council, may be appropriated for such public purposes as shall be approved by the Secretary of State.

When Colony entitled to illegitimates' Estate.

49.—The balance of the Estate of an Intestate whose kindred are unknown, when paid into the Treasury as provided by section 40, shall be invested under the head of "The Intestates Estates Fund" in securities to be approved by the Secretary of State, and shall be allowed to accumulate with interest for a period of ten years at the expiration of which period all claims thereto shall be barred and the principal and accumulated interest shall lapse to the Government of the Falkland Islands and may be appropriated for such public purposes as shall be approved by the Secretary of State.

Estate when kin unknown accumulates for 10 years.

50.—All moneys which at the time of the passing of this Ordinance are vested in the Official Administrator shall continue to vest in the Official Administrator for the time being and shall be dealt with by him as herein provided.

Moneys vested in Official Administrator.

51.—The Official Administrator shall in every case of intestacy in which the kindred of an intestate are unknown, cause notice of the fact to be inserted as soon as practicable in the "London Gazette" and in the "London Times" newspaper once a quarter, for a period of one year. The notice of intestacy and of the fact that the kindred of the intestate are unknown shall also contain the name and nationality, when known, of the intestate, the date of his death, and the value of the Estate.

Kin unknown to be advertised for.

52.—Any person who shall claim in any other character than that of a creditor thereof, any Estate or balance which may be in the hands or under the control of the Official Administrator, or of the Treasurer, or which may be invested in the Intestates Estates Fund, may apply to the Court by petition to have the same delivered over to him; and the Court upon being satisfied of the validity of such claim shall make such order as may be just; and where two or more persons shall lay claim to any such Estate or balance, the Court may dispose of their claims by determining the same in a summary manner, and may make such order therein with regard to costs and all other matters as the circumstances may require.

Claimants.

53.—The Ordinances mentioned in the Second Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Repeal.

54.—This Ordinance may be cited for all purposes as "The Probate and Unrepresented Estates Ordinance, 1901."

Short Title.

Passed the Legislative Council this 3rd day of December, 1901.

Assented to by the Governor and Given under the Public Seal of the Colony this 11th day of December, 1901.

(Signed)

M. Craigie-Hallatt

Clerk of the Council.

FIRST SCHEDULE. (Section 28).

PETITION TO COLLECT AN ESTATE.

To His Honour the Chief Justice of the Falkland Islands.

The petition of the Official Administrator, **HUMBLY SHEWETH:**

That your Petitioner has been informed and believes that A.B. late of _____ died on the _____ day of _____ (intestate and that he has left no widow or next of kin residing in the Falkland Islands or having an Agent therein) or (leaving a will but without appointing any Executor thereof, and that there is no person residing within the Falkland Islands or having an Agent therein entitled to Letters of Administration *cum testamento annexo* of the said A. B.) or (that C.D., the Executor of the will of A. B., deceased, died on the _____ day of _____ intestate leaving a part of the Estate of the said A. B., deceased, unadministered, and that there is no person residing in the Falkland Islands or having an Agent therein entitled to Letters of Administration *de bonis non* of the Estate of the said A. B. deceased) or (that F. G., Executor or Administrator of the Estate of A, B., deceased, is absent from the Falkland Islands without having any Agent therein).

And that the said A. B., died possessed of property in the Falkland Islands. Your Petitioner therefore prays your Honourable Court will be pleased to grant him an order to get in and collect the Estate of the said A. B., deceased.

SECOND SCHEDULE.

REPEAL.

No. and Year.	Short Title.	Extent of Repeal.
8 of 1895.	The Probate Ordinance, 1895	The whole
3 of 1896.	The Unrepresented Estates Ordinance, 1896	The whole
11 of 1896.	An Ordinance to amend the Unrepresented Estates Ordinance, 1896	The whole

W. Grey Wilson

10,



1901.

Nº 10

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE.

Companion of the Most Distinguished Order of Saint Michael and Saint George.

GOVERNOR AND COMMANDER-IN-CHIEF.

(31st December, 1901.)

An Ordinance to provide for the service of the Year 1902.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1.—The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on the 31st December, 1902, a sum not exceeding Fourteen thousand, Eight hundred and Twenty-three pounds, Eleven shillings and Eight pence, which sum is granted, and shall be appropriated for the purposes, and to defray the charges of the several services expressed and particularly mentioned in the schedule hereto, which will come in course of payment during the year 1902.

SCHEDULE.

Item.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions	222	16	8
2	Governor	1491		
3	Colonial Secretary	1199		
4	Customs	70	15	
5	Audit	25		
6	Port and Marine	240		
7	Legal	334		
8	Police	584		
9	Prisons	326		
10	Medical	608		
11	Education... ..	799		
12	Ecclesiastical	520		
13	Transport	230		
14	Miscellaneous	751		
15	Post Office	3092		
16	Colonial Engineer	856		
17	Public Works	2150		
18	Saving's Bank	1175		
19	Drawbacks and Refunds	150		
	£	14823	11	8

2.—This Ordinance may be cited as the "Appropriation Ordinance 1902."

Passed the Legislative Council this 24th day of December, 1901.

Assented to by the Governor and given under the Public Seal of the Colony this 31st day of December, 1901.

(Signed) *Montague Craigie-Halliday*

Clerk of Councils.

W. Grey Wilson



1902.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF

(23rd January 1902.)

An Ordinance to provide for the acquisition of land required for public purposes.

Enacting Clause

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows :—

Short Title.

1.—This Ordinance may be cited for all purposes as “The Public Lands Ordinance, 1902.”

Interpretation
Clause.

2.—In this Ordinance unless the context otherwise requires :—

Land.

“Land” includes all land whether covered with water or otherwise together with all buildings and erections (if any) thereon and where such meaning may be inferred any right to the same.

Public
purpose.

“Public purpose” includes any Military or Naval purpose to be carried out at the expense of the Imperial Government, and any purpose which the Governor in Council resolves is in the interest or for the benefit of the Public or the Colony.

ACQUISITION OF LANDS.

Power to enter to
Survey.

3.—(1) Whenever the Governor in Council resolves that any land is required for any public purpose the Governor may, from time to time by writing under his hand, authorise any person together with his agents, servants or workmen to enter as often as may be necessary upon such land there to survey and take levels and to do any such other acts as may be necessary with a view to the taking or appropriating of any such land.

(2) The report of any such person together with a plan of such land shall be laid before the Governor and Legislative Council.

Warrant to be issued
for acquiring land.

4.—Whenever the Governor with the advice and consent of the Legislative Council shall by resolution declare that any land shall be acquired for any public purpose it shall be lawful for the Governor by warrant under his hand and the Public Seal of the Colony to direct that such lands shall be acquired for the service of the Colony.

Every such warrant may be in the form A in the Schedule hereto and shall be published in the Gazette.

Notice on owners to
be served.

5.—Whenever by any such warrant as in the last section mentioned it is directed that any land shall be acquired for the service of the Colony the Colonial Secretary shall cause to be served personally on the person or persons entitled to sell or interested in any lands specified in such warrant or if he or they are absent from the Colony without having appointed a duly authorized attorney to represent them, or cannot be found, shall cause to be left at his or their last usual place or places of abode or business with some inmate thereof to be given to such person or persons and in case no such person can be ascertained or found, shall cause to be left with the occupier of such lands or if there be no such occupier shall cause to be affixed on some conspicuous part of such lands within eight days from the date of such warrant a notice in the form B in the Schedule hereto or as near thereto as possible.

Parties under disability enabled to
sell and convey.

6.—It shall be lawful for all parties being seized or possessed of or entitled to any lands that may be required for any public purpose or any estate or interests therein to sell and convey or release the same to the Governor; and particularly it shall be lawful for all or any of the following parties so to sell, convey or release (that is to say) all corporations, tenants in tail or for life, married women seized in their own right or entitled to dower, guardians, committees of lunatics or idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession or subject to any estate in dower or to any lease for life or for lives and years and for years or any less interest; and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties other than married women entitled to dower or lessees for life or for lives and years or for any less interest not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after them or in defeazance of the estates of such parties; and as to such married women, whether they be of full age or not, as if they were sole and of full age; and as to such guardians on behalf of their wards and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this Ordinance if they had respectively been under no disability; and as to such trustees, executors and administrators, on behalf of their *cestius que trustent*, whether infants, issue unborn, lunatics, *femes covertes* or other persons, and that to the same extent as such *cestius que trustent* respectively could have exercised the same power under the authority of this Ordinance if they had respectively been under no disability.

Provided that all moneys paid under this section shall be paid into Court to the credit of whomsoever may be entitled thereto.

Power to enter and
take land.

7.—After the lapse of twenty-one days from the publication of any such warrant in the *Gazette* it shall be lawful for the Colonial Secretary with all necessary workmen and other servants to enter upon such land and also to set out, appropriate and take so much of such land as is specified in the said warrant.

Land to be marked
out.

8.—When the Colonial Secretary shall set out, appropriate, and take the land specified in any such warrant he shall cause such land to be marked out and a notice to be posted in some conspicuous part of such land and such notice shall be in these words, viz: "Taken for the service of the Colony" and shall be signed by the Colonial Secretary. According as such land is acquired for the purposes of the Colony or for the Military and Naval purposes of the Imperial Government, it shall, when so set out, appropriated or taken, in pursuance of an order to be made by the Governor at any time in that behalf and published in the *Gazette*, be conveyed to and be vested in the Colonial Secretary and his successors in office or in the

Secretary of State for War or in the Lords Commissioners of the Admiralty respectively as the case may be in trust for His Majesty the King, his heirs and successors for the public service.

9.—Within eight days after any such appropriation the Colonial Secretary shall cause a plan of the land so set out, appropriated and taken as aforesaid together with a certificate under his hand to the effect that the same has been taken and appropriated for the service of the Colony to be registered in the office of the Registrar General.

Plan and Certificate
to be registered.

10.—When any land has been taken and appropriated for the service of the Colony, whether under the provisions of this or any other Ordinance, the registration of a plan of such land together with the certificate in the office of the Registrar General as in the last section mentioned shall be conclusive evidence that such land has been set out, appropriated and taken for the service of the Colony under the provisions of this Ordinance.

Registration to be
conclusive.

11.—If any land be so cut through and divided by the taking and appropriation of part of such land for the service of the Colony as to leave a portion thereof practically useless to the owner for the purpose for which he had been accustomed to use the land it shall be lawful for the owner of such land by notice in writing to be served on the Colonial Secretary at any time before an Agreement is come to for the purchase of the land taken as aforesaid or before the assessment of the price to be paid for such land under the provisions of this Ordinance to require the Governor on behalf of His Majesty the King to purchase not only the land actually taken as aforesaid but also the land rendered useless as aforesaid by reason of the severance aforesaid, and thereupon it shall be lawful for the Governor to purchase the land rendered useless as aforesaid or if he refuse to do so it shall be lawful for the arbitrators or umpires to be appointed as hereinafter mentioned if they shall find as a fact that any portion of the said land has been by the severance rendered useless as aforesaid to adjudge that the Governor shall purchase the same and to determine the price to be paid for the same in the same way as if such land was actually taken for the service of the Colony.

Land injuriously
affected.

12.—Nothing in this Ordinance shall be deemed to authorise the Governor to take a part only of any house, building or manufactory but where a part of the land on which any house, building or manufactory stands is required for the service of the Colony it shall be lawful for the owner of such house, building or manufactory to require the Governor to take the whole house, building or manufactory.

Part of house, &c.,
not to be taken.

13.—If in any case in which according to the provisions of this Ordinance the Colonial Secretary is authorised to enter upon and take any land the owner or occupier of any such land or any other person refuses to give up possession thereof or hinders the Colonial Secretary, his workmen, or servants from entering upon or taking possession of the same, it shall be lawful for the Governor to issue his warrant in the Form C in the Schedule hereto or as near thereto as possible directed to the Sheriff ordering him to deliver possession of the same to the Colonial Secretary and upon receipt of such warrant the Sheriff shall deliver possession of any such land accordingly; and the costs accruing by reason of the execution of such warrant shall be paid by the person refusing to give possession or hindering the Colonial Secretary, his workmen, or servants as aforesaid, and the amount of such costs shall be deducted from the compensation (if any) payable to such person and if no compensation be payable to such person or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation if not paid on demand shall be recovered in the same manner as costs in an action.

Cases in which the
owner, &c., refuses
to give up possession
&c.

COMPENSATION.

Compensation to be allowed.

14.—The owners and occupiers of and all other persons interested in any land which may be appropriated and taken or entered upon as aforesaid shall be entitled to and shall receive compensation for the value of the land so taken and appropriated and for all damages sustained by such owners, occupiers and other persons by reason of the exercise as regards such land of the powers granted by this Ordinance, the amount of such compensation to be ascertained and determined as hereinafter provided.

Compensation may be agreed on.

15.—It shall be lawful for the Governor for and on behalf of His Majesty to contract and agree with the owner or occupier or any other person interested in any land which may be appropriated and taken for the service of the Colony or be injuriously affected by the exercise of any of the powers as regards such land granted by this Ordinance for the compensation to be allowed either in respect of the actual value of the land or in respect of damages incurred by reason of the exercise of any of the said powers and any sum or sums so agreed on as last aforesaid or which shall be awarded under the provisions of this Ordinance shall be paid by the Colonial Treasurer.

Cases of disputed compensation, &c,

16.—In all cases in which any land has been appropriated, taken or entered upon under the provisions of this Ordinance or has been injuriously affected by the exercise of any of the powers granted by this Ordinance, if within twenty-one days after the publication of the Warrant in the Gazette directing that such land shall be acquired for the service of the Colony as hereinbefore provided no claim shall have been lodged with the Colonial Secretary in respect of such lands or if the person who may have lodged any claim and the Governor shall not have agreed as to the amount of compensation to be paid for the interest of any such person or if any such person shall not have given satisfactory evidence of his alleged interest or if separate and conflicting claims are made in respect of the same land the amount of compensation due (if any) and every such disputed or conflicting interest or title shall be settled in accordance with the following provisions:—

Disputed compensation to be settled by Arbitration

17. (i) The owner of any lands so taken and appropriated as aforesaid who shall refuse to accept such sum of money as may be offered for the purchase thereof may claim to have the compensation referred to the decision of two arbitrators, one arbitrator to be appointed by either party, and such compensation shall thereupon be so decided; provided that the arbitrators may, in the event of their not agreeing upon the amount of compensation to be awarded, appoint an umpire at any time within the period during which they have power to make an award.

(ii) In any such proceedings the arbitrators or umpire shall decide upon all separate and conflicting claims that may be made in respect of any such lands so taken and appropriated as aforesaid and upon the amount of compensation to be paid in respect thereof, and in the event of there being any mortgage or other charge affecting such land or any part thereof, shall direct the amount of compensation which ought to be paid to the several persons interested therein, what and in what manner notices shall be given or served to enable all persons interested to protect their rights, and shall further appoint the time and place at which they or he will sit to hear and determine the matter.

Time for Arbitrators' Award.

18.—The arbitrators shall make their award in writing within three months after entering on the reference, or within such further period to which they may by writing under their hand have enlarged the time for making the award.

19.—The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or within such further period to which he may by writing under his hand have enlarged the time for making his award.

Time for Umpire's Award.

20.—The parties to the reference, and all persons claiming through them respectively, shall, subject to any legal objection, produce before the arbitrators or umpire all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

Proceedings on Arbitration.

The witnesses on the reference shall if the arbitrators or umpire think fit be examined on oath or affirmation.

21.—Any person who upon examination on oath or affirmation under the provisions of this Ordinance shall wilfully and corruptly give false evidence shall be liable to the penalties of perjury.

False evidence to be perjury.

22.—The amount of costs and all questions relating thereto shall be determined by the arbitrators or umpire, as the case may be, but the claimant shall be held entitled to his costs of all proceedings reasonably and properly taken, unless it shall appear that his conduct has been unreasonable and vexatious or his claims grossly excessive, or that he has been party to some deceit or fraud in respect of his claim.

Costs to be allowed to Claimant unless in case of misconduct.

Provided that in case the claimant shall not be awarded as compensation a sum exceeding in amount that offered by the Governor he shall not be entitled to any such costs incurred by him.

23.—In determining claims for compensation for lands acquired under this Ordinance, the arbitrators or umpire may take into consideration :

Items of compensation to be taken into consideration.

- (1) The market value of the land at the time of awarding compensation.
- (2) Any damage sustained by the person interested at the time of awarding compensation by reason of severance.
- (3) The damage (if any) sustained by the person interested at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property or his earnings.
- (4) If in consequence of the acquisition he is compelled to change his residence, the reasonable expenses (if any) incidental to such change.

But shall not take into consideration the following :—

Items of compensation not to be taken into consideration.

- (5) The degree of urgency or necessity which has led to the acquisition.
- (6) Any *pretium dilectionis* or disinclination of the person interested to part with the land acquired.
- (7) Any damage sustained by the person interested, which if caused by a private person, would not render such person liable to an action.
- (8) Any damage not being in the nature of deprivation of or interference with an easement or legal right which after the time of awarding compensation is likely to be caused by or in consequence of the use to which the land acquired will be put.

(9) Any increase to the value of the land acquired likely to accrue from the use to which the land acquired will be put.

(10) Any outlay or improvements on such land which shall appear to have been made, commenced, or effected with the intention of enhancing the compensation to be awarded therefor in the event or with the view of such land being required for the public purpose for which the same has been required.

24.—Every award made under this Ordinance shall be in writing, signed by the arbitrators or umpire, shall be published in the Gazette, and shall specify the amount awarded under the several heads of claim, as hereinbefore provided.

Award to be in writing, and to be published.

25.—Nothing in this Ordinance contained shall be construed or deemed to confer upon any person any right to compensation in respect of any land resumed in the name of His Majesty, his heirs, or successors as required for roads, railways or other public works in pursuance of any condition, reservation, or power of resumption contained in any other Ordinance, or in any grant or lease of Crown or waste lands.

Resumption of land under Crown Grants not to give claim for compensation.

26.—The decision of the arbitrators or umpire respecting compensation or in the case of disputed or conflicting interests or title as aforesaid shall be final and conclusive as respects all persons who have appeared and claimed or on whose behalf any person having authority to that effect has claimed any land or interest therein; but it shall be lawful for persons who have not appeared or claimed, or on whose behalf no claim has been made as aforesaid to do so at any time within one year from the final decision. And in all cases where compensation has been awarded (except where a valid title has been shown to the satisfaction of the arbitrators or umpire) payment thereof shall be postponed until the said period of one year shall have elapsed from the date of the final decision and shall then upon application by petition of any person making claim to the same be paid over to the person or persons who shall then appear by the decision of the arbitrators or umpire to have the best right thereto, and such payment shall as concerns the Colonial Government operate as a complete discharge and acquittance of such compensation and of all claims in respect of such land or any interest therein, but shall not hinder any subsequent proceedings at the instance of any person having or alleging better right thereto as against the person to whom such payment may have been made.

Postponement of Payment.

27.—For the protection of persons acting in execution of this Ordinance, all actions and prosecutions to be commenced against the Colonial Secretary or person authorized by him, or his workmen, servants or agents for anything done by him or them in pursuance of this Ordinance shall be commenced within six calendar months after the act committed and not otherwise.

Protection of persons acting under Ordinance.

Notice in writing of such action and of the cause or causes thereof shall be given to the defendant one calendar month at least before the commencement of the action.

In any such action the defendant may plead the general issue and give this Ordinance and the special matter in evidence in any trial to be had thereupon.

No plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court by or on behalf of the defendant after such action brought, and notice of such payment has been given to the plaintiff or his solicitor.

If a judgment shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue any such action, the defendant shall be entitled to his full costs of suit to be taxed as between solicitor and client and have the like remedy for the same as any defendant hath by law in other cases.

Passed the Legislative Council this 24th day of December, 1901.

Assented to by the Governor, and given under the Public Seal of the Colony, this 23rd day of January, 1902.

M. Craigie-Hall

Clerk of the Council.

SCHEDULE.

(FORM A. Under Section IV.)

WARRANT THAT LAND SHALL BE ACQUIRED FOR THE
SERVICE OF THE COLONY: FALKLAND ISLANDS.

(L.S.)

By His Excellency

Governor.

WHEREAS on the day of 190 ,
the Governor-in-Council, by resolution declared that the land hereinafter described, that is to say (insert description of land) should be acquired for a public purpose.

THEREFORE, I do hereby under the provisions of "The Public Lands Ordinance 1902," by this my Warrant under my hand and the Public Seal of the Colony, direct that the said land shall be acquired for the service of the Colony.

Dated this day of 190

By command,

Colonial Secretary.

NOTICE.

(FORM B. Under Section V.)

Notice is hereby given that the following land (describe land denoting the boundaries by physical marks wherever practicable) is to be acquired for the service of the Colony.

Any person claiming to be possessed of or to have any right, title, or interest in the said land, or to be injuriously affected by any such acquisition is required on or before the day of (twenty-one days after the date of publication of Warrant in the Gazette), to forward to the Colonial Secretary a statement of his right or interest and the evidence thereof and of any claim made by him in respect of the value of such land or of his interest therein.

The Governor is willing to treat for the purchase of the said land.

Date

Colonial Secretary.

WARRANT TO THE SHERIFF.

(FORM C. Under Section XIII.)

To the Sheriff of the Colony of the Falkland Islands.

WHEREAS by a Warrant dated the day of
190 , under the hand of the Governor
and the Public Seal of the Colony, it was directed that the following
land (describe land) should be acquired for the service of the Colony.

AND WHEREAS twenty-one days have elapsed since the
publication of the said Warrant in the Gazette.

These are therefore to command you to put the Colonial Secretary or any person authorized by him in that behalf, in possession of the said land and premises.

Dated the day of 190 ,

By command,

Colonial Secretary.

W. Grey Wilson

No. 2,



1902.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(26th March, 1902.)

An Ordinance relating to Harbours.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

Interpretation.

1. In this Ordinance—

“Harbour Master” shall mean any person lawfully performing the duties or acting under the orders of the Harbour Master.

“Vessel” shall include every description of ship other than a boat.

“Harbour” shall mean the landlocked water lying to the West and South West of a line drawn from Cape Pembroke to William Point, and any Port hereafter defined and declared a Harbour by the Governor in Council.

“Boat” shall include Lighter, Barge, Hulk, or any open or partly decked vessel.

Regulations.

2. The Governor in Council may from time to time make, alter or revoke Regulations:—

(a). For the preservation of any port, harbour, roadstead, wharf, landing place, or beach; for the safe and commodious navigation of any harbour and for the maintenance of good order therein.

(b). Respecting the anchoring, mooring and removing of vessels, hulks, boats and buoys; the packing, landing, deposit or removal of gunpowder and other dangerous goods; the watering, coaling, ballasting, deballasting, loading and discharging of ships, the order and management of vessels and boats within the waters of the Colony, and the loading, landing and disposition of cargo.

(c). Respecting the numbering and marking and traffic of boats.

(d). Respecting the rates to be charged by boats, and the fees to be paid under this Ordinance.

(e). Fixing the penalties for the breach of any regulation made under this Ordinance.

(f). Requiring the deposit of a ship's papers with the Collector of Customs.

3. The Governor may from time to time appoint a Harbour Master and a Deputy Harbour Master for any Port, and make regulations respecting their duties. Harbour Master may be appointed.

4. The Harbour Master may order the Master of any vessel, boat or hulk.— Orders he may issue.

(a). To shift the berth of such vessel, boat or hulk, to any place other than where such vessel, boat or hulk may be lying at the time of making such order.

(b). To make in writing or otherwise any declaration upon any subject in connection with his vessel or the cargo and crew thereof.

Any person receiving such order who shall refuse or neglect to comply with such order with all convenient speed shall be liable to a penalty not exceeding Twenty Pounds.

5. Any person signing a declaration required by this Ordinance, or by any regulation made under this Ordinance, containing any wilfully false, misleading or inaccurate statement, shall be liable to a penalty not exceeding Fifty Pounds. False declaration.

6. Any person receiving anything from any vessel, arriving from ports beyond the seas, and any person other than the Pilot boarding or leaving, or making fast to any vessel before she has received pratique and hoisted the commercial code, letter "N" at the mast head shall be liable to a penalty not exceeding Five Pounds. No person to board before Harbour Master.

7. Any person interfering with the Harbour Master in the due execution of his duty so as to resist or impede him in the proper performance thereof shall be liable to a penalty not exceeding Fifty Pounds. Interfering with Harbour Master.

8. Any person who shall wilfully and unlawfully cut, break, destroy, damage or remove, except for the purposes of this Ordinance, the mooring or fastening of any vessel, boat or hulk, or any sea mark, shall be liable on summary conviction to imprisonment for a term not exceeding four months, with or without hard labour, and to a fine, not exceeding Ten Pounds in lieu of or in addition to such imprisonment, and such penalties shall not be a bar to, or prejudice any action at law which may be brought by any person who has suffered injury or loss. Damaging Moorings, &c.

9. Any person who shall oppose or impede the execution on board any vessel of any Warrant or other legal process shall be liable on summary conviction to imprisonment for a term not exceeding six months, with or without hard labour, and to a fine not exceeding Fifty Pounds in lieu of or in addition to such imprisonment. Impeding legal process.

10. The owner of any vessel or boat sailing out of any port which has not cleared for any place beyond the limits of the Colony shall, either before or within forty-eight hours after such sailing, deliver to the Harbour Master a list showing the name and description of the vessel or boat, the names of the person in charge and of the crew, and the destination and business on which the vessel is engaged, and shall subscribe thereto his name, and if such owner shall not by himself or his agent deliver such report or shall wilfully or knowingly deliver any account untrue in any of the particulars hereinbefore required he shall be liable to a penalty not exceeding Twenty Pounds. Coasting vessels to report.

Removal of wreck.

11. Where any vessel or boat is sunk, stranded or abandoned in any harbour, or tidal water or in or near any approach thereto in such a manner as in the opinion of the Governor in Council to be an obstruction, or a danger to navigation, the Harbour Master may—

- (a). Take possession of, and raise, remove, or destroy the whole or any part of the vessel or boat; and—
- (b). Light or buoy any such vessel or boat or part until the raising, removal, or destruction thereof; and—
- (c). Deliver to the owner on demand and on payment of all expenses incurred, or in the absence of such demand and payment sell, in such manner as he shall think fit any vessel or boat, or part so raised or removed, and also any other property recovered in the exercise of his powers under this section, and out of the proceeds of the sale reimburse himself for the expenses incurred by him in relation thereto, and deposit in the Treasury the surplus (if any), of the proceeds in trust for the persons entitled thereto;

Provided that the Harbour Master shall be entitled to recover from the owner of anything raised, removed, destroyed or sold under this section all expenses incurred by him in relation thereto in excess of the proceeds of such sale.

Cable, cargo, &c. lost to be buoyed.

12. The Master of a vessel or boat from which any anchor, cable, cargo or ship's apparel is slipped or lost in any harbour shall immediately buoy the spot and send to the Harbour Master a full report in writing of such loss and of the position of such buoy and any master making default in obeying the provisions of this section shall incur a penalty not exceeding Fifty Pounds.

Recovery of expenses as to

13. Any expenses incurred by the Government in raising or removing anything lost in the harbour may be recovered by summary procedure from the Master of the vessel to which it belonged.

When owner, agent, &c., liable.

14. In the absence of the Master, or if such Master shall depart from the Colony before repaying such expenses as are mentioned in the preceding section, the owner, agent and consignee of such vessel at the time such anchor, cable, cargo, or apparel was lost, shall be liable to repay such expenses to the Government.

Anchors found.

15. Any person finding or taking up any derelict anchor or chain shall immediately deliver the same to the Receiver of Wreck.

Explosives, regulations as to

16. The Master of any vessel or boat having gunpowder or other explosives on board shall comply with the following conditions, namely:—

- (a). If such vessel or boat be laden with more than fifty tons of explosives, or if having more than one ton of explosives on board she be laden also with coal, petroleum, or any such inflammable cargo he shall not enter the inner harbour of Stanley until such explosives have been deposited in the magazine or otherwise disposed of as the Governor may in writing sanction.
- (b). If she be laden with an inflammable cargo and not having more than one ton of explosives and if she be laden with a properly stowed general cargo and not having more than fifty tons of explosives he may anchor in the inner harbour to the east of the Narrows.
- (c). While taking in or discharging any explosives he shall fly flag "B" of the International Code.

Penalty for violating

17. Any person who wilfully violates the provisions of the preceding section, and any person who knowingly and wilfully authorises or permits any such violation shall be liable, on summary conviction, to imprisonment for a term not exceeding one year and to a fine not exceeding One Hundred Pounds in lieu of or in addition to such imprisonment.

18. If any information shall be given upon oath to any Justice that there is reasonable cause to suspect that any unlawful quantity of explosives is on board any merchant vessel in the inner harbour of Stanley, he may by warrant direct any constable at any time to enter and search any such vessel, and any such constable (having previously made known his authority) may either alone or with such assistance as he may deem necessary enter and search any such vessel, and seize and remove to the proper place any unlawful quantities of explosives found on such vessel, and if necessary use force to execute any such warrant.

Search for
explosives.

19. The Master of any vessel (except a vessel of War) who shall in any harbour keep, or cause or permit to be fired, any cannon on board, loaded with ball, shall be liable to a penalty not exceeding Fifty Pounds.

Loaded cannon.

20. Any person who takes or removes any sand, stone, or gravel from a harbour or the beach thereof without the permission in writing of the Harbour Master, shall be liable to a penalty not exceeding Five Pounds.

Sand, as to removal
of.

21. The Master of any vessel from which any ashes, ballast, damaged goods, dead animal or cargo are thrown into any harbour shall be liable to a penalty not exceeding Fifty Pounds.

Master liable as to
rubbish, &c. thrown
into harbour.

22. Any person who throws into a harbour, or on the beach thereof, any dead animal, ballast, damaged goods, rubbish, night soil or other material, shall be liable to a penalty not exceeding Five Pounds; provided that nothing herein contained shall prevent the deposit of rubbish at any spot where an official notice shall be posted sanctioning such deposit, and subject to the conditions laid down in such notice.

Other persons liable
ditto.

23. Any person offending against any regulation made under this Ordinance shall be liable to a penalty not exceeding the sum fixed in such regulations, and not more than Twenty Pounds.

Regulations, penalty
for breach of.

24. The Ordinances mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Repeal.

25. This Ordinance may be cited as "The Harbour Ordinance, 1902."

Short title.

Passed the Legislative Council this 21st day of March, 1902.

Assented to by the Governor, and given under the Public Seal of the Colony, this 26th day of March, 1902.

H. Craigie-Halliday
Clerk of the Council.

SCHEDULE.

No. and Year.	Short Title.	Extent of Repeal.
2 of 1857	Summary Jurisdiction Amendment Ordinance.	Sections 8 and 9.
5 of 1871	Pilot Ordinance.	Sections 5, 7, 9, 10, 11, 12.
2 of 1880	Ordinance for Amending "Pilot Ordinance" No. 5 of 1871.	The Whole.
9 of 1898	The Harbour Ordinance, 1898,	The Whole.

No. 3.



W Hart Bennett
Administrator
 1902.

FALKLAND ISLANDS.

WILLIAM HART BENNETT,

Administrator.

(16th June, 1902.)

An Ordinance to authorize the Supplementary Expenditure for the year 1901.

Whereas during the year 1901 certain sums of money were issued out of the Public Revenues of the Colony and applied to purposes and services not provided for in the Appropriation Ordinance, 1901, and it is necessary to legalize such payments:—

BE IT ENACTED by the Administrator of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. In addition to the sums already provided for the service of the year ending on the 31st December, 1901, the sum of Three thousand Eight hundred and Ninety-four Pounds, Eight Shillings and Sixpence issued out of the Public Revenue of the Colony and applied to the service of that year for the purposes expressed in the following Schedule, is hereby authorized and confirmed:—

SCHEDULE.

					£	s.	d.
Colonial Secretary	...	...	...	...	202	18	5
Legal	...	...	...	...	47	0	0
Police	...	...	...	...	23	18	2
Transport	...	...	...	...	335	4	9
Miscellaneous	...	...	...	...	55	0	5
Post Office	...	...	...	...	1191	3	6
Public Works	...	...	...	...	2039	3	3
Total					£3894	8	6

Passed the Legislative Council this 10th day of June, 1902.

Assented to by the Administrator and given under the Public Seal of the Colony this 16th day of June, 1902.

A. Thompson
Acting Clerk of the Council.

William Hart Bennett
Administrator

4,



1902.

FAKLAND ISLANDS.

WILLIAM HART BENNETT,

Administrator.

(30th August 1902.)

Ordinance to amend "The Savings Bank
Ordinance, 1888."

BE IT ENACTED by the Administrator of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1.—For section 8 of Ordinance No. 1 of 1888, entitled "An Ordinance to establish a Government Savings Bank" shall be substituted the following section:—

Interest quarterly
instead of monthly.

8. Interest on deposits shall be calculated at the rate of Two Pounds Ten Shillings per centum per annum on every complete Pound; and such interest shall accrue from the first day of January, April, July or October, whichever next follows the date on which the money is deposited, to the last day of March, June, September or December, which next precedes the date on which the money is withdrawn, both such days inclusive.

2.—This Ordinance shall come into force on and from the first day of October, 1902.

Date of coming into
force.

3.—This Ordinance may be cited as "The Savings Bank Amendment Ordinance, 1902."

Short Title.

Passed the Legislative Council this 28th day of August, 1902.

Assented to by the Administrator and given under the Public Seal of the Colony this 30th day of August, 1902.

Acting Clerk of the Council.



FALKLAND ISLANDS.

WILLIAM HART BENNETT,

Administrator.

(30th September, 1902.)

W. Hart Bennett.
Administrator.

1902.

N^o 5

An

Ordinance relating to Summary Jurisdiction.

BE IT ENACTED by the Administrator of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1.—In this Ordinance unless the context otherwise requires :—

Definitions.

“The Court” shall mean one or more Justices sitting to hear any cause which they may be empowered to hear by this or any other Ordinance or a Magistrate sitting either alone or with other Justices.

“Complaint” shall include information, claim, debt, damage or injury.

“Criminal” includes quasi-criminal and, with reference to matters of Jurisdiction, comprehends all such matters not falling within the term “civil.”

2.—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.

3.—The Governor may appoint from time to time such Stipendiary Magistrates and Justices as he may deem necessary and every such Magistrate or Justice shall have and may exercise jurisdiction in civil and criminal cases as hereinafter provided over and within the district defined and specified in his warrant of appointment and if no limits be defined or specified in such warrant then he shall have jurisdiction throughout the whole Colony.

Appointment of Stipendiary Magistrates and Justices.

4.—The Jurisdiction of the Court when no Magistrate is present shall be as follows :—

Jurisdiction when no Magistrate.

(1) When one Justice is sitting alone he may hear and determine any information relating to an offence against any law containing no provision to the contrary, but he may not impose a larger fine than Five Pounds.

(2) When two or more Justices are sitting together they may hear and determine any information relating to—

(i) Any contravention of any law containing no provision to the contrary; or

(ii) Any offence for which the offender is liable under any law, containing no provision to the contrary, upon summary conviction to be imprisoned or fined or otherwise punished.

Powers of Magistrate sitting alone.

5.—Whenever by any law which shall not contain an express provision to the contrary any act, matter or thing is required to be done by more than one Justice, all such acts, matters or things may be done and performed by a Magistrate of this Colony sitting alone, and, subject to the provisions of this or any other law, a Magistrate shall have full power, authority and jurisdiction—

- (1) To receive and inquire into all charges of indictable offences, and make such order in respect thereof as may be required.
- (2) To hear, try and determine all complaints cognizable on Summary Judication and to adjudicate upon any information in case of non-payment of any sum of money upon any recognizance taken before any Court of Justice and afterwards forfeited.
- (3) In all suits where the claim, debt, or damage or balance sought to be recovered shall not exceed the sum of Fifty Pounds, and in all suits for the recovery of the possession of a tenement where the annual rent or value thereof shall not exceed the said amount, and every such suit shall be originally instituted in the Summary Court, and
- (4) Generally to do any such act, matter or thing as may by any law appertain to the office of a Magistrate or to any Justice, but he shall not have power to impose a longer term of imprisonment than one year.

Appeal to Supreme Court.

6.—Subject to the provisions of "The Administration of Justice Ordinance, 1901" and of Section 25 of "The Interpretation and General Law Ordinance, 1900," an appeal shall lie to the Supreme Court from any judgment, decision, or order of the Court in the exercise of its criminal or civil jurisdiction, except from any order

- (1) For the adjournment of any case or matter.
- (2) In respect of an indictable offence.
- (3) For the remand of any person to prison.

And when the case involves any question of fact the same may be tried *de novo* by the Supreme Court either with or without a Jury.

Assessors to Magistrate.

7.—A Magistrate may summon two Justices to sit with him as assessors on the trial of any civil or criminal case, and the provisions relating to assessors summoned in the Supreme Court shall apply to assessors summoned by a Magistrate under this Section.

One Justice may issue summons, &c.

8.—One Justice may issue any summons, and any warrant of arrest, distress or commitment even in cases where the complaint must be heard by two or more Justices, provided that when two or more Justices are required to hear any case they must be present and acting together during the whole of the hearing and determination of the case.

Information must be laid within 12 months.

9.—Every information shall be laid within twelve months from the time when the matter of such information arose, unless any time is specially limited for the laying thereof.

Appointment of Constable.

10.—The Governor may for any period he may think fit, appoint any person to be a constable, by either of the following forms; that is to say:—

"I hereby appoint (*his name*) to be a constable for the Falkland Islands [to hold the said office until the day of].
(*Signature*)."

and revoke any such appointment; and any Justice, upon the production of any such appointment, shall, if required, administer to the person appointed the following oath; that is to say:—

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Admin. in. in. in.

22910. I (*his name*), do swear that I will well and truly serve our Sovereign Lord the King in the office of constable for the Falkland Islands, without favour or affection, malice, or ill-will, and that I will, to the best of my power, cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof according to law. So help me God."

Oath.

And the said Justice shall thereupon certify the same upon such appointment, and if any constable shall act before he has taken the oath as aforesaid, he shall pay a fine not exceeding five pounds.

11.—Any constable so appointed and sworn shall in the Falkland Islands have, exercise, and enjoy all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities as any constable duly appointed in England.

Constables to have powers of Parish Constables.

12.—Any constable who is guilty of any neglect or violation of his duty as constable, or shall resign, absent, or withdraw himself from his duty, unless allowed so to do by the Governor, or unless he shall have given to the Colonial Secretary one month's notice of his intention so to do, shall be liable to a fine not exceeding twenty pounds.

Penalty for neglect of duty.

13.—Any constable may 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.

Powers of Constables

May search boats, &c.

14.—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, may enter at all times, as well by night as by day, into and upon such boat or other vessel, and therein take all necessary measures for the effectual detection or prevention of all such felonies or misdemeanours, and take into custody all persons suspected of being concerned in such felonies or misdemeanours, and also take charge of all property so suspected to be stolen.

Constables may search vessel on suspicion of felony.

15.—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 lock up or gaol, in order that such person may be secured until he can be brought before a justice, and dealt with according to law.

Persons apprehended to be taken to the lock-up.

PROCEDURE BEFORE HEARING.

16.—Whenever an information is laid before a Justice that any person has or is suspected to have committed any act for which he is liable by law to be imprisoned or fined or otherwise punished, and also in cases where a Summary Court has authority by law to make any order for the payment of money or otherwise such Justice may issue a summons or warrant as hereinafter provided, and every such summons or warrant shall be under the hand and seal of the Justice issuing the same.

Summonses and Warrants.

Summons how
served.

17.—A summons shall state shortly the matter of the complaint and shall name a day and hour for the defendant to appear at the Court, and such summons shall be served by delivery to the person to whom it is directed or by leaving it at his usual place of abode, or in such other special manner as the Justice may direct, provided that nothing herein shall oblige any Justice to issue any summons in any case where the application for an order is to be made *ex parte*.

Proof of service.

18.—A witness may be summoned by any Justice upon the oath of a credible person that such witness is able to give material evidence and will not come voluntarily. Proof of the service of a summons upon a defendant or witness shall be upon oath.

When warrant of
arrest may issue.

19.—It shall be lawful for a Justice to issue a warrant of arrest in any of the following cases; that is to say:—

(1.) Where an information of a felony or of an offence punishable on conviction by imprisonment is supported on oath and it shall appear to him advisable that the person charged with committing the same should be immediately arrested to secure the ends of justice.

(2.) Where any person fails to appear at the time and place mentioned in any summons, and due proof of the service of such summons is given, and that such service has allowed a reasonable time for the defendant to appear, and that the case cannot or should not be heard in the absence of the defendant or his representative; provided that the Court may, instead of issuing a warrant, proceed *ex parte* to hear the complaint and adjudicate thereon as fully and effectually as if such party had personally appeared.

(3.) Where any witness shall neglect or refuse to attend and no just excuse shall be offered for such neglect or refusal, and proof has been given that the witness was summoned and that a reasonable sum was tendered to him for his expense in that behalf, provided that instead of committing such witness to prison the Court may in a summary way impose a fine not exceeding Ten Pounds.

(4.) Where such Justice is satisfied by evidence upon oath that it is probable that a witness will not attend and give evidence if summoned.

A warrant may be executed by any Constable or person to whom it is directed and shall state shortly the matter of the information, and the name or some description of the person against whom it has been issued, and such warrant shall remain in force until it is executed, and any Constable or other person directed to execute such warrant may apprehend the said defendant. When executing such warrant the constable or other person shall have the said warrant with him, except in cases of felony.

Aiders and Abettors.

20.—Any person who shall aid, abet, counsel, or procure, or attempt to commit or procure the commission of any offence punishable on summary conviction shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable on conviction to the same penalty to which such principal offender shall be by law liable.

Search warrant.

21.—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 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

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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 the 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.

PROCEEDINGS ON HEARING.

22.—Every complaint cognizable on summary judication shall be heard and determined (either on the oath of one or more credible witnesses or on the confession of the person charged) in an open Court to which the public shall have access so far as the same will conveniently contain them, and the Court shall, in every case, take notes in writing of the evidence, or of so much thereof as is material, in a book to be kept for that purpose.

Complaints to be heard in open Court.

23.—On the hearing of any complaint cognizable on summary judication the Court shall state to the defendant the substance of the complaint and shall ask him what answer, if any, he desires to make thereto.

Procedure on hearing.

(1.) If the defendant thereupon admit the truth of the complaint and show no sufficient cause why an order should not be made against him the Court shall make such order against him as the justice of the case requires.

(2.) If the defendant does not admit the truth of the complaint the witnesses on both sides shall, unless the Court in any case makes order to the contrary, be placed out of Court.

(3.) The Court shall then proceed to hear the complainant and such witnesses as he may examine and then the defendant and such witnesses as he may examine and then such witnesses as the complainant may examine in reply if the defendant has examined any witness or given any evidence other than as to his the defendant's general character, but the complainant shall not be entitled to make any observations in reply upon the evidence given by the defendant nor shall the defendant be entitled to make any observations in reply upon the evidence given by the complainant in reply as aforesaid.

24.—It shall be lawful for the Court to order that no person shall be present without the permission of the Court at the holding of a preliminary investigation when the offence charged is only triable before the Supreme Court and the Court is of opinion that the ends of justice will be best answered by making such order.

Power of Court to sit with closed doors.

25.—All evidence given at a preliminary investigation shall be taken down in writing and such depositions shall be read over to and signed respectively by the witnesses who shall have been examined, and shall also be signed by the Court.

Depositions.

26.—After the examination of all the witnesses on the part of the prosecution the Court shall read to the accused the whole of the depositions taken against him and shall say to him these words or words to the like effect:—“*Having heard the evidence do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence against you on your trial.*”

Charge.

Adjournment.

27.—The Court may at any stage in the hearing of any case adjourn the hearing of the same to a certain place and time to be then appointed and in the meantime the Court may,

- (1.) Suffer the defendant to go at large, or
- (2.) Commit him to prison or a place of security, or
- (3.) Discharge him on his entering into a recognizance with or without sureties conditioned for his appearance at the time and place to which such hearing shall be so adjourned.

Judgment

28.—Upon the conclusion of the hearing the Court shall, either immediately or at an adjourned sitting, give its decision on the case by dismissing the complaint, or committing the accused person for trial to the next sessions, or adjudging the defendant to enter into a recognizance and find sureties to keep the peace, or to be of good behaviour, or by making such order as the justice of the case requires.

Costs.

29.—Any Justice who shall hear and determine any complaint under this or any Ordinance, whether or not a summons shall have been issued, may award such costs as to him shall seem meet, to be paid to or by either of the parties, and if such costs be not paid at the time ordered, such Justice may issue a warrant of distress for the recovery thereof, or commit to prison the person so fined.

First conviction.

30.—When any person shall be convicted of any offence and shall not previously have been convicted of any offence the Court may discharge the offender upon his making satisfaction to the party aggrieved for any damage or costs.

Committal to prison.

31—The Court may commit to prison in any of the following cases; that is to say:—

- (1.) Whenever the law under which the case is heard
 - (a) Imposes the penalty of imprisonment.
 - (b) Imposes the penalty of a fine or, in default, imprisonment, and such fine and any costs ordered by the Court to be paid be not paid at once or at the time named in any order made in regard thereto.
 - (c) Empowers a warrant of distress to be issued for the satisfaction of a penalty or sum in the nature of a penalty and no sufficient goods and chattels to levy the sum directed can be found.
 - (d) Empowers the Court to make an order for the payment of a sum of money, in the nature of a penalty, or the doing of any act or the refraining from doing any act, and the order so made is not complied with; provided that the person so imprisoned shall be discharged as soon as the order made has been complied with.
- (2.) Where an information has been dismissed and the complainant has been ordered to pay costs, and such costs are not paid and no satisfactory security for their payment is tendered.
- (3.) Where the hearing of a case has been adjourned and the Court is of opinion that the release of the defendant on recognizance might defeat the ends of justice.
- (4.) Where any person shall refuse to be examined as a witness upon oath or to answer such questions concerning the matter before the Court as shall then be put to him, without offering any just excuse, he may be imprisoned for any time not exceeding 7 days, unless he shall in the meantime consent to be examined.

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32.—Where a warrant of distress is issued under this Ordinance, the Court may order the detention of the person against whom it is issued until a return be made to such warrant or sufficient security be tendered to meet the amount required to satisfy it or security be given for the appearance of the defendant when a return shall be made to the warrant of distress.

Warrants of distress.

33.—A warrant of distress shall be executed after sunrise and before sunset, and the wearing apparel and bedding of the defendant and the tools and implements of his trade to the value of £5 shall be exempt from seizure under such warrant.

When executed.

Exemptions.

34.—In all cases where any person shall tender to the Constable having execution of a warrant of distress the sum therein mentioned together with the expenses of such distress up to the time of such tender, such Constable on receipt of the money shall cease to execute the same.

To lapse on payment.

35.—In any case where the imposition of a fine is authorized, the Court 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:—

Mode of enforcing fines.

For any sum				Not exceeding			
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.	"	

In any case where any person is ordered to be imprisoned in default of the payment of a fine, forfeiture, duty or sum, the Court 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.

36.—When the Court shall adjudge the defendant to be imprisoned, and such defendant shall then be undergoing imprisonment for some other offence, the Court may order that the imprisonment upon such subsequent order shall commence at the expiration of the term of imprisonment then running.

Consecutive terms of imprisonment

37.—In every case where a pecuniary penalty is recovered and it appears to the Governor that the informer or person prosecuting ought to be rewarded, the Governor may, in his discretion, direct any part not exceeding one moiety of such penalty to be paid to such informer or person.

Rewards to informers.

38.—In order to discourage corrupt practices by common informers, it shall be lawful for the Court, although any part of a penalty shall be directed by any law to be paid to the informer, to adjudge that no part or some part only of the penalty shall be paid to the informer.

Common informers.

39.—Any fine, penalty, forfeiture, sum of money, duty or costs imposed under the provisions of this or any Ordinance containing no provisions to the contrary, or any sum of money upon any recognizance taken before any Court of Justice, and afterwards forfeited in case of non-payment thereof, shall be sued for and recovered upon information in a summary way before the Court and it shall be lawful for the Court 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

Recovery of fines, &c.

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, and so far as the said provisions can be applied, be carried on in the manner directed by and be subject in all respects to the provisions of the Statutes which regulate summary prosecutions before Justices of the Peace in England.

Powers of Court,
Coroner, Sheriff, &c.
in cases of murder
or accessory before
the fact.

40.—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 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, the 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.

PENALTIES (CRIMINAL)..

Perjury.

41.—If in any case, civil or criminal, or in any proceeding connected therewith, it shall appear to the Court that any person examined as a witness upon oath has committed wilful and corrupt perjury, or that any person, in any affidavit, declaration, or affirmation required to be made before the Court, has been guilty of the like offence, it shall be lawful for the Court to direct a prosecution for perjury to be forthwith instituted against any such person; or where such perjury is committed by any person examined as a witness in open Court, it shall be lawful for the Court, instead of directing such prosecution to be instituted as aforesaid, either to commit such witness, as for a contempt of the Court, to prison for any term not exceeding three months, with or without hard labour, or to fine such witness in any sum not exceeding Twenty Pounds: Provided that the powers hereinbefore given shall be in full force and operation, notwithstanding any irregularity or want of form in the administration of the oath, declaration, or affirmation.

False declarations.

42.—Any person who shall make and subscribe any declaration required to be made on the doing of any act, matter, or thing, or for verifying any book, account, entry or return, or for any purpose whatsoever, and shall wilfully make therein any false statement as to any material particular, shall be deemed guilty of a misdemeanour and shall be liable to a penalty not exceeding £50, and if proceeded against on indictment shall be liable on conviction to imprisonment with or without hard labour for a term not exceeding one year or to a fine not exceeding £300.

Damage to property.

43.—Any person who shall unlawfully and wilfully commit any damage to or upon any real or personal property whatever either of a public or private nature, for which offence no punishment is already otherwise provided (the injury done being under the value of £50), shall pay to the party aggrieved such reasonable amount of compensation for the injury done as the Magistrate shall see fit; and shall also be liable to a fine not exceeding the sum of Forty Shillings.

44. It shall be lawful for any Magistrate or two Justices to hear and determine any information relating to the following offences; that is to say:—

(a) Robbing any goods, chattels, money, or valuable security from the person of another or stealing or obtaining goods, chattels, money, or valuable security under any false pretence, or receiving the same, knowing the same to have been robbed, stolen or unlawfully obtained; provided that it be proved by the evidence that the value of such goods, chattels, money, or valuable security charged to have been robbed, stolen or falsely or fraudulently obtained or received does not exceed the sum of Five Pounds. Robbery.

(b) Unlawfully and maliciously wounding or inflicting any bodily harm upon any person, provided that it be proved by the evidence of a Medical Officer, if one was called in, and if not by other evidence, that such wound was not serious or likely to disable. Wounding.

And any person convicted of any of the foregoing offences may be imprisoned with hard labour for a period not exceeding six months, provided that the Court may if it think fit abstain from adjudicating upon any charge under this section, and deal with the case in all respects as if it had no authority finally to hear and determine the same.

45.—Any person shall be liable to a fine not exceeding Five Pounds who shall commit any of the following offences:—

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

If any person 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 authorized 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. Receiving stolen goods.

(b) If without the authority of the owner he shall catch, ride, or use any horse. Using horses without consent.

(c) If he 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. Obtaining money by threats.

(d) § If he shall unlawfully assault or beat any other person.

§ NOTE.—For the protection of a married woman whose husband has been convicted of an aggravated assault Summary Jurisdiction is conferred by 58 & 59 Vict., Ch. 39 upon a Magistrate to make an order equivalent to a decree of judicial separation, to give her the legal custody of their children under 16 and to compel the husband to maintain her.

Causing bodily hurt.

46.—Any person who by offending against this or any Ordinance shall cause hurt or damage to any person shall, on conviction, pay such sum not exceeding Ten Pounds as shall appear to the Court reasonable amends to the person aggrieved, in addition to any fine or punishment to which he may be liable for the offence, and the evidence of the person aggrieved may be admitted in proof of the offence.

Supplying liquor to His Majesty's ships without consent.

47.—(1) No person shall bring on board any of His Majesty's ships any liquor without the previous consent of the officer commanding; and any officer may with or without persons under his command search any vessel hovering about or approaching or which may have hovered about or approached any of His Majesty's ships and seize any liquor found on board such vessel, and all liquor so seized shall be forfeited to His Majesty; and any person who, without such previous consent as aforesaid, brings any liquor on board any of His Majesty's ships, or approaches or hovers about any of His Majesty's ships for the purpose of bringing any liquor on board the same, or of giving or selling it to men in His Majesty's service; and any person who approaches or hovers about any of His Majesty's ships for the purpose of aiding or assisting any one in His Majesty's service to desert or improperly absent himself from his ship shall be liable to a penalty not exceeding £10 and may be arrested by any officer without warrant or other process.

(2.) For the purposes of this section:—

The expression "Officer" shall include a warrant or petty officer of the Royal Navy and a non-commissioned officer of Marines and a Police Constable.

The expression "liquor" shall mean spirituous or fermented liquor of any description.

The expression "ship" shall mean any of His Majesty's ships or vessels.

Restoration of stolen goods may be ordered.

48.—If any goods shall be stolen or unlawfully obtained, or being lawfully obtained shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint shall be made to a Justice 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.

Offences in Towns.
Fine 40/-

49.—Any person shall be liable to a fine not exceeding forty shillings who within the town of Stanley or any town hereafter defined and declared a town by the Governor in Council shall commit any of the following offences, that is to say:—

Furious riding.

(a) 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.

Profane language.

(b) 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.

- (c) 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. Threats.
- (d) 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 without the permission of the Colonial Secretary. Throwing stones.
- (e) 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. Discharging fire-arms.
- Or who, being of the age of 14 years or under, shall have in his possession any fire-arms or ammunition whatever; provided that in such case, it shall be lawful for the convicting Justice to direct that the offender be privately whipped, in addition to, or in lieu of fine; and the said Justice may order some fit and proper person to inflict such punishment of whipping when ordered to be inflicted out of prison. Persons under 14 debarred from possessing fire-arms.
- (f) 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. Putting out lamps and ringing bells.
- (g) Who in any public place other than such as may be authorised for that purpose by the Governor, shall throw or lay, or cause 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. Rubbish on public places.
- (h) 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. Filth or carcass of animal.
- (i) Who, being the owner or occupier of a house, tenement, or land, shall not keep sufficiently swept and cleansed all public footpaths, drains, and water-courses adjoining his premises. Footpaths, drains, &c.
- (j) 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. Dangerous dogs.
- (k) Who, being the owner or keeper of any bitch, shall suffer her when on heat to be off the chain or not shut up in some secure place. Bitches on heat.
- (l) Who wilfully sets or causes to be set on fire any chimney: Provided that nothing herein contained shall exempt such person from liability to be indicted for felony. Setting chimney on fire.
- (m) Who occupies or uses premises in which any chimney accidentally catch or be on fire: Provided that such penalty shall not be incurred if such person shall prove to the satisfaction of the Court that such fire was in no wise owing to omission, neglect, or carelessness of himself or servant. Chimneys accidentally on fire.

50.—Any person shall be liable to a fine not exceeding five pounds who, within the town of Stanley or any town hereafter defined and declared a town by the Governor in Council, shall commit any of the following offences; that is to say:—

- (a) Who shall slaughter any cattle save in a slaughter house licensed by the Government. Slaughtering cattle.
- (b) Who shall erect or cause to be erected any building for human habitation constructed wholly or in part of turf. Turf-houses.
- (c) Who shall build any dwelling-house, and permit the same to be occupied without a sufficient earth or water-closet or privy. Privies.

Offences in Towns.
Fine £5.

Keeper of coffee houses, &c. permitting drunkenness.

- (d) 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 may be arrested.

Drunkenness.

51.—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.

Injuries to roads and jetties.

52.—And with respect to the public roads and jetties in the town of Stanley, any person:—

Deepening ditches, breaking up roads, &c.

- (a) Who, without the authority of the Governor, 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 any public road, shall pay a fine not exceeding forty shillings.

Obstructing roads or jetties.

- (b) Who in any manner shall cause any unnecessary obstruction to any public road or jetty shall pay a fine not exceeding five pounds.

Throwing rubbish.

- (c) 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.

Removing night soil.

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

Games or slides.

- (e) Who shall play at any game, or make or use any slide upon ice or snow, to the damage or annoyance of passengers, or contrary to any order made by the Governor, shall pay a fine not exceeding twenty shillings.

Fine for leaving material on road after notice to remove.

- (f) Who shall have been required by any Justice or by direction of the Governor to remove any obstruction caused by him to or material placed by him contrary to the provisions of 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.

Removal of nuisances.

53.—It shall be lawful for any person duly authorized by the Governor or any constable duly authorized in writing by any Justice, to remove any of the objects specified in the preceding section (sub-section f) 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 such person or constable as the case may be, and, upon proof of the expense incurred, to issue a warrant for the levying of such expenses by distress and sale of the goods and chattels of the offender.

W. Hart Bennett
Administrator

crossing to

54.—It shall be lawful for the Governor 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; unless otherwise expressly provided in any regulations made under section 27 of the Stanley Fire Brigade Ordinance, 1898.

Roads under repair.

55.—Any person being a dealer in gunpowder, who 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), 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 authorized 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 His Majesty.

Gunpowder, penalty for keeping unlawful quantity.

56.—Any person who whilst removing or in any boat loaded with gunpowder, shall bring, have, or use any fire or lucifer match, or shall smoke shall be liable to a fine of five pounds.

Smoking in boat loaded with gunpowder.

57.—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 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.

Taking boat without leave.

58.—Any person who shall unlawfully and wilfully prevent or assault or threaten to prevent or assault or unlawfully obstruct any person employed by authority of the Governor in surveying or measuring for the Crown, or who shall wilfully destroy, pull up, deface or injure any instruments or implements used in any such survey, or who shall wilfully break, deface, pull down, or take away any 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.

Obstructing Surveyor.

59.—Any unauthorized person who shall tear or deface any notice placed on the gazette board, may, upon conviction, be imprisoned and kept to hard labour for a term not exceeding 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 may order some fit and proper person to inflict such punishment of whipping when ordered to be inflicted out of prison.

Defacing notice on gazette board.

60.—Any person who 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, shall pay a fine not exceeding twenty pounds,

Setting fire to camp.

61.—Any person who shall cut, or cause to be cut, any peat upon land the property of the Crown, without the consent of the Governor, shall pay for every day the peat shall be so unlawfully cut a fine not exceeding forty shillings.

Cutting peat on Crown lands.

Penalty for assaulting constable,

62.—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.

Weights and Measures.

63.—Such of the provisions of the Statutes relating to weights and measures as are applicable to and in force in England, shall be applied to 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 there shall be 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 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 Statutes; 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 Statutes and the fees authorized to be levied in England by the said Statutes shall be leviable in the Falkland Islands and shall be paid into the Treasury.

False Weights and Measures penalty for using.

64.—Any person who shall use any weight or measure other than those authorized by the preceding section 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 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.

Power of Court to determine complaints between employer and workman, &c.

65.—Whenever any domestic servant, artificer, labourer, 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 when ever 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 Five Pounds 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, or other person and his employer, or the steward, manager, or agent of his employer, and to impose any fine not exceeding Five Pounds, and to make such order for payment of wages as shall seem just, and every such order may be enforced by execution against the goods, effects or other property of the party against whom such order shall be made.

Action by employer against person employing or interfering with such employer's workmen.

66.—Any person with whom such domestic servant, artificer, labourer, or other person shall have so contracted may maintain an action on the case against any person who shall employ, retain, harbour, or conceal any such domestic servant, artificer, labourer, or other person during the existence of such contract, knowing that he was under such contract.

67.—The decision of claims to tenements shall be subject to the following provisions :— Claims to tenements.

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 twelve months 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 Court reasonable cause why possession should not be given up, and shall still refuse or neglect to deliver up possession of the said premises to the said landlord or agent, it shall be lawful for the Court upon proof of the holding and of the end and 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.

68.—If the master of any vessel lying in Stanley Harbour shall apply to have any members of his crew lodged in Gaol, he shall, on the conviction, first pay towards the prison maintenance of such persons 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 Merchant Shipping Act, 1894, and shall take a receipt for the same from the Court: Provided that if any Master shall obtain 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, which sum shall be endorsed on the receipt given at the previous conviction.

Payment by master of vessel for Prison maintenance of crew.

69.—The provisions of the Merchant Shipping Act, 1894, prescribing the punishment for any offence committed by any seaman or apprentice belonging to a British vessel shall extend and apply to any seaman or apprentice on board any foreign vessel, prosecuted by the Master for any such offence committed within this Colony, provided that it shall not be necessary to prove an entry in the log of an offence upon any such prosecution, and provided also 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.

Merchant Shipping Acts as to offences committed by seamen extended to Foreign vessels.

70.—The Chief Justice may from time to time make rules for regulating the process and practice in the summary courts, the forms to be used, the fees to be paid and the conduct of all civil and criminal business coming within their cognisance and with regard to all other matters relating to the said Courts not otherwise specially provided for and such rules shall come into force when approved by the Governor in Council and duly published.

Rules.

Repeal.

71.—The Ordinances mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column of the Schedule.

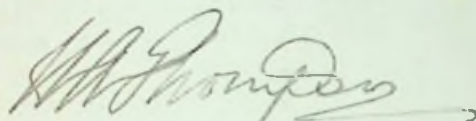
Short title.

72.—This Ordinance may be cited as "The Summary Jurisdiction Ordinance, 1902."

Passed the Legislative Council this 26th day of September, 1902.

Assented to by the Administrator and given under the Public Seal of the Colony this 30th day of September, 1902.

(Signed)


Acting Clerk of the Council.

SCHEDULE.

Repeal.

No. and Year.	Short Title.	Extent of Repeal.
10 of 1853.	Administration of Justice Ordinance ...	The whole.
11 of 1853.	Summary Jurisdiction Ordinance ...	The whole.
3 of 1857.	An Ordinance to provide for the application of the Merchant Shipping Act of 1854 within the Colony ...	The whole.
1 of 1862.	Summary Jurisdiction Amendment Ordinance ...	The whole.
2 of 1862.	" " " " ...	The whole.
3 of 1862.	" " " " ...	The whole.
2 of 1876.	An Ordinance to make further provision for the Administration of Justice in the Falkland Islands ...	The whole.
7 of 1886.	An Ordinance to prevent the introduction of spirituous or fermented liquors on board Her Majesty's ships without the consent of the Commander ...	The whole.
8 of 1886.	An Ordinance to make better provision for the protection of married women ...	The whole.
1 of 1890.	An Ordinance for the summary punishment of Perjury...	The whole.
10 of 1895.	An Ordinance to provide for the appointment of a Stipendiary Magistrate for the Island of West Falkland ...	The whole.
3 of 1900.	The Interpretation and General Law Ordinance ...	Section 30, (a)— "Any contra- vention of an Ordinance may be heard and dealt with in a summary way by any Justice and"
2 of 1901.	The Summary Jurisdiction Ordinance, 1901 ...	The whole.



W. Grey Wilson

1902.

No 6

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(11th December, 1902.)

An Ordinance to consolidate and amend the Law relating to Pilots.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1.—In this Ordinance:—

“Pilot” means a pilot holding a valid licence.

Definitions.

“Valid Licence” means a licence granted to a pilot under this Ordinance, which licence is in force and not cancelled, suspended or vacated.

“Vessel” means a sea going ship but does not include a vessel of war or a vessel usually plying in the Colonial waters.

“Stanley Harbour” shall mean the landlocked water lying to the West and South-west of a line drawn from Cape Pembroke to William Point.

Part I.—The Licensing of Pilots.

2.—The Governor may from time to time appoint a fit and proper person to be Government pilot and may, subject to the provisions of this Ordinance, from time to time, licence any person whom he may deem qualified to be a pilot, and define the locality for which the licence is applicable. The officer appointed as Government pilot shall be deemed to be a pilot holding a valid licence within the meaning of this Ordinance, and shall receive such salary as may be approved by the Secretary of State.

Government Pilot.
appointment of.

3.—Every application for a Pilot's licence shall be made to the Colonial Secretary and the applicant shall state therein the names of two persons willing to be his sureties and shall transmit therewith the sum of two guineas which fee shall be paid to the two persons appointed by the Governor to examine the applicant in terms of Section 4.

Application for
licence.

4.—No person shall be licenced as a pilot until he has been examined by two persons appointed for that purpose by the Governor, and the applicant has satisfied the Governor:—

Qualifications
required.

(1) That he is upwards of 21 years of age.

- (2) That he has for two years at least served in the coasting trade of this Colony or as a pilot or is otherwise specially qualified.
- (3) That he has a sufficient knowledge of the channels, tides, soundings and secure anchorages and the bearings and distances of the several shoals, rocks, bars and points of land proper to be observed in connection with the locality for which the licence is sought.
- (4) That he has sufficient knowledge of the rules of the road for ships and the lights required to be carried by them and of the regulations relating thereto.
- (5) That he is of good character and temperate habits and of sufficient skill and ability to act as a pilot.
- (6) That he can read and write with reasonable ease and accuracy, that he can readily distinguish colours and that he is otherwise mentally and physically competent to discharge the duties of a pilot.

Regulations as to
Pilots' licences.

5.—Subject to any alteration to be made by the Governor in Council, the following provisions shall apply to the licensing of pilots :—

- (1) The name of every pilot licensed and the limits within which he is licensed to act shall be published in the Gazette.
- (2) Every pilot shall, on his appointment, execute a bond for fifty pounds, conditioned for the due observance on his part of the provisions of this Ordinance and the Rules made hereunder and such bond shall be free from stamp duty and from every other charge except the actual expense of preparing the same.
- (3) A licence granted to a pilot shall continue in force for one year from the date of issue, and may be renewed from year to year or for any less period, by endorsement under the hand of the Colonial Secretary.

Pilot's liability
limited.

6.—A pilot appointed by the Governor who has executed a bond under this Ordinance shall not be liable for neglect or want of skill beyond the penalty of the bond, and the amount payable to him on account of pilotage in respect of the vessel in which he was engaged when he became so liable.

Power to revoke and
suspend licences.

7.—The Governor may revoke or suspend the licence of any pilot appointed by him, in such manner, and at such time, as he may think fit.

Part II.—The duties of Pilots.

Pilot flag.

8.—A pilot approaching an inward bound ship between sunrise and sunset shall fly at the masthead the international pilot flag (the upper horizontal half white and the lower horizontal half red) at least three feet square.

Pilot's light.

9.—A pilot approaching an inward bound ship after sunset and before sunrise shall hoist at the masthead a white light in a globular lantern, of not less than eight inches in diameter, and so constructed as to show a clear uniform light visible all round at a distance of at least a mile.

Anchoring ships.

10.—It shall be the duty of every pilot in charge of an inward bound ship to anchor such ship in such anchorage as the master shall require in Port William and to remain on board for such reasonable time as such master shall require.

11. Every pilot when acting in that capacity shall be provided with his licence and shall produce the same to every person by whom he is employed or to whom he offers his services as a pilot.

Pilot to produce licence.

12. (1) Every pilot, when required to do so by the Governor, shall produce or deliver up his licence to the Colonial Secretary.

Production and return of licence.

(2) On the death of any pilot, the person into whose hands his licence comes shall without delay transmit it to the Colonial Secretary.

(3) If any pilot or other person fails to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Part III.—The Rights of Pilots.

13.—Every pilot, other than the Government pilot, shall be entitled to receive from the Treasury on account of any vessel piloted by him three quarters of the rates paid into the Treasury in respect of such pilotage.

Pilot's dues.

14. (1) Whenever an outward bound ship shall be obliged to anchor before she gets to sea or an inward bound ship before arriving at her destined anchorage and if such ship is thereby detained for more than twenty-four hours the pilot shall be entitled in the sum of Twelve Shillings for every day or part of a day during such detention.

Pilot's dues in case of detention.

(2) If a pilot be recalled to any ship the cost of bringing him off and landing him and a fee of One Pound for every day or part of a day that he shall be on board shall be paid to him.

15.—A pilot who shall, at the request of the master, owner, consignee or agent of an outward bound ship, attend for the purpose of piloting such ship to sea, shall, if such ship shall not proceed to sea within three hours after the time appointed for the sailing of such ship, be entitled to receive the sum of Twelve Shillings for every day or part of a day such pilot shall remain in attendance on such ship until she is under weigh.

Pilot's dues in case of delay.

16.—A pilot who shall be carried to sea in any ship against his will shall while on board such ship be supplied by the master at the ship's expense with suitable provisions and accommodation and in addition to the pilotage due to him shall be entitled to receive from the master or owner of such ship wages at the rate of Ten Pounds a month during the enforced absence of such pilot from and until his return to the Colony by the quickest route, and the reasonable expenses of his return to the Colony from the place at which he shall be landed from such ship.

Pilot's dues if taken out of his locality.

17.—The master or agent shall not discharge the pilot who shall have taken charge of a vessel and accept the services of another pilot without the consent of the pilot first in charge, except in cases of emergency, and in the event of a second pilot being employed the pilotage shall be divided.

Second pilot.

Part IV.—Pilotage Dues.

18.—There shall be paid to the Harbour Master on account of every vessel anchoring in Stanley Harbour, whether a pilot be employed or not, the sum of Sixty Shillings if such vessel draws 10 feet or less of water, and Six shillings per foot or part of a foot if such vessel draws more than 10 feet for inward pilotage; and, whether a pilot be employed or not, there shall be paid one half of the foregoing rates for outward pilotage.

Pilotage dues'

Master, etc. of ship
liable.

19.—The master, owner, and consignee of a ship and the agent reporting, entering or clearing such ship shall be jointly and severally liable for any emoluments payable by such ship under this Ordinance and any such consignee or agent may retain out of any moneys received on account of such ship or her owner all amounts which he has paid or is or may be liable to pay under this Ordinance.

Part V.—Unqualified persons acting as Pilots.

Person other than
pilots not entitled
to be paid for his
services.

20.—Any person other than a pilot who shall pilot, or offer or attempt to pilot any ship, not then being in danger or distress and in want of a pilot, shall not be entitled to be paid for his services.

Person other than
pilot to resign
charge to pilot.

21.—Any person other than a pilot who shall have taken charge as pilot of a ship then being in danger or distress shall resign the charge of such ship to the first pilot who comes on board and offers his services, and in such case the pilotage shall be divided equally between them, but if no pilot comes on board the person who took charge as pilot shall, if he pilot such ship to a safe anchorage, be entitled to all the emoluments to which a pilot would have been entitled under similar circumstances.

Payment for services
in cases of danger
or distress.

Penalty on fraudu-
lent use of licence.

22.—If any person for the purpose of making himself appear to be a pilot uses a licence which he is not entitled to use, he shall for each offence be liable to a fine not exceeding Fifty Pounds.

Penalties as to em-
ployment of unquali-
fied pilot.

23. (1) If any person assumes or continues in charge of a ship after a pilot has offered to take charge of the ship he shall for each offence be liable to a fine not exceeding Fifty Pounds.

(2) If a master of a ship knowingly employs or continues to employ an unqualified person after a pilot has offered to take charge of the ship or has made a signal for that purpose, he shall for each offence be liable to a fine of double the amount of pilotage which could be demanded for the conduct of the ship.

Part VI.—Offences by Pilots.

Enquiry into charges
against pilots.

24.—The Governor may at any time direct an enquiry to be held by a Magistrate into any charge of incompetency or misconduct on the part of a pilot and if the Court find that such pilot is incompetent or has been guilty of any gross act of misconduct the Court may cancel or suspend his licence.

Penalty for acting
as pilot during sus-
pension of licence.

25.—Any person whose pilot licence has been cancelled, or who during the suspension of such licence shall act as a pilot shall not be entitled to any pilotage and shall be liable to a penalty not exceeding Fifty Pounds for every occasion on which he so acts.

Penalty for leaving
ship.

26.—If without the permission of the master or except as herein provided the pilot of an outward bound ship leaves her before she is at sea or the pilot of an inward bound ship leaves her before she arrives at her destined anchorage he shall not be entitled to pilotage and shall be liable to a penalty not exceeding Ten Pounds.

Defaults of pilots.

27.—Any pilot who does any of the following acts shall be liable to a penalty not exceeding Twenty Pounds.

(a) Refuses or wilfully delays to go off to or to take charge of any ship upon the usual signal for a pilot being made by such ship and upon being required so to do by the Harbour Master.

(b) When not actually engaged in his capacity as pilot, refuses or wilfully delays to go to or take charge of any outward bound ship upon being required so to do by the Harbour Master.

- (c) Does not if practicable board a ship in distress signalling for a pilot.
- (d) Fails to permit the master of any ship he is piloting to inspect and peruse his licence.
- (e) Wilfully fails when able to do so to warn a ship running into danger.
- (f) Hoists or displays any flag or signal for the purpose of obtaining any undue advantage over any other pilot.
- (g) Causes a ship of which he is in charge to run aground, or to strike on any rock, or to cause injury to any other ship.
- (h) Destroys, damages or injures any ship of which he is in charge, or the tackle or furniture thereof or the goods laden therein.
- (i) Leads or pilots a ship into danger.
- (j) Through negligence or carelessness causes a ship of which he is in charge to run into or against any buoy or beacon fixed for the purpose of facilitating piloting.
- (k) Anchors any ship so that her moorings foul the moorings of another ship.
- (l) Wilfully or improperly obstructs the passage of any ship.
- (m) Makes any false statement or wilful misrepresentation to obtain the charge of a ship.

28.—If any pilot, when in charge of a ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, either :—

Penalty on pilot endangering ship, life or limb.

- (a) Does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of any person on board the ship : or
- (b) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb, that pilot shall in respect of each offence be guilty of a misdemeanour, and shall also be liable to suspension or dismissal by the Governor.

29. (1) If a pilot :—

Offences of Pilots.

- (a) Himself keeps, or is interested in keeping by any agent, servant, or other person, any public-house or place of public entertainment, or sells or is interested in selling any wine, beer, or other intoxicating liquors or tobacco.
- (b) Commits any fraud or offence against the revenues of customs or against the excise or the laws relating thereto.
- (c) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels.
- (d) Lends his licence.
- (e) Acts as pilot when in a state of intoxication.
- (f) Employs or causes to be employed on board any ship of which he has charge any boat, anchor, cable or other store, matter or thing beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person.
- (g) Unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship.

- (h) Refuses, when requested by the master, to conduct the ship of which he has charge into any port or place into which he is qualified to conduct the same except on reasonable ground of danger to the ship;

that pilot shall for each offence, in addition to any liability for damages, be liable to a fine not exceeding One Hundred Pounds.

- (2) If any person procures, aids, abets, or connives at the commission of any offence under this section, he shall, in addition to any liability for damages, be liable to a fine not exceeding One Hundred Pounds.

- (3) If a pilot commits an offence under this section, or procures, aids, abets, or connives at the commission of any such offence, he shall, in addition to his liability to a fine, be liable to suspension or dismissal by the Governor.

Part VII.—Miscellaneous.

Enquiries into charges against pilots with assessors.

- 30.**—The Governor may at any time direct an enquiry to be held by the Magistrate and one assessor for the purpose of ascertaining whether any pilot has become incapacitated by mental or bodily infirmity or by habits of intemperance from efficiently performing his duties as a pilot, and there shall be paid to such assessor a fee of One Guinea for his services.

Power to make rules.

- 31.**—The Governor in Council may from time to time make rules with reference to pilots and pilotage not inconsistent with the provisions of this Ordinance and fix the rates of pilotage to be charged for pilotage services outside Stanley Harbour.

Ordinance may be extended to other ports.

- 32.**—This Ordinance may be extended by the Governor in Council to any port hereafter defined and declared a Harbour by the Governor in Council.

Government not responsible for acts of pilot.

- 33.**—The Government shall not be responsible for any loss or damage occasioned by the act of any pilot.

Employment of pilot not compulsory.

- 34.**—No owner or master of any ship shall, in any case, be compelled to employ or to give his ship into the charge of a pilot, either on the ground of his being compelled to pay pilotage dues to any person or otherwise: and nothing in this Ordinance shall exempt any owner or master of any ship from liability for any loss or damage occasioned by his ship to any person or property on the ground either of such ship being in the charge of a licensed pilot, or such loss or damage being occasioned by the act or default of a licensed pilot, or on any other ground.

No owner to be free from liability by reason of employing a licensed pilot.

Repeal.

- 35.**—The Ordinances mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Short Title.

- 36.**—This Ordinance may be cited as "The Pilot Ordinance, 1902."

Passed the Legislative Council this 3rd day of December, 1902.

Assented to by the Governor and given under the Public Seal of the Colony this 11th day of December, 1902.

H. Hart Bennett

Colonial Secretary.

SCHEDULE.

REPEAL.

No. and Year.	Short Title.	Extent of Repeal.
5 of 1871.	Pilot Ordinance	The whole.
1 of 1878.	An Ordinance to make further provision regarding the Harbour Regulations of the Port of Stanley ...	The whole.

W. Grey Wilson

7,



1902.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE.

Companion of the Most Distinguished Order of Saint Michael and Saint George.

GOVERNOR AND COMMANDER-IN-CHIEF.

(26th December, 1902.)

An Ordinance to provide for the service of the Year 1903.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows :—

1.—The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on the 31st December, 1903, a sum not exceeding Fourteen Thousand, One Hundred and Nineteen Pounds, Eleven Shillings and Eight Pence, which sum is granted, and shall be appropriated for the purposes, and to defray the charges of the several services expressed and particularly mentioned in the schedule hereto, which will come in course of payment during the year 1903.

SCHEDULE.

Item.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions	247	16	8
2	Governor	1481		
3	Colonial Secretary	1289		
4	Customs	70	15	
5	Audit	25		
6	Port and Marine	240		
7	Legal	284		
8	Police	574		
9	Prisons	326		
10	Medical	693		
11	Education	779		
12	Ecclesiastical	520		
13	Transport	130		
14	Miscellaneous	787		
15	Post Office	3092		
16	Colonial Engineer	856		
17	Public Works	1450		
18	Savings Bank	1175		
19	Drawbacks and Refunds	100		
	£	14119	11	8

2. This Ordinance may be cited as the "Appropriation Ordinance, 1902."

Passed the Legislative Council this 23rd day of December, 1902.

Assented to by the Governor and given under the Public Seal of the Colony this 26th day of December, 1902.

W. Hart Bennett

Colonial Secretary.

W. Grey Wilson



1902.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(31st December, 1902.)

An Ordinance relating to Marriage.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

1. In this Ordinance—

- “Registrar General” shall mean the person holding that office under the Registration Ordinance, No. 12 of 1853. Definitions.
- “Minor” shall mean a person who is under the age of twenty-one years and who is not a widower or a widow.
- “Minister” shall mean a Minister registered under this Ordinance as a Minister for celebrating marriages.

2. The Registrar General may appoint in writing under his hand such Registrars as he may deem necessary for the purposes of this Ordinance, and all appointments so made by the Registrar General shall be subject to the approval of the Governor and shall be during pleasure only. Registrars how appointed.

3. Every marriage which by the law of England would be valid, and every marriage celebrated in this Colony prior to the passing of this Ordinance by any Minister of Religion or by a Registrar shall be deemed a perfectly legal and valid marriage to all intents and purposes, provided that nothing herein contained shall legalize any marriage. Valid marriages.

(a) declared or made invalid by any law of the Colony at the time of its celebration.

(b) declared or made (or which shall hereafter be declared or made) invalid by any competent Court.

4. Every marriage hereafter celebrated by a Minister or by a Registrar in conformity with the provisions of this Ordinance shall be a legal and valid marriage to all intents and purposes, and no other marriages except as hereinafter provided, celebrated in this Colony, shall be valid for any purpose, provided that no marriage in fact shall be avoided by reason only of the same having been celebrated by a person not being empowered under this Ordinance to celebrate marriages if either of the parties to the marriage shall at the time *bona fide* have believed that such person officiating was so empowered; provided also that nothing herein shall legalize any marriage which, by reason of relationship or of fraud or of incapacity to contract marriage or by the law of England for the time being, would be void. Valid marriages.

Wrongful
celebration.

5. Any person who shall wilfully and knowingly celebrate any marriage contrary to the provisions of this Ordinance or where the provisions of this Ordinance have not been complied with shall be guilty of a misdemeanour and be liable to a fine not exceeding five hundred pounds either alone or with imprisonment with hard labour not exceeding two years, but such marriage shall not necessarily be invalid or illegal.

Registered Ministers

6. Every Minister of Religion ordinarily officiating as such in this Colony at the time of the passing of this Ordinance shall be deemed to be a Minister registered for celebrating marriages and any Minister of Religion or the head of any religious denomination may apply hereafter to the Colonial Secretary to be registered as a Minister for celebrating marriages and the Governor may grant a Certificate of Registration under the Seal of the Colony to any person so applying, provided that it shall be lawful for the Governor to refuse any application for registration and also to remove from the Register the name of any person, and the Governor shall forthwith report any such refusal or removal to the Secretary of State; and there shall annually be published in the Gazette a list of all persons then entitled to celebrate marriages.

Conditions as to
marriages.

7. No person shall solemnize any marriage—

- (a) until a marriage licence has been issued or banns published as hereinafter provided.
- (b) after the expiration of three months from the date of the marriage licence or publication of banns.
- (c) save in a place registered for the celebration of marriages or in the office of a Registrar or in the house of a Justice or in such place as any special licence shall specify.
- (d) save in the presence of two witnesses who shall sign the Certificate of Marriage.
- (e) in any building with closed doors or before 8 o'clock in the morning or after 6 o'clock in the evening.

Special Licence.

8. Anything in this Ordinance to the contrary notwithstanding, a marriage by Governor's special licence may be celebrated by a Minister or a Registrar at any time and in any place therein stated and such special licence may be issued at any time after the declaration prescribed by section 12 has been made: provided that, if any caveat or protest against the issue of a marriage licence stating the ground of objection has been presented by any person to the Governor against the grant of any such licence, which caveat or protest shall be signed by himself or by the person on whose behalf he presents the same, no such licence shall issue until the Chief Justice shall have enquired into and determined the case in a summary way.

Places registered for
the celebration of
marriages.

9. Christ Church Cathedral, the Roman Catholic Church and the Baptist Tabernacle, all situate in Stanley, shall be deemed to be places registered for celebrating marriages, and it shall be lawful for the Governor to grant under the Seal of the Colony a certificate of registration in relation to any other place hereafter commonly used for religious purposes.

How, when, and
where a marriage
may be solemnized
by Minister.

10. Any Minister may at any time within three months after the declaration hereinafter required has been made and signed and the banns have been published on three consecutive Sundays, or the Registrar General has issued his licence as in form 2 in the first Schedule hereto, or the Governor has issued a special licence, solemnize a marriage between the parties named in such declaration and in accordance with the provisions of this Ordinance; provided that—

- (a) a marriage by banns shall be solemnized in a place registered for celebrating marriages.
- (b) a marriage by licence other than the Governor's special licence shall be solemnized in a place registered for celebrating marriages or in the house of a Justice.

11. A Registrar may at any time within three months from the date of the issue of the licence by the Registrar General solemnize a marriage in his office between the parties named in such licence.

Marriage by Registrar.

12. One of the parties to the intended marriage shall make and sign before a Registrar or a Justice a solemn declaration as in Form 1 in the first Schedule hereto.

Declaration of intended marriage.

13. The Registrar General shall, upon receiving or taking any such declaration, post the same in his office for twenty one days and such declaration shall constitute a notice of an intended marriage and shall be open, without fee, during office hours, for inspection by any person.

Notice of marriage to be publicly posted

14. At any time, but not less than twenty-one days nor more than three months after the posting of the notice of marriage as aforesaid, a marriage licence may be issued by the Registrar General as in Form 2 in the first Schedule hereto, and upon the issue of such licence he shall file the notice of marriage in his office.

Marriage licence.

15. The father, if living, of any minor or, if the father be dead, the guardian of such minor or, in case there shall be no guardian, the person who shall be authorized in that behalf by the Chief Justice, shall have authority to give consent to the marriage of a minor, and the Registrar General shall not enter any notice of marriage, when either party is a minor, without such consent having been first obtained; provided that either of the parties intending marriage may petition the Supreme Court to enquire into the grounds upon which the consent was refused and such petition shall be dealt with as provided in Section 17.

Consent of parents, &c. in case of minors

16. Any person may enter a caveat against the issue of a marriage licence by writing upon the notice of marriage the word "forbidden" and signing his name, provided that at the same time he serves upon the Registrar General a notice in writing stating the grounds of objection to the intended marriage which notice shall be signed by himself or by the person on whose behalf he presents the same; and no marriage licence shall in any such case be issued without the consent in writing of the Chief Justice.

Forbidding marriages.

17. When a petition with reference to a refusal to give consent to a marriage has been made or when a caveat against the issue of a marriage licence has been entered, the Chief Justice shall enquire into and determine the case in a summary manner and the Registrar General shall proceed in accordance with the decision of the Supreme Court, anything hereinbefore contained notwithstanding.

Caveat and enquiry.

18. Any person who shall enter a caveat against the issue of a licence on grounds which the Chief Justice shall declare to be frivolous shall be liable for the cost of the proceedings and for damages to be recovered in a special action on the case by either of the persons against whose marriage such caveat shall have been entered.

Frivolous caveat.

19. In every case of solemnization of marriage each of the parties shall in some part of or immediately before the ceremony and in the presence of the officiating Minister or Registrar and of the witnesses say to the other—

Form of words at marriage.

"I take thee to be my wedded (wife or husband)."

20. The person celebrating a marriage, the parties thereto and the two witnesses of such marriage shall sign in triplicate a certificate as in Form 3 in the first Schedule hereto and one copy of such certificate shall be forthwith transmitted to the Registrar General in Stanley, one copy shall be given to the husband and one shall be recorded in a book by the person celebrating the marriage.

Certificates.

The certificates shall be numbered consecutively and all certificates referring to one marriage shall have the same number.

Marriages to be registered.

21. The Registrar General shall forthwith cause every certificate of marriage to be entered into the marriage register book and certify the accuracy of the entry and file and index the certificate of marriage.

Defects.

22. No marriage shall be deemed to have been unduly celebrated by reason only of any mere defect or error in the declaration made respecting the same where the identity of the parties to the marriage shall not be in question. Nor shall it be necessary, in support of any marriage, to give proof of the consent of any person whose consent thereto is required by law, nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

Proof of marriage.

23. A copy of the certificate of any marriage registered by a Minister or a Registrar under his hand shall be deemed *prima facie* evidence in all proceedings of the fact of such marriage having been duly celebrated, until the contrary is shown.

Perjury.

24. 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 representing himself 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; and the forfeiture of all estate or interest in any property accruing to any person procuring a marriage by means of any such false declaration, notice or certificate may be sued for by any person duly appointed for that purpose by the Governor, and the proceedings thereon and consequences thereof shall be the same as are provided in the like case by the law of England.

Registration Ordinance, 1853 incorporated.

25. The provisions and penalties of the Registration Ordinance, 1853, so far as the same are applicable to the registration of marriages and to the issue of marriage licences and certificates and certified copies thereof, shall be deemed and taken to be a part of this Ordinance as fully and effectually as if incorporated herein.

Neglect.

26. Any person who shall offend against or fail to comply with any of the provisions of this Ordinance for the breach of which no penalty is provided shall be liable on summary conviction to a penalty not exceeding Fifty Pounds.

Fees.

27. The fees specified in the second Schedule hereto shall be levied and collected for the services therein specified and every Minister of Religion shall allow any Register in his custody to be searched and shall grant a certified copy of any marriage certificate upon payment to him of the fees therein set forth.

Repeal.

28. The Ordinances mentioned in the third Schedule hereto are hereby repealed to the extent specified in the third column of that Schedule.

Short title

29. This Ordinance may be cited as "The Marriage Ordinance, 1902."

Passed the Legislative Council this 25th November, 1902.

Assented to by the Governor and given under the Public Seal of the Colony this 31st day of December, 1902.

W. Hart Bennett

Colonial Secretary.

Notice of Marriage.

No.	Christian and Surname in full.	"Under" or "above" the age of 21.	Condition: Bachelor, Spinster, Widower or Widow.	Rank or Profession.	Residence.	Father's Christian and Surnames in full. <i>(If either party be under the age of 21, the father or guardian must write here "I Consent" and sign his name.)</i>	Father's Profession.

I do solemnly and sincerely declare that I believe the foregoing particulars to be true in every respect and that there is no impediment or lawful objection by reason of any kindred, relationship, or alliance or any former marriage or want of consent of parents or guardians or any other lawful cause to the marriage of the parties above named.

Signed and declared to before me by _____ at _____ day of _____ 19____, Signature _____

Signature _____ Registrar or J.P.
I certify that the above declaration was duly received by me on the _____ day of _____ 19____,

Signature _____ Registrar-General.
N.B.—If Marriage is to be in Camp or by Special Licence say where.

FIRST SCHEDULE.

Marriage Licence.

I hereby certify that the persons named and described below have given notice of their intended marriage and made the declaration required by law and that I know of no lawful objection to the proposed marriage: These are therefore to licence any Registered Minister of Religion or any Registrar to marry the said persons according to the provisions of the Marriage Ordinance, 1902, on any day before the _____ day of _____ 190_____

Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition: <i>Bachelor, Spinster, Widower or Widow.</i>	Rank or Profession.	Residence.	Father's Christian and Surnames in full.	Father's Profession.

Date_____

Registrar-General.

No. _____ in Registrar-General's Office. Falkland Islands.

FIRST SCHEDULE. Form 3. (Section 20).

Marriage Certificate.

No.	When Married.	Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition.	Rank or Profession and Country.	Father's Christian and Surnames in full.	Father's Rank or Profession.	Where Married.

This Marriage was solemnized between us

_____ }

In the presence of us. { _____ Witness.
_____ Witness.

Married by me _____
Signature

_____ Title

Three copies of this Certificate shall be signed by all the parties: One shall be given to the Bridegroom, one sent to the Registrar-General, and one entered in the book kept by the person solemnizing the Marriage.

SECOND SCHEDULE.

TABLE OF FEES.

To whom Payable.	For what Duty.	Amount. £ s. d.
The Governor	Special Licence (section 8) ...	3 0 0
The Minister	Marriage by Governor's Licence ...	2 0 0
The Clerk	The same	0 10 0
The Minister	Marriage after banns or on Registrar-General's Licence ...	0 10 0
The Clerk	The same	0 5 0
The Minister	Publication of banns of marriage ...	0 2 6
Do.	Who performs a marriage elsewhere than in Stanley for travelling expenses for every mile beyond Stanley ...	0 3 6
The Treasury	Entry of Notice of marriage (section 12)	0 2 6
Do.	Registrar General's Licence (section 14)	0 5 0
Do.	Entering caveat (section 16)...	0 5 0
The Registrar	Marriage by Registrar ...	0 10 0
The Treasury	Copy of registry of marriage certified by Registrar General ...	0 2 6
Do. or Minister	Searching the Marriage Register Books: each name within ten years ...	0 1 0
Do.	Every year beyond in addition ...	0 0 6
The Minister	Copy certified by Minister of entry in registry kept by Minister ...	0 2 6

THIRD SCHEDULE.

REPEAL.

Ordinance.	Short Title.	Extent of Repeal.
12 of 1853	Registration Ordinance ...	Secs. 25, 26, Schedule F.
1 of 1858	Marriage Ordinance ...	The whole.
4 of 1872	Marriage Amendment Ordinance ...	The whole.
3 of 1881	An "Ordinance to remove doubts concerning the validity of certain marriages, and to amend the Marriage Ordinances" ...	The whole.
7 of 1882	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" ...	The whole.



W. Grey Wilson

1903.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(17th February, 1903.)

An Ordinance relating to Land.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. In this Ordinance, and in the construction of any lease or Crown Grant— Interpretation.

“Land” includes Islands, Country, Suburban and Town Land.

“Crown Lands” means any land not already granted in fee simple and includes any land which has been or may hereafter become escheated or otherwise acquired by the Crown.

“Waste Land” means land in the possession of the Crown or land let on a lease which is within one year of expiring.

“Lot” means Town land.

“Block” means 160 acres.

“Station” means the whole extent of land occupied in one lease.

“Inspector” means an Inspector appointed under “The Live Stock Ordinance, 1901.”

“Stock” means any horse, cow, pig, goat, sheep or their young.

“Boundary” means the line of junction of the land of one owner with the land of another owner or with Crown land.

“Sufficient Fence” means such fence as shall be prescribed in respect of Country land, Suburban land and Town land respectively by any rules and regulations made or hereafter to be made under this Ordinance.

“Owner” includes a lessee from the Crown and the agent or manager of any absentee owner or lessee.

“Improvement” shall include buildings, drains, wells, tanks, dams, cultivation, fencing, filling up, laying down grass, and any beneficial work done upon any land, not being a Reserve, to increase its value, productiveness, or power of carrying stock.

NOTE.—Under the repealed Ordinances a “section” was defined as 6,000 acres, but was frequently nominally 10,000 acres.

"Country" means land more than six miles from the Cathedral or from the centre of any town.

"Suburban" means land more than two miles and less than six miles from the Cathedral or from the centre of any town.

"Town" means land within two miles of the Cathedral or of the centre of a town.

"Reserve" means the land specified in section seven and any land declared a Reserve under that section.

Limitation of the Crown's right to sue for land.

2. The King's Majesty shall not at any time commence any action, suit, or other legal proceedings against any person 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 proceedings.

Reserving right to reversionary interest.

3. In the construction of the preceding section the right or title of the King's Majesty 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 of years, granted by or on behalf of His Majesty, or any of His Royal predecessors or successors, shall not be deemed to have first accrued or grown until the expiration or termination of such demise or lease as against any person 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 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.

Crown Land how dealt with.

4. Crown lands shall not, save as hereinafter excepted, be dealt with or disposed of, without the special sanction of the Secretary of State, otherwise than in the manner hereinafter prescribed and, except as hereinafter mentioned, the Waste lands of the Crown shall be sold in fee simple and by public auction only.

Wild cattle.

5. Any person who without the permission of the Governor in writing shall without lawful cause drive, hunt, wound, capture, decoy, or destroy any wild cattle or wild stock on waste lands, and, if on lands in the lawful occupation of any other person, without his authority, shall for each animal so killed, wounded, captured, decoyed, or destroyed be liable to a fine not exceeding fifty pounds and any person who shall receive any animal or any part thereof, knowing the same to have been unlawfully captured and destroyed as aforesaid, shall be liable to a fine not exceeding five pounds. Any constable may 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 may convey the same before a Justice, and without a warrant may take into custody and carry before a Justice any person reasonably suspected of having committed any offence contrary to this section.

Reserving land for public purpose.

6 Nothing herein contained shall prevent the Governor in Council from reserving to His Majesty the right of disposing in such a manner as for the public interest may seem best of such lands as as may be required for any purposes of public defence, safety, utility, convenience, or enjoyment, or for facilitating the improvement and settlement of the Colony or for any special purpose.

7. The following lands which prior to the passing of this Ordinance have been "Reserved" shall continue to be "Reserves" that is to say :

In Lafonia, near Bull Point ...	...	1,280 acres
In Section 8, Darwin Harbour ...	...	3,000 "
In Section 28, Port Sussex ...	...	2,224 "
In Section 22a, West Cove ...	...	1,540 "
In Pebble Island, Elephant Bay ...	...	160 "
In Keppel Island, Bold Point ...	...	160 "
In New Island, Tigre Harbour ...	...	160 "
In Stanley Harbour, Navy Point ...	...	145 "

and the Governor in Council may, by publication in the Gazette and by giving notice to the occupier (if any), at any time declare any Crown land a Reserve and, if the land or any portion thereof so declared shall be comprised in any lease, the lease in so far as it relates to the land so reserved shall be determined at the expiration of three years from the date of the publication in the Gazette of such declaration provided that, in cases where any leaseholder is deprived of the use of such reserved part of his holding, the Governor in Council may grant a corresponding abatement of rent to such leaseholder and provided that it shall be lawful for the Governor in Council with the approval of the Secretary of State to declare any "Reserve" no longer reserved and, upon the publication of such declaration in the Gazette, such land shall cease to be a Reserve and may be dealt with as other lands of the Crown.

8. Any land reserved under the preceding section or prior to the passing of this Ordinance may be leased for any term not exceeding three years, provided that any such Reserve shall not be leased without the sanction of the Secretary of State to any person whose land does not adjoin such Reserve, unless the former lessee shall have refused to accept and upon his refusal all the other owners of land adjoining such Reserve shall have refused to accept a lease thereof upon the terms prescribed by the Governor in Council and if all the holders of land adjoining such Reserve have refused to accept a lease as aforesaid then the lease of such Reserve shall be put up to auction as provided for in sections 9 and 10 in the case of other Waste lands.

9. The Governor may at any time cause, subject to the provisions of section 15, a lease of any Waste lands of the Crown to be put up to auction upon such terms and subject to such reservations, conditions, and restrictions as may seem expedient to the Governor in Council and as shall be notified in the Gazette, and the Governor, with the approval of the Secretary of State, may, upon the application of the occupant of any land whose lease has expired or will expire within two years, grant to him either a renewal of such lease or a new lease upon such terms and subject to such reservations, conditions, and restrictions as may seem expedient to the Governor in Council, but such renewal shall not, and such new lease shall not, unless otherwise therein expressly provided, have effect until the determination of the then current lease and shall not :

In the case of Country land (not being a Reserve), exceed the term of twenty-one years.

In the case of Suburban land or a Reserve, exceed the term of three years.

In the case of Town lands, exceed the term of 60 years,

and whenever the Governor shall decline to renew any lease and whenever the former lessee shall decline to accept a new lease on the terms offered by the Government, there shall be paid by the Government to the outgoing tenant the value of all improvements assessed as hereinafter prescribed, provided that no compensation shall be paid for any improvement in respect of land when the former lessee declines to accept the renewal of his lease or when such improvements are in respect of land held upon a lease which has become null and void.

Reserves.

May be let.

Leases.

Renewal of

Term.

Improvements to be paid for.

not to be paid for.

Land reverting to Government, how dealt with.

10. (1) Whenever the holder of any lease which expires or is within one year of expiring after the passing of this Ordinance shall decline to accept a renewal of such lease; or, if the Government has refused to renew such lease, shall decline to accept a new lease of such land upon the terms approved by the Governor in Council with reference to such lease, and--

(2) Whenever any lease shall become null and void, or shall be so declared under section 13.

The Governor shall cause a new lease of the land thus lapsing to the Crown to be put up to public auction unless the Governor in Council shall direct that such land be sold by auction as provided for in section 15 of this Ordinance.

If Government deprives Owner of one lease he may throw up all.

11. Whenever the Governor has refused to renew the lease of any station the lessee of such station may by application to the Colonial Secretary in writing elect that all the leases of Crown land held by him shall expire upon the same day as the lease of the station which the Governor has refused to renew and such leases shall thereupon be determined on that day and in every such case the whole of the Crown land held by such lessee shall to all intents and for all purposes under this Ordinance be deemed to be leases which the Government has refused to renew.

Improvements, how Value to be assessed.

12. The sum to be paid on account of improvements shall be determined by some one or more fit and proper persons appointed by the Governor or, should the lessee so request in writing, by two assessors, one of whom shall be appointed by the Governor and one by the lessee. Such assessors shall certify that every improvement of which they have assessed the value is to the best of their knowledge and belief suitable and appropriate to the station or lot or was authorized by the Governor in Council as witnessed by writing under the hand of the Governor, provided that the assessed value of such improvements shall never exceed the actual cost thereof. In the event of the assessors not being able to agree as to the amount to be paid, either of them may appeal to the Chief Justice, and the Chief Justice having heard the case and considered the evidence (if any) shall determine the amount at which the improvements shall be assessed.

When lease null and void.

13. Whenever any lessee shall fail to perform or observe any of the conditions of any lease held by him or to pay any rent due to the Government in respect of any lease within three months after it has become due, every lease held by such lessee from the Crown shall be null and void, and whenever a lessee shall decline to accept a renewal of any lease held by him it shall be lawful for the Governor in Council to declare every lease held by such lessee from the Crown null and void.

Lessee may purchase all his land.

14. The holder of any country land may, at any time not less than one year before the termination of his lease (or soonest-to-expire lease if he have more than one), purchase the whole of the land rented by him in accordance with the acreage set forth in his leases at the rate of three shillings an acre, and, if no acreage be specified in one or more of such leases, then in respect of the number of acres computed by the Governor as the acreage of any such leases and the purchase money in respect of any land dealt with under this section shall be payable in the same manner as is laid down in section 18 in the case of sales by auction, and no rent shall be payable in respect of such land from the date on which the first instalment of the purchase money shall be paid.

Sales and leases by auction.

Upset price.

15. The Governor may at any time sell by auction any Waste land not being a Reserve and lease by auction any Waste land in such size or lot as to the Governor in Council may seem expedient and the upset price in the case of a sale shall not be lower than at the rate per acre of one hundred pounds for Town land and two pounds

for Suburban land and three shillings for Country land, and in the case of a lease the upset price per acre per annum shall not be lower than at the rate of four pounds for Town land, two pence for Suburban land, and one penny for Country land, save when the Secretary of State shall authorize any specified land to be put up at a lower rate, provided that it shall be lawful for the Governor, if he shall deem it expedient, to dispose by private contract of any frontage or other lot of land in Stanley or any other town to the owner of the adjacent land at a price to be fixed by the Governor in Council, which price shall in no case be lower than at the rate of one hundred pounds per acre.

Frontage may be sold or let privately.

16. Every auction held under this Ordinance shall have been publicly advertised for not less than three months before the date of such auction and such advertisement shall show as fully as may be :

Auctions to be advertised.

- (1) The special reservations, restrictions and conditions which will be imposed in respect of the land to be put up to sale or to lease by auction, or that the land will be sold or leased subject to the reservations, restrictions and conditions set forth in the Land Ordinance, 1903.
- (2) The situation, boundaries and acreage of the land and whether the acreage is the assessed number of acres or has been ascertained and determined by survey, and the names of the owners or lessees of the adjoining lands.
- (3) If a Town lot, the length of the boundary line between the lot and every adjoining lot
- (4) The mode in which the purchase money of the land or lease shall be paid and the price at which the land will be upset.
- (5) In the case of sale, the date when possession will be given, which if the land be held on lease shall not be until the termination of the current lease.
- (6) The value of the improvements as assessed and ascertained under section 12.
- (7) Whether the land has been surveyed or not and when any land has been surveyed, that a copy of the plan is open to inspection at the Government offices, and stating the length of the boundary line between the property advertised and the land of each adjoining owner.

17. It shall be lawful for the Governor to lease or sell privately at not less than the upset price, any land not let or sold when put up to auction or to renew the lease of the former lessee, subject to the provisions of section 10 of this Ordinance as to the renewal of leases.

If not disposed of at auction.

18. The following provisions shall have effect with respect to any land put up to sale by auction :

Sales by auction, provisions as to.

(1) A copy of the plan of the land (if surveyed) shall be exhibited at the sale by the Auctioneer and given to the purchaser.

Plan.

(2) The purchase money shall be payable by such number (not exceeding 15) of equal yearly instalments as the Governor in Council shall determine and as shall be notified in the Gazette before the sale. The first instalment shall be paid at the conclusion of the sale and each subsequent instalment, together with interest at the rate of $2\frac{1}{2}$ per centum per annum on the unpaid balance of the purchase money for the time being from the date of payment of the last previous instalment, shall be paid at the expiration of one year from the day on which the last previous instalment was payable. But the purchaser may at any time pay the whole of the purchase money remaining unpaid with the interest thereon which has accrued since the date of the last previous payment of an instalment.

Purchase money.

Highest bidder.

(3) The highest or only bidder at or above the upset price shall be the purchaser.

Agreement to be signed.

Immediately upon the conclusion of the sale the purchaser shall sign an agreement to complete the purchase and to fulfil the conditions of sale. If any purchaser, whether the original purchaser or a purchaser substituted under this sub-section, shall fail to pay the first instalment or to sign the said agreement, the sale to him shall be void and the next highest bidder (if any) at or above the upset price shall be the purchaser.

If broken.

(4) If any purchaser shall fail to pay the second or any subsequent instalment of purchase money or any interest for the time being payable by him on the day on which such instalment or interest becomes payable or within twenty-one days thereafter, the Governor may, and if such default shall continue for three months from the day on which such instalment or interest becomes payable, the Governor shall cause the land purchased by such purchaser to be be again put up for sale by public auction at the same upset price and on the same conditions as at the previous sale.

Second auction.

(5) If any land shall be again put up for sale as aforesaid, the previous sale thereof shall henceforth become void and the purchaser at the previous sale shall give up possession thereof and shall have no further right or interest in or lien upon such land.

When bidder at first auction may obtain a refund.

(6) If, after payment in full of the purchase money and interest payable by the purchaser at the second sale, the Government shall have received in respect of such purchase money and interest an amount exceeding the purchase money and interest which would have been received from the purchaser at the previous sale if he had complied with the conditions of sale, then out of such excess, after deducting therefrom the expenses of the second sale, the Government shall repay to the purchaser at the previous sale the amount of the instalments of purchase money and interest which he shall have actually paid or so much thereof as such excess shall suffice to repay but in no other event shall a purchaser have any claim for repayment of instalments of purchase money or interest paid by him.

Possession, when given.

(7) Every purchaser whether at a first or second sale shall be let into possession of the land purchased by him upon the date advertised in the conditions of sale and upon payment of the first instalment of purchase money and upon his signing the above mentioned agreement, but no grant of the land shall be issued to him until he shall have paid the whole of the purchase money and all interest payable under the conditions of sale.

Improvements to be paid for.

(8) The sum of money (if any) payable by the purchaser of any land put up for sale as the value of improvements thereon under sections 9 and 12 shall be paid by the purchaser to the Government within thirty days from the date of the sale. If the purchaser at a first sale shall not pay the said sum of money within the said thirty days the land shall be again put up for sale by auction in the same manner, and with the same consequences as if such purchaser had made default for three months in payment of an instalment of purchase money.

Leasing by auction.

19. The following provisions shall have effect with respect to any Crown land put up to lease by auction:—

Highest bidder.

(1) The highest or only bidder for every lease at or above the upset price shall be the lessee. Immediately upon the conclusion of the auction the lessee shall pay one-half of the amount bid for the lease and one-half of the value of the improvements as assessed and advertised and where there are no improvements then one year's rent, and shall sign an agreement to fulfil the conditions as advertised for the letting of the land and to pay the second moiety of the amount bid for the lease and the second half of the value of the improvements (if any) at the expiration of two months from the date

of the first payment. If any lessee at the auction, whether the highest bidder or a bidder substituted under this sub-section, shall fail to pay the amount due at the close of the auction or to sign the said agreement, the lease to him shall be void and the next highest bidder (if any) at or above the upset price shall be the lessee.

(2) Every lessee at auction shall be let into possession of the land upon the date advertised in the conditions of sale and on completion of the payments specified in the preceding sub-section and on payment of one year's rent.

Possession, when given.

(3) If any lessee shall fail to pay the second moiety of the purchase money of the lease and of the value of the improvements on the day on which such payment becomes due the Governor may and, if such default shall continue for 60 days from the date on which such payment becomes due, the Governor shall cause the land leased to be again put up to public auction at the same upset price and on the same conditions as at the previous auction, and if the land shall be again put up for lease by auction as aforesaid the previous lease thereof shall become void and the lessee at the previous sale shall have no right, title, or interest in or lien upon the land leased.

Second auction.

(4) The Governor, whenever he is satisfied that the Government, after defraying the expenses of the subsequent auction and any other costs incurred, has received more money by reason of the default of a lessee than would have been received had no default been made, may cause to be refunded to the original lessee at auction so much of the sums paid by him to the Government as such surplus may suffice to repay but in no other event shall any lessee at auction have any claim for repayment of any sums paid by him.

When bidder at first auction may obtain a refund.

20. The Governor is hereby authorized, on behalf of His Majesty, to sign and execute from time to time any instruments to give effect to the provisions of this Ordinance.

Governor may execute instruments.

21. The Governor in Council may insert in any lease granted by him on behalf of the Crown such reservations, conditions and restrictions as may be deemed expedient and the following reservations, conditions, and restrictions, unless expressly excluded in whole or in part and subject to such other reservations, conditions, and restrictions as may be set forth therein and so far as they are appropriate and not repugnant to any of the reservations, conditions and restrictions inserted in any Crown grant or lease of Crown lands, shall be binding in the same manner and to the same extent as if they formed part of such Crown grant or lease and had been fully set forth therein.

Reservations, conditions and restrictions as to Crown grants and leases.

(a) Every dispute as to the boundaries of any block, section, or station shall be settled by arbitration in the usual way at the expense of the parties interested, and due notice of any adjustment signed by the parties interested shall be given within three months to the Colonial Secretary for recording and if such notice be not given the award of the arbitration shall be null and void.

Disputed boundaries

(b) Any lease may with the approval of the Governor be transferred by the lessee or his attorney writing, dating, and signing thereon in the presence of two witnesses the following words:

Transfers.

"I hereby transfer to
all right, title and interest in this lease."

Provided that every such transfer shall be sent to the Colonial Secretary to be registered within four months of such transfer.

(c) Any lease may be renewed by the Governor writing, dating, and signing thereon the following words:—

Renewals.

"I hereby renew this lease until the day of

Purposes.

Land may be taken for any purpose of public utility.

Government may take stones, etc.

Mines, &c. reserved.

Seals reserved.

Rent.

Wild cattle.

Surveying.

Rates, owner to pay.

Fences.

Owners must join in making.

(d) Country and Suburban lands shall be used for pastoral purposes only.

(e) The Governor shall have power at any time to proclaim a public road through any station or part thereof, and to resume and enter upon any part of the lands which it may be deemed necessary to resume for making any work of public utility or convenience without making to the lessee or owner any compensation in respect thereof so nevertheless that the lands so to be resumed shall not exceed one twentieth part of the whole of the station and that no such resumption as aforesaid shall be made under this section of any lands upon which any buildings shall have been erected or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings: provided that a proportionate abatement of rent shall be granted to the tenant of such resumed land, except where the resumption is for public roads of which such tenant will enjoy the benefit with others.

(f) The Governor and any one acting under his authority may search, dig for, and take away any stones or other materials which may be required for any purpose of public convenience or utility.

(g) All diamonds and all mines of gold, silver and other metals and all mines of coal are reserved to the Government of the Falkland Islands with full liberty at all times either by themselves or by any person authorized by the Governor to search and dig for and carry away the same and for that purpose to enter upon the land or any part thereof.

(h) The right to kill and take seals is reserved to the Government of the Falkland Islands and such persons as are duly licensed by the Government.

(i) Rent shall be paid yearly and in advance.

(j) The owner or lessee shall be entitled to kill and appropriate to his own use any wild cattle or wild stock that may be on the land.

(k) Any person authorized by the Governor shall be entitled to enter upon any land for the purpose of surveying or for inspecting fences or for any other special purpose which the Governor shall specify in writing.

(l) The owner shall pay all rates, taxes, and assessments whatsoever.

22. The following provisions shall have effect with respect to fences and fencing:

(1) Where there shall be no sufficient natural boundary or no boundary fence to any part of any land or where any boundary fence is not a sufficient fence, any owner may by notice in writing call on the owner of the adjoining land to come to an agreement as to the extent or nature of the fence to be erected or the repairs or work to be done to the existing fence and such owners may agree, in writing, that such dividing fence shall not exactly follow the boundary of their lands when the physical features of the ground render a deviation necessary, and such owners may without resorting to proceedings arrange with each other for the erection of a dividing fence upon the basis of a claim for the improvements proportionate to the outlay incurred, and the lessee who pays the whole or more than half the cost shall stand in the place of the other as regards compensation on the determination of the lease of the other in proportion to so much of the amount so paid by him in excess of his own share as shall not then have been repaid to him.

(2) If the parties shall fail within fourteen days after the giving of such notice to come to such agreement as aforesaid it shall be lawful for the party who gave the notice to apply to an Inspector to view the boundaries and to report upon the necessity for a fence, the line of such fence or what repairs or additions to the existing fence are necessary to make it sufficient, provided that, where an Inspector is called in, his reasonable expenses shall be borne by the parties.

Failing to agree.

And where an agreement has been made under the sub-section last preceding and one of the parties fails to complete his part thereof, the other party shall have power to call in an Inspector in the same manner as if the said parties had failed to come to an agreement.

(3) The Inspector shall when so applied to carefully view and inspect the land and report in writing upon the extent of fence that it is necessary to erect or what repairs or improvements are necessary to make the existing fence sufficient, which report shall be delivered as soon as practicable to a Magistrate.

Inspector to report.

(4) Upon the receipt of the report the Magistrate shall require the attendance of the parties interested and in a summary way hear and determine the question at issue, and if satisfied that an existing fence should be repaired or that a new fence is necessary he shall issue an order to the owners of such land for the repair or erection of such fence within such period as shall be shown to the satisfaction of the Magistrate to be sufficient for the proper completion of the work.

Magistrate to issue order.

(5) Any owner of land who shall wilfully neglect to complete his share of the work of repairing or erecting a dividing fence within the time named in an order issued under the preceding sub-section shall be liable to a penalty not less than ten pounds, and not more than twenty pounds for every month he shall remain in default.

Owner neglecting to comply.

(6) In the event of its being proved to the satisfaction of the Magistrate before whom an enquiry is held that the owner of land who shall have failed to agree to fence has not the means to immediately pay his proportion of the cost of the work of repairing or erecting a dividing fence, then the Magistrate upon the application of the other owner may grant such other owner leave to erect or repair the whole of such dividing fence and on a certificate of the Inspector that the work has been properly done, the owner who has done the work shall be entitled to recover from the other owner one half of the cost of the work so done.

When owner too poor to meet expenses.

(7) The Magistrate hearing any action brought under the foregoing sub-section may, upon being satisfied that the defendant is unable from want of capital to immediately pay his proportion of the cost of the work, issue an order granting the defendant time, upon good and sufficient security being given to the satisfaction of the said Magistrate for the payment of the amount with interest at the rate of Four Pounds per centum per annum at such periods and by such instalments as shall be ordered by the Magistrate; provided however that it shall not be lawful to extend the time for payment in such cases beyond a period of three years from the date on which the work of repairing or erecting the dividing fence shall have been completed.

Time may be granted.

(8) If a defendant to whom time has been granted under the preceding sub-section shall fail to comply with the terms of the order made by the Magistrate either by the non-payment of an instalment when due or otherwise the plaintiff in the action shall be entitled to at once issue execution under the judgment for the full amount of the principal and interest which may at that time remain unpaid and in the event of the sheriff or other officer appointed to levy making a return after levy upon and sale of the defendant's property that this was not sufficient to satisfy the claim, the plaintiff shall be entitled to at once take proceedings to recover payment of the balance due against any surety or sureties who may have entered into bond before the Magistrate as security for the payment of the judgment debt by the defendant.

Default.

Real and personal
estate bound by
judgment.

(9) The judgment in any action under the preceding sub-sections shall bind and affect all real and personal property of the defendant as to and against all subsequent purchasers, mortgagees, or creditors and when a bond shall have been entered into by sureties as security for the satisfaction of the judgment by the defendant at the period and time allowed by the Magistrate, such bond when recorded shall constitute a preferable lien on all property of such sureties and shall not be in any wise extinguished by any subsequent sale, mortgage or other incumbrance whatsoever of such property.

Person causing dam-
age to repair.

(10) When any damage shall be done to a dividing fence which is a sufficient fence by any stock which is suffered by the owner of the land to be thereon, such owner shall bear the entire cost of repairing such fence and if he refuses or neglects so to repair the said fence the adjoining owner may at once proceed to repair the same and shall be entitled upon completion of the work immediately to recover the cost thereof from the owner of the land on which the the stock was suffered to remain in an action or suit before a Magistrate.

Wilful damage or
leaving gates open.

(11) Any person who shall wilfully break down, injure or leave open any gate on any land or break down or injure any fence erected thereon shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding six months in addition to a fine not exceeding ten Pounds.

Chief of Police
"owner" of Govern-
ment land.

(12) In the case of Crown land occupied by Government or let by Government for any period not exceeding one year the Chief of the Police shall be deemed to be the owner for the purposes of this section.

Fencing of Town
land.

23. The owner of any Town land shall erect and keep in repair on the boundary line separating any such land from any Crown Waste land or any public road a sufficient fence or such other form of fence as the Governor in Council may approve and as shall be notified under the hand of the Colonial Secretary, and the Chief of Police is hereby authorised, empowered and required to act on behalf of and represent the Government in respect of such waste land or public road and to take such steps as may be necessary to secure the erection or restoration of any such fence and the procedure in respect of compelling the owner to erect or repair such fence shall be as nearly as may be that laid down in the preceding section save that the whole cost of the erection of such fence shall be borne by the owner, provided however that should any fence so erected be a sufficient fence and thereafter become the boundary fence between any two private owners, the owner who paid for the erection of the fence shall be entitled to recover from the adjoining new owner one half of the value of such boundary fence, such value to be ascertained at the time the new owner takes possession of his land, and if such owners cannot agree as to the value of such fence the value thereof shall be assessed as in the case of an improvement under this Ordinance, provided that whenever it shall be made to appear to the Governor in Council that it would be of public advantage or that there are other good and sufficient reasons to allow any lot to remain unfenced, and whenever the owner of any land intimates, in writing, to the Colonial Secretary, that he desires to leave his lot an open space and will keep it free from rubbish, the Governor may grant the owner thereof a permit to leave such property unfenced wherever it abuts on waste land or any public road, and such permit shall be produced upon demand by the Colonial Secretary and shall continue in force until revoked by the Governor in Council.

Relief from.

Ownerless land may
be forfeited.

24. Whenever, for the purposes of the two preceding sections, no owner to a property can be found in the colony; and whenever any owner intimates in writing to the Colonial Secretary that he abandons all claim to any property, it shall be lawful for any Magistrate upon proof, to declare such property provisionally escheated to the Crown and such provisional forfeiture may be made absolute by the Supreme Court two years after notice of such

provisional forfeiture shall have appeared in the Gazette or in every local paper, provided that no notice of appeal shall have been sooner given, and that a notice of such provisional forfeiture was affixed to the property affected and a copy thereof sent to the last known address (if any) of the owner not less than six months before application is made to the Supreme Court to make absolute such provisional forfeiture.

25. The Government may take immediate possession of any property provisionally forfeited, and any one appealing against such forfeiture shall repay to the Government any necessary expenses incurred by the Government in respect of such property before he can obtain restitution thereof.

Government may occupy ownerless land.

26. The Governor in Council may make rules and regulations with reference (amongst other things) to the forms of leases and Crown grants, the characteristics of a "sufficient fence" and generally with reference to any other matters incident to the carrying out of the provisions of this Ordinance.

Rules, forms.

27. The Ordinances mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Repeal.

28. This Ordinance shall not come into operation unless and until the Governor notifies by Proclamation that it is His Majesty's pleasure not to disallow the same; and, subject as aforesaid, it shall come into operation on the first day of June, 1903, or as soon after that day as such Proclamation as aforesaid shall be made.

Suspending clause.

29. This Ordinance may be cited as "The Land Ordinance, 1903."

Short title.

Passed the Legislative Council this 12th day of February, 1903.

Assented to by the Governor and given under the Public Seal of the Colony this 17th day of February, 1903.

W. Hart Darnell
Colonial Secretary.

SCHEDULE.

REPEAL.

No. and Year.	Short Title.	Extent of Repeal.
2 of 1857	Summary Jurisdiction Amendment Ordinance.	Sections 1,2, 5, 6, 7, 10, 11.
2 of 1869	An Ordinance for the protection of Wild Cattle.	The Whole.
4 of 1871	An Ordinance for regulating the disposal of Crown Lands in the Falkland Islands.	The Whole.
1 of 1872	An Ordinance for Amending the Land Ordinance, 1871.	The Whole.
1 of 1874	An Ordinance for limiting the right of the Queen's Majesty to sue for lands, tenements, and hereditaments	The Whole.
1 of 1879	An Ordinance for declaring the validity and effect of certain leases of Crown lands in the Falkland Islands.	The Whole.
9 of 1882	An Ordinance to amend the Land Ordinance, 1871, and to confirm certain leases of the Crown lands in the Falkland Islands.	The Whole.
2 of 1884	An Ordinance to regulate the amount of rent to be paid by lessees of Crown lands in certain cases.	The Whole.
4 of 1884	An Ordinance to regulate the compulsory purchase of blocks of land under the provisions of the "Land Ordinance, 1872."	The Whole.
3 of 1886	Town Lands Ordinance, 1886.	The Whole.
9 of 1890	An Ordinance for authorizing the sale and conveyance of certain lands of the Crown to the Falkland Islands Company and other lessees of the Crown lands.	The Whole.
8 of 1893	An Ordinance to give authority to lease Town lands.	The Whole.
2 of 1894	An Ordinance to amend the Land Ordinance, 1882.	The Whole.
9 of 1894	An Ordinance to amend the Land Ordinance, 1882.	The Whole.
6 of 1896	An Ordinance to provide for the erection of Dividing Fences by the owners of adjoining lands.	The Whole.
6 of 1897	An Ordinance to amend the Fencing Ordinance No. 6 of 1896.	The Whole.

No. 2.

W. Grey Wilson



1903.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(25th February, 1903.)

An Ordinance relating to Patents for Inventions, Registration of Designs, and of Trade Marks.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

1. Letters patent for any invention may be granted in this Colony to any person holding in the United Kingdom a valid patent for such invention or to any person to whom all interest in such patent in respect of this Colony has been assigned.

To whom letters patent may be granted.

2. A certificate of registration of any new and original design or of any trade mark may be granted in this Colony to any person who in the United Kingdom is the registered proprietor of such design or trade mark or to any person to whom all interest in such design or trade mark in respect of this Colony has been assigned.

To whom certificates of Registration may be granted.

3. Every application for the grant of letters patent or for the registration of a design or trade mark under this Ordinance shall be addressed to the Colonial Secretary and there shall be transmitted with such application

Procedure.

- (1) Two copies of the letters patent or certificate of registration granted in England.
- (2) Two copies of the complete specification in relation to any patent.
- (3) Two copies of any drawing in relation to the patent, design or trade mark.
- (4) Two exact representations or specimens of the design.
- (5) An affidavit that the applicant is the lawful owner of the invention, design or trade mark for which protection is asked or the assignee of the lawful owner in respect of this Colony.
- (6) A fee of five pounds.

4. The Colonial Secretary shall file every such application and the enclosures thereto and cause to be entered in the books of record of the Registrar-General a note of the nature of the invention, design or trade mark and of the filing of the application and of the enclosures thereto.

All applications to be filed and recorded

Issue of letters
patent and certifi-
cates of registration.

5. A certificate of the note as entered in the records shall thereupon be issued under the hand of the Governor and of the Colonial Secretary and under the seal of the Colony, and such certificate shall be the grant of letters patent or certificate of the registration of the design or trade mark, as the case may be, and shall confer upon the lawful holder within the limits of this Colony every right, title and advantage which the holder of the letters patent or of a certificate of the registration of a design or trade mark has in England in respect of such invention, design or trade mark, provided that such certificate shall be nul and void whenever the patent or certificate to which it refers shall finally cease in England.

Supreme Court to
afford all relief.

6. The Supreme Court shall have power, subject to the Patents, Designs, and Trade Marks Acts of England, for the time being, to grant, either absolutely or on such terms and conditions as shall seem just, all such remedies as either party may appear to be entitled to in respect of either claim to or defence of any right, title or interest in relation to any letters patent or registration in force in this Colony under a certificate granted under this Ordinance.

Short title.

7. This Ordinance may be cited as the "Patents Ordinance, 1903."

Passed the Legislative Council this 12th day of February, 1903.

Assented to by the Governor and given under the Public Seal of the Colony this 25th day of February, 1903.

W. Hart Bennett
Colonial Secretary.

W. Grey Wilson



1903.

N^o 3

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire.

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(28th March, 1903.)

*An Ordinance to authorize the Supplementary
Expenditure for the year 1902.*

Whereas during the year 1902 certain sums of money were issued out of the Public Revenues of the Colony and applied to purposes and services not provided for in the Appropriation Ordinance, 1902, and it is necessary to legalize such payments:—

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. In addition to the sums already provided for the service of the year ended on the 31st December, 1902, the sum of Eight hundred and Seventy-two Pounds, Eighteen Shillings and Eight-pence issued out of the Public Revenue of the Colony and applied to the service of that year for the purposes expressed in the following Schedule, is hereby authorized and confirmed:—

SCHEDULE.

	£	s.	d.
Colonial Secretary	112	0	4
Customs	12	4	5
Medical	14	14	4
Transport	89	14	7
Miscellaneous	121	16	3
Public Works	515	16	0
Savings Bank	6	12	9
Total	£872	18	8

Passed the Legislative Council this 26th day of March, 1903.

Assented to by the Governor and given under the Public Seal
of the Colony this 28th day of March. 1903.

W. Hart Bennett

Colonial Secretary.

W. Grey Wilson



1903.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(8th September, 1903.)

*An Ordinance to amend the Tariff
Ordinance, 1900.*

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

1. From and after the coming into operation of this Ordinance there shall be raised, levied, collected and paid, unto His Majesty, His Heirs and Successors, for the use of this Colony, upon every Seal Skin imported into this Colony, for the purpose of transhipment or exportation, such duty as shall be determined from time to time by an order made by the Governor in Council, provided that the rate of duty so determined shall not exceed ten shillings for each skin.

This Ordinance may be cited as "The Tariff Amendment Ordinance, 1903."

Passed the Legislative Council this 2nd day of September, 1903.

Assented to by the Governor and given under the Public Seal of the Colony this 8th day of September, 1903.

Montagu Craigie-Hartley

Clerk of the Council.



W. Grey Wilson

No. 5,

1903.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(9th September, 1903.)

An Ordinance to amend the Jury Ordinance, 1901.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

Repeal.

1. The words "in alphabetical order" in line 3 of section 4 of an Ordinance relating to Jurors and trials by Jury (No. 5 of 1901) are hereby repealed.

Short Title.

2. This Ordinance may be cited as "The Jury Amendment Ordinance, 1903."

Passed the Legislative Council this 2nd day of September, 1903.

Assented to by the Governor, and given under the Public Seal of the Colony, this 9th day of September, 1903.

Montagu Craigie-Hartley

Clerk of the Council.



W. Grey Wilson

1903.

no 6
FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(26th October, 1903.)

An Ordinance relating to Customs.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof as follows:—

I. In this Ordinance—

Interpretation.

“Collector” shall mean “the collector of customs” and include any deputy collector.

“Officer” shall mean any person, temporarily or otherwise an officer of customs, duly appointed in writing by the Governor or collector, and shall include all police constables.

“Vessel” shall mean every description of ship or vessel used in navigation not ordinarily propelled by oars.

“Hulk” shall mean any vessel which has been condemned or dismantled.

“Warehouse” shall mean any place covered or otherwise, or any hulk, now or hereafter to be constituted as such by the Governor, where goods may be placed while in the custody of the Government.

“Port” and “Port of entry” shall mean the port of Stanley or Fox Bay, and include any place where a collector shall be stationed, and any place hereafter declared a port by the Governor in Council by notice published in the Gazette.

“Place” shall (unless such meaning shall be repugnant to the context) mean any Bay or other part of the Colony which shall not be a “Port of entry” as defined above.

2. The master of every vessel whether laden or in ballast, shall within twenty-four hours after arrival from parts beyond the seas at any port make due report (form 1) of such vessel to the collector; provided that if any suspicion arise as to the character of such vessel, such report and the lodging of the ship's papers may be required forthwith. Such reports shall be made before bulk be broken or any goods whatever, except personal luggage passed by an officer, shall be removed, landed, or waterborne from any such vessel. If the master shall fail to make due report, or if the particulars, or any of them, contained in such report be false, he shall forfeit the sum of fifty pounds; provided that the collector may forego the prosecution where no wilful error has in his opinion been made, and subject the master to a fine not exceeding five pounds.

Master to report
within 24 hours.

Master to answer questions.

Bulk not to be broken within four leagues.

Penalty.

Forfeiture if fraud intended.

Vessel may only anchor in a port,

unless by permit.

Tonnage dues.

Limit of.

Only on two voyages in one year.

Officer to remain on board.

Pay 10s. a day.

May search vessel.

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 or officer, and if such master does not answer the questions demanded of him or does not answer truly, or if after the arrival within four leagues of the Port for which the vessel is bound, bulk shall be broken or any alteration made in the stowage of the cargo of such vessel, or if any part be staved, destroyed, or thrown overboard, or any package opened, unless cause be shown to the satisfaction of the collector, in every such case the master shall be liable to a penalty 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 officer shall have full power and authority to detain such vessel until such amount and all expenses attendant thereon have been duly paid; 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 a warehouse.

4. If a master arriving from parts beyond the seas brings any vessel to anchor at, or has any communication with, any part of the Colony, other than a Port (hereinafter called a Place) before making due report inwards or without authority as hereinafter provided for, he shall be liable to a penalty not exceeding One Hundred Pounds and such vessel shall be liable to forfeiture: Provided that if any vessel is driven into any Place by stress of weather, or being disabled, on proof thereof no such penalty or forfeiture shall be incurred: Provided also that nothing herein contained shall prevent the collector upon being applied to by the agent of the owner or of the master of a vessel expected to arrive within the Colony from issuing, if he thinks advisable, a permit for such vessel to enter any Place, upon the said agent agreeing to pay the expenses of an officer or officers to be despatched to await the arrival of the vessel at such Place.

5. The master of every vessel arriving from any port out of the Colony at any port of the Colony other than Stanley, for the purpose of landing or receiving cargo, shall, upon being admitted to entry inwards, pay to the officer at such port a duty of one shilling per ton on the registered tonnage of such vessel: Provided that no vessel shall be liable to a payment of a larger amount than ten pounds in respect of the aforesaid duty on each entry, and no vessel shall be suffered to clear out until the said duty has been paid, and the same, and other duties collected by such officer, shall be transmitted with all convenient speed by such officer to the Treasurer at Stanley. All vessels liable to the payment of tonnage duties shall be liable to the same only for the first two voyages after the first day of January in any one year, and after payment of tonnage duties on such two voyages, shall be exempt from any further duties during the remainder of such year.

6. On the arrival of any vessel from any port out of the Colony at any port in the Colony it shall be lawful for the collector to send one or more officers on board of such vessel to remain on board at the discretion of the collector till all goods are landed from such vessel, and the duties (if any), shall have been paid or otherwise accounted for to the satisfaction of the collector, and there shall be paid for the services of every officer so proceeding or remaining on board, as aforesaid, by the master or consignee of such vessel to the Treasurer for the purposes of general revenue, the sum of ten shillings for every day or part of a day during which such officer shall be so employed; and further it shall be lawful for the collector and other officers to go on board any vessel at any time and rummage and search all parts of such vessel in order to ascertain the quantity of articles liable to duty which the vessel may contain.

7. The master of any vessel on board of which any officer may be placed by the collector under the powers given by the preceding section, shall provide food for and sufficient room and accommodation under the deck for the bed or hammock of every such officer, for which a sum of three shillings per diem for each officer shall be allowed to the master.

Officer must be fed and housed.

8. The master of every vessel on board of which an officer may have been placed shall, at the discretion of the collector, either give an undertaking for payment or make a deposit of such sum as, in the opinion of the collector, shall be sufficient, on the termination of the duties of such officer to pay his return passage and other expenses (if any).

His return passage.

9. In case of any vessel returning to any port from any other port or Place without having left the Colony the master shall, within twenty-four hours after her arrival and before any goods be unladen, deliver a report (form 2) to the collector or officer, who shall note thereon the date of delivery; and if any of the goods on board such vessel be subject to any Customs' duty, the same shall not be unladen without the authority and permission of the collector or officer; and if any goods shall be unladen contrary hereto, the master shall be liable to a penalty not exceeding fifty pounds.

Master's report on return to a port.

REGULATIONS AS TO UNLADING.

10. Cargo shall not be unshipped from any vessel arriving from any port out of the Colony without the special permission in writing of the collector, and such cargo shall be landed at the landing place for which a sufferance has been granted in the presence of the proper officer and any goods unshipped or landed without permission shall be liable to forfeiture.

Permit to unload cargo must be obtained.

11. No goods (except passengers luggage which may be delivered as hereinafter provided for by section 52) shall be waterborne or landed from any vessel arriving from any port out of the Colony except in the day time and within the usual working hours, according to the season of the year, unless special permission be given in writing by the collector and any goods so waterborne or landed contrary to this section shall be liable to forfeiture.

Passenger's luggage.

12. The unshipping, carrying, and landing of all goods and bringing them to the proper place for examination shall be performed by the importer and the expenses attending the weighing, putting them into the scales, opening, unpacking, repacking, bulking, sorting, lotting, marking and numbering, (where such operations respectively are considered necessary by the collector or officer), removing to and placing them in the proper place of deposit until duly delivered shall be defrayed by the importer.

Handling goods to be at importer's expense.

13. The importer of any dutiable goods intended for home use shall, before the unshipment thereof, make in duplicate perfect entry (form 3) of such goods by delivering to the collector a bill of entry thereof in duplicate and shall produce to the collector, if required by him, the invoice, bills of lading and other documents relating to the goods.

Entry of dutiable goods.

Invoices.

14. The importer or his agent shall, immediately upon the entry of any dutiable goods for home use, pay all duties, and such entry, when signed by the collector, shall be transmitted to the proper officer and be his warrant for the landing and delivery of such goods.

Dues to be paid on entry.

15. If the importer of any goods, or his agent, shall make and subscribe a declaration in writing that he cannot for the want of full information, or contents being unknown, make perfect entry thereof, he shall make in duplicate an entry by bill of sight (form 4)

Bill of sight when contents unknown.

Perfect entry within seven days.

of such goods by the best description which can be given, and such entry when signed by the collector shall be the warrant for landing such goods, and such goods shall be opened and examined in the presence of an officer and within seven days after the goods have been landed the importer or his agent shall make a perfect entry thereof and pay all duties and in default of such entry or payment such goods shall be conveyed to a warehouse, and if the duties upon the same be not paid within three months after such seven days shall have expired, together with all charges for removal, warehouse rent, or charges for guarding the same, if such shall not be bonded, the collector or officer shall cause such goods to be publicly sold to the best bidder, after giving not less than seven days public notice in the Gazette or otherwise, 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 duties, warehouse rent, or other charges, and the expenses occasioned by the sale, and the surplus (if any) shall be paid to the owner of the goods or other person authorized to receive the same.

Penalty.

When contents unknown package to be examined.

16. If the contents of any package in any vessel shall be reported by the master as being unknown to him any officer duly authorized by the collector shall open and examine such package on board such vessel, or cause the same to be brought to the warehouse for examination at the expense of the owner of such package.

Master to enter goods if importer fails.

17. When the importer of any goods fails to make entry or to land or take delivery thereof the consignee or master of the vessel may make entry of and land or unship and warehouse the said goods in the manner directed by the collector.

Goods not landed within 14 days to be warehoused.

18. If the importer of any goods or the consignee or master of the vessel shall not within fourteen days after the arrival of the importing vessel make perfect entry or entry by bill of sight or if having made such entry he shall not land such goods within fourteen days it may be lawful for the collector to order such goods to be warehoused.

Entry of non-dutiable goods.

19. The importer of any goods not liable to duties of Customs, or his agent, shall deliver to the collector or officer an entry in duplicate of such goods (form 5) and shall produce to the collector or officer, if required, the invoice, bills of lading and other documents relating to the goods. Should such entry be incorrect in any particular the importer or his agent shall within fourteen days after the landing of the goods deliver to the collector a full and accurate account thereof. The bill of entry when signed by the collector, shall be transmitted to the proper officer and be his warrant for the delivery of goods mentioned therein.

Invoices.

WAREHOUSING.

Entry of goods to be warehoused.

20. The importer of any goods to be warehoused or his agent, shall deliver to the collector a bill of entry in duplicate (form 3) of such goods and such entry, when signed by the collector shall be the warrant for the due warehousing of such goods in a warehouse appointed for that purpose without payment of duty on the first entry thereof subject to the restrictions herein contained, and to such regulations as may be made under section 63, and the importer or proprietor shall pay in respect of every package so warehoused rent according to such scale as the Governor in Council shall from time to time fix.

Bond for duty.

21. Upon the entry of any goods to be warehoused the importer shall give a general bond with two sureties approved by the collector in a sum to be approved by the Governor 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 according to the first account taken of such goods upon the landing

of the same and with the further conditions that no part thereof shall be taken out of such warehouse until cleared upon due entry and payment of duty, or upon due entry for exportation and that the whole of such goods shall be cleared and the duties 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 nor until the full duties due upon any deficiency of such goods not so accounted for shall have been paid: Provided that no greater sum shall be recovered than the double amount of the duties payable on the goods in respect of which a breach of the said bond shall be made.

How discharged.

Double duties for breach of bond.

22. Before any warehoused goods shall be exported the exporter shall give security by bond in double the amount of duty payable on such goods with two sureties that such goods shall be duly shipped and exported to some port out of the Colony and shall be landed at the port for which they are entered outwards within such time as the collector may deem reasonable or be otherwise accounted for to his satisfaction provided that the collector may accept a general bond with such security in such amount and under such conditions as he may require in lieu of a separate bond for each exportation.

Export of warehoused goods.

23. If any goods entered to be warehoused shall not be duly deposited in the warehouse or having been deposited for home consumption shall afterwards be taken out of the warehouse without due entry and payment of duty or having been entered and cleared for exportation shall not be duly shipped or shall afterwards be reloaded except with the permission of the collector such goods shall be forfeited and the party offending shall be liable to a penalty not exceeding one hundred pounds or treble the value of the goods at the option of the collector.

Goods to be warehoused not deposited, or cleared and not shipped, forfeited.

24. Upon the landing of goods to be warehoused the officer 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 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.

Warehouse ledger.

Duty on deficiencies

25. 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 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 think 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.

Small quantities.

Samples.

26. It shall be lawful for the collector under such regulations as he shall think fit to permit the proprietor or other person having control over goods warehoused to sort, separate, pack and repack any such goods and to make such lawful alterations thereto or

Sorting and separating.

arrangements, or assortments thereof, as may be necessary for the preservation of such goods or in order to further 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 having first paid warehouse rent and other charges to abandon any whole packages to the collector for the duties without being liable for any duty upon the same.

May be abandoned for duty.

Warehousing, limit of time two years.

27. If any bonded goods shall not have been cleared within two years from the date of their entry the collector may cause the same to be sold and the proceeds applied first to the payment of the duties (if any), next of warehouse rent and other charges, and the surplus (if any) shall be paid to the proprietor or other person authorized to receive the same: Provided that it may be lawful for the collector to grant further time for any such goods to remain warehoused if he shall see fit to do so.

Warehousing ports and places.

28. It shall be lawful for the Governor in Council from time to time to appoint the ports which shall be warehousing ports, and the Governor shall provide from time to time all necessary warehouses for bonding goods.

Hulk warehouses.

29. In all cases where it may be expedient to constitute a hulk a warehouse such hulk shall be fitted with a secure store room, and the key of such store room shall be in the custody of an officer, who shall keep a correct account of all dutiable 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 of 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 fifty pounds for each offence. The removal of any such goods to and from such hulk shall be carried out in the presence of one or more officers, and there shall be paid by the owner of such hulk the sum of ten shillings per day for the services of each officer so employed and the collector may send one or more officers on board such hulk there to remain during the time any dutiable goods shall be on board and the owner of such hulk shall pay for the service of each officer at the above mentioned rate.

EXPORTING.

Export of imports.

30. The collector may allow all goods brought into any port and reported for exportation to be transhipped under the care and superintendence of one or more officers on due entry inward and outward being previously passed for such goods and in the case of dutiable goods upon bond being entered into for due exportation of the same in like manner as if they had been landed.

Export entry.

31. The exporter of any goods shall before clearance outwards of the exporting vessel, or at such other period as the collector may allow, either by himself or his agent, deliver to the collector an export entry (form 6) and shall if required produce the bills of lading or other documents relating to the goods; and on failure to comply with any of the foregoing requirements shall be liable to a penalty not exceeding five pounds for each day's default.

WRECKAGE, SALVAGE, &c.

Wrecked dutiable goods.

32. Goods liable to duty landed from vessels in distress and partially or considerably damaged may be removed to a warehouse for the purpose of being rendered merchantable, either for home consumption or exportation, under such directions as may be issued by the collector.

33. The master of every vessel which shall arrive at any port or Place with goods on board stranded, wrecked, derelict or unladed from any other vessel whether such goods were got within or without the limits of the colony shall report and enter the quantity and particulars of the said goods in like manner and as nearly as can be ascertained as goods regularly imported and no such goods shall on any pretence whatsoever be landed at any place within the Colony from any such vessel until such report and entry shall have been made and a permit for that purpose granted by the collector. For any contravention of this section the master of the vessel shall be liable to a penalty not exceeding one hundred pounds and such vessel may be liable to forfeiture.

All wrecked goods to be reported and entered by master.

REGULATIONS OUTWARDS.

34. Before any vessel, whether laden or in ballast, lying at any port or Place and about to sail thence for any port out of the Colony, shall be cleared outwards, the master shall attend before the collector or officer, and shall answer all such questions as shall be required of him concerning the vessel, the cargo and the destination, and shall deliver to the said collector or officer a content of such vessel (form 7), and for any contravention of this section the master shall be liable to a penalty not exceeding one hundred pounds.

Clearance of vessel for port out of the Colony.

35. In the case of vessels sailing from any port in the Colony for any other port or Place and not bound for any port out of the Colony, an account, with a duplicate thereof (form 8), shall be delivered by the master to the collector or officer, who shall retain the duplicate and return the original, dated and signed by him; and such account shall be the clearance of the 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 be liable to a penalty not exceeding twenty pounds.

Clearance for port in Colony.

POWER OF OFFICERS.

36. Any officer may on the entry of any goods, or at any time afterwards, open and, if he desires, take samples of such goods for examination, or for ascertaining the duties payable on such goods, or for such other purposes as the collector or officer may deem necessary, and such samples shall be returned after due examination unless the collector shall direct such samples to be otherwise disposed of.

Samples of goods may be taken by officer and returned

37. It shall be lawful for the collector or officer, within a reasonable time from their removal from off the vessel, to search, weigh, guage, or measure all and any spirits, wines, tobacco, beer, and other articles subject to duty, in order to arrive at the exact amount of duty payable on such articles, even if a warrant for landing them has been duly given.

Spirits, &c. may be measured, guaged, weighed.

38. 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, 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 landing of the same, the duties on the whole or the part thereof so proved to be lost or destroyed, shall be remitted, or if the same shall have been paid be returned to the owner by the Treasurer on certificate to that effect from the collector or officer and on security being given to the satisfaction of the collector that if such goods be subsequently found the remission or rebate of duty will be repaid by the owner.

remission of duties on goods lost or destroyed.

Person landing may be searched and any package opened.

39. It shall be lawful for the collector or officer 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, 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.

Vessel may be rummaged.

40. Any officer acting under authority from the collector may go on board any vessel, hulk, or boat which shall be within the limits of the Colony and rummage and search all parts thereof for prohibited or uncustomed goods and remain on board so long as the collector may deem necessary, and every such officer shall have free access to every part of the said vessel, hulk, or boat with power to fasten down the hatchways and to lock up, seal, mark or otherwise secure any goods on board such vessel, hulk or boat.

Search warrant.

41. Any Justice may upon information upon oath of an officer issue a search warrant under his hand and seal for the discovery and seizure of any goods illegally imported into the Colony and it shall be lawful upon the authority of such warrant for any 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.

When vessels may be detained and vessels and goods seized.

42. The collector and officers are hereby invested with full power and authority to detain all persons committing any breach of this Ordinance and to make seizures of all vessels or goods liable to forfeiture hereunder and otherwise to carry out the law of the Colony.

Special permits to meet special cases.

43. The collector may permit the entry and landing of goods and the loading and clearance of ships at such Place in such manner and under such conditions as he may direct to meet the exigencies of any case to which this Ordinance or the regulations made thereunder may not be applicable.

All "officers" are excise officers.

44. All officers are hereby constituted Excise officers, and also shall have and exercise all the powers of officers appointed under any Quarantine Ordinance.

PROCEDURE AND JURISDICTION.

Summary jurisdiction. £50.

45. All articles of whatsoever nature liable to forfeiture under this Ordinance shall when the value thereof exceeds fifty pounds be proceeded against and condemned in the Supreme Court of the Colony, and when the value aforesaid shall not exceed the sum of fifty pounds such condemnation shall take place before a Magistrate.

Value of seizures to be appraised.

46. The value of articles seized as aforesaid shall for the purpose of the preceding section be ascertained by two appraisers to be appointed for that purpose by the collector.

Claims to be in name of owner.

47. No claim to anything seized under this Ordinance shall be admitted unless such claim be made on behalf of and entered in the name of the owner of the same.

Governor may restore seizures and reduce penalties.

48. It shall be lawful for the Governor in Council if he shall deem it advisable so to do to direct that all articles of whatsoever nature seized under this Ordinance be delivered to the owner thereof, whether condemnation shall have taken place or not, and also to mitigate or remit any penalty or fine incurred under this law or to release from confinement any person committed under this Ordinance on such terms and conditions as to the Governor in Council shall appear to be proper: provided that no person shall be entitled to the benefit of any order for such delivery, mitigation, remission or release unless such terms and conditions are fully and

effectually complied with, and if the owner of the same shall accept the terms and conditions prescribed by the Governor in Council, he shall not have or maintain any action for recompense or damage on account of such seizure or detention and the person making such seizure shall not proceed in any manner for condemnation.

1000 500

49. If in any prosecution, instituted in respect of any goods seized any question arises as to whether the import duties have been paid or whether such goods have been lawfully imported or lawfully laden, unladen, or exported, then and in every such case the proof thereof shall be on the defendant.

Defendant must prove he has not committed an offence.

50. (i) No proceeding shall be taken against any officer or person acting under the authority of this Ordinance for anything done in the execution or by reason of his office, unless such proceeding be commenced within six months after the cause of action has arisen: and no such proceeding shall be commenced until one month has elapsed after notice in writing has been delivered to such officer or person, or left at his usual place of abode by the agent of the plaintiff.

Action against officer must be commenced within six months.

(ii) In such notice there shall be clearly stated the cause of action and the name and place of abode of the plaintiff, and no evidence of the cause of such action shall be produced except of such as is contained in the notice.

Cause of action to be stated.

51. It shall be lawful for any officer or other person to whom such notice is given at any time before the commencement of the action to tender amends to the plaintiff, and in case such tender is not accepted to plead the same: Provided that such defendant may by leave of the Court where such action is brought at any time before issue joined pay money into Court by way of amends: Provided also that in any such action if the Court before which such action is tried shall certify upon the record that the defendant acted upon reasonable and probable cause the plaintiff shall not be entitled to more than one shilling damages nor to any costs of suit.

Officer may tender amends.

PENALTIES.

52. If any goods liable to duty shall be found concealed in any way or packed in any package or parcel to deceive any officer, such package and all the contents thereof shall be forfeited; and if any goods be taken or delivered out of any vessel not having been duly entered the same shall be forfeited: Provided that no entry shall be required in respect of the luggage of passengers, which may be landed, examined, and delivered under such regulations as the collector may direct; but if any goods liable to duty shall be concealed therein, either before or after landing, the same shall be liable to forfeiture, together with everything packed therewith.

Goods concealed or delivered without entry, forfeited.

Passenger's luggage.

53. 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 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 for every such offence be liable to a penalty not exceeding one hundred pounds, or treble the value of the goods contained in such package together with the duty payable thereon.

Fraudulent entries and concealments.

Penalty.

When deficient cargo not accounted for, vessel may be forfeited.

54. If any vessel, or boat shall be found within the limits of the Colony with cargo on board and such vessel shall afterwards be found light or in ballast and the master is unable to give a due account of the port or Place where such vessel shall have legally discharged her cargo such vessel or boat, with all gear and appurtenances belonging to her shall be forfeited.

Means of conveyance in unlawful removals may be forfeited.

55. All vessels, boats, carts, wagons and other means of conveyance, together with all horses and other animals made use of in the unlawful removal, carriage or conveyance of any goods liable to forfeiture under this Ordinance shall be liable to forfeiture.

All seizures and forfeitures to be sold by auction.

56. All vessels, boats, carts, wagons and other means of conveyance, together with all horses or other animals, and all goods and articles whatsoever seized under the authority of this Ordinance shall as soon as possible be delivered into the care of the collector or proper officer who shall secure the same, and if condemned the collector shall cause the same to be sold by public auction to the highest bidder in accordance with such order as shall be made by the Court before which such articles shall be condemned.

Evasion of duties.

57. 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 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 His 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 or of any Customs law shall for each such offence be liable to a penalty not exceeding one hundred pounds or treble the value of the goods including the duty payable thereon, at the option of the collector.

Evasion of seizures and rescuing person arrested.

58. Every person who shall rescue or endeavour to rescue, any goods seized, or before or after seizure shall stave, break or destroy or attempt to stave, break or destroy any goods to prevent the seizure or the securing thereof, or shall rescue or attempt to 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 person duly employed for the prevention of smuggling in the execution of his duty, or in seizing any goods liable to forfeiture under this Ordinance, or shall aid, abet, or assist in committing any of the foregoing offences, shall for each such offence be liable to a penalty not exceeding one hundred pounds, or such person may be imprisoned and kept to hard labour for any term not exceeding twelve months without the option of a penalty.

Bribes.

59. Any officer who shall take or accept any fee, gratuity, reward or perquisite, directly or indirectly, for the neglect or non-performance of his duty, and any person who shall promise, give, or offer, or procure to be given, to an officer any such fee, gratuity, reward or perquisite, shall be liable to a penalty not exceeding one hundred pounds.

Injuring seals and fastenings.

60. Any person who shall knowingly and wilfully tamper with, alter, break or injure any lock, seal or fastening on any vessel, hulk, boat, store room or warehouse, placed thereon in the due execution of his duty by any duly authorized officer, shall be liable to a penalty not exceeding one hundred pounds.

61. All penalties and forfeitures incurred under this Ordinance shall be paid to the Treasurer, and apportioned by him as follows, that is to say : after deducting the charges of prosecution from the proceeds thereof, one moiety to the person who shall have given the information, and the other moiety to His Majesty for the use of the Colony.

Half penalties to crown, half to informers.

62. All collectors and officers of Customs at present holding office shall continue to hold such offices as if appointed hereunder.

Existing officers confirmed.

63. The Governor in Council may prohibit the importation of any article and from time to time fix the charges to be paid for officers' services and to be levied for the warehousing of any goods, and vary or alter any of the forms hereto annexed, and make rules for regulating the mode of proceeding in all cases of seizure and generally for carrying out the provisions of this Ordinance in all matters not otherwise specially provided for.

Rules, fees, rents, forms.

64. Ordinance No. 3 of 1897, entitled an Ordinance to consolidate and amend the laws relating to Customs Duties and Trade shall be and the same is hereby repealed.

Repeal.

65. This Ordinance may be cited as the " Customs Ordinance, 1903."

Short title.

Passed the Legislative Council this 17th day of October, 1903.

Assented to by the Governor and given under the Public Seal of the Colony this 26th day October, 1903.

Montague Craig - Hall

Clerk of the Council.

SHIP'S MANIFEST.

(Form 1., Section 2.)

Official Number.

Number of Register.

Date of Registry.

If Sailing Vessel or Steamer.

Falkland Islands.

Port of

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.		

CARGO.

Name or Names of Places where laden in order of time.	Marks.	Nos.	Packages and Descriptions of Goods. Particulars of goods stowed loose, and general denomination of contents of each package of Tobacco, Cigars, Cigarettes, or Snuff, intended to be imported at this Port.	Particulars of packages and goods (if any) for any other Port.	Goods (if any) to be transhipped or remain on board for Exportation.	Name of Consignee.
If in ballast, state in "Ballast only."						
If any wreck fallen in with or picked up to be stated.						

STORES.

Surplus Stores remaining on board, viz:—

I declare that the above is a just report of my vessel 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 vessel since her departure from the last Foreign place of loading (except if so, at

(stating where)

Master.

Signed and declared before me this

day of

190

Collector.

LOCAL REPORT.

(Form 2.) Section 9.

Port of

Ship's Name.	Tonnage.	Port of Registry.	Master's Name.	Where from.
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 before me this

day of

190

Collector.

ENTRY DUTIABLE.

(Form 3.) Sections 13, 20.

Port of _____ Falkland Islands.

Ship " _____ " Arrived on _____ Importer _____

Marks and Numbers.	No. of Packages.	Description.	CONTENTS AND VALUE.				Quantities and Country of origin.	Duty.		
			Value to include invoice cost (less trade discount); freight; insurance; cost of packages.	£	s.	d.		£	s.	d.

I solemnly declare that I have set forth and made due entry of every package imported by me in above named ship and that the foregoing particulars are accurate and that not one of the packages enumerated in this entry contains any article prohibited to be imported or any article liable to duty except as above described.

190

Importer.

PROVISIONAL ENTRY.

(Form 4.) Section 15.

Port of

Importer's Name.

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence
Marks.	Numbers.	Number of Packages with the best Description the Importer is able to give.	

I, _____ the Importer (or the Agent of the Importer) of the goods above mentioned, 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

190

Importer or Agent.

Collector or Officer of Customs.

ENTRY FREE.

(Form 5.) Section 19.

Port of _____ Falkland Islands.

Ship " _____ " Arrived on _____ Importer _____

Marks and Numbers.	Number of packages.	Description.	CONTENTS AND VALUE.				Quantities and Country of origin.
			Value to include invoice cost (less trade discount); freight; insurance; cost of packages.	£	s.	d.	

I solemnly declare that I have set forth and made due entry of every package imported by me in above named ship and that the foregoing particulars are accurate and that not one of the packages enumerated in this entry contains any article prohibited to be imported or any article liable to duty.

190

Importer.

DUTIABLE GOODS.

EXPORT.

(Form 6.) Section 31.

EXPORT.

Ship's Name and date of departure.

Port or Place to which consigned.

Exporter's Name

Port of Export.

Exporter.	Description of Export.	Quantity.	Duty.			Value.		
			£	s.	d.	£	s.	d.

I solemnly declare that the foregoing particulars are to the best of my knowledge accurate, and that I have herein fully described and set forth all goods liable to duty on export.

190

Importer or Agent.

OUTWARD MANIFEST.

(Form 7.) Section 34.

Content.

Ship's Name and Destination.	Number of Tons.	Number of Boats.	If British, Port of Regis- try. If Foreign, the Country.	Number of Crew.	Master's Name.	With or without pas- sengers or troops.
Marks and Num- bers of packages.	Shippers.	Quantity and Description of Goods.			Consignee.	

I declare that the above content is a true account of all goods shipped or intended to be shipped on board the above named vessel.

Master.

Signed and declared before me this day of 190

Collector.

TRANSIRE.

(Form 8.) Section 35.

Port of Coasting Vessels.

Ship's Name.	No. of crew.	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 before me this day of 190

Collector.



W. Grey Wilson



. 7,

1903.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(28th October, 1903.)

An Ordinance relating to Wireless Telegraphy.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:

Licence for.

1. No person may use or establish in this Colony any apparatus or installation in connection with Wireless Telegraphy without a licence from the Governor, and such licence shall prescribe the terms and conditions under which such apparatus or installation may be used.

Penalty.

2. Any person offending against the provisions of this Ordinance shall be liable to a penalty not exceeding one hundred pounds.

Short title.

3. This Ordinance may be cited as the "The Wireless Telegraphy Ordinance, 1903."

Passed the Legislative Council this 15th day of October, 1903.

Assented to by the Governor, and given under the Public Seal of the Colony, this 28th day of October, 1903.

Montagu Craigie-Halliday
Clerk of the Council.



W. Grey Wilson

5. 8,



1903.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE.

Companion of the Most Distinguished Order of Saint Michael and Saint George.

GOVERNOR AND COMMANDER-IN-CHIEF.

(26th November, 1903.)

An Ordinance to provide for the service of the Year 1904.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1.—The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on the 31st December, 1904, a sum not exceeding Fourteen Thousand, Six Hundred and Ninety-six Pounds, Five Shillings and Eight Pence, which sum is granted, and shall be appropriated for the purposes, and to defray the charges of the several services expressed and particularly mentioned in the schedule hereto, which will come in course of payment during the year 1904.

SCHEDULE.

Item.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions	379	4	8
2	Governor	1488		
3	Colonial Secretary	775		
4	Treasury and Customs	554	15	
5	Audit	31	6	
6	Port and Marine	240		
7	Legal	250		
8	Police	592		
9	Prisons	356		
10	Medical	583		
11	Education... ..	794		
12	Ecclesiastical	520		
13	Transport	230		
14	Miscellaneous	881		
15	Post Office	3236		
16	Colonial Engineer	886		
17	Public Works	1550		
18	Savings Bank	1250		
19	Drawbacks and Refunds	100		
	£	14696	5	8

2. This Ordinance may be cited as the "Appropriation Ordinance, 1904."

Passed the Legislative Council this 19th day of November, 1903.

Assented to by the Governor and given under the Public Seal of the Colony this 26th day of November, 1903.

M. Craigie-Hart

Clerk of the Council.



W. Grey Wilson

1903.

N^o 9

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(18th December, 1903.)

An Ordinance relating to Land.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. In this Ordinance, and in the construction of any lease or Crown Grant— Interpretation.

“Land” includes Islands, Country, Suburban and Town Land.

“Crown Lands” means any land not already granted in fee simple and includes any land which has been or may hereafter become escheated or otherwise acquired by the Crown.

“Waste Land” means land in the possession of the Crown or land let on a lease which is within one year of expiring.

“Lot” means Town land.

“Block” means 160 acres.

“Station” means the whole extent of land occupied in one lease.

“Inspector” means an Inspector appointed under “The Live Stock Ordinance, 1901.”

“Stock” means any horse, cow, pig, goat, sheep or their young.

“Boundary” means the line of junction of the land of one owner with the land of another owner or with Crown land.

“Sufficient Fence” means such fence as shall be prescribed in respect of Country land, Suburban land and Town land respectively by any rules and regulations made or hereafter to be made under this Ordinance.

“Owner” includes a lessee from the Crown and the agent or manager of any absentee owner or lessee.

“Improvement” shall include buildings, drains, wells, tanks, dams, cultivation, fencing, filling up, laying down grass, and any beneficial work done upon any land, not being a Reserve, to increase its value, productiveness, or power of carrying stock.

NOTE.—Under the repealed Ordinances a “section” was defined as 6,000 acres, but was frequently nominally 10,000 acres.

"Country" means land more than six miles from the Cathedral or from the centre of any town.

"Suburban" means land more than two miles and less than six miles from the Cathedral or from the centre of any town.

"Town" means land within two miles of the Cathedral or of the centre of a town.

"Reserve" means the land specified in section seven and any land declared a Reserve under that section.

"Renewal" means the renewal of any lease granted under the provisions of this Ordinance.

Limitation of the Crown's right to sue for land.

2. The King's Majesty shall not at any time commence any action, suit, or other legal proceedings against any person 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 proceedings.

Reserving right to reversionary interest.

3. In the construction of the preceding section the right or title of the King's Majesty 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 of years, granted by or on behalf of His Majesty, or any of His 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 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 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.

Crown Land how dealt with.

4. Crown lands shall not, save as hereinafter excepted, be dealt with or disposed of, without the special sanction of the Secretary of State, otherwise than in the manner hereinafter prescribed and, except as hereinafter mentioned, the Waste lands of the Crown shall be sold in fee simple and by public auction only.

Wild cattle.

5. Any person who without the permission of the Governor in writing shall without lawful cause drive, hunt, wound, capture, decoy, or destroy any wild cattle or wild stock on waste lands, and, if on lands in the lawful occupation of any other person, without his authority, shall for each animal so killed, wounded, captured, decoyed, or destroyed be liable to a fine not exceeding fifty pounds and any person who shall receive any animal or any part thereof, knowing the same to have been unlawfully captured and destroyed as aforesaid, shall be liable to a fine not exceeding five pounds. Any constable may 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 may convey the same before a Justice, and without a warrant may take into custody and carry before a Justice any person reasonably suspected of having committed any offence contrary to this section.

Reserving land for public purpose.

6 Nothing herein contained shall prevent the Governor in Council from reserving to His Majesty the right of disposing in such a manner as for the public interest may seem best of such lands as as may be required for any purposes of public defence, safety, utility, convenience, or enjoyment, or for facilitating the improvement and settlement of the Colony or for any special purpose.

W. Gray Wilson

7. The following lands which prior to the passing of this Ordinance have been "Reserved" shall continue to be "Reserves" that is to say:

In Lafonia, near Bull Point ...	1,280 acres
In Section 8, Darwin Harbour ...	3,000 "
In Section 28, Port Sussex ...	2,224 "
In Section 22a, West Cove ...	1,540 "
In Pebble Island, Elephant Bay ...	160 "
In Keppel Island, Bold Point ...	160 "
In New Island, Tigre Harbour ...	160 "
In Stanley Harbour, Navy Point ...	145 "

and the Governor in Council may, by publication in the Gazette and by giving notice to the occupier (if any), at any time declare any Crown land a Reserve, and such declaration shall show, in general terms, the nature of the purpose for which such land is declared a reserve and, if the land or any portion thereof so declared shall be comprised in any lease, the lease in so far as it relates to the land so reserved shall be determined at the expiration of three years from the date of the publication in the Gazette of such declaration, provided that, in cases where any leaseholder is deprived of the use of such reserved part of his holding, the Governor in Council may grant a corresponding abatement of rent to such lease holder and provided that it shall be lawful for the Governor in Council with the approval of the Secretary of State to declare any "Reserve" no longer reserved and, upon the publication of such declaration in the Gazette, such land shall cease to be a Reserve and may be dealt with as other lands of the Crown.

8. Any land reserved under the preceding section or prior to the passing of this Ordinance may be leased for any term not exceeding three years, provided that any such Reserve shall not be leased without the sanction of the Secretary of State to any person whose land does not adjoin such Reserve, unless the former lessee shall have refused to accept and upon his refusal all the other owners of land adjoining such Reserve shall have refused to accept a lease thereof upon the terms prescribed by the Governor in Council and if all the holders of land adjoining such Reserve have refused to accept a lease as aforesaid then the lease of such Reserve shall be put up to auction as provided for in sections 9 and 10 in the case of other Waste lands.

9. The Governor may at any time cause, subject to the provisions of section 15, a lease of any Waste lands of the Crown to be put up to auction upon such terms and subject to such reservations, conditions, and restrictions as may seem expedient to the Governor in Council and as shall be notified in the Gazette, and the Governor, with the approval of the Secretary of State, may, upon the application of the occupant of any land whose lease has expired or will expire within two years, grant to him either a renewal of such lease or a new lease upon such terms and subject to such reservations, conditions, and restrictions as may seem expedient to the Governor in Council, but such renewal shall not, and such new lease shall not, unless otherwise therein expressly provided, have effect until the determination of the then current lease and shall not:

In the case of Country land (not being a Reserve), exceed the term of twenty-one years.

In the case of Suburban land or a Reserve, exceed the term of three years.

In the case of Town lands, exceed the term of 60 years,

and whenever the Governor shall decline to renew any lease and whenever the former lessee shall decline to accept a new lease on the terms offered by the Government, there shall be paid by the Government to the outgoing tenant the value of all improvements assessed as hereinafter prescribed, provided that no compensation

Improvements to be paid for.

not to be paid for.

shall be paid for any improvement in respect of land when the former lessee declines to accept the renewal of his lease or when such improvements are in respect of land held upon a lease which has become null and void.

Land reverting to Government, how dealt with.

10. (1) Whenever the holder of any lease which expires or is within one year of expiring after the passing of this Ordinance shall decline to accept a renewal of such lease; or, if the Government has refused to renew such lease, shall decline to accept a new lease of such land upon the terms approved by the Governor in Council with reference to such lease, and—

(2) Whenever any lease shall become null and void, or shall be so declared under section 13.

The Governor shall cause a new lease of the land thus lapsing to the Crown to be put up to public auction unless the Governor in Council shall direct that such land be sold by auction as provided for in section 15 of this Ordinance.

If Government deprives Owner of one lease he may throw up all.

11. Whenever the Governor has refused to renew the lease of any station the lessee of such station may by application to the Colonial Secretary in writing elect that all the leases of Crown land held by him shall expire upon the same day as the lease of the station which the Governor has refused to renew and such leases shall thereupon be determined on that day and in every such case the whole of the Crown land held by such lessee shall to all intents and for all purposes under this Ordinance be deemed to be leases which the Government has refused to renew.

Improvements, how Value to be assessed.

12. The sum to be paid on account of improvements shall be determined by some one or more fit and proper persons appointed by the Governor or, should the lessee so request in writing, by two assessors, one of whom shall be appointed by the Governor and one by the lessee. Such assessors shall certify that every improvement of which they have assessed the value is to the best of their knowledge and belief suitable and appropriate to the station or lot or was authorized by the Governor in Council as witnessed by writing under the hand of the Governor, provided that the assessed value of such improvements shall never exceed the actual cost thereof. In the event of the assessors not being able to agree as to the amount to be paid, either of them may appeal to the Chief Justice, and the Chief Justice having heard the case and considered the evidence (if any) shall determine the amount at which the improvements shall be assessed.

When lease null and void.

13. Whenever any lessee shall fail to perform or observe any of the conditions of any lease held by him or to pay any rent due to the Government in respect of any lease within three months after it has become due, every lease held by such lessee from the Crown shall be null and void, and whenever a lessee shall decline to accept a renewal of any lease held by him it shall be lawful for the Governor in Council to declare every lease held by such lessee from the Crown null and void.

Lessee may purchase all his land. 10 per cent down, balance in 30 years at 3 per cent.

14. The holder of any country land may, at any time not less than one year before the termination of his lease (or soonest-to-expire lease if he have more than one), purchase the whole of the land rented by him in accordance with the acreage set forth in his leases at the rate of three shillings an acre, and, if no acreage be specified in one or more of such leases, then in respect of the number of acres computed by the Governor as the acreage of any such leases, and ten per cent of the purchase money in respect of any land dealt with under this section shall be paid at the time the lessee receives notice from the Government that his application to purchase has been registered, and upon each of the first thirty anniversaries of the day of the payment of such ten per cent there shall be paid to the Government a sum at the rate of *£4 11s. 10d. in respect of every

NOTE—*Or stated otherwise £4 11s. 10d. per year in respect of every 666½ acres.

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£100 of the whole of the purchase money, and no rent shall be payable in respect of such land from the date on which the first instalment of the purchase money shall be paid; provided that if any purchaser under this section shall fail to pay any instalment of the purchase money on the day on which such instalment becomes payable or within twenty-one days thereafter the Governor may and if such default shall continue for three months from the day on which such instalment becomes payable the Governor shall declare every lease held by such purchaser determined and upon such declaration all such leases shall be null and void and all the instalments which such purchaser has already paid shall be forfeited to the Crown.

15. The Governor may at any time sell by auction any Waste land not being a Reserve and lease by auction any Waste land in such size or lot as to the Governor in Council may seem expedient and the upset price in the case of a sale shall not be lower than at the rate per acre of one hundred pounds for Town land and two pounds for Suburban land and three shillings for Country land, and in the case of a lease the upset price per acre per annum shall not be lower than at the rate of four pounds for Town land, two pence for Suburban land, and one penny for Country land, save when the Secretary of State shall authorize any specified land to be put up at a lower rate, provided that it shall be lawful for the Governor, if he shall deem it expedient, to dispose by private contract of any frontage or other lot of land in Stanley or any other town to the owner of the adjacent land at a price to be fixed by the Governor in Council, which price shall in no case be lower than at the rate of one hundred pounds per acre.

Sales and leases by auction.

Upset price.

Frontage may be sold or let privately.

16. Every auction held under this Ordinance shall have been publicly advertised for not less than three months before the date of such auction and such advertisement shall show as fully as may be:

Auctions to be advertised.

- (1) The special reservations, restrictions and conditions which will be imposed in respect of the land to be put up to sale or to lease by auction, or that the land will be sold or leased subject to the reservations, restrictions and conditions set forth in the Land Ordinance, 1903.
- (2) The situation, boundaries and acreage of the land and whether the acreage is the assessed number of acres or has been ascertained and determined by survey, and the names of the owners or lessees of the adjoining lands.
- (3) If a Town lot, the length of the boundary line between the lot and every adjoining lot
- (4) The mode in which the purchase money of the land or lease shall be paid and the price at which the land will be upset.
- (5) In the case of sale, the date when possession will be given, which if the land be held on lease shall not be until the termination of the current lease.
- (6) The value of the improvements as assessed and ascertained under section 12.
- (7) Whether the land has been surveyed or not and when any land has been surveyed, that a copy of the plan is open to inspection at the Government offices, and stating the length of the boundary line between the property advertised and the land of each adjoining owner.

17. It shall be lawful for the Governor to lease or sell privately at not less than the upset price, any land not let or sold when put up to auction or to renew the lease of the former lessee, subject to the provisions of section 9 of this Ordinance as to the renewal of leases.

If not disposed of at auction.

Sales by auction, provisions as to.

18. The following provisions shall have effect with respect to any land put up to sale by auction :

Plan.

(1) A copy of the plan of the land (if surveyed) shall be exhibited at the sale by the Auctioneer and given to the purchaser.

Purchase money.

(2) The purchase money shall be payable by such number (not exceeding 15) of equal yearly instalments as the Governor in Council shall determine and as shall be notified in the Gazette before the sale. The first instalment shall be paid at the conclusion of the sale and each subsequent instalment, together with interest at the rate of $2\frac{1}{2}$ per centum per annum on the unpaid balance of the purchase money for the time being from the date of payment of the last previous instalment, shall be paid at the expiration of one year from the day on which the last previous instalment was payable. But the purchaser may at any time pay the whole of the purchase money remaining unpaid with the interest thereon which has accrued since the date of the last previous payment of an instalment.

Highest bidder.

(3) The highest or only bidder at or above the upset price shall be the purchaser.

Agreement to be signed.

Immediately upon the conclusion of the sale the purchaser shall sign an agreement to complete the purchase and to fulfil the conditions of sale. If any purchaser, whether the original purchaser or a purchaser substituted under this sub-section, shall fail to pay the first instalment or to sign the said agreement, the sale to him shall be void and the next highest bidder (if any) at or above the upset price shall be the purchaser.

If broken.

(4) If any purchaser shall fail to pay the second or any subsequent instalment of purchase money or any interest for the time being payable by him on the day on which such instalment or interest becomes payable or within twenty-one days thereafter, the Governor may, and if such default shall continue for three months from the day on which such instalment or interest becomes payable, the Governor shall cause the land purchased by such purchaser to be again put up for sale by public auction at the same upset price and on the same conditions as at the previous sale.

Second auction.

(5) If any land shall be again put up for sale as aforesaid, the previous sale thereof shall henceforth become void and the purchaser at the previous sale shall give up possession thereof and shall have no further right or interest in or lien upon such land.

When bidder at first auction may obtain a refund.

(6) If, after payment in full of the purchase money and interest payable by the purchaser at the second sale, the Government shall have received in respect of such purchase money and interest an amount exceeding the purchase money and interest which would have been received from the purchaser at the previous sale if he had complied with the conditions of sale, then out of such excess, after deducting therefrom the expenses of the second sale, the Government shall repay to the purchaser at the previous sale the amount of the instalments of purchase money and interest which he shall have actually paid or so much thereof as such excess shall suffice to repay but in no other event shall a purchaser have any claim for repayment of instalments of purchase money or interest paid by him.

Possession, when given.

(7) Every purchaser whether at a first or second sale shall be let into possession of the land purchased by him upon the date advertised in the conditions of sale and upon payment of the first instalment of purchase money and upon his signing the above mentioned agreement, but no grant of the land shall be issued to him until he shall have paid the whole of the purchase money and all interest payable under the conditions of sale.

Improvements to be paid for.

(8) The sum of money (if any) payable by the purchaser of any land put up for sale as the value of improvements thereon under sections 9 and 12 shall be paid by the purchaser to the Government within thirty days from the date of the sale. If the purchaser at a

first sale shall not pay the said sum of money within the said thirty days the land shall be again put up for sale by auction in the same manner, and with the same consequences as if such purchaser had made default for three months in payment of an instalment of purchase money.

19. The following provisions shall have effect with respect to any Crown land put up to lease by auction :—

(1) The highest or only bidder for every lease at or above the upset price shall be the lessee. Immediately upon the conclusion of the auction the lessee shall pay one-half of the amount bid for the lease and one-half of the value of the improvements as assessed and advertised and where there are no improvements then one year's rent, and shall sign an agreement to fulfil the conditions as advertised for the letting of the land and to pay the second moiety of the amount bid for the lease and the second half of the value of the improvements (if any) at the expiration of two months from the date of the first payment. If any lessee at the auction, whether the highest bidder or a bidder substituted under this sub-section, shall fail to pay the amount due at the close of the auction or to sign the said agreement, the lease to him shall be void and the next highest bidder (if any) at or above the upset price shall be the lessee.

(2) Every lessee at auction shall be let into possession of the land upon the date advertised in the conditions of sale and on completion of the payments specified in the preceding sub-section and on payment of one year's rent.

(3) If any lessee shall fail to pay the second moiety of the purchase money of the lease and of the value of the improvements on the day on which such payment becomes due the Governor may and, if such default shall continue for 60 days from the date on which such payment becomes due, the Governor shall cause the land leased to be again put up to public auction at the same upset price and on the same conditions as at the previous auction, and if the land shall be again put up for lease by auction as aforesaid the previous lease thereof shall become void and the lessee at the previous sale shall have no right, title, or interest in or lien upon the land leased.

(4) The Governor, whenever he is satisfied that the Government, after defraying the expenses of the subsequent auction and any other costs incurred, has received more money by reason of the default of a lessee than would have been received had no default been made, may cause to be refunded to the original lessee at auction so much of the sums paid by him to the Government as such surplus may suffice to repay but in no other event shall any lessee at auction have any claim for repayment of any sums paid by him.

20. The Governor is hereby authorized, on behalf of His Majesty, to sign and execute from time to time any instruments to give effect to the provisions of this Ordinance.

21. The Governor in Council may insert in any lease granted by him on behalf of the Crown such reservations, conditions and restrictions as may be deemed expedient and the following reservations, conditions, and restrictions, unless expressly excluded in whole or in part and subject to such other reservations, conditions, and restrictions as may be set forth therein and so far as they are appropriate and not repugnant to any of the reservations, conditions and restrictions inserted in any Crown grant or lease of Crown lands, shall be binding in the same manner and to the same extent as if they formed part of such Crown grant or lease and had been fully set forth therein.

(a) Every dispute as to the boundaries of any block, section, or station shall be settled by arbitration in the usual way at the expense of the parties interested, and due notice of any adjustment signed by the parties interested shall be given within three months to the

Leasing by auction.

Highest bidder.

Possession, when given.

Second auction.

When bidder at first auction may obtain a refund.

Governor may execute instruments.

Reservations, conditions and restrictions as to Crown grants and leases.

Disputed boundaries

Transfers.

Colonial Secretary for recording and if such notice be not given the award of the arbitration shall be null and void.

- (b) Any lease may with the approval of the Governor be transferred by the lessee or his attorney writing, dating, and signing thereon in the presence of two witnesses the following words :

"I hereby transfer to
all right, title and interest in this lease."

Provided that every such transfer shall be sent to the Colonial Secretary to be registered within four months of such transfer.

Renewals.

- (c) Any lease may be renewed by the Governor writing, dating, and signing thereon the following words :—

"I hereby renew this lease until the day of
190 ."

Purposes.

- (d) Country and Suburban lands shall be used for pastoral purposes only.

Land may be taken
for any purpose of
public utility.

- (e) The Governor shall have power at any time to proclaim a public road through any station or part thereof, and to resume and enter upon any part of the lands which it may be deemed necessary to resume for making any work of public utility or convenience without making to the lessee or owner any compensation in respect thereof so nevertheless that the lands so to be resumed shall not exceed one twentieth part of the whole of the station and that no such resumption as aforesaid shall be made under this section of any lands upon which any buildings shall have been erected or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings: provided that a proportionate abatement of rent shall be granted to the tenant of such resumed land, except where the resumption is for public roads of which such tenant will enjoy the benefit with others.

Government may
take stones, etc.

- (f) The Governor and any one acting under his authority may search, dig for, and take away any stones or other materials which may be required for any purpose of public convenience or utility.

Mines, &c. reserved.

- (g) All diamonds and all mines of gold, silver and other metals and all mines of coal are reserved to the Government of the Falkland Islands with full liberty at all times either by themselves or by any person authorized by the Governor to search and dig for and carry away the same and for that purpose to enter upon the land or any part thereof.

Seals reserved.

- (h) The right to kill and take seals is reserved to the Government of the Falkland Islands and such persons as are duly licensed by the Government.

Rent.

- (i) Rent shall be paid yearly and in advance.

Wild cattle.

- (j) The owner or lessee shall be entitled to kill and appropriate to his own use any wild cattle or wild stock that may be on the land.

Surveying.

- (k) Any person authorized by the Governor shall be entitled to enter upon any land for the purpose of surveying or for inspecting fences or for any other special purpose which the Governor shall specify in writing.

Rates, owner to pay.

- (l) The owner shall pay all rates, taxes, and assessments whatsoever.

22. The following provisions shall have effect with respect to fences and fencing : Fences.

(1) Where there shall be no sufficient natural boundary or no boundary fence to any part of any land or where any boundary fence is not a sufficient fence, any owner may by notice in writing call on the owner of the adjoining land to come to an agreement as to the extent or nature of the fence to be erected or the repairs or work to be done to the existing fence and such owners may agree, in writing, that such dividing fence shall not exactly follow the boundary of their lands when the physical features of the ground render a deviation necessary, and such owners may without resorting to proceedings arrange with each other for the erection of a dividing fence upon the basis of a claim for the improvements proportionate to the outlay incurred, and the lessee who pays the whole or more than half the cost shall stand in the place of the other as regards compensation on the determination of the lease of the other in proportion to so much of the amount so paid by him in excess of his own share as shall not then have been repaid to him.

Owners must join in making.

(2) If the parties shall fail within fourteen days after the giving of such notice to come to such agreement as aforesaid it shall be lawful for the party who gave the notice to apply to an Inspector to view the boundaries and to report upon the necessity for a fence, the line of such fence or what repairs or additions to the existing fence are necessary to make it sufficient, provided that, where an Inspector is called in, his reasonable expenses shall be borne by the parties.

Failing to agree.

And where an agreement has been made under the sub-section last preceding and one of the parties fails to complete his part thereof, the other party shall have power to call in an Inspector in the same manner as if the said parties had failed to come to an agreement.

(3) The Inspector shall when so applied to carefully view and inspect the land and report in writing upon the extent of fence that it is necessary to erect or what repairs or improvements are necessary to make the existing fence sufficient, which report shall be delivered as soon as practicable to a Magistrate.

Inspector to report.

(4) Upon the receipt of the report the Magistrate shall require the attendance of the parties interested and in a summary way hear and determine the question at issue, and if satisfied that an existing fence should be repaired or that a new fence is necessary he shall issue an order to the owners of such land for the repair or erection of such fence within such period as shall be shown to the satisfaction of the Magistrate to be sufficient for the proper completion of the work.

Magistrate to issue order.

(5) Any owner of land who shall wilfully neglect to complete his share of the work of repairing or erecting a dividing fence within the time named in an order issued under the preceding sub-section shall be liable to a penalty not less than ten pounds, and not more than twenty pounds for every month he shall remain in default.

Owner neglecting to comply.

(6) In the event of its being proved to the satisfaction of the Magistrate before whom an enquiry is held that the owner of land who shall have failed to agree to fence has not the means to immediately pay his proportion of the cost of the work of repairing or erecting a dividing fence, then the Magistrate upon the application of the other owner may grant such other owner leave to erect or repair the whole of such dividing fence and on a certificate of the Inspector that the work has been properly done, the owner who has done the work shall be entitled to recover from the other owner one half of the cost of the work so done.

When owner too poor to meet expenses.

(7) The Magistrate hearing any action brought under the foregoing sub-section may, upon being satisfied that the defendant is unable from want of capital to immediately pay his proportion of the cost of the work, issue an order granting the defendant time, upon good and sufficient security being given to the satisfaction of the said Magistrate for the payment of the amount with interest at

Time may be granted.

the rate of Four Pounds per centum per annum at such periods and by such instalments as shall be ordered by the Magistrate; provided however that it shall not be lawful to extend the time for payment in such cases beyond a period of three years from the date on which the work of repairing or erecting the dividing fence shall have been completed.

Default.

(8) If a defendant to whom time has been granted under the preceding sub-section shall fail to comply with the terms of the order made by the Magistrate either by the non-payment of an instalment when due or otherwise the plaintiff in the action shall be entitled to at once issue execution under the judgment for the full amount of the principal and interest which may at that time remain unpaid and in the event of the sheriff or other officer appointed to levy making a return after levy upon and sale of the defendant's property that this was not sufficient to satisfy the claim, the plaintiff shall be entitled to at once take proceedings to recover payment of the balance due against any surety or sureties who may have entered into bond before the Magistrate as security for the payment of the judgment debt by the defendant.

Real and personal estate bound by judgment.

(9) The judgment in any action under the preceding sub-sections shall bind and affect all real and personal property of the defendant as to and against all subsequent purchasers, mortgagees, or creditors and when a bond shall have been entered into by sureties as security for the satisfaction of the judgment by the defendant at the period and time allowed by the Magistrate, such bond when recorded shall constitute a preferable lien on all property of such sureties and shall not be in any wise extinguished by any subsequent sale, mortgage or other incumbrance whatsoever of such property.

Person causing damage to repair.

(10) When any damage shall be done to a dividing fence which is a sufficient fence by any stock which is suffered by the owner of the land to be thereon, such owner shall bear the entire cost of repairing such fence and if he refuses or neglects so to repair the said fence the adjoining owner may at once proceed to repair the same and shall be entitled upon completion of the work immediately to recover the cost thereof from the owner of the land on which the fence was suffered to remain in an action or suit before a Magistrate.

Wilful damage or leaving gates open.

(11) Any person who shall wilfully break down, injure or leave open any gate on any land or break down or injure any fence erected thereon shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding six months in addition to a fine not exceeding Ten Pounds.

Chief of Police "owner" of Government land.

(12) In the case of Crown land occupied by Government or let by Government for any period not exceeding one year the Chief of the Police shall be deemed to be the owner for the purposes of this section.

Fencing of Town land.

23. The owner of any Town land shall erect and keep in repair on the boundary line separating any such land from any Crown Waste land or any public road a sufficient fence or such other form of fence as the Governor in Council may approve and as shall be notified under the hand of the Colonial Secretary, and the Chief of Police is hereby authorised, empowered and required to act on behalf of and represent the Government in respect of such waste land or public road and to take such steps as may be necessary to secure the erection or restoration of any such fence and the procedure in respect of compelling the owner to erect or repair such fence shall be as nearly as may be that laid down in the preceding section save that the whole cost of the erection of such fence shall be borne by the owner, provided however that should any fence so erected be a sufficient fence and thereafter become the boundary fence between any two private owners, the owner who paid for the erection of the fence shall be entitled to recover from the adjoining new owner one half of the value of such boundary fence, such value to be ascertained at the time the new owner takes possession of his land, and if such

owners cannot agree as to the value of such fence the value thereof shall be assessed as in the case of an improvement under this Ordinance, provided that whenever it shall be made to appear to the Governor in Council that it would be of public advantage or that there are other good and sufficient reasons to allow any lot to remain unfenced, and whenever the owner of any land intimates, in writing, to the Colonial Secretary, that he desires to leave his lot an open space and will keep it free from rubbish, the Governor may grant the owner thereof a permit to leave such property unfenced wherever it abuts on waste land or any public road, and such permit shall be produced upon demand by the Colonial Secretary and shall continue in force until revoked by the Governor in Council.

Relief from.

24. Whenever, for the purposes of the two preceding sections, no owner to a property can be found in the colony; and whenever any owner intimates in writing to the Colonial Secretary that he abandons all claim to any property, it shall be lawful for any Magistrate upon proof, to declare such property provisionally escheated to the Crown and such provisional forfeiture may be made absolute by the Supreme Court two years after notice of such provisional forfeiture shall have appeared in the Gazette or in every local paper, provided that no notice of appeal shall have been sooner given, and that a notice of such provisional forfeiture was affixed to the property affected and a copy thereof sent to the last known address (if any) of the owner not less than six months before application is made to the Supreme Court to make absolute such provisional forfeiture.

Ownerless land may be forfeited.

25. The Government may take immediate possession of any property provisionally forfeited, and any one appealing against such forfeiture shall repay to the Government any necessary expenses incurred by the Government in respect of such property before he can obtain restitution thereof.

Government may occupy ownerless land.

26. The Governor in Council may make rules and regulations with reference (amongst other things) to the forms of leases and Crown grants, the characteristics of a "sufficient fence" and generally with reference to any other matters incident to the carrying out of the provisions of this Ordinance.

Rules, forms.

27. The Ordinances mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Repeal.

28. This Ordinance may be cited as "The Land Ordinance, 1903."

Short title.

Passed the Legislative Council this 16th day of December, 1903.

Assented to by the Governor and given under the Public Seal of the Colony this 18th day of December, 1903.

(Signed)

M. Craigie-Hartley

SCHEDULE.

REPEAL.

No. and Year.	Short Title.	Extent of Repeal.
2 of 1857	Summary Jurisdiction Amendment Ordinance.	Sections 1,2, 5, 6, 7, 10, 11.
2 of 1869	An Ordinance for the protection of Wild Cattle.	The Whole.
4 of 1871	An Ordinance for regulating the disposal of Crown Lands in the Falkland Islands.	The Whole.
1 of 1872	An Ordinance for Amending the Land Ordinance, 1871.	The Whole.
1 of 1874	An Ordinance for limiting the right of the Queen's Majesty to sue for lands, tenements, and hereditaments	The Whole.
1 of 1879	An Ordinance for declaring the validity and effect of certain leases of Crown lands in the Falkland Islands.	The Whole.
9 of 1882	An Ordinance to amend the Land Ordinance, 1871, and to confirm certain leases of the Crown lands in the Falkland Islands.	The Whole.
2 of 1884	An Ordinance to regulate the amount of rent to be paid by lessees of Crown lands in certain cases.	The Whole.
4 of 1884	An Ordinance to regulate the compulsory purchase of blocks of land under the provisions of the "Land Ordinance, 1872."	The Whole.
3 of 1886	Town Lands Ordinance, 1886.	The Whole.
9 of 1890	An Ordinance for authorizing the sale and conveyance of certain lands of the Crown to the Falkland Islands Company and other lessees of the Crown lands.	The Whole.
8 of 1893	An Ordinance to give authority to lease Town lands.	The Whole.
2 of 1894	An Ordinance to amend the Land Ordinance, 1882.	The Whole.
9 of 1894	An Ordinance to amend the Land Ordinance, 1882.	The Whole.
6 of 1896	An Ordinance to provide for the erection of Dividing Fences by the owners of adjoining lands.	The Whole.
6 of 1897	An Ordinance to amend the Fencing Ordinance No. 6 of 1896.	The Whole.
1 of 1903	The Land Ordinance, 1903.	The Whole.

W. Grey Wilson



1904.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.
(28th January, 1904.)

An Ordinance to regulate the law relating to sentences of Flogging.

Whereas it is expedient to regulate sentences of flogging, and to limit the number of strokes which may be awarded by sentences of the Courts or under the regulations in force in the Prisons of the Colony :

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. When a person is convicted of any offence legally punishable by flogging, the sentence awarded by the Court for such offence shall not, anything to the contrary in any law present or future of the Colony notwithstanding, exceed the number of 24 strokes in the case of adults and 12 strokes in the case of juvenile offenders.

2. When a person is convicted at one trial of any two or more distinct offences, any two or more of which are legally punishable by flogging, the combined sentences awarded by the Court for any such offences shall not, anything to the contrary in any law present or future of the Colony notwithstanding, exceed a total number of 24 strokes in the case of adults and 12 strokes in the case of juvenile offenders.

3. When any sentence of flogging shall be passed by the lawful authority upon any prisoner for breach of any Prison or other Regulation or Regulations, the total number of strokes to be inflicted under such sentence shall not exceed 24 in the case of adults and 12 in the case of juvenile offenders ; and no prisoner shall be liable to more than one such sentence in respect of the act or acts or omission or omissions in respect of which he shall have been sentenced as aforesaid.

4. No sentence of flogging shall be carried out except with an instrument approved by the Governor.

5. In no case shall a sentence of flogging be passed upon a female, either by the Courts or in the prisons of the Colony.

6. This Ordinance may be cited as "The Flogging Regulation Ordinance, 1904."

Passed the Legislative Council this day of 1904.

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of January, 1904.

M. Carnegie-Houston

Clerk of the Council.

2,



W. Grey Wilson

1904.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(29th January, 1904.)

An Ordinance to amend the law relating to the exportation of Arms and other Military, Naval and warlike stores.

BE IT ENACTED by the Governor of the Colony of
the Falkland Islands, with the advice and consent of the Legislative
Council thereof as follows:—

Power to prohibit
exportation of ma-
terial of war to any
country.

1. (i) The Governor may, by Proclamation, from time to time prohibit the carrying coastwise or the exportation to any country or place therein named of all or any of the following articles, namely:—
Arms, Ammunition, Military and Naval stores, and any article which in the opinion of the Governor is capable of being converted into or made useful in increasing the quantity of Arms, Ammunition, or Military or Naval stores.
- (ii) Such Proclamation may be made whenever, in the opinion of the Governor, it is expedient in order to prevent the articles specified therein being used against His Majesty's subjects or forces, or against any forces engaged or which may be engaged in Military or Naval operations in co-operation with His Majesty's forces;
- (iii) without in any way limiting the nature or description of the articles which may be specified in any such Proclamation, the articles set forth in the schedule hereto may be so specified.

Procedure.

2. Proceedings under this Ordinance shall be taken and heard before a Magistrate.

Repeal.

3. Ordinance No. 8 of 1889, entitled "An Ordinance to authorize the prohibition of the export of certain articles" is hereby repealed.

Short title.

4. This Ordinance may be cited as "The exportation of warlike stores Ordinance, 1904,"—and it shall form part of and be read together with The Customs Ordinance, 1903.

Passed the Legislative Council this 26th day of January, 1904.

Assented to by the Governor and given under the Public Seal
of the Colony this 29th day of January, 1904.

M. Craigie-Hall
Clerk of the Council.

SCHEDULE.

Guns and arms of all kinds, and the machinery for manufacturing them.

Ammunition and explosives of all kinds, the ingredients used in their manufacture, and the machinery for manufacturing them.

Military stores of all kinds, including—

clothing, equipments, accoutrements, harness, saddlery, implements and tools, wire, chemicals used in the manufacturing of explosives.

Signalling and search-light equipment, telegraphic and electric-light plant suitable for field use, limelight apparatus, heliographs, optical instruments used in military operations.

Naval stores of all kinds including—

materials used in ship construction, such as rivet-iron, angle-iron, round bars, rivets, sheet-plate iron, forgings and armour-plates; machinery used in constructing ships and torpedo boats; marine engines, and the component parts thereof, including screw propellers, paddle-wheels, cylinders, cranks, shafts, boilers, tubes for boilers, boiler-plates, fire-bars.

Every article whatsoever which is, can, or may become applicable for the manufacture of marine machinery :

Anchors, chain cables, wire hawsers, capstans, windlasses, steam-winchs, masts, derricks, davits.

Torpedoes and their component parts, and machinery for manufacturing them.

All apparatus for projecting inflammable materials or firing torpedoes. Steam and other boats suitable for use for warlike purposes.

Submarine cables.

Submarine mines, and apparatus appertaining to them.

Marconi apparatus.

Electrical fittings used on board ship.

W. Grey Wilson

3,



1904.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George.
GOVERNOR AND COMMANDER-IN-CHIEF.

(13th April, 1904.)

An Ordinance to amend "The Licensing Ordinance, 1882."

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. A penalty not exceeding Five Pounds for a first offence may be imposed upon any person—

- (a) against whom an order of prohibition has been made under section 25 or renewed under section 26 of the Licensing Ordinance, 1882, who shall, within one year of the making or renewal of such order, be in any place where liquor is sold by retail; or
- (b) who, being the holder of any retail liquor licence, shall suffer any such prohibited person to be in the place so licensed; or
- (c) who sells, supplies or distributes intoxicating liquor or authorizes such sale, supply or distribution to any such prohibited person;

provided that the Magistrate hearing any charge under this Ordinance, upon being satisfied that the person charged did not wilfully contravene the provisions of this section; or used every effort to prevent a prohibited person from being or remaining on his premises and immediately gave information thereof to the police, may dismiss the charge against such person.

2. This Ordinance may be cited as "The Licensing Ordinance, 1904," and shall be construed as one with "The Licensing Ordinance, 1882."

Passed the Legislative Council this 11th day of April, 1904.

Assented to by the Governor and given under the Public Seal of the Colony this 13th day of April, 1904.

M. Craigie-Hall
Clerk of the Council.



W. Grey Wilson

No 4,

1904.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE.

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(14th April, 1904.)

An Ordinance to authorize the Supplementary Expenditure for the year 1903.

Whereas during the year 1903 certain sums of money were issued out of the Public Revenues of the Colony and applied to purposes and services not provided for in the Appropriation Ordinance, 1903, and it is necessary to legalize such payments:—

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. In addition to the sums already provided for the service of the year ended on the 31st December, 1903, the sum of One thousand and Three Pounds, Thirteen Shillings and Twopence issued out of the Public Revenue of the Colony and applied to the service of that year for the purposes expressed in the following Schedule, is hereby authorized and confirmed:—

SCHEDULE.

	£	s.	d.
Colonial Secretary	30	1	7
Transport	81	13	8
Miscellaneous	204	11	9
Public Works	687	6	2
Total	£1003	13	2

Passed the Legislative Council this 11th day of April, 1904.

Assented to by the Governor and given under the Public Seal
of the Colony this 14th day of April, 1904.

M. Craque-Harrett
Clerk of the Council.



W. Grey Wilson

1904.

N^o 5

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(June 6th, 1904.)

An Ordinance relating to Trespass.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. In this Ordinance—

Interpretation.

“Animal” shall include Mare, Horse, Foal, Mule, Bull, Cow, Calf, Swine, Sheep, Goat.

“Lawful Occupier” shall include Owner, Tenant, or Caretaker, and any one acting by order of the Government in or upon any Crown land, and any one acting with the written authority of the lawful occupier.

“Stanley” shall mean the Town of Stanley bounded on the south, east, and west by the Common fence.

“Common” shall mean the * fenced Crown land bounding Stanley on the south, east, and west.

“Fenced Land” shall mean land surrounded by a “sufficient fence,” in terms of “The Land Ordinance, 1903.”

“Owner” shall, unless such construction is repugnant to the context, include the person having the charge or custody of an animal.

2. Any animal found straying in Stanley, or upon any Crown Waste Land or trespassing on any private fenced land, or tethered on any Crown Waste Land without a licence, or tethered otherwise than in the manner and place specified in such licence, or so tethered that it can trespass upon any road, path or drain, may be impounded in a Public Pound and the Poundkeeper shall, unless he shall have given notice to the owner, place upon the Notice Board a description of such animal within twenty-four hours of such impounding; provided that no penalty shall be imposed in respect of any animal found trespassing upon land having a gate opening on to the Common unless the Court shall be satisfied that such gate cannot be opened by an animal and was not left open.

Animal straying or trespassing may be impounded.

3. The Poundkeeper shall provide any impounded animal with a sufficiency of food and water under a penalty for neglect of any sum not exceeding five pounds.

Food and water to be supplied.

* At present 6,400 acres.

Pound fees.

4. The owner of any impounded animal shall previously to such animal being released pay to the Poundkeeper three shillings in respect of the first twenty-four hours or part thereof, and one shilling in respect of every subsequent similar period that such animal shall remain in the Pound.

Rescuing animal.

5. Any person rescuing or unlawfully releasing any animal which has been lawfully seized and detained shall be liable to a penalty not exceeding two pounds.

Sale of unclaimed animal.

6. Any animal that shall have been in the Pound for six days may on the application of the Poundkeeper and by order of any Justice be sold by public auction and the proceeds of such sale, after paying the pound and trespass fees (if any) and any expenses incurred, shall be paid to the owner, if known, or disposed of in such manner as the Governor may direct; provided that two days notice of the intended sale shall be given to the owner, if known, and if the owner be not known a particular description of the animal shall be posted up in some public place at least three days before such sale.

Owner trespassing to remove stock.

7. Any person trespassing on any land for the purpose of driving off any animal being thereon shall be liable to a penalty not exceeding five pounds; unless he shall previously have obtained permission from the lawful occupier.

Certain animals trespassing may be killed.

8. The lawful occupier of any fenced Town land may destroy any swine, sheep, or goat found trespassing thereon and may remove the carcase to the boundary of his land without being responsible to the owner of the said animal or liable to an action at law or other process whatever.

Liquidated damages for trespass.

9. The lawful occupier of any fenced land may demand from the owner of any animal trespassing thereon the sum of two shillings for every animal so trespassing, provided that such payment shall be a bar to all further or other proceedings for the same cause.

Fees for common.

10. Whenever any animal is found on the Common and the fees set forth in the First Schedule hereto have not been paid in advance in respect of such animal the owner thereof shall be liable to a penalty not exceeding ten pounds.

Neglect and cruelty to, unlawful driving of, and dogs worrying animals.

11. Any person shall be liable to a penalty not exceeding five pounds who commits any of the following offences, that is to say—

Who by negligence or illusage in driving any animal shall cause any mischief;

Who wantonly pelts, hurts or drives any animal;

Who is the owner of any dog which kills, worries, wounds or unlawfully drives any animal;

and the Court may award to the party aggrieved such portion of any fine imposed under this section as the Magistrate shall see fit.

Penalty leaving common gate open.

12. Any person who shall wilfully, negligently or maliciously leave open any gate leading to or from the Common shall be liable to a penalty not exceeding ten pounds.

Public pounds and keepers thereof.

13. The Governor may by notice in the Gazette constitute such Public Pounds as may be necessary, and from time to time appoint any persons to be the Poundkeepers thereof, and whenever the Governor shall not have appointed a keeper of the Pound in Stanley the Chief Constable shall *ex officio* be the keeper thereof, and a Poundkeeper and any informer may receive such sum not exceeding one-half of any fees or fines imposed under this Ordinance as the Governor may approve.

14. The Governor in Council may from time to time make rules with reference to any matter, in connection with this Ordinance, not otherwise provided for.

Rules.

15. The Ordinances mentioned in the Second Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Repeal.

16. This Ordinance may be cited as "The Trespass Ordinance, 1904."

Short title.

Passed the Legislative Council this 30th day of May, 1904.

Assented to by the Governor and given under the Public Seal of the Colony this 6th day of June, 1904.

Wm. Craigie-Hackett

Clerk of the Council.

FIRST SCHEDULE.

Commonage in respect of	For any period not exceeding one month.	For one year.
Any Sheep, Goat or Swine	5/-	£3
Any Calf or Foal not exceeding one year ...		Free.
Ditto, over one and under two years ...	1/-	5/-
Any Horse, Mule or Cow	1/6	10/-
Any Bull		£6
Any Bull with sanction of Governor		Free.

SECOND SCHEDULE.

No. and Year	Short Title.	Extent of Repeal.
2 of 1857	Summary Jurisdiction Amendment Ordinance	The whole.
7 of 1893	The Pound Ordinance, 1893 ...	The whole.
8 of 1897	An Ordinance to amend "The Pound Ordinance, 1893."	The whole.



W. Grey Wilson

1904.

N^o 6

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE.

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(June 8th, 1904.)

An Ordinance to simplify Conveyancing and Titles to Land.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. In this Ordinance—

Interpretation.

“Deed” shall mean an instrument affecting Land in this Colony.

“Land” shall include Messuages, Tenements, Hereditaments, Houses, Buildings and Easements, and any estate or interest whatever in real property.

2. A deed made in one of the forms 1, 2, 3, and 4 set forth in the first Schedule hereto shall, without being sealed, have effect as a conveyance in fee simple, a mortgage in fee simple, or a lease, as the case may be, of the land described therein, or as a transfer of the mortgage on which it is written or to which it is annexed, and shall be taken to express:—

Simplifying deeds.

(a) In the case of form 1, that the grantor, for himself, his heirs, executors, and administrators, covenants with the grantee, his heirs and assigns for the right to convey the land free from incumbrances (except as therein described), for quiet enjoyment, and for further assurance.

Conveyance.

(b) In the case of form 2, that the mortgagor for himself, his heirs, executors and administrators, covenants with the mortgagee, his heirs, executors, administrators, and assigns for the right to convey the land free from incumbrances, (except as therein described) and for further assurance, that the mortgagee shall have a power of foreclosure of the mortgage in case of default of payment, either of principal or interest, but that, until such default, the mortgagor shall quietly enjoy the land.

Mortgage.

(c) In the case of form 3, that the mortgagee absolutely conveys and transfers to the transferee his heirs, executors, administrators, and assigns the benefit of the mortgage and all rights and powers thereunder.

Transfer.

A transfer of mortgage in Form 3 shall be written on or annexed to the mortgage deed.

(d) In the case of form 4, that the lessee for himself, his heirs, executors, and administrators, covenants with the lessor, his heirs, executors, administrators, and assigns to pay rent and taxes and to repair and leave in good repair and not assign without leave; that upon non-payment of rent,

Lease.

it shall be lawful for the lessor to re-enter; but that, until such default, the lessee shall have quiet enjoyment.

Registration.

3. Every deed other than a Crown grant or lease, or agreement for a lease or assignment of a lease shall be registered in words at length in the Registrar General's Office; and if registered within sixty days of the execution thereof when the parties are resident in the Colony, or within one year when either party is not resident, the fees set forth in Section 13 shall be paid, but if registered after the times above stated double those fees shall be paid, and any Deed not registered as aforesaid shall be deemed void against any subsequent purchaser or mortgagee for valuable consideration unless such Deed shall be registered before the registering of the Deed under which such subsequent purchaser or mortgagee shall claim.

Revives deeds voided under Ordinance 12 of 1853.

4. At any time within two years from the passing of this Ordinance it shall be lawful for the Chief Justice to grant, either absolutely or upon such terms as shall seem just, leave to register any Deed executed prior to the passing of this Ordinance, and the Registrar General shall forthwith register any such Deed and the fiat thereon, which fiat shall be written on the Deed and signed by the Chief Justice, provided that any Deed registered under this section shall be void as against a previous purchaser or mortgagee whose Deed shall be registered under this section and as against a subsequent purchaser or mortgagee for valuable consideration who shall have duly registered any Deed according to law prior to the passing of this Ordinance, and 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 or Indenture, and be as valid and effectual, and shall bind the parties thereto, so far as the rules of law and equity will permit.

Witness to deed.

5. There need not be more than one witness to each signature to a Deed and the same witness may witness every signature.

Declaration to deed.

6. A witness to the signature of a grantor, mortgagor, or transferor shall sign a declaration written on the Deed in these words—"I _____ solemnly declare that this Deed was executed by _____ in my presence," which declaration the Registrar General or any Justice, and, if in a foreign country, any notary public, is hereby empowered to administer, and any person lawfully convicted of making any false declaration shall be deemed guilty of perjury. No conveyance, mortgage or transfer shall be registered unless it has the declaration of the witness written on it.

Copy of deed valid.

7. A copy certified by the Registrar General of any registered Deed shall be accepted in all cases as sufficient evidence of such Deed.

Satisfaction of mortgage.

8. An acknowledgment upon the mortgage Deed of the receipt either of the debt in full or of any less sum in satisfaction thereof shall upon being registered operate as a full discharge of the mortgage debt, and whenever the mortgagee fails to give such acknowledgment the Chief Justice may order the Registrar General to cancel the mortgage upon proof of the satisfaction thereof.

Fresh title.

9. Any person, lawfully entitled, may petition to be registered as the owner in fee simple of any land, and such petition shall be published in such manner as the Court may direct not less than three months before it is heard, and copies of such petition shall be given to all persons whom the Court may think interested in opposing it, and the Chief Justice, after hearing the case and on being satisfied as to the claim of such petitioner, may, notwithstanding the opposition (if any) thereto, make a decree *nisi* for the issue of a title.

Probationary for one year.

10. A decree *nisi* shall not be made absolute until after the expiration of one year from the pronouncing thereof.

11. At any time after a decree *nisi* for the issue of a title, and before such decree shall have been made absolute, any person may show cause why it should not be made absolute.

Cause may be shown against issue of fresh title.

12. The Registrar General, after a decree *nisi* for the issue of a title has been made absolute, shall prepare a Deed in the form 5 in the First Schedule to this Ordinance, and as soon as the Chief Justice has countersigned such Deed and the copy thereof in the Deed book, such title shall be deemed indefeasible.

Fresh title, how confirmed.

13. The following fees shall be taken and paid into the Treasury:—

Fees.

For filling up a printed form of Deed	...	0	10	0
For placing a diagram of Town lot on Deed		0	5	0
For registering a printed Deed	...	0	10	0
For recording diagram on any Deed	...	0	5	0
Issue of title including registration	...	2	0	0
Registering Deed after prescribed time		double fees.		
Registering plans		according to cost of work.		

14. Nothing in this Ordinance shall be deemed to preclude the use of any form of Deed which might have been used if this Ordinance had not been passed.

Other forms of deeds valid.

15. The Ordinances mentioned in the Second Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

Repeal.

16. This Ordinance may for all purposes be cited as "The Titles to Land Ordinance, 1904."

Short title.

Passed the Legislative Council this 30th day of May, 1904.

Assented to by the Governor and given under the Public Seal of the Colony this 8th day of June, 1904.

M. Crangie - Hae Hae

Clerk of the Council.

Note.—For further scale of Registrar's fees see Schedule E of Ordinance 12 of 1853.

For full instructions as to the interpretation, custody, etc. of Deeds see Sections 6, 7, 9, 26 to 29 and 49 to 64 of "The Conveyancing and Law of Property Act, 1881," Cap. 41 of 44, 45, Vic.

FIRST SCHEDULE.
CONVEYANCE.

(Form 1.)

FALKLAND ISLANDS.

This Grant made the thousand Nine hundred and Land Ordinance, 1904."

day of One
in pursuance of "The Titles to

Between
and

of the one part
of the other part

Witnesseth that in consideration of
paid by the said _____ to the said
the receipt whereof is hereby acknowledged
the said _____ doth g

doth grant unto the said
heirs and assigns for ever ALL

that parcel of Land

In Witness whereof the parties have hereunto set their hands.

Witness to signature of seller.
Witness " " buyer.

I
executed by
presence

solemnly declare that this Deed was
the seller of the land, in my

Declared before me this day of 19

Registrar, or Justice, or, in a Foreign Country, a Notary Public may administer this declaration.

Title

MORTGAGE.

(Form 2.)

State whether this is a first, second, third or fourth Mortgage and the amount and date of every previous Mortgage.

The Falklands. 190

Mortgagor

C.D. to A.B.

Mortgagee.

In consideration of the sum of
this day advanced by A.B. to C.D., the receipt whereof is hereby
acknowledged, C.D. conveys to A.B. all (here describe the land to be
mortgaged, and state whether free from all incumbrances).

And C.D. covenants that he will pay to A.B. the above sum as follows:—

£	on the	day of	19
£	"	"	19

or upon _____ months notice, or as the case may be, with
interest on balance at the rate of _____ per centum (half-yearly
on the _____ of _____ and _____ of _____
or as the case may be). And if C.D. shall re-pay to A.B. the sum
of _____ pounds (with interest, if any, as aforesaid),
then this Deed shall be null and void.

In witness of this we hereto sign our names this day of
One thousand Nine hundred and

A.B.
C.D.

Witness

NOTE.—The Mortgagor is the person who borrows the money.
The Mortgagee is the person who lends the money.

TRANSFER of MORTGAGE.

(Form 3.)

In consideration of the sum of _____ now paid by
E.F. to C.D., the receipt whereof is hereby acknowledged, C.D.
transfers to E.F., the benefit of this mortgage numbered

In witness of this we hereto sign our names this _____ day of
One thousand Nine hundred and _____

Witness

C.D.

E.F.

LEASE.

(Form 4.)

The Falklands

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A.B. hereby lets unto C.D. and C.D. hereby hires for the term
of _____ years from the _____ day of _____ 190
at the rent of £ _____ payable (quarterly or monthly as the case
may be). The first payment to be made on the _____ day of
(describe land).

In witness of this we hereto sign our names this _____ day
of _____ One thousand, Nine hundred and _____

A.B.

Witness

C.D.

DECLARATION of TITLE.

(Form 5.)

To

The Falklands

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By a decree of the Chief Justice made absolute in open Court
on the _____ day of _____ 190

A.B. _____ of _____ was declared to be lawfully entitled
in fee simple to all, (here describe the land or say last conveyed by
C.D. to E.F. and registered in book _____ page _____ or regis-
tered and numbered _____ and dated _____ and state if
subject to any mortgage, life rent or other charge).

Confirmed

Chief Justice.

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Registrar General.

SECOND SCHEDULE.**REPEAL.**

No. and Year.	Title.	Extent of Repeal.
3 of 1853	Land Conveying Ordinance.	The whole.
12 of 1853	Registration Ordinance.	Sections two to the end of Section ten. Schedule A.

Printed by F. L. Gilbert, Government Printing Office, Falkland Islands.

No. 7,



1904.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(October 10th, 1904.)

An Ordinance to amend "The Pilot Ordinance, 1902."

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. That notwithstanding anything to the contrary contained in "The Pilot Ordinance, 1902," all persons who, at the time of the coming into operation thereof, held valid licenses as pilots, shall lawfully continue to be pilots as if appointed under the said Ordinance.

Pilots' licenses.

2. This Ordinance and "The Pilot Ordinance, 1902" shall be read and construed together and may be cited for all purposes as "The Pilots Ordinance, 1902-1904."

Short title.

Passed the Legislative Council this 7th day of October, 1904.

Assented to by the Governor and given under the Public Seal of the Colony this 10th day of October, 1904.

M. Craigie Mackenzie
Clerk of the Council.

No. 8,

1904.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(October 10th, 1904.)

An Ordinance
to amend "The Seal Fishery Ordinance, 1899."

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. Whenever any Vessel is found in Colonial waters and there is good cause to suspect that the Owner, Master or other person in charge of such Vessel or any person belonging thereto has committed any offence against "The Seal Fishery Ordinance, 1899," it shall be lawful for any person, duly authorized by the Government, without warrant, to seize and apprehend the person in charge of such Vessel and any person belonging thereto, and to arrest and detain such Vessel until the Master has given security to be approved by the Chief Justice to abide the event of any action, suit or other legal proceeding that may be instituted in respect of such Vessel or of any person belonging thereto, and to pay all penalties, costs and damages that may be awarded thereon.

Arrest of vessel and person in charge.

2. In any legal proceeding under the preceding section, the person giving security may be deemed to be the owner of the detained Vessel.

Security.

3. No duly authorized person shall be liable for any costs or damages in respect of any Vessel detained under this Ordinance, unless the detention is proved to have been made without reasonable grounds.

No authorized person liable for detention of vessel.

4. This Ordinance may be cited as "The Seal Fishery Amendment Ordinance, 1904."

Short title.

Passed the Legislative Council this 7th day of October, 1904.

Assented to by the Governor and given under the Public Seal of the Colony this 10th day of October, 1904.

M. Praeger-Hackett
Clerk of the Council.

W. Allardyce

9,



1904.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,

Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(19th November, 1904.)

An Ordinance to provide for the service of the Year 1905.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands with the advice and consent of the Legislative
Council thereof as follows:—

1. The Governor may cause to be issued out of the Public
Revenue and other funds of the Colony and applied to the service
of the year ending on the 31st. December, 1905, a sum not exceeding
Fifteen Thousand, Two Hundred and Thirty-eight Pounds, Six
Shillings and Eight Pence, which sum is granted, and shall be
appropriated for the purposes, and to defray the charges of the
several services expressed and particularly mentioned in the
Schedule hereto, which will come in course of payment during the
year 1905.

SCHEDULE.

Item.	Head of Service.	Amount,		
		£	s.	d.
1	Pensions ...	379	4	8
2	Governor ...	1488		
3	Colonial Secretary ...	802		
4	Treasury and Customs ...	569	15	
5	Audit ...	32	7	
6	Port and Marine ...	210		
7	Legal ...	250		
8	Police ...	592		
9	Prisons ...	356		
10	Medical ...	558		
11	Education ...	908		
12	Ecclesiastical ...	420		
13	Transport ...	230		
14	Miscellaneous ...	921		
15	Post Office ...	3236		
16	Colonial Engineer ...	886		
17	Public Works ...	2050		
18	Savings Bank ...	1250		
19	Drawbacks and Refunds ...	100		
		£ 15238	6	8

2. This Ordinance may be cited as "The Appropriation Ordinance, 1905."

Passed the Legislative Council this 18th day of November, 1904.

Assented to by the Governor and given under the Public Seal of the Colony this 19th day of November, 1904.

M. Craigie - Hackett
Clerk of the Council.

No. 10,



1904.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(30th December, 1904.)

W. Allardyce

An Ordinance to provide for the establishment of Municipal Councils.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

I. Creation and Constitution of Council.

1. It shall be lawful for the Governor in Council, on a petition of a majority of three-fifths of the householders of any town, by Proclamation, to declare that a Municipal Council, hereinafter called "the Council," constituted in the manner herein laid down and possessed of the powers, rights and duties prescribed by this Ordinance, shall be established in such town.

Creation of Council

2. It shall be lawful for the Governor in Council to define by notice in the Gazette the limits within which the Council shall exercise jurisdiction, and from time to time to alter, extend or diminish such limits; and the said limits shall be called the "Municipal limits."

Limit of Municipality.

3. Whenever a majority of the Electors of any Town present a petition to the Governor praying that the Council of such Town may be abolished, and setting forth in such petition a scheme for securing the discharge of all liabilities incurred by such Council, and for satisfying all vested interests which may have accrued in consequence of the creation of such Council, and the Governor in Council shall be satisfied that such scheme provides ample security for the protection and satisfaction of all equitable claims, rights, titles and interests, it shall be lawful for the Governor by Proclamation to abolish such Council as on and from a date to be therein named, and the affairs of such Town shall thereupon be managed as though a Municipal Council had never existed therein, and all real and personal estate belonging to such Council shall thereupon vest in the Colonial Secretary for the time being, and shall be dealt with by him as directed by the Governor in Council.

Abolition of Council.

4. The Council shall consist of a Chairman and six Councillors or such greater number of Members as shall from time to time be determined by the Governor in Council and notified in the Gazette and one half of such Members shall be elected as hereinafter provided and the other half of such Members and the Chairman shall be nominated by the Governor and appointed under his hand and the seal of the Colony and such nominated Members shall hold office during the Governor's pleasure.

Constitution of Council.

Re-election.

5. Upon the 14th day of April, in the second year following an election under this Ordinance every Councillor shall vacate his seat but shall be eligible for re-election or re-nomination if duly qualified.

II. Electors.

Definition of
Elector.

6. In this Ordinance, "elector" shall mean any person over twenty-one years of age, not being an undischarged bankrupt, or against whom an order of prohibition is in force under the Licensing Ordinance, or an alien, and not having been convicted of treason, felony or perjury or of any crime that is infamous (unless he shall have obtained a free pardon), who can read and write and who shall for the whole of the preceding twelve months have occupied any real estate within the Municipal limits of the annual value of not less than £10 in respect of which all rates for which he is liable shall have been paid at the time he records his vote.

Preparation of list
of Electors.

7. For the purpose of the first election of any Council under this Ordinance, it shall be the duty of the Colonial Secretary or such other Officer as may be appointed by the Governor to prepare, on or before the 1st day of February in the year next following the creation of a Council as laid down in section 1 hereof, a list of all electors duly qualified under this Ordinance.

Objections to list.

Such list shall be affixed to the Court House and other conspicuous places in the Town and shall be accompanied by a notice that all objections to the said list will be heard at a date to be therein named at the Police Court.

Objections how
heard.

8. On the date named in the aforesaid notice the Magistrate, or some other person appointed by the Governor, shall hear all objections that may be made in respect of the said list, and all applications for the insertion of names therein or removal of names therefrom, and shall sign a corrected copy of the list, in which the names shall appear in alphabetical order and with a numeral against each name.

Corrected list.

How posted and
published.

9. The corrected list shall thereupon come into force, and shall be posted in conspicuous places within the Municipal limits and be published in the Gazette.

New list.

10. The aforesaid list shall remain in force until a new list shall have been made as hereinafter provided.

Council to prepare
list of qualified
electors.

11. For the purpose of every election subsequent to the first, it shall be the duty of the Council to prepare a list of all qualified electors. Such list shall be prepared in every year by the last day of February and the procedure with regard to the revision and coming into force of the list shall be the same as that prescribed by this Ordinance with regard to the first or original list.

III. Elections and Councillors.

Election to Council.

12. No person shall be elected or nominated to the Council unless he is an "elector" as defined in section 6.

Disqualifications.

13. A person shall be disqualified for being a Member of the Council, if and while he:—

(a) holds any office or place of profit in the gift or disposal of the Council.

(b) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the Council.

- (c) Is an Officer in the service of the Government, and has not obtained the consent of the Governor in writing.

14. If any Member of the Council:—

- (a) Becomes bankrupt; or

- (b) Is absent from any three consecutive meetings, unless upon sick certificate; or is absent from the Colony for more than 90 days at any one time, without leave of the Council,

he shall *ipso facto* cease to be a Councillor and a notification of any vacancy so caused shall be made to the Colonial Secretary and by him published in the Gazette, but any Councillor thus removed may be re-elected or re-nominated subject to the provisions of section 12.

15. If any Member of the Council refuses to obey the ruling of the chair or to comply with the rules of the Council, the Council may, after affording him full opportunity of defending himself, by resolution expel such Member and declare his seat vacant, and his seat shall thereupon become vacant accordingly

16. Any ten electors may nominate any elector a candidate for the Council by signing and forwarding not later than the 14th day of April to the Colonial Secretary or Returning Officer a paper in the following words:—

“We, the undersigned, hereby request you to enter the name of _____ on the ballot paper for the next Municipal election,”

“I accept this nomination _____
(Signature of candidate.)

17. Subject to the provisions of this Ordinance, the election of Councillors shall take place in such manner and at such time and subject to such regulations as to the recording and counting of votes and otherwise as may be prescribed by the Governor in Council.

18. Every election shall take place under the presidency of a Returning Officer, to be named by the Governor, and the votes shall be given by ballot.

19. The ballot of every elector shall consist of a paper called a “ballot paper” on which shall be entered the names of all candidates duly nominated.

At the time of voting, a ballot paper bearing a number corresponding with the number opposite his name on the list of electors shall be handed to the elector who, having placed against the names of the candidates the number of votes he desires to record in favour of each, shall place it in a ballot box in the presence of the Returning Officer.

20. Every elector may give one vote and no more in respect of each vacant seat on the Council, but he may give all his votes to one candidate or some to one and some to another.

21. At the close of the election the Returning Officer shall count the votes recorded and declare the result, and give to each Councillor a certificate of election, setting forth the number of votes he has received.

Article 10-20-1

19 188

1888

When Councillor bankrupt or absent without leave.

19 1888

When Member refuses to obey rules.

Nomination of Elector.

Manner of election.

Vote by ballot.

Ballot paper.

Manner of ballot.

Manner of voting.

Result of election how declared.

When equality of
candidates exists.

22. When an equality is found to exist between any candidates at any election, and the addition of one vote would entitle any of such candidates to be declared elected, the Returning Officer may give such additional vote.

Completion of
Election.

23. The election shall be completed by the 30th day of April.

May show cause why
Councillor should
not be elected.

24. Within seven days after any election, any person may by petition to the Supreme Court show cause why any Councillor should be declared not duly elected and any other person declared duly elected, and the Chief Justice, having heard the complaint, may make such order as justice requires, and direct the Returning Officer to issue his certificate to the person duly elected.

Casual vacancy.

25. Any casual vacancy in the office of Councillor may be filled, in the case of a nominated Member, by a person nominated by the Governor in Council and appointed under the hand of the Governor and seal of the Colony, and, in the case of an elected Member, by a person selected by the elected Members of the Council who shall give to the person so selected a certificate of appointment, which certificate shall be dealt with as prescribed in the case of a certificate given under section 21: provided that any person so nominated or selected shall vacate his seat on the 14th day of April next following the date of his appointment.

Certificate of
Election to be
produced.

26. After each election every Councillor whether nominated by the Governor or elected or declared elected on petition as hereinbefore provided shall attend in the Supreme Court at such time or times (not less than seven days after the election) as may be appointed for the purpose by the Chief Justice and the elected Councillors shall then produce for the information of the Chief Justice the certificates of election furnished to them under section 21 or section 24 of this Ordinance, and the Chief Justice shall administer to each Councillor an oath in the following terms:—

Oath of Councillor,

I _____ do sincerely promise and swear that I will faithfully and diligently execute to the utmost of my abilities the duties of a Municipal Councillor within the Municipality of _____.

Chief Justice to
countersign certi-
ficates.

And after the elected Councillors have taken the oath the Chief Justice shall countersign their certificates, and the certificates so countersigned shall be their warrants of admission to the Council.

Colonial Secretary
to fix day for first
Council.

27. The Colonial Secretary shall fix a day and hour for the first meeting of the Council after each election; and such day shall be not less than seven days nor more than sixteen days after the election; and the Colonial Secretary shall publish a notice of the day and hour so fixed in the Gazette not less than three days before the day fixed for the meeting, and shall cause due notice to be given to each elected Councillor of the appointed time and the place of the meeting, and such notice shall set forth the terms of section 28 of this Ordinance, and shall specify any other business to be dealt with at the meeting.

IV. Councils and Officers.

Councillors' names
to be entered on
Minute Book.

28. At the first meeting of the Council after each election, the names of the Councillors duly elected shall be entered in the Minute Book, and opposite each name shall be noted the number of votes received by each as shown in the Returning Officer's Certificates issued, as prescribed in sections 21 and 24.

Appointment of
Vice-Chairman.

The Council shall then appoint one of their number to be Vice-Chairman.

Chairman to preside.

29. The Chairman shall preside at meetings of the Council and shall have such other functions and powers as may be from time to time assigned to him by the Council.

He shall have an original vote and, in case of an equality of votes, a second vote. Chairman's votes.

30. (1) The Council shall meet once in every month and at such other times as may be fixed by the rules, or when convened by the Chairman. Meetings of Council.

(2) If three Councillors present to the Chairman a written request to convene a meeting for considering some particular matter, the Chairman shall convene a meeting without delay, and if he refuses or neglects to convene a meeting within seven days any three Councillors may convene a meeting. Special Meetings.

31. (1) Any three Councillors shall be a quorum for the transaction of business. Procedure in Council.

(2) Every question shall be decided by a majority of the Members present.

(3) No act or proceeding of the Council shall be questioned on account of any seat being vacant.

(4) A Councillor shall not discuss or vote in respect of any matter in which he has directly or indirectly any pecuniary interest.

32. The Vice-Chairman shall preside whenever the Chairman is unable to attend, and in case of the absence, through illness or other cause, of both the Chairman and Vice-Chairman the Councillors may appoint one of their number to fill the office temporarily. Procedure in absence of Chairman.

33. The Chairman shall, during the term and by virtue of his office, be a Justice, but, before acting as such, he shall, if he has not already done so, take the oaths required to be taken by a Justice, and such Chairman, in his capacity as Justice, shall be subject to the same restrictions, disqualifications and powers of removal as any other Justice. Chairman to be Justice of the Peace ex-officio.

34. The Council may appoint a Secretary and Treasurer—not being one of their own number—who shall act as Clerk of the Council, and such other Officers as they may think necessary for the performance of the duties of the Council, and every Officer so appointed shall hold office during the pleasure of the Council and shall be paid such remuneration as the Council may assign to him and the Governor approve: and the Council shall take from any Officer who receives or pays any money on behalf of the Council such security as may be fixed by the Council and approved by the Governor. Appointment of Secretary and Treasurer.

35. The Council shall record in a book to be kept for that purpose minutes of their proceedings, and no business shall be entered upon until the minutes of the last preceding meeting shall be read over and confirmed or amended, as the case may require. Record of proceedings.

36. (1) A copy of any minute of the Council or of one of its Committee signed and certified by the Chairman thereof may be received in evidence, without further proof, for any purpose whatsoever. Minutes of Council how certified.

(2) Until the contrary is proved, every Meeting of the Council or of one of its Committee in respect of which a minute has been duly confirmed shall be deemed to have been legally convened and held, and the Members thereat to have been duly qualified and to have had power to deal with the matter referred to in such minute. When Meeting of Council deemed legally convened.

V. Vesting and disposal of Property.

Municipal Fund.

37. The annual revenues arising within the town of Stanley from the Dog Tax, the Publicans' Licenses, the Tobacco and Billiard Table Licenses under the several Ordinances relating thereto, and from the charge for depasturing on the Common and from an annual sanitary grant from general revenue of not less than One Hundred Pounds, as may be approved by the Governor in Council, shall be vested in the Municipal Council of Stanley whenever duly constituted, and shall be known as the "Municipal Fund" and shall be applied to discharge any lawful expenditure incurred by the Council under this Ordinance; provided that the Government shall retain for its own use five per cent of such revenues in consideration of the expense and labour of collecting them and shall deduct from such revenues the sum of Fifty Pounds annually in liquidation of the balance due on account of the sum advanced in 1897 from the Land Sales Fund for the purchase of a Steam Fire Engine or in liquidation of any loan hereafter made to the Council and in paying interest at the rate of $3\frac{1}{2}\%$ per annum on so much of any such loans as shall remain due on the first day of January in each year, and provided that the sum to be paid by the Government on account of the revenues hereby allocated to the Municipal Council of Stanley in respect of the year in which the Council comes into existence as also the sanitary grant shall be assessed and determined by the Governor in Council, and paid from the Treasury by Warrant under the hand of the Governor.

Disposal of income.

38. The income of all Municipal property and all fines, fees and other revenues received shall be carried to the account of the Municipal Fund, and the debts of the Municipality, the salary of officers and expenses of the Council shall be paid out of the Municipal Fund.

VI. Rates.

Imposition of Rate.

39. In the event of the aforesaid Municipal Fund being insufficient to meet the authorized lawful expenditure, the Council may, with the consent of the Governor in Council, impose a rate upon all real estate within the Town limits in the manner following:-

Assessment Book.

40. On or before the first Monday in July in every year the Council may cause to be prepared (in an assessment book to be kept for that purpose) a list in alphabetical order of all persons liable to be rated and the amount at which each is assessed.

How rate is estimated.

41. Every rate so made shall be made upon an estimate of the net annual value of the real estate in respect of which the rate is levied, and shall not exceed the sum of Two Shillings and Sixpence in the pound.

Council to publish notice of assessment list.

42. The Council, when the assessment list has been prepared, shall publish a notice that such list has been made and may be inspected at the office of the Council on any day between such hours as are notified, and that all objections to the said list will be heard by the Council at their office on the third Monday in July.

Objections thereto.

On the said date the Council shall hear any objections that may be made, and insert in the said list any person liable to be rated and strike out of the said list any person who shall not be liable to be rated, and correct all errors in the said list and sign the same.

Supreme Court how petitioned for amendment of list.

43. Any person whose name shall be upon any such list duly allowed and signed by the Council may, between the third Monday in July and the end of September, apply by petition to the Supreme Court for the removal or insertion of his own or any other person's name, or for the increase or the reduction of the amount at which he or any other person is assessed, and the Chief Justice may require the attendance of an officer of the Council with the assessment book and summarily hear and deal with any such petition and if he sees fit amend the assessment book, and award costs to be paid in such manner and by and to such parties or persons as he may think just.

44. At any time after the last day of September, the Council may submit the assessment book to the Chief Justice for his signature, and the list when so signed by the Chief Justice shall be the assessment roll upon which the rates shall be levied until a new list shall be signed by the Chief Justice.

Chief Justice to sign
Assessment Book.

45. If any person assessed to any rate under this Ordinance fails to pay the same within fourteen days after payment has been lawfully demanded in writing, the Council shall take proceedings in a Court of Summary Jurisdiction to compel the defaulting party to pay the rate.

Failure to pay rates.

46. The Council may remit wholly or in part any rate or tax on the ground of the poverty of the person liable to pay the same, or that the property in respect of which the rate or tax is payable has become deteriorated and that the rate is oppressive.

Remission of rate.

VII. Borrowing Powers.

47. It shall not be lawful for a Municipal Council to borrow any money for any purpose whatsoever except under the authority of an order of the Governor in Council and subject to such terms and conditions as may be prescribed by such order.

Borrowing powers.

VIII. Audit.

48. Within seven days after the 30th day of June and the 31st day of December in every year the accounts of the Revenue and Expenditure of the Council shall be closed and, after being signed by the Chairman, Treasurer and one Councillor, shall be examined and audited by a person to be appointed by the Governor and may at any time be inspected by any householder on payment of a fee of one shilling.

Audit.

49. The Auditor may disallow any item of account contrary to law and surcharge the same on the person making or authorizing the making of the illegal payment.

Auditor may dis-
allow item.

50. Any person aggrieved by such disallowance may appeal to the Supreme Court and, thereupon, the Chief Justice may decide summarily upon the question at issue.

Appeal to Supreme
Court.

51. The accounts within fourteen days after the completion of the audit shall be forwarded to the Colonial Secretary and a summary thereof shall be by him published in the Government Gazette.

Accounts to be
Gazetted.

IX. Powers and Duties of Council.

52. The Municipal Council may :

(a) Purchase, or hire, or, with the sanction of the Governor in Council, sell or exchange any land or right thereto and may erect and furnish such buildings as they require.

Powers of Council.

(b) Purchase or hire any stone breaker, roller or other machine.

(c) Purchase any stone, sand, shingle or other material necessary for repairing any road or drain.

(d) Support or contribute to the support of any recreation ground.

(e) Support or contribute to the support of a band.

(f) Maintain or contribute to the maintenance of a cemetery.

(g) Expend any money upon and perform any lawful act in connection with any work incidental to or required by or in connection with the powers and duties conferred upon them by this Ordinance.

(h) Do such other acts or incur such other expenditure as may be allowed by an order of the Governor in Council published in the Gazette.

Duties of Council.

53. Subject to the provisions of this Ordinance, it shall be the duty of the Council. :—

(a) To keep all public roads within the Municipal limits clean and in good repair, and sufficiently drained, lighted and clear of obstructions.

(b) To provide for the removal or satisfactory disposal of all night soil and refuse from every house within the Municipal limits, provided that, in cases where the Council is unable to perform this duty itself, the Council shall remain responsible that it is effectively carried out by the owners of property concerned.

(c) To provide, if so directed by the Governor in Council, a good and sufficient supply of water for the use of persons living within the Municipal limits, and to keep cleansed and in good repair all public fountains, drains and aqueducts and to preserve the same from contamination.

(d) To provide for the protection of the Town against fire.

(e) To provide for the maintenance and protection of paupers.

(f) Generally to do such other acts as may be necessary for the conservancy of the Town and the preservation of the public health therein.

Section 1 of Ordinance 5 of 1894 to remain in abeyance.

54. Section 1 of Ordinance 5 of 1894, entitled "An Ordinance for the preservation of Public Health" shall remain in abeyance whenever and for so long as there shall be a Municipal Council lawfully established and constituted in the Town of Stanley, and the Council shall, within the Municipal limits, have the rights and powers of and perform the duties imposed upon the Board of Health for the East Falklands, provided that, whenever the Council discusses or decides upon any matter relating to the preservation of the public health which comes within the purview of the Ordinances and Bye Laws relating to health, the Colonial Surgeon shall be *ex-officio* Chairman to the Council and that no matters relating to health shall be determined in his absence.

Occasions when Colonial Surgeon is Chairman to Council.

X. Rules and Bye Laws.

Council may make and alter rules.

55. (1) The Council may at any Meeting make, alter, revoke and vary rules relating to all or any of the following matters, namely :—

(a) The times of their Meetings.

(b) The mode of convening their Meetings.

- (c) The attendance of Members.
- (d) The form and order of debates.
- (e) The powers and duties of their Officers and servants:
- (f) The general regulation of their own and of their Committees proceedings.

(2) No regulations shall be made, altered or revoked under this section unless special notice was given at the preceding meeting of the intended making, alteration or revocation and a copy of such notice was sent to every Councillor at least three days before the Meeting at which such making, alteration or revocation is to be considered and such rules shall not come into force until approved by the Governor in Council and published.

56. The Council subject to the same conditions as to making, altering, revoking and coming into force as are prescribed in the preceding section may make, alter, revoke or vary Bye Laws in respect of the following matters and may enforce same by pecuniary penalties for any neglect or breach thereof—

Council may make and alter Bye Laws.

- (1) Making, cleaning, or repairing roads, paths or drains.
- (2) Lighting.
- (3) The supply of water for sanitary or domestic purposes, and the rates to be charged therefor.
- (4) The removal of sewage and house refuse.
- (5) The structure and materials to be used in new buildings and in the repair of old buildings for the purpose of securing sanitation, stability, uniformity and protection against fire.
- (6) The closing, pulling down, or prohibiting the use of buildings or parts thereof unfit for human habitation.
- (7) The mode, manner, and place of keeping swine.
- (8) The recovery of costs incurred by the Council in the abatement or removal of nuisances.
- (9) The management and disposal of any real estate acquired by the Council.
- (10) The protection of the Town against fire.
- (11) Such other matters and things as they may be empowered to deal with by an order made by the Governor in Council.

57. The Supreme Court shall have power to make and enforce such orders and grant such remedies as shall seem just in respect of any matter which may arise under this Ordinance and which cannot otherwise be determined hereunder.

Powers of Supreme Court.

58. Any person who shall offend against or neglect to comply with any of the provisions of this Ordinance or lawful order made thereunder shall on conviction be liable to a penalty not exceeding Ten Pounds, and every proceeding instituted shall be taken in the name of some duly authorized Officer of the Council.

Penalty clause.

59. Any person who votes in respect of any matter before the Council knowing that he is not a duly elected Councillor or after he has ceased to be lawfully a member of such Council, shall be liable on conviction to a penalty not exceeding Ten Pounds in respect of each time he votes.

Person voting when not a duly elected Councillor.

Improper use of
Municipal Fund.

60. Any person who authorises, sanctions or approves whether by himself or in conjunction with any other person the payment of any sum of money from the Municipal Fund, knowing that he is not lawfully a Councillor shall be guilty of a misdemeanour and shall be liable to imprisonment with hard labour for any term not exceeding three years.

Ordinance 5 of 1897
to remain in abey-
ance.

61. Ordinance No. 5 of 1897, entitled "The Local Rates Ordinance," shall remain in abeyance and no rate shall be assessed thereunder whenever and for so long as a Municipal Council is lawfully established in the Town of Stanley, provided that nothing herein shall operate to prevent the collection and enforcement of the payment of any rate duly assessed thereunder before the constitution of a Municipal Council in Stanley.

Short Title.

62. This Ordinance may be cited as "The Municipal Ordinance, 1904."

Passed the Legislative Council this 28th day of December, 1904.

Assented to by the Governor and given under the Public Seal of the Colony this 30th day of December, 1904.

M. Carnegie - Ad. M. H. H.

Clerk of the Council.

No. 1,



1905.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(25th February, 1905.)

*An Ordinance to amend
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 with-
out delivery to the Mortgagee.”*

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands with the advice and consent of the Legislative
Council thereof as follows:—

1. The limit of time for the registration in the office of the
Registrar General of any agreement giving a preferable lien on
wool, or any mortgage on stock made from and after the coming
into operation of this Ordinance, in the form respectively provided
in the Schedule to 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,” shall, in cases where such agreement or mortgage
shall have been executed out of the Colony, be extended to three
months.

Passed the Legislative Council this 23rd day of February, 1905.

Assented to by the Governor and given under the Public Seal
of the Colony this 25th day of February, 1905.

G. I. Lerner,
Acting Clerk of the Council.

W. Allardyce



2,

1905.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(27th March, 1905.)

An Ordinance to authorize the Supplementary Expenditure for the year 1904.

Whereas during the year 1904 certain sums of money were issued out of the Public Revenues of the Colony and applied to purposes and services not provided for in the Appropriation Ordinance, 1904, and it is necessary to legalize such payments:—

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. In addition to the sums already provided for the service of the year ended on the 31st day of December, 1904, the sum of Nine hundred and Seventy One Pounds, One Shilling and Sevenpence issued out of the Public Revenue of the Colony and applied to the service of that year for the purpose expressed in the following Schedule, is hereby authorized and confirmed:—

SCHEDULE.

	£	s.	d.
Pensions	51	9	4
Colonial Secretary	104	17	8
Audit	1	16	6
Legal	21	15	3
Police	29	15	3
Medical	134	15	2
Miscellaneous	280	5	7
Public Works	230	15	9
Drawbacks and Refunds	103	11	1
Total	£971	1	7

Passed the Legislative Council this 25th day of March, 1905.

Assented to by the Governor and given under the Public Seal
of the Colony this 27th day of March, 1905.

G. I. Lerner,
Acting Clerk of the Council



W. L. Allardyce

No. 3,



1905.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(8th September, 1905.)

An Ordinance to amend "The Live Stock Ordinance, 1901."

WHEREAS it is advisable to amend "The Live Stock Ordinance 1901," and to make provision for the diminishing of geese, be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. In this Ordinance the words following shall have or include the meanings hereafter respectively assigned to them (that is to say) :—

"Owner" includes a lessee from the Crown, and the Agent or Manager of any absentee owner or lessee.

"Geese" shall mean the variety known as the Upland Goose (Bernicla or *Clæphaga magellanica*).

"Beaks" shall mean the upper beak of the Upland Goose.

"Receiver" shall mean a person appointed by the Governor for the purpose of receiving and destroying the beaks of geese.

2. The Governor may appoint competent persons to act as Receivers for such periods and on such terms and conditions as may be thought proper by the Governor in Council. All Inspectors of Stock shall be Receivers ex-officio.

3. It shall be the duty of the Treasurer when so instructed to withdraw such sums from the Seab Fund as may be approved by the Governor in Council for the purpose of paying for beaks at the rate of Ten Shillings for every hundred.

4. Every Receiver shall make out a receipt in duplicate by means of a carbon copy in Form A for the number of beaks received by him and shall after destroying the beaks by fire forward the original to the Colonial Secretary and hand the carbon copy to the person from whom he received them.

5. It shall be the duty of the Colonial Secretary on presentation of the carbon receipt to compare it with the original and when satisfied of its correctness to pass a voucher for the beaks at the rate specified in section 3. Should any receipt presented for payment be tampered with the value of the beaks on such receipt shall be forfeited.

6. The Governor in Council shall determine annually how many geese beaks may be purchased on the East and West Falkland respectively during the then current year and the same shall be notified in the Government Gazette and posted at the office of all Receivers.

7. This Ordinance and the Principal Ordinance shall be read and construed together and may be cited for all purposes as "The Live Stock Ordinance 1901-1905."

8. This Ordinance shall remain in force until the 31st day of December, 1907, unless extended for a further period by Proclamation.

Passed the Legislative Council this 8th day of September, 1905.

Assented to by the Governor and given under the Public Seal of the Colony this 12th day of September, 1905.

M. Craigie - Haslett
Clerk of the Council.

Form A.

No....

.....190...

I certify that I have this day destroyed by fire
.....geese beaks.

received from Mr. of
..... Station.

(When this receipt is presented to the Colonial Secretary he will pass a voucher for the payment of the beaks at the rate of Ten Shillings per hundred.)

Receiver.

N.B.—Should this receipt be tampered with the value of the beaks will be forfeited.

No. 4,



1905.

FALKLAND ISLANDS.

W. Allardyce
Governor

LIAM LAMOND ALLARDYCE, ESQUIRE,
Member of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(4th November, 1905.)

*An Ordinance
to provide for the rating of Stanley.*

Preamble.

WHEREAS it is advisable to repeal Ordinance No. 5 of 1897, and to make other provision in lieu thereof, be it enacted by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

Enacting clause.

Interpretation of
rateable property.

1. In this Ordinance the word 'house' shall mean and include every erection or structure of whatever nature capable of being utilised for habitation, shelter, trade, work, storage, or for housing horses, cattle, stock, poultry, or any live bird or animal.

Rate on property.

2. For all house property in the town of Stanley there shall be charged yearly in respect thereof for every twenty shillings of its annual value the sum of nine pence or such further sum not exceeding in the aggregate one shilling and three pence as may be sanctioned annually by the Legislative Council; such value to be assessed in open court in the first fortnight in January in every year by the Justices of the Peace resident in Stanley whose decision shall be final. All rates shall be paid to the Colonial Treasurer before the 31st day of March in each year.

Owners responsible
for rate.

3. The owners of all house property shall be responsible for the due payment of the rates and should such rates remain unpaid for a period of four weeks after they become due they shall be recoverable by civil process in the Magistrate's Court.

Exemptions.

4. No rate whatever shall be levied upon any of the following descriptions of property:—

Property belonging to the Government unless the same be let or hired to a private individual.

Any Church or place of Public Worship.

Any hospital, asylum, or building used exclusively for charitable purposes, or any public school, public library, museum or mechanic's institute.

Previous Ordinance
repealed.

5. Ordinance No. 5 of 1897, entitled "An Ordinance to raise a sum of money by a rate on house and other property in Stanley, and to provide for the application thereof and of other local rates" shall be and the same is hereby repealed.

Short Title.

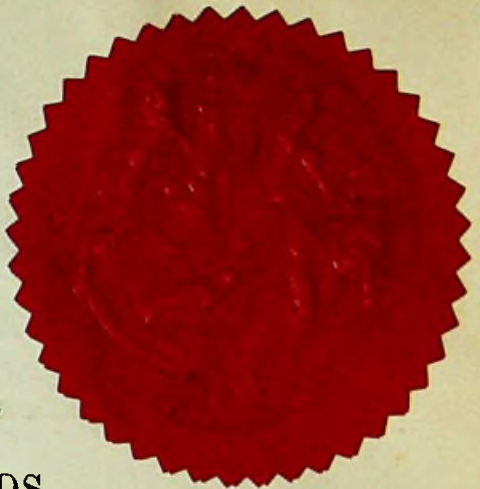
6. This Ordinance may be cited as the "Stanley Rating Ordinance, 1905."

Passed the Legislative Council this 3rd day of November, 1905.

Assented to by the Governor and given under the Public Seal of the Colony this 4th day of November, 1905.

M. Francis Halliwell
Clerk of the Council.

No. 5,



FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

W. Allardyce
Governor

(28th December, 1905.)

An Ordinance to provide for the service of the Year 1906.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on the 31st December, 1906, a sum not exceeding Fourteen Thousand, Five Hundred and Twenty-three Pounds, Nineteen Shillings and Eight Pence, which sum is granted, and shall be appropriated for the purposes, and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto, which will come in course of payment during the year 1906.

SCHEDULE.

Item.	Head of Service.	Amount,		
		£	s.	d.
1	Pensions	399	4	8
2	Governor	1502	0	0
3	Colonial Secretary	827	0	0
4	Treasury and Customs	557	15	0
5	Audit	25	0	0
6	Port and Marine	80	0	0
7	Legal	455	0	0
8	Police	185	0	0
9	Prisons	629	0	0
10	Medical	922	0	0
11	Education	420	0	0
12	Ecclesiastical	230	0	0
13	Transport	746	0	0
14	Miscellaneous	3456	0	0
15	Post Office	970	0	0
16	Colonial Engineer	1050	0	0
17	Public Works Recurrent	700	0	0
	Extraordinary	1250	0	0
18	Savings Bank	20	0	0
19	Currency Note Fund	100	0	0
20	Drawbacks and Refunds			
		£ 14523	19	8

2. This Ordinance may be cited as "The Appropriation Ordinance, 1906."

Passed the Legislative Council this 27th day of December, 1905.

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of December, 1905.



Acting Clerk of the Council.



W. Allardyce

No. 1,



1906.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(26th March, 1906.)

An Ordinance to appropriate certain further sums of money for the use of the Public Service of the Colony for the year ended on the 31st day of December, 1905.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:

1. The several sums of money appearing in the Schedule hereto, and amounting in the whole to four hundred and forty nine pounds and ninepence, are hereby declared to be also payable for the year ended on the 31st day of December, 1905, for and in respect of the several services in the said Schedule mentioned, in addition to the sums appropriated by Ordinance No. IX of 1904.

2. This Ordinance may be cited as the Supplementary Appropriation Ordinance, 1906.

Passed the Legislative Council this 24th day of March, 1906.

Assented to by the Governor and given under the Public Seal of the Colony this 26th day of March, 1906.

M. Craige-Hall Kett
Clerk of the Council.

SCHEDULE.

Item.	Head of Service.	Amount.
		£ s. d.
I.	Pensions	8 12 3
IV.	Treasury and Customs	30 8 10
IX.	Prisons	11 15 1
X.	Medical	100 7 2
XI.	Education	107 9 1
XVI.	Colonial Engineer	14 16 9
XVII.	Public Works, Extraordinary	73 15 7
XIX.	Drawbacks and Refunds	65 16 0
XX.	Currency Note Fund	36 0 0
	Total	449 0 9



W. Allardyce

No. 2,



1906.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(11th August, 1906.)

An Ordinance To amend "The Tariff Ordinance, 1900."

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. The First Schedule to "The Tariff Ordinance, 1900," as amended by "The Tariff Amendment Ordinance, 1900," is hereby amended by striking out the words—

"Spirits, Strong Waters, Liqueurs, Cordials, Sweetened
"Spirits and all articles containing any quantity of
"alcohol or spirit which by the Imperial Customs Laws
"are liable to duty as spirits, per gallon, twelve shillings"

and by inserting in the place of the words so struck out the words—

"Spirits not exceeding the strength of proof as ascertained
"by Sikes's hydrometer, and in proportion for any greater
"strength than strength of proof, per gallon, twelve
"shillings."

2. This Ordinance may be cited for all purposes as "The Tariff Amendment Ordinance, 1906."

Passed the Legislative Council this 10th day of August, 1906.

Assented to by the Governor and given under the Public Seal of the Colony this // th day of August, 1906.

M. Craigie Hackett.

Clerk of the Council.

Alteration of Customs
duties on spirits.

Short Title



W. Allardyce

No. 3,



1906.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(5th October, 1906.)

An Ordinance To regulate the Whale Fishery of the Colony of the Falkland Islands.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. It shall not be lawful for any person to kill, take, or hunt, or attempt to kill or take any whale in Colonial Waters unless he shall have first been duly licensed, and shall have entered into a bond to the Colonial Government, with one sufficient surety, in the sum of one hundred pounds—

Unlawful to take whales without a license.

- (a) to pay into the Colonial Treasury the royalties specified in the Schedule to this Ordinance; and
- (b) to render to the Government an accurate account of the number and description of whales taken by him under his license.

2. (1.) The Colonial Secretary, or such other officer as the Governor may appoint for the purpose, may grant Whaling Licenses to such persons as may apply for them, for such periods, and on such terms and conditions, as may be approved by the Governor.

Granting of Whaling Licenses.

(2.) There shall be paid into the Colonial Treasury for and in respect of each Whaling License granted under this Ordinance the sum of twenty-five pounds: provided that a Whaling License under this Ordinance, may, with the approval of the Secretary of State, be granted to any person without payment of the sum of twenty-five pounds as aforesaid, and without such person being required to enter into the bond specified in section 1 of this Ordinance.

The Governor in Council
may make regulations.

3. The Governor in Council may from time to time make regulations—

- (a) for fixing the terms and conditions on which Whaling Licenses may be granted;
- (b) for regulating the number of Whaling Licenses to be granted in any year;
- (c) for defining the limits within which any holder of a Whaling License shall be allowed to take whales;
- (d) for regulating the number of whales to be taken in any year by any holder of a Whaling License;
- (e) for disposing by sale or otherwise of any whales, whale-oil, or whale-bone forfeited under the provisions of this Ordinance; and
- (f) generally for carrying out the provisions of this Ordinance, and the intent and object thereof.

And the Governor in Council may impose penalties not exceeding ten pounds for the breach of such regulations.

Regulations to be published
in the Gazette.

4. All regulations made in pursuance of this Ordinance shall be published in the Gazette, and shall come into force on such day as the Governor may direct by notice in that behalf published in the Gazette.

Liability of an owner or
master of a vessel.

5. Any owner or master or other person in charge of any vessel, who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in killing or taking whales, or who shall permit or negligently suffer any person belonging to such vessel to be employed in killing or taking whales, in Colonial Waters, without a license under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any license granted to him under this Ordinance, shall forfeit any whales so killed or taken, and any whale-oil or whale-bone found in his possession, and in addition thereto shall be liable to a penalty not exceeding three hundred pounds for each offence.

Offences, and penalties
and forfeitures consequent
thereon.

6. Any person who does any of the following acts shall be guilty of an offence against this Ordinance, and shall be liable on conviction to a penalty not exceeding one hundred pounds for each such offence, and to forfeit any whales, whale-oil, or whale-bone found in his possession:—

- (a) Kills, takes, or hunts, or attempts to kill or take any whale without a license under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any license granted to him under this Ordinance.
- (b) Has in his possession, or in any vessel under his command, any whale-oil or whale-bone, for the lawful possession of which he cannot account satisfactorily.

Prosecution of offences.

7. Offences under this Ordinance, or under any regulation made thereunder, may be prosecuted, and penalties and forfeitures under this Ordinance, or any regulations thereunder, may be recovered before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner, or by action in the Supreme Court of the Colony, together with full costs of suit: provided that any penalty imposed by a Stipendiary Magistrate or two Justices of the Peace shall not exceed one hundred pounds, exclusive of costs.

Venue.

8. 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.

9. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and his tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Recovery of penalties.

10. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any vessel to which he may belong, with the person being or appearing to be in command or charge of such vessel.

Service of summons.

11. The Governor, and any person duly authorized by him in writing, may kill or take for a scientific or any other special purpose, any whale, and in so doing shall be exempt from any penalties and forfeiture under this Ordinance.

Special exemption.

12. Notwithstanding anything in this Ordinance contained, the owner or lessee of any land, or the agent of such owner or lessee, may take possession of any derelict whale found on such land, or on the coast or shore adjacent thereto, but such whale, or any part thereof, may not be appropriated by such owner or lessee, or agent, as aforesaid, except with the permission of, and on such special terms and conditions in respect of royalty and otherwise as may be approved by, the Governor in Council.

Derelict whales.

13. Any person who appropriates any derelict whale, or any part thereof, in contravention of Section 12 of this Ordinance shall be liable to a penalty not exceeding one hundred pounds.

Penalty for appropriating any derelict whale without authority.

14. This Ordinance may be cited as the Whale Fishery Ordinance, 1906.

Short title.

Passed the Legislative Council this 3rd day of October, 1906.

Assented to by the Governor and given under the Public Seal of the Colony this 5th day of October, 1906.

M. Craigie-Hackett
Clerk of the Council.

SCHEDULE.

Schedule.

ROYALTIES.

Royalty upon every Right Whale	...	...	Ten pounds.
Royalty upon every Sperm Whale	...	...	Ten shillings.
Royalty upon every other Whale	...	...	Five shillings.



W. Allardyce

No. 4,



1906.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(22nd November, 1906.)

An Ordinance to provide for the service of the Year 1907.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands with the advice and consent of the Legislative
Council thereof as follows:—

1. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on the 31st December, 1907, a sum not exceeding Fifteen Thousand, Three Hundred and Twenty-nine Pounds, Nine Shillings and Eight Pence, which sum is granted, and shall be appropriated for the purposes, and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto, which will come in course of payment during the year 1907. Appropriation.

SCHEDULE.

Item.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions	311	14	8
2	Governor	1502	0	0
3	Colonial Secretary	869	0	0
4	Treasury and Customs	668	15	0
5	Audit	25	0	0
6	Port and Marine	90	0	0
7	Legal ... ..	...	...	...
8	Police	505	0	0
9	Prisons	315	0	0
10	Medical	694	0	0
11	Education	955	0	0
12	Ecclesiastical	420	0	0
13	Transport	230	0	0
14	Miscellaneous	1036	0	0
15	Post Office	3480	0	0
16	Colonial Engineer	975	0	0
17	Public Works Recurrent	1150	0	0
	" " Extraordinary	700	0	0
18	Savings Bank	1250	0	0
19	Currency Note Fund	53	0	0
20	Drawbacks and Refunds	100	0	0
		£ 15329	9	8

2. This Ordinance may be cited as the Appropriation Ordinance, 1907.

Passed the Legislative Council this 20th day of November, 1906.

Assented to by the Governor and given under the Public Seal of the Colony this 22nd day of November, 1906.

M. Craigie-Hal Kett

Clerk of the Council.



W. L. Allardyce

No. 5,



1906.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(30th November, 1906.)

An Ordinance

To declare the law regulating pensions, gratuities, and other allowances to be granted in respect of offices held in the public service of the Falkland Islands.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "The Pensions Ordinance, 1906." Short title.
2. Nothing in this Ordinance shall either diminish the rights acquired by any persons before the passing of the Ordinance or affect pensions already granted. Otherwise the provisions of this Ordinance shall apply to all public officers now or hereafter serving in the Colony, and to those who having so served have been transferred to public service elsewhere. Extent.
3. There shall be charged on and paid out of the revenue of the Colony all such sums of money as may, with the sanction of the Secretary of State for the Colonies, from time to time be granted by way of pension, gratuity or other allowance, in accordance with this Ordinance and with any regulations made thereunder, to persons who have been in the service of the Colony. Pensions to be charged on revenues of the Falkland Islands.
4. It shall be lawful for the Governor in Council, with the sanction of the Secretary of State for the Colonies, from time to time, to make, and when made, to vary and revoke, regulations for the granting of pensions, gratuities, and other allowances to persons who have been in the service of the Colony; provided that until any such regulations shall be made, the regulations contained in the Schedule to this Ordinance shall be in force. Governor in Council may make pension regulations.
5. No public officer hereafter appointed shall be entitled to a retiring allowance in respect to any service while under the age of twenty years. Age from which pension may be earned.

Age at which pension may be granted. Certificates required as to conduct, etc.

6. Except in cases of abolition or re-organization of office, no pension, gratuity, or other allowance shall be granted to any public officer who has not attained the age of sixty years, unless on medical evidence to the satisfaction of the Governor in Council or the Secretary of State for the Colonies that he is incapable, by reason of some infirmity of mind or body, of discharging the duties of his office, and that such infirmity is likely to be permanent; nor in any case without a certificate from the Governor that he has discharged the duties of his office with such diligence and fidelity as to justify the grant to him of a pension; provided that, if a public officer, though not suffering from any particular illness or infirmity of mind or body likely to be permanent, becomes unfit, in the opinion of the Governor in Council, for the discharge of the duties of the office to which he has been appointed, and such unfitness is not attributable to misconduct or gross negligence, and when the Governor in Council considers that the special circumstances of the case justify the grant to him of a pension, he may be pensioned at the rate not exceeding that for which he would be qualified if he were suffering from an illness or infirmity likely to be permanent.

Maximum pension grantable.

7. No pension granted under this Ordinance shall exceed two-thirds of the highest salary drawn by an officer at any time in the course of his service, except in cases when the retirement has been necessitated by injuries received in the discharge of duty.

Maximum pension where officer entitled to pension from another source.

8. Where an officer eligible for a pension under this Ordinance is also eligible for a pension from Imperial Funds, or from the funds of some other Colonial or Protectorate Government, the maximum pension which may be granted under this Ordinance shall in ordinary cases be such as, when added to such other pension, does not exceed two-thirds of the highest salary drawn by such officer at any time in the course of his service.

Age for compulsory retirement.

9. It shall be lawful for the Governor in Council, subject to the approval of the Secretary of State, to require any public officer to retire from the public service of the Colony at any time after he attains the age of sixty years, and retirement shall be compulsory for every officer on attaining the age of sixty-five years except that, in special cases where the Secretary of State is satisfied that the retirement of an officer at sixty-five would be detrimental to the interests of the public service, his employment may be extended for a further specified period.

Pensions not of right

10. No officer shall have an absolute right to compensation for past services, or to any pension, gratuity, or other allowance under this Ordinance or under any regulations made thereunder; nor shall anything herein or in such regulations contained, limit the right of the Crown to dismiss any officer without compensation.

Pensions not to be assignable.

11. No pension granted under this Ordinance, or under any regulations made thereunder, shall be assignable or transferable, or liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatsoever.

Pensions to cease on conviction.

12. If any person to whom a pension has been granted under this Ordinance, or under any regulations made thereunder, is convicted before any Court in His Majesty's Dominions of any crime or offence for which he is sentenced to death or penal servitude or transportation, or any term of imprisonment with hard labour or exceeding twelve months, and does not within two months after such conviction receive His Majesty's free pardon, then in every such case such pension shall forthwith cease; provided always that the Governor in Council, with the consent of the Secretary of State, may, if he thinks fit, restore the pension in the case of a person who, after conviction as above described, receives His Majesty's free pardon at any time.

13. If any person to whom a pension has been granted under this Ordinance becomes a bankrupt, then such pension shall forthwith cease, provided always that in any case where a pension ceases by reason of the bankruptcy of the pensioner it shall be lawful for the Secretary of State for the Colonies, or, if such pensioner is resident in the Colony, then for the Governor in Council, from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as the Secretary of State or Governor in Council shall think fit, to pay all or any part of the moneys to which such pensioner would have been entitled by way of pension had he not become a bankrupt to, or apply the same for the maintenance and personal support or benefit of, all or any, exclusive of the other or others, of the following persons, namely, such pensioner and any wife, child or children of his, in such proportions and manner as the Secretary of State or Governor in Council thinks proper.

Pensions to cease on bankruptcy.

14. This Ordinance shall come into operation on the 1st day of January, 1907.

Date of operation.

Passed the Legislative Council this 28th day of November, 1906.

Assented to by the Governor and given under the Public Seal of the Colony this 30th day of November, 1906.

M. Craigie-Hackett

Clerk of the Council.

SCHEDULE.

Regulations for the granting of Pensions, Gratuities, and other Allowances, to persons who have been in the Service of the Falkland Islands.

1. In these Regulations the term "pensionable office" means an office which has been declared by the Governor, with the sanction of the Secretary of State, by publication in the Official Gazette, to be pensionable; provided that any office declared to be pensionable under this section may be declared at any time by the Governor, with the sanction of the Secretary of State, by publication in manner aforesaid to be no longer pensionable, due regard being had to existing rights.

Definitions.

The term "salary" includes personal allowance, house allowance or the estimated value of free quarters, and fuel allowance or the estimated value of free fuel; provided that the amount to be allowed for house rent or the estimated value of free quarters, together with the amount to be allowed for fuel or the estimated value of free fuel, shall not exceed one-sixth of the actual salary of the office.

The term "other Public Service" includes service in a British Colony or Protectorate or under the Imperial Government or the Government of India and such other service as the Secretary of State may determine to be "other Public Service" within the meaning of these Regulations.

2. Subject to the provisions of "The Pensions Ordinance, 1906," and of these Regulations, every public officer holding a pensionable office in the Colony who has been in the service of the Colony for ten years or upwards may be granted on his retirement a pension at the rate of ten-sixtieths of his salary with an addition of one-sixtieth in respect of each complete year of such service in excess of ten until forty years' service is reached, when a pension of two-thirds of such salary may be granted.

Pensions to whom and at what rates to be granted

Gratuities.

3. Every officer, otherwise qualified for a pension, who has not completed the minimum period of service qualifying for a pension, may be granted a gratuity, which will be at the rate of half a month's salary for each complete six months of service.

Abolition of office.

4. If any person holding a pensionable office retire or be removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs, by which greater efficiency and economy can be effected, he may be granted a temporary pension, subject to the condition that he shall hold himself ready to be recalled to service, provided that if such person is not qualified for other employment, or if there is no reason, in the opinion of the Governor, to expect that he can be shortly re-employed, a pension may be granted to him free from the above mentioned condition.

Rates of pension when offices are abolished.

5. In the case of an officer whose office is abolished, his pension may be increased by the addition of a certain number of fortieths of his salary in the case of a Judge, and of sixtieths in the case of a holder of another pensionable office, that is to say:

- (a) In the case of an officer who has served twenty years 7
- (b) In the case of an officer who has served less than twenty years, but not less than fifteen years... 5
- (c) In the case of an officer who has served less than fifteen years, but not less than ten years ... 3

No addition shall be made under this section so as to entitle an officer to a higher pension than the maximum of two-thirds, or to a higher pension than that to which he would have been entitled by length of service on reaching the age of sixty years.

Rate of gratuity on abolition when service less than ten years.

6. In the case of an officer whose office is abolished and whose length of service is not such as to entitle him to a pension, a special gratuity not exceeding one and a half month's salary for every year of service may be granted.

Officers retiring on account of injuries.

7. Where a public officer whether holding a pensionable or a non-pensionable office has been permanently injured:

- (a) In the actual discharge of his duty, and
- (b) Without his own default, and
- (c) By some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or materially accelerated, he may receive in addition to the pension, if any, granted to him under these Regulations, an annual allowance in proportion to the extent of his injury, as follows:—

When his capacity to contribute to his support is—

Slightly impaired	...	...	...	Five-sixtieths.
Impaired	...	...	...	Ten-sixtieths.
Materially impaired	...	...	...	Fifteen-sixtieths.
Totally destroyed	...	...	...	Twenty-sixtieths.

Provided that in the case of a pensionable officer no such allowance shall, together with the pension, exceed fifty-sixtieths of his salary at the date of the injury. The allowance shall be less than the above mentioned maximum by such amount as the Governor in Council shall think reasonable in the following cases:

- (a) Where the injured man has continued to serve for not less than one year after the injury in respect of which he retires;

(b) Where the injured man is fifty years of age and upwards at the date of the injury;

(c) Where the injury is not the sole cause of retirement, *i.e.*, the retirement is caused partly by age or infirmity.

8. When the public officer so injured is a pensionable officer but has less than ten years' service, and he is not entitled to an ordinary pension, he may receive in lieu of a gratuity an annual allowance of so many sixtieths as the years he has actually served, in addition to the number of sixtieths that may be awarded to him under Section 7.

9. For the purpose of computing pensions and gratuities, the salary of the permanent office held by the officer at the date of retirement will be taken if he has held such office, or an office with the same salary, for a period of three years immediately preceding such date; otherwise the average amount of the salary of the permanent offices held by the officer during the three years immediately preceding his retirement will be taken.

How salary to be computed for pension purposes.

10. The service in respect of which pensions or gratuities will be granted must be unbroken except in cases where the service has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct or voluntary resignation.

Service to be unbroken.

11. No service other than service in a pensionable office, on full or half salary, will be taken into account in computing pensions or gratuities, except that where the service in a pensionable office has been immediately preceded by an unbroken period of service in an appointment other than a pensionable office, or of service paid for out of an open vote, or of both such services, such period, or any part of such period, may be taken into account.

Non-pensionable service followed by pensionable service.

Provided always that of the period of service paid for out of an open vote, only two-thirds shall be counted for the purposes of these Regulations (whether appointed before or after the passing of "The Pensions Ordinance, 1906.")

12. The periods during which an officer shall hereafter be absent on leave with half salary shall, for the purpose of computing the amount of his pension, be counted at the rate of one month for every two months of such absence but the period during which an officer has been absent on leave with full salary shall, under all circumstances, be counted at the full rate.

Leave of absence with half salary.

13. Any periods during which an officer has been absent on leave without salary shall not be counted as service, unless such leave has been granted on grounds of public policy, in which case a period not exceeding one year may be counted, for the purpose of these Regulations, as service on full salary.

Leave of absence without salary.

14. Subject to the provisions of Section 5 of "The Pensions Ordinance, 1906," service will be deemed to commence, for pension purposes, at the date on which officers commence to draw salary or half salary.

Commencement of pensionable service.

15. Acting service in a pensionable office will, when continuous with permanent employment, be allowed to reckon as service for pension, provided that the period of such acting service has not been taken into account as part of the service of the previous holder of the office or as part of the officer's other public service.

Acting service.

16. Every officer who has been appointed provisionally, and subject to probation to a pensionable office, and whose appointment shall be afterwards confirmed, shall be entitled to have counted as service for the purpose of computing his pension the period during which he served provisionally and subject to probation.

Service on probation.

Professional officers who are allowed private practice not entitled.

17. Except in cases where a claim to pension is sanctioned by the Secretary of State, officers whose whole time is not given to the public service, and professional officers who are allowed the private practice of their professions shall not be entitled to pensions under these Regulations.

Pensions to abate on pensioner obtaining other public employment.

18. If any pensioner under these Regulations is appointed to another office in the public service of the Colony or in any other public service, then during his tenure of such office so much only (if any) of his pension shall be paid to him as together with any pension received by him from any other Government, and with the salary of such office, makes up an amount equal to the salary of the office which he held at the date of the grant of his pension.

Rights of officers transferred from the Falkland Islands to any public service.

19. Every public officer who, having held a pensionable office in the Colony for a period of at least twelve calendar months leaves the service of the Colony for any other public service, and whose aggregate service would have entitled him, had it been wholly in the Colony, to a pension under these Regulations, shall, on his ultimate retirement from service, be entitled to a pension at the rate of one seven hundred and twentieth ($\frac{1}{720}$) of the amount of his annual salary at the date of his leaving the service of the Colony as aforesaid, for each calendar month of his service in the Colony; provided that his total pension shall in no case be greater than the maximum of two-thirds of the highest salary drawn by him at any time in the course of his service.

Rights of officers transferred to the Falkland Islands from any other public service.

20. Every public officer who, having been in any other public service, is transferred from such service to a pensionable office in the Colony, and whose aggregate service would have entitled him, had it been wholly in the Colony, to a pension under these Regulations, shall, on his retirement from service, and if he has served for a period of at least twelve months in the Colony, be entitled to a pension at the rate of one seven hundred and twentieth of the amount of his annual salary at the date of such retirement for each calendar month of his service in the Colony, and in every such case there may be added at the discretion of the Governor in computing the period of the retiring officer's service in the Colony, a number of months not exceeding (a) one-third of the aggregate of his service elsewhere than in the Colony, nor (b) two-thirds of his service in the Colony, nor (c) in any case sixty months.

Good conduct required.

21. (i) Pensions, gratuities, and allowances, computed at the rates before mentioned, shall only be granted in cases of decidedly faithful and meritorious service.

(ii) Where the fidelity and diligence of the officer fall short of the first degree of merit, the computation may be made at lower rates.

(iii) Where the officer has been guilty of gross negligence, irregularity, or misconduct, the grant of pension, gratuity or other allowance, may be altogether withheld.

Regulations as to ill health.

22. Every pension granted under these Regulations on the ground of ill health shall be subject to the condition that, should the officer's health be re-established, he will be bound to accept, in lieu of his pension, any office, not inferior in value to that from which he retired, which the Secretary of State may think proper to confer on him, due regard being had to circumstances of climate, and if a pensioner so called upon declines to accept the office for which he may have been selected, the payment of his pension may be suspended until he has attained the age of sixty years.



W. L. Allardyce

No. 6,



1906.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(29th December, 1906.)

An Ordinance

To amend "The Interpretation and General
"Law Ordinance, 1900."

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands with the advice and consent of the Legislative
Council thereof as follows:—

1. This Ordinance may be cited for all purposes as "The
"Interpretation and General Law Ordinance, 1906," and shall be
read as one with "The Interpretation and General Law Ordinance,
1900," hereafter referred to as the Principal Ordinance.

Short title.

2. Section 26 of the Principal Ordinance is repealed, and the
following section substituted therefor:—

Amendment of section 26.

"The Governor in Council may, with the approval of the
"Secretary of State, from time to time declare any place
"within the Colony to be a town and define the extent,
"limits, and boundaries of such town, and of its suburbs,
"and may, with the like approval, vary or alter the
"extent, limits, and boundaries so defined, provided that
"in no case shall any portion of the boundary of the
"town be more than two miles, or of the suburbs more
"than six miles from the centre of the town."

3. Section 28 of the Principal Ordinance is hereby amended by

- (a) inserting after the word "Cathedral" in the definition of Stanley the words "and the land reserved for naval purposes commonly known as Navy Point, being all that lot or parcel of land situate on the North side of Stanley Harbour, bounded on the North by Port William, on the South by Stanley Harbour, on the East by the Narrows, and extending Westward for a distance of about eighty-one chains, containing one hundred and forty-five acres"
- (b) striking out the words "suburban land" or "suburbs" shall mean any land or districts outside Stanley which can be reached without going more than six miles from the Cathedral, or any land or districts outside the limits of any Town hereafter declared, which can be reached without going more than six miles from the centre of such Town, as defined by the Governor by notice published in the Gazette' and by inserting in the place of the words so struck out the words "suburban land" or "suburbs" shall mean (1) the land or districts outside Stanley bounded on the South and East by Port Harriet and the sea, on the West by a line drawn from a point on the Murrel River commonly known as "Furze Bush" to the summit of Mount Harriet and thence along the Eastern boundary of No. 1 section to the head of Port Harriet, and on the North by the Murrel River and Port William, and (2) any land or districts outside the limits of any place hereafter declared to be a Town, and within the limits of its suburbs as defined by the Governor under section 26 of this Ordinance.'
- (c) "Town" shall mean Stanley as defined in this Ordinance, or land within the limits of any place hereafter declared to be a town under section 26 of this Ordinance.

Passed the Legislative Council this 28th day of December, 1906.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of December, 1906.

M. Craigie-Hal Kete
Clerk of the Council



W. Allardyce.

No. 7,



1906.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(29th December, 1906.)

An Ordinance

To amend "The Land Ordinance, 1903."

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. In this Ordinance the term "Principal Ordinance" means "The Land Ordinance, 1903."

Amendment of section 1.

2. Section 1 of the Principal Ordinance is hereby amended by

(a) striking out the words "suburban" means land "more than two miles and less than six miles from the Cathedral or from the centre of any town" and by inserting in the place of the words so struck out the words "suburban" shall mean "suburban land" or "suburbs" as defined in section 28 of "The Interpretation and General Law Ordinance, 1900," as amended "by "The Interpretation and General Law Ordinance, 1906""

(b) striking out the words "Town" means land within 'two miles of the Cathedral or the centre of a town' and by inserting in the place of the words so struck out the words "Town" shall mean Stanley or Town as defined in section 28 of "The Interpretation and General Law Ordinance, 1900," as amended by "The Interpretation and General Law Ordinance, 1906."

Amendment of section 6.

3. Section 6 of the Principal Ordinance is hereby amended by

(a) striking out the word "as" in the fourth line

(b) inserting after the word "purpose" in the sixth line the words "and the Governor in Council is hereby empowered to refuse a lessee of any Crown Lands the right of purchasing the freehold of any land which there is reason to believe may be required for the extension of Stanley or for the establishment of another town."

Amendment of section 7.

4. Section 7 of the Principal Ordinance is hereby amended by striking out the sixth line, and by inserting in the place thereof the words "Port Sussex (situate to the South of Port Sussex) 2224 acres."

Amendment of section 14.

5. Section 14 of the Principal Ordinance is hereby amended by inserting after the word "Crown" in the last line the words "Provided always that, with the approval of the Governor in Council, a lessee may pay the whole of the moneys to be paid in respect of an application to purchase under this section as soon as he has received notice that his application has been registered, or, after the payment of ten per cent of the moneys to be paid in respect of such application, may pay the balance in such annual instalments, less than thirty, as may be approved by the Governor in Council, on terms and conditions corresponding with those provided in this section for the payment of such balance in thirty annual instalments."

Amendment of section 15.

6. Section 15 of the Principal Ordinance is hereby amended by striking out the words "upset price" in the seventh line and by inserting in the place of the words so struck out the word "rent."

Short title.

7. This Ordinance may be cited for all purposes as "The Land Ordinance, 1906."

Passed the Legislative Council this 28th day of December, 1906.

Assented to by the Governor and given under the Public Seal of the Colony this 29th day of December, 1906.

M. Craigie Hall Ket

Clerk of the Council.

No. 1,



1907.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(10th January, 1907.)

An Ordinance to make provision for preventing the spread of lice in sheep.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. In this Ordinance—

“Principal Ordinance” means the Live Stock Ordinance, 1901.

Interpretation.

Ordinance No. 6 of 1901.

“Owner,” with reference to the ownership of sheep, includes the manager, overseer or person in charge of such sheep.

“To dip” or “dipped,” with reference to lice in sheep, means to immerse or immersed in some lice-destroying preparation.

“Notice” means a notice in writing, or in print, or partly in writing and partly in print, delivered to the person to be affected thereby, or left at or affixed to the usual or last-known place of abode of such person.

2. This Ordinance shall be construed as one with the Principal Ordinance.

Construction.

3. Every owner shall, between the first day of March and the thirtieth day of June in every year, dip or cause to be dipped all sheep running on land whereof he is the occupier: Provided that, on the application of any owner, an inspector may grant an extension of the time in which such owner shall dip his sheep, but so that such extension shall not exceed sixty days prior to the thirty-first day of December. For every sheep not so dipped, such owner shall be liable to a fine not exceeding two shillings.

Annual dipping compulsory

Notice to dip sheep
affected with lice.

4. (1.) If any Inspector is satisfied that any sheep are affected with lice, he may give the owner thereof notice requiring him to dip such sheep to the satisfaction of the said Inspector or any other Inspector, within a period to be specified in such notice.

Penalty for neglect to dip
after notice.

(2.) Every such owner who refuses, neglects, or fails to comply with such notice shall be liable, on conviction, to a penalty not exceeding fifty pounds: Provided that if, in the opinion of any Inspector, the said sheep are fit for slaughter, either for consumption as the food of man or for boiling down, and shall be slaughtered before the expiration of the period specified in the said notice within which the said owner was required to dip such sheep, no penalty shall be incurred under this section.

(3.) If after the expiration of one month from the date of a conviction under this section, the sheep in respect of which such conviction has been obtained shall not have been dipped to the satisfaction of an Inspector, the owner of such sheep shall, upon conviction, be liable to a further penalty of fifty pounds, and so on for every succeeding period of one week: Provided that if, in the opinion of any Inspector, the said sheep are fit for slaughter, either for consumption as the food of man or for boiling down, and shall be slaughtered within the period of one month from the date of a conviction under this section, no further penalty shall be incurred under this subsection.

Penalty for driving sheep
affected with lice.

5. Every person who by himself, his agent or servant, drives, without the permission of an Inspector, or depastures or suffers to stray, any sheep affected with lice, shall be liable, on conviction, for every day during which such sheep shall be so driven, depastured or suffered to stray, to a penalty not exceeding five pounds and not less than one pound.

Penalty on owner of sheep
affected with lice found in
any pound, &c.

6. (1.) If any sheep affected with lice shall be found in any pound, or in any yard, or on any land or other place at which sheep are offered for sale, the owner of such sheep shall be liable to a penalty not exceeding ten pounds.

(2.) Any Inspector may order the withdrawal from sale of any sheep affected with lice until such sheep have been dipped to the satisfaction of the said Inspector or any other Inspector, and every owner of such sheep who refuses, neglects, or fails to comply with such order shall be liable to a further penalty not exceeding twenty pounds.

Ewes not to be dipped
during lambing time.

7. Notwithstanding anything contained in this Ordinance, or any notice given thereunder, it shall not be necessary to dip any ewe affected with lice during such time previous to or after her lambing as an Inspector may appoint; and for such purpose any Inspector may, in respect of ewes, extend any notice to dip for such time as he shall think fit.

Short title.

Ordinance No. 3 of 1905.

8. This Ordinance may be cited as the Live Stock Ordinance, 1907, and may be cited with the Live Stock Ordinance 1901-1905 as the Live Stock Ordinances, 1901 to 1907.

Passed the Legislative Council this 5th day of January, 1907.

Assented to by the Governor and given under the Public Seal of the Colony this 10th day of January, 1907.

M. Craigie-Halkett.

Clerk of the Council.



W. H. Allardyce

No. 2,



1907.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, EsQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(23rd March, 1907.)

An Ordinance

To appropriate certain further sums of money for the use of the Public Service of the Colony for the year ended on the 31st day of December, 1906.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. The several sums of money appearing in the Schedule hereto, and amounting in the whole to one thousand six hundred and seventy-five pounds and fivepence, are hereby declared to be also payable for the year ended on the 31st day of December, 1906, for and in respect of the several services in the said Schedule mentioned, in addition to the sums appropriated by Ordinance No. 5 of 1905.

Additional expenditure of
£1,675 0s. 5d. legalized for
service of 1906.

2. This Ordinance may be cited as the Supplementary Short title.
Appropriation Ordinance, 1907.

Passed the Legislative Council this 22nd day of March, 1907.

Assented to by the Governor and given under the Public Seal
of the Colony this 23rd day of March, 1907.

M. Craigie-Hall Kett

Clerk of the Council.

Item.	Head of Service.	Amount.
		£ s. d.
III.	Colonial Secretary	5 15 6
IV.	Treasury and Customs	107 6 0
V.	Audit	3 0 0
VI.	Port and Marine	6 8 0
VII.	Legal	17 3 6
IX.	Prisons	52 7 4
X.	Medical	6 6 4
XI.	Education	114 4 1
XIII.	Transport	118 2 7
XIV.	Miscellaneous	12 8 5
XVII.	Public Works, Recurrent	146 19 9
	" " Extraordinary	717 9 8
XIX.	Currency Note Fund	29 0 8
XX.	Drawbacks and Refunds	338 8 7
	Total	1675 0 5



H. E. W. Grant

No. 3,



1907.

FALKLAND ISLANDS.

HENRY EUGENE WALTER GRANT, Esquire,
ADMINISTRATOR.

(17th September, 1907.)

An Ordinance

To amend the Pensions Ordinance, 1906.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands with the advice and consent of the Legislative Council thereof as follows:—

1. Section 6 of the Pensions Ordinance, 1906, is hereby amended by adding thereto the words following:—

Amendment of section 6
of Ordinance No. 5 of 1906.

“Provided further that if an officer is transferred to other public service as defined in the regulations under this Ordinance, and ultimately retires at an age less than sixty years, at which he is permitted by the laws or regulations of that service to retire with a pension, the pension which may be granted to him from the revenues of the Colony under this Ordinance and the Regulations thereunder shall be payable from the date of retirement of such officer notwithstanding that he shall not be sixty years of age.”

2. This Ordinance may be cited as the Pensions Amendment Ordinance, 1907. Short title.

Passed the Legislative Council this 13th day of September, 1907.

Assented to by the Administrator and given under the Public Seal of the Colony this 17th day of September, 1907.

M. Craigie-Hackett

Clerk of the Council.



H. E. W. Grant

No. 4,



1907.

FALKLAND ISLANDS.

HENRY EUGENE WALTER GRANT, Esquire,
ADMINISTRATOR.

(17th September, 1907.)

An Ordinance

To amend Ordinance No. 9 of 1892.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. Section 3 of Ordinance No. 9 of 1892 is hereby amended by substituting therein the words "Incumbent of Christ Church Cathedral" for the words "Colonial Chaplain."

Amendment of section 3
of Ordinance No. 9 of 1892.

2. This Ordinance shall be deemed to have come into operation on the 25th day of August, 1907.

Commencement.

3. This Ordinance may be cited as the Stanley Cemetery Amendment Ordinance, 1907.

Short title.

Passed the Legislative Council this 13th day of September, 1907.

Assented to by the Administrator and given under the Public Seal of the Colony this / 7 th day of September, 1907.

M. Craigie-Hackett

Clerk of the Council.



W. L. Allardyce
Governor

No. 1,

1908.



FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(9th January, 1908.)

An Ordinance to provide for the service of the Year 1908.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands with the advice and consent of the Legislative
Council thereof as follows:—

1. The Governor may cause to be issued out of the Public
Revenue and other funds of the Colony and applied to the service
of the year ending on the 31st December, 1908, a sum not exceeding
Seventeen Thousand, Seven hundred and Eighteen Pounds, Twelve
Shillings and Two pence, which sum is granted, and shall be ap-
propriated for the purposes, and to defray the charges of the several
services expressed and particularly mentioned in the Schedule here-
to which will come in course of payment during the year 1908.

Appropriation.

SCHEDULE.

Item.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions ...	470	17	2
2	Governor ...	1503	0	0
3	Colonial Secretary ...	891	0	0
4	Treasury and Customs ...	726	15	0
5	Audit ...	32	0	0
6	Port and Marine ...	90	0	0
7	Legal ...	...	...	...
8	Police ...	455	0	0
9	Prisons ...	173	0	0
10	Medical ...	857	0	0
11	Education ...	828	0	0
12	Ecclesiastical ...	220	0	0
13	Transport ...	230	0	0
14	Miscellaneous ...	755	0	0
15	Post Office ...	3419	0	0
16	Colonial Engineer ...	1000	0	0
17	Savings Bank ...	1250	0	0
18	Currency Note Fund ...	44	0	0
19	Drawbacks and Refunds ...	100	0	0
20	Public Debt ...	75	0	0
21	Public Works Recurrent ...	1050	0	0
22	" " Extraordinary ...	2820	0	0
23	Live Stock Ordinance ...	729	0	0
		£	17718	12 2

Short title.

2. This Ordinance may be cited as the Appropriation Ordinance, 1908.

Passed the Legislative Council this 4th day of January, 1908.

Assented to by the Governor and given under the Public Seal of the Colony this 9th day of January, 1908.

M. Craigie-Hackett
Clerk of the Council.



W. L. Allardyce
Governor

No. 2,



1908.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(14th March, 1908.)

An Ordinance

To provide for the granting of Licenses to
use Guns.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. In this Ordinance the term “gun” includes a firearm of
any description from which any shot, bullet, or other missile can be
discharged.

Definition of gun.

2. After the first day of July, one thousand nine hundred and
eight, it shall not be lawful for any person without a license under
this Ordinance, except as herein provided, to use or carry a gun in the
Falkland Islands.

Commencement of
Ordinance.

3. Licenses under this Ordinance shall be issued by the
Colonial Treasurer in Stanley or by the Deputy Collector of Customs
at Fox Bay, and shall be in the form in the Schedule hereto annexed.

Officers by whom licenses
may be issued.

Duration of license and
fee chargeable.

4. Every License granted under this Ordinance shall be deemed to date from the first day of January and shall expire on the thirty-first day of December of the year in respect of which it has been issued, and for such license there shall be paid the sum of ten shillings.

License to be produced on
demand.

5. Every person who shall have taken out a license under this Ordinance who shall neglect or refuse to produce and deliver such license for examination by any Officer of Customs or any Constable, within a reasonable time after such Officer of Customs or Constable shall have required of him the production thereof, shall be liable to a penalty not exceeding one pound.

Penalty for using or carry-
ing a gun without a license.

6. Every person who shall use or carry a gun elsewhere than in a dwelling-house or the curtilage thereof without having in force a license duly granted to him under this Ordinance shall be liable on conviction to a penalty not exceeding the sum of five pounds: Provided always that the said penalty shall not be incurred by the following persons, namely.—

(1) By any person in the naval, military, or volunteer service of His Majesty, or in the service of the Colonial Government, using or carrying any gun in the performance of his duty, or when engaged in target practice.

(2) By any person carrying a gun belonging to a person having in force a license under this Ordinance, and by order and for the use of such licensed person only, if the person carrying the gun shall, upon the request of any Officer of Customs, or any Constable, owner or occupier of the land on which such gun shall be used or carried, give his true name and address and also the true name and address of his employer.

(3) By any person carrying a gun in the ordinary course of his trade or business as a common carrier.

In any information for the prosecution of an offence under this section, it shall be sufficient to allege that the defendant used or carried a gun without having a license in force under this Ordinance, and it shall lie upon the defendant to prove that he is a person not incurring the penalty by virtue of the proviso contained in this section.

Prosecution of offences.

7. Offences under this Ordinance may be prosecuted before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner.

Extent of Ordinance.

8. The provisions of this Ordinance shall not apply to the Dependencies of the Falkland Islands.

Short title.

9. This Ordinance may be cited as the Gun License Ordinance, 1908.

Passed the Legislative Council this 7th day of March, 1908.

Assented to by the Governor and given under the Public Seal of the Colony this 14th day of March, 1908.

Th. Praeger-Hall Kett
Clerk of the Council.

Ordinance shall
no and shall
in respect of which it is
to be made it shall be

to be made it shall be
to be made it shall be
to be made it shall be

SCHEDULE.

Under the authority of the Gun License Ordinance, 1908.

A.B. of

is hereby licensed to use or carry a gun in the Falkland Islands during the year ending on the thirty-first day of December, one thousand nine hundred and

Given at this day of , 19 .

Colonial Treasurer

or

Deputy Collector of Customs, Fox Bay.

£0 10s 0d.



W. L. Allardyce
Governor

No. 3,



1908.

FAULKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George.
GOVERNOR AND COMMANDER-IN-CHIEF.

(9th April, 1908.)

An Ordinance to appropriate certain further sums of money for the use of the Public Service of the Colony for the year ended on the 31st day of December, 1907.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. The several sums of money appearing in the Schedule hereto, and amounting in the whole to one thousand three hundred and fifteen pounds nineteen shillings and five pence, are hereby declared to be also payable for the year ended on the 31st day of December, 1907, for and in respect of the several services in the said Schedule mentioned, in addition to the sums appropriated by Ordinance No. 4 of 1906.

Additional Expenditure
of £1315 19s. 5d. legalised
for service of 1907.

2. This Ordinance may be cited as the Supplementary Short title.
Appropriation Ordinance, 1908.

Passed the Legislative Council this 3rd day of April, 1908.

Assented to by the Governor and given under the Public Seal
of the Colony this 9th day of April, 1908.

M. Praeger-Sackett
Clerk of the Council.

Schedule.

SCHEDULE.

Item.	Head of Service.	Amount.		
		£	s.	d.
I.	Pensions	44	5	6
II.	Governor	25	4	5
III.	Colonial Secretary	3	13	9
IV.	Treasury and Customs	138	11	3
V.	Audit	3	10	0
VI.	Port and Marine	3	3	7
X.	Medical	169	12	5
XIII.	Transport	62	17	6
XVI.	Colonial Engineer	76	0	3
XVII.	Public Works, Recurrent	166	13	9
	" Extraordinary	105	13	6
XVIII.	Savings Bank	55	14	1
XX.	Drawbacks and Refunds	460	19	5
	Total	1315	19	5



W. L. Allardyce
Governor

No. 4,



1908.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(15th June, 1908.)

An Ordinance to provide for the preservation of certain Wild Birds.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands with the advice and consent of the Legislative
Council thereof as follows:—

1. This Ordinance shall come into operation on the first day
of September one thousand nine hundred and eight, which day is
in this Ordinance referred to as the commencement of this Ordinance.

Commencement of
Ordinance.

2. From and after the commencement of this Ordinance,
it shall be unlawful for any person to wilfully shoot or take, or at-
tempt to shoot or take, or use any line, trap, net, or snare, or other
instrument for the purpose of taking, or to have in his control or
possession killed or taken, between the first day of September in
any year and the following thirty-first day of January, both days
inclusive, any wild bird which is included in the schedule to this
Ordinance annexed, and any person who commits any such offence
shall on conviction be liable to a penalty not exceeding the sum of
one pound for every such bird in respect of which an offence has
been committed.

Close time.

Governor in Council may
add to Schedule.

3. The Governor in Council may, from time to time, by order published in the Gazette, add any wild bird to the list of wild birds in the schedule to this Ordinance annexed; and a copy of the Gazette containing any order made under this Ordinance shall be evidence of such order having been made.

Exemptions.

4. Notwithstanding anything herein contained, any person charged with an offence under this Ordinance who satisfies the Court that the wild bird in respect of which he is charged was imported into the Colony, and that he is the owner thereof or acted with the owner's permission, shall not be guilty of an offence under this Ordinance.

Prosecution of offences.

5. Every offence under this Ordinance may be prosecuted before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner.

Short title.

6. This Ordinance may be cited as the Wild Birds Preservation Ordinance, 1908.

Passed the Legislative Council this 12th day of June, 1908.

Assented to by the Governor and given under the Public Seal of the Colony this 15th day of June, 1908.

M. Craigie Mackenzie

Clerk of the Council.

Schedule.

Duck.
Grebe.
Mallard.
Snipe.
Swan.
Teal.
Widgeon.



W. H. Allardyce
Governor.

No. 5,



1908.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(8th August, 1908.)

An Ordinance to regulate the Whale Fishery of the Colony of the Falkland Islands.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be not lawful for any person to kill, take, or hunt, or attempt to kill or take any whale in Colonial Waters unless he shall first have been duly licensed.

Unlawful to take whales
without a license.

2. (1.) The Colonial Secretary, or such other officer as the Governor may appoint for the purpose, may grant Whaling Licenses, that is to say, licenses to take whales, to such persons as may apply for them, for such periods, and on such terms and conditions in respect of the number and tonnage of vessels to be employed in taking whales, and the limits of the Colonial Waters within which whales may be taken, under such licenses, as may be approved by the Governor, subject to any regulations which may be made by the Governor in Council under section 3 of this Ordinance fixing such periods, terms, and conditions; and any person to whom a Whaling License shall be granted shall have for the purpose of such license the use of the harbours of any or all of the Dependencies of the Falkland Islands as may be specified therein.

Granting of Whaling
Licenses.

(2.) There shall be paid into the Colonial Treasury for and in respect of each Whaling License granted under this Ordinance the sum of one hundred pounds; provided that a Whaling License under this Ordinance may, with the approval of the Secretary of State, be granted to any person without payment of the sum of one hundred pounds as aforesaid.

The Governor in Council may make regulations.

3. The Governor in Council may from time to time make regulations—

- (a) for fixing the terms and conditions on which Whaling Licenses may be granted;
- (b) for regulating the number of Whaling Licenses to be granted in any year;
- (c) for defining the limits within which any holder of a Whaling License shall be allowed to take whales;
- (d) for regulating the number of whales to be taken in any year by any holder of a Whaling License;
- (e) for disposing by sale or otherwise of any whales, whale-oil, or whale-bone forfeited under the provisions of this Ordinance; and
- (f) generally for carrying out the provisions of this Ordinance, and the intent and object thereof.

And the Governor in Council may impose penalties not exceeding ten pounds for the breach of such regulations.

Regulations to be published in the Gazette.

4. All regulations made in pursuance of this Ordinance shall be published in the Gazette, and shall come into force on such day as the Governor may direct by notice in that behalf published in the Gazette.

Liability of an owner or master of a vessel.

5. Any owner or master or other person in charge of any vessel, who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in killing or taking whales, or who shall permit or negligently suffer any person belonging to such vessel to be employed in killing or taking whales, in Colonial Waters, without a license under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any license granted to him under this Ordinance, shall forfeit any whales so killed or taken, and any whale-oil or whale-bone found in his possession, and in addition thereto shall be liable to a penalty not exceeding three hundred pounds for each offence.

Offences and penalties and forfeitures consequent thereon.

6. Any person who does any of the following acts shall be guilty of an offence against this Ordinance, and shall be liable on conviction to a penalty not exceeding one hundred pounds for each such offence, and to forfeit any whales, whale-oil or whale-bone found in his possession :—

- (a) Kills, takes, or hunts, or attempts to kill or take any whale without a license under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any license granted to him under this Ordinance.
- (b) Has in his possession, or in any vessel under his command, any whale-oil or whale-bone, for the lawful possession of which he cannot account satisfactorily.

Prosecution of offences.

7. Offences under this Ordinance, or under any regulation made thereunder, may be prosecuted, and penalties and forfeitures under this Ordinance, or any regulations thereunder, may be recovered before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner, or by action in the Supreme Court of the Colony, together with full costs of suit: provided that any penalty imposed by a Stipendiary Magistrate or two Justices of the Peace shall not exceed one hundred pounds, exclusive of costs.

Venue.

8. 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.

9. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Recovery of penalties.

10. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any vessel to which he may belong, with the person being or appearing to be in command or charge of such vessel.

Service of Summons.

11. The Governor, and any person duly authorised by him in writing, may kill or take for a scientific or any other special purpose, any whale, and in so doing shall be exempt from any penalties and forfeiture under this Ordinance.

Special exemption.

12. Notwithstanding anything in this Ordinance contained, the owner or lessee of any land, or the agent of such owner or lessee, may take possession of any derelict whale found on such land, or on the coast or shore adjacent thereto, but such whale, or any part thereof, may not be appropriated by such owner or lessee, or agent, as aforesaid, except with the permission of, and on such special terms and conditions in respect of royalty and otherwise as may be approved by, the Governor in Council.

Derelict whales.

13. Any person who appropriates any derelict whale, or any part thereof, in contravention of section 12 of this Ordinance shall be liable to a penalty not exceeding one hundred pounds.

Penalty for appropriating any derelict whale without authority.

14. The Whale Fishery Ordinance, 1906, is hereby repealed.

Repeal.

15. This Ordinance may be cited as the Whale Fishery Ordinance, 1908.

Short title.

Passed the Legislative Council this 6th day of August, 1908.

Assented to by the Governor and given under the Public Seal of the Colony this 8th day of August, 1908.

M. Craigie Mackenzie

Clerk of the Council.



W. H. Allardyce
Governor.

No. 6,



1908.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

August
(10th ~~April~~ 1908.)

W. H. A.

An Ordinance to amend "The Interpretation and General Law Ordinance, 1900."

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. Section 28 of the Interpretation and General Law Ordinance, 1900, is hereby amended by inserting after the word "Ordinances" in the first line the words "whether passed before or after the commencement of this Ordinance."

Amendment of Section 28.

Repeal of Section 31 and
substitute therefor.

2. Section 31 of the Interpretation and General Law Ordinance, 1900, is hereby repealed and the following section substituted therefor :—

31. Subject to all local Ordinances and Orders in Council for the time being in force, the Common Law the doctrines of Equity and the Statutes of general application which were in force in England on the 22nd day of May, 1900, are and shall be in force in this Colony, but so far only as the circumstances of the Colony and its inhabitants and the limits of the Colonial jurisdiction permit and subject to such qualifications as local circumstances render necessary.

Short title.

3. This Ordinance may be cited as the Interpretation and General Law Ordinance, 1908, and the Interpretation and General Law Ordinances, 1900, 1906, and 1908, may be cited together as the Interpretation and General Law Ordinances, 1900 to 1908.

Passed the Legislative Council this 6th day of August, 1908.

Assented to by the Governor and given under the Public Seal of the Colony this 10th day of August, 1908.

M. Praeger MacRae

Clerk of the Council.



W. H. Allardyce
Governor.

No. 7,



1908.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(3rd October, 1908.)

An Ordinance

To amend the law relating to Quarantine.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. Whenever in this Ordinance or in any Regulation made thereunder any term is used having reference to communication with the shore, such term shall be held to mean not only direct communication with the shore, but also indirect communication therewith through or by means of communication with any ship or in any other way whatever.

Communication with the shore.

2. The Colonial Surgeon shall have full power to superintend and enforce the carrying out of the provisions of this Ordinance, and the Regulations for the time being in force relating to Quarantine.

Powers of Colonial Surgeon.

3. The Colonial Surgeon may, with the approval of the Governor, delegate in writing to some other person or persons all or any such powers as may be vested in him under this Ordinance and the Regulations made thereunder.

Delegation of powers by Colonial Surgeon.

4. The Governor may appoint such officers as may be necessary to enforce and carry out the provisions of this Ordinance, and the Regulations made thereunder; and all such officers shall be subject to the direction and control of the Colonial Surgeon.

Appointment of Officers.

5. The Governor may, whenever it appears necessary or expedient, provide one or more ships or buildings and cause such ships or buildings to be fitted up as Observation Stations and Isolation Hospitals for the purpose of observation and isolation of the sick.

Observation Stations and Isolation Hospitals.

Quarantine Grounds.

6. The Governor may appoint suitable places for Quarantine Grounds and shall have power from time to time to change such places. Notice of every such appointment shall be published in the Gazette.

Regulations.

7. (1) The Governor in Council may from time to time make Regulations:—

- (a) For preventing the introduction of infectious or contagious diseases into the Colony;
- (b) For the control and management of Observation and Isolation stations;
- (c) For the prevention of illegal communication with or escapes from such stations and from ships not admitted to pratique;
- (d) For the prevention or mitigation of diseases at such stations;
- (e) For supplies to persons placed there at the rates payable for such supplies;
- (f) For the inspection of ships and persons leaving the ports of the Colony for places beyond the Colony, and for the prevention of the embarkation of any person suffering from any infectious or contagious disease;
- (g) For the disinfection of any such ships, the crews and all persons, effects and clothes on board or to be embarked on board such ships;
- (h) For the detention of any person found suffering or suspected to be suffering from any infectious or contagious disease and the prohibition of embarkation of any article likely to convey infectious or contagious disease which cannot be disinfected;
- (i) And generally such other Regulations as may be necessary to carry out the provisions of this Ordinance.

Such Regulations may further provide for the infliction of a fine not exceeding fifty pounds and imprisonment not exceeding three months for any breach or contravention thereof, and also for the seizure or destruction of any articles shipped or conveyed or attempted to be shipped or conveyed on board such ships in contravention of the said Regulations.

(2) Until the Governor in Council makes Regulations under this section, the Regulations in the First Schedule to this Ordinance shall be in force and shall be deemed for all purposes to be Regulations made by the Governor in Council under this section.

Prohibition as to boarding vessels on arrival.

8. On the arrival of any ship at any port of the Colony from a place beyond the Colony, no person whatever except the Pilot, Health Officer, Harbour Master or other person authorised by the Health Officer shall leave or go on board or come into actual contact with the ship until she has been admitted to pratique. Any person transgressing this provision shall be liable to a fine not exceeding fifty pounds.

9. If any person without lawful authority or excuse (proof whereof shall lie on him) does or omits to do anything which under the provisions of this Ordinance or of any Regulations made thereunder he ought not to do or omit, or if he obstructs or impedes or assists in obstructing or impeding any Inspector or other Officer appointed under this Ordinance, or any Police Officer in the execution of this Ordinance or of any Regulations made thereunder, he shall be guilty of an offence against this Ordinance.

Offences.

10. Every offence against this Ordinance or against any Regulations made thereunder may be prosecuted before a Magistrate or any two Justices of the Peace in a summary manner.

Offences may be prosecuted in a summary manner.

11. (1) If any person is guilty of an offence against this Ordinance or against any Regulations made thereunder for which no penalty is prescribed, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

Penalty for offences

(2) A person convicted of any offence against this Ordinance or against any Regulations made thereunder who is within a period of twelve calendar months convicted for a second or subsequent offence against this Ordinance or any such Regulations, shall be liable at the discretion of the Court to imprisonment for any term not exceeding two calendar months either in addition to or in lieu of a fine.

(3) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable at common law or under any enactment other than this Ordinance, but so that a person shall not be punished twice for the same offence.

12. (1) When a person is seen or found committing or is reasonably suspected of being engaged in committing an offence against this Ordinance or against any Regulations made thereunder, any Inspector or other Officer appointed under this Ordinance, or any Police Officer may, without warrant, stop and detain him, and if his name and address are not known may without warrant apprehend him.

Apprehension of offender.

(2) If any person obstructs or impedes an Inspector or other Officer appointed under this Ordinance, or any Police Officer in the execution of this Ordinance or of any Regulations made thereunder, or assists in any such obstructing or impeding, he may be apprehended by such Inspector or other Officer or Police Officer without warrant.

(3) A person apprehended under this section shall be taken with all practicable speed before a Court of Summary Jurisdiction.

(4) Nothing in this section shall take away or abridge any power or authority that a Police Officer would have had if this section had not been enacted.

13. No person shall be entitled to claim from the Government or from any of its officers any damages or indemnity on account of any acts lawfully done in accordance with any of the provisions of this Ordinance, or any Regulations made thereunder.

No indemnification.

14. Any officer or person appointed to enforce the performance of Quarantine under this Ordinance who shall desert from duty or who shall infringe or knowingly suffer or permit any person to infringe any of the provisions of this Ordinance, or any Regulations made thereunder, shall be liable on conviction to a

Misconduct of Quarantine Officers.

penalty of not less than five pounds and not exceeding twenty-five pounds, and to immediate dismissal.

Ship may put to sea instead of going into Quarantine.

15. Notwithstanding anything in this Ordinance contained it shall be lawful for any ship ordered to a Quarantine Ground under the provisions of this Ordinance or any Regulations made thereunder to put to sea again and enter the same port of the Colony instead of going into Quarantine.

Payment of expenses.

16. It shall be lawful for the Governor to direct the payment from the public revenues of the Colony of all expenses incidental to the execution of this Ordinance, and of any Regulations made thereunder.

Ordinance to apply to Men-of-war.

17. His Majesty's ships, and ships of war belonging to other nations are subject to this Ordinance and the Regulations made thereunder in the same way as merchant ships.

Repeal.
Second Schedule.

18. The Ordinances mentioned in the Second Schedule to this Ordinance are hereby repealed.

Commencement and short title.

19. This Ordinance shall come into operation on the first day of January, nineteen hundred and nine, and may be cited as the Quarantine Ordinance, 1908.

Passed the Legislative Council this 29th day of September, 1908.

Assented to by the Governor and given under the Public Seal of the Colony this 3rd day of October, 1908.

M. Craigie-Harker

Clerk of the Council.

FIRST SCHEDULE.

The Quarantine Regulations, 1908.

1. These Regulations may be cited as the Quarantine Regulations, 1908.

2. In these Regulations—

“Health Officer” means the Colonial Surgeon, or the Assistant Colonial Surgeon, and includes any person appointed by the Governor to act for or assist those officers in the execution of these Regulations.

“Ship” includes vessel, lighter, boat, or other floating craft.

“Master” means the master, officer, or other person for the time being in charge of any ship.

“Infectious or contagious disease” means cholera, plague, yellow fever, and small-pox, and shall not include typhus fever, enteric fever, cerebro-spinal fever, scarlet fever, diphtheria, measles, whooping cough, chicken-pox, or dengue.

“Place” means any clearly defined portion of territory such as an island, a port, a district, a parish, a town, or a village.

“Infected place” subject to the provision of Regulation 3 means a place where any infectious or contagious disease exists.

“Infected ship” means a ship on board of which a case or cases of infectious or contagious disease is or are present or has or have occurred

- (1) in the case of plague and cholera within a period of seven days previous to the date of the arrival of the ship;
- (2) in the case of small-pox within a period of twelve days previous to such arrival; and
- (3) in the case of yellow fever within a period of eighteen days previous to such arrival.

“Suspected ship” means a ship on board of which a case or cases of infectious or contagious disease has or have occurred during the voyage, or during the stay of such ship in the port of departure, but on board of which no fresh case has occurred

- (1) in the case of plague and cholera within a period of seven days previous to the date of the arrival of the ship;
- (2) in the case of small-pox within a period of twelve days previous to such arrival; and
- (3) in the case of yellow fever within a period of eighteen days previous to such arrival.

“Healthy ship” means a ship which although having come from an infected place has had on board no death from, nor any case of, infectious or contagious disease, either before leaving the port of departure or during the voyage or on arrival.

“Observation” means isolation of passengers either in a proper station provided for that purpose or on board ship prior to their obtaining free pratique. In the case of yellow fever the sick or those under observation who develop a temperature exceeding 99.2° Fahrenheit must be effectively screened from mosquitos.

“Surveillance” means that passengers are not isolated. They receive free pratique at once and are allowed to proceed to their place of destination (the proper authority of which must be informed of their arrival) there to undergo medical supervision.

“Medical supervision” means that all persons under surveillance shall present themselves at such places and at such times for examination as the Health Officer may direct.

3. A place shall not be regarded as infected because of the existence thereof of imported cases of any infectious or contagious disease or because of the occurrence of a single non-imported case.

In determining whether a place is infected or not under the definition of “infected place” the second non-imported case necessary to render a place infected must occur within the respective periods mentioned in Regulation 4.

4. A place shall cease to be regarded as infected if the Health Officer is satisfied that;

- (a) There has been no fresh case of plague or cholera within five days, of yellow fever within eighteen days, of small-pox within twelve days, of the isolation or of the death or recovery of the last case;
- (b) Infected things have been disinfected or destroyed, and that in the case of plague measures have been taken with a view to the destruction of rats in the infected locality, and in the case of yellow fever of mosquitos on and near the infected premises.

The words “infected premises” in this Regulation mean—

- (i) Any premises in which the patient was residing during any of the six days preceding the date on which he was taken ill;
- (ii) The premises on which he was taken ill; and
- (iii) Any premises occupied by him from the time he was taken ill until effective screening from mosquitos took place.

5. With a view to restricting the range of application of these Regulations the measures therein specified shall be applied to arrivals not from all ports of clearance of a country, but only to arrivals from such ports of clearance, if any, as, having regard to the nature and progress of the disease and to the extent and means of communication with the infected place, are likely in the opinion of the Health Officer to transmit the infectious or contagious disease with which such place is infected.

This limitation shall apply only if the Health Officer is satisfied that the country in which the infected place is situate takes the measures necessary to prevent the export of rags, clothing and bedding referred to in Regulation 26 from that place unless they shall have been previously disinfected and also takes measures necessary to check the spread of the disease.

6. The Health Officer may board any ship arriving in the waters of this Colony and inspect every person in the ship.

7. Every infected, suspected or healthy ship shall be inspected as soon as possible after arrival by the Health Officer.

8. The Health Officer may if he think proper call for inspection of the ship's books and papers and he shall use every lawful means which may seem to him expedient for ascertaining the health of the persons on board and the sanitary condition of the ship.

9. The Master of any ship, or any other person, shall answer truly and if required in writing all such questions put to him by and give all such information to the Health Officer or Harbour Master as may be necessary for any purpose of these Regulations. Any Master or other person who refuses or neglects to answer or answers evasively or falsely any such questions or who conceals from the Harbour Master or Health Officer the true state of the health of the crew or passengers or other persons on board of any ship or who refuses or fails to produce such books and papers as the Health Officer may demand shall be liable to a fine not exceeding twenty pounds.

10. Every "Infected," "Suspected," and "Healthy" ship arriving in the waters of this Colony shall fly the usual Quarantine or yellow Flag.

11. If he be ordered to do so by the Harbour Master or Health Officer, it shall be the duty of the Master or person in charge of any infected or suspected ship to cause such ship to be taken at once to such place as may be pointed out to him as the Quarantine Ground, there to remain until released under the provisions of these Regulations.

12. All ships in Quarantine shall fly by day the usual Quarantine or yellow Flag at the foremast head; by night at the foremast a red light over a green light.

13. All guard boats shall by day fly a similar yellow Flag; by night they shall fly a red light at bow and stern.

14. No person except those authorised by the Health Officer shall communicate with any ship in quarantine, and the persons on board shall not communicate with the shore except with the permission of the Health Officer.

15. Any person found on board any ship which has not been granted pratique without the permission of the Health Officer shall be detained in such manner and for such time as the Health Officer may direct, and shall be liable to a penalty for a breach of these Regulations.

16. *Infected ships* shall be dealt with as follows:—

(a) The sick shall, as soon as possible, be removed from the ship and isolated.

(b) The other persons on board shall be permitted to land and be kept under observation or subjected to surveillance for periods not to exceed the following:—

(i.) Plague, five days; if the person is under surveillance the period may be extended to ten days.

- (ii.) Cholera, five days.
- (iii.) Yellow fever, six days.
- (iv.) Small-pox, twelve days.

In applying these measures the date of the last case and the condition of the ship shall be taken into account.

- (c) Clothing and articles belonging to the passengers or crew which in the opinion of the Health Officer are infected shall be disinfected or destroyed.
- (d) Those parts of the ship that have been occupied by the sick shall be disinfected, and also such other parts of the ship as the Health Officer may regard as infected.
- (e) In the case of plague measures shall be taken either before or after discharge of cargo to secure the destruction of rats on board. This operation shall be commenced as soon as possible and its duration shall not in any case exceed forty-eight hours.
- (f) In the case of yellow fever measures shall be taken to secure the destruction of mosquitos and their larvæ on board.
- (g) In the case of cholera the bilge water after preliminary disinfection shall be pumped out and the drinking water on board may be replaced by a fresh supply of wholesome water.

When such measures as the Health Officer may have deemed necessary in accordance with the provisions of this Regulation have been carried out, such ships shall immediately thereupon be admitted to free pratique.

17. Passengers arriving by an infected ship shall be entitled to a certificate from the Health Officer indicating the date of their arrival and the measures to which they and their baggage have been subjected.

18. *Suspected ships* shall be dealt with as follows:—

- (a) The passengers and crew may be subjected to surveillance for periods not to exceed the following:—
 - (i.) Plague, five days.
 - (ii.) Cholera, five days
 - (iii.) Yellow fever, six days.
 - (iv.) Small-pox, twelve days.

The period of surveillance shall date from the arrival of the ship.

- (b) Paragraphs (c), (d) and (g) of Regulation 16 shall apply to suspected ships, and paragraphs (e) and (f) thereof may be applied. When such measures as the Health Officer may have deemed necessary in accordance with the provisions of this Regulation have been carried out such ships shall immediately thereupon be admitted to free pratique.

19. *Healthy ships* shall be admitted to free pratique immediately on arrival irrespective of the nature of their bill of health. They may, however, at the discretion of the Health Officer be subjected to the measures specified in paragraphs (c), (e), (f) and (g) of Regulation 16 and the passengers and crew may be subjected

to surveillance which shall not exceed the following periods:—

- (i.) Plague, five days.
- (ii.) Cholera, five days.
- (iii.) Yellow fever, six days.
- (iv.) Small-pox, twelve days.

The period of surveillance shall date from the departure of the ship from the infected place. The application of the measures specified in paragraph (c) or (e) of Regulation 16 shall only be resorted to when, in the opinion of the Health Officer, special reasons exist which require them. Where the provisions of paragraph (e) are applied the operation shall not in any case exceed twenty-four hours and shall not interfere with the free circulation of passengers and crew between ship and shore.

20. If in a healthy ship the rats on board are found to be suffering from plague the Health Officer shall visit the ship and measures shall be taken as in paragraphs (c) and (e) of Regulation 16. The parts of the ship that the Health Officer may consider infected shall be disinfected and the passengers and crew may be subjected to surveillance which shall not exceed a period of five days after arrival unless in exceptional cases when such period may be extended to ten days. If unusual mortality has been observed among the rats on a healthy ship the Health Officer shall visit the ship and a bacteriological examination of the rats shall, when practicable, be made as quickly as possible. If it is thought necessary to resort to measures of rat destruction these shall be carried out as specified in paragraph (e) of Regulation 16. Until all suspicion of plague is removed the passengers and crew may be subjected to surveillance during the time specified in this Regulation in respect of ships on board of which rats are found to be suffering from plague.

21. Whenever means for the destruction of rats have been taken and the Master, the Shipowner, or the Shipowner's Agent shall so demand, the Health Officer of the Port shall furnish him with a certificate that such measures have been applied and specifying the reasons why.

22. If in the opinion of the Health Officer of the Port of arrival ships from an infected place have been disinfected effectively they shall not again be subjected to sanitary measures unless a fresh case of infectious or contagious disease has occurred on board since disinfection or unless they have again called at an infected place.

23. A ship shall not be regarded as having called at a place if it has merely disembarked passengers and their baggage or mails without having been in communication with the shore.

24. Where a ship has passengers on board who are in a filthy or otherwise unwholesome condition or is overcrowded with passengers, emigrants, or otherwise, the Health Officer may if in his opinion it is desirable with a view of preventing the introduction of any infectious or contagious disease subject persons on board to observation or surveillance for such period as he may direct not exceeding the following:—

- (a) Plague, five days; if the person is under surveillance the period may be extended to ten days.
- (b) Cholera, five days.

(c) Yellow fever, six days.

(d) Small-pox, twelve days.

Where measures of observation or surveillance are prescribed the Health Officer may exempt from their application any person who, in his opinion, is immune from the infectious or contagious disease on account of which these measures are applied.

25. Where these Regulations provide that a person may be permitted to proceed to his place of destination subject to surveillance the Health Officer before granting such permission must be satisfied that it is reasonably probable that the person to whom it is granted will duly comply with the conditions of surveillance and permission if granted shall be upon the following conditions:—

(a) He shall satisfy the Health Officer as to his name, intended place of destination, and his place of residence thereat.

(b) He shall agree to present himself and shall present himself for medical supervision during the prescribed period and he may be required by the Health Officer to deposit a sum not exceeding two pounds which may be forfeited if he fail to so present himself.

The Agreement shall be in accordance with Form I. of these Regulations.

(c) The place must, in the opinion of the Health Officer, be conveniently situated for the medical supervision.

If the Health Officer is not satisfied as herein required or if the person fails to comply with paragraphs (a) and (b) hereof, the Health Officer may detain him under observation or direct him to proceed to a specified place and there remain under medical supervision during the prescribed period. In the latter case the provisions of paragraph (b) hereof may, at the discretion of the Health Officer, be applied to such person.

(d) In the case of small-pox a person may be required to produce to the Health Officer satisfactory evidence of having been successfully vaccinated or re-vaccinated within the ten years immediately preceding or of his being otherwise immune from the disease and that such person may in the absence of such evidence be detained under observation for the prescribed period. But when the ship is a healthy ship this measure shall not apply to passengers who have not embarked or gone ashore at the infected place and it shall not be applied to those passengers who embarked or went ashore at the infected place if the circumstances of their stay there afford reasonable evidence of non-infection.

Any person acting in contravention of any of the provisions of this Regulation shall be liable to a penalty not exceeding the sum of ten pounds.

26. (1) Merchandise shall be disinfected only when in the opinion of the Health Officer it is infected, except in the case of yellow fever when it shall under no circumstances be liable to disinfection or prohibition. In the case of plague, cholera, and small-pox, clothing and bedding which have been used, and rags, may, when imported from an infected place as merchandise, be subjected to disinfection even in the absence of evidence that they are infected,

or their introduction into the Colony may be prohibited, except that in the case of cholera, rags compressed in bales, if in the opinion of the Health Officer they are free from infection, shall not be subjected to the provisions of this Regulation.

(2) The measures specified in this Regulation are the only measures that can be applied in respect of merchandise.

27. The entry of live stock into the Colony shall not be prohibited because of the existence of an infectious or contagious disease in the place from whence they have come or on board the ship in which they were conveyed.

28. When merchandise has been subjected to disinfection in pursuance of provisions in these Regulations, the owner or his agent shall be entitled to a certificate from the Health Officer indicating the measures that have been taken.

29. Nothing in these Regulations shall render liable to detention, disinfection or destruction, any article forming part of any mail (other than a parcel mail) conveyed under the authority of the postal administration of any Government, or shall prejudicially affect the delivery in due course of any such mail (other than a parcel mail) to the Post Office.

30. The only measures which parcel mails may be subjected to shall be disinfection or destruction of articles which are, in the opinion of the Health Officer, infected.

31. When any Port within the Colony is an infected place:—

(1) Every person taking passage on a ship leaving such Port shall be examined by the Health Officer immediately before departure of the ship; such examination implies the use of the clinical thermometer, and shall, as far as practicable, be made by day and on shore, and no person suffering from any infectious or contagious disease shall be permitted to embark.

(2) Measures shall be taken:—

(a) To prevent the exportation of merchandise or articles which the Health Officer may consider infected, unless such merchandise or articles shall in the first instance have been disinfected on shore under his supervision.

(b) In the case of plague to prevent rats from gaining access to ships.

(c) In the case of yellow fever to prevent mosquitos from gaining access to the ships, but when this is impossible then measures should be taken immediately before the departure of the ship to destroy those on board.

(d) In the case of cholera, the Health Officer shall see that the drinking water taken on board is wholesome.

(3) The Health Officer shall give to the Master of the ship a certificate stating in detail the measures taken.

The Master, Owner or Agent of any ship conveying from an infected port a passenger not previously examined or merchandise

or articles liable to disinfection not previously disinfected shall be liable to a fine not exceeding twenty pounds; and any passenger in the opinion of the Health Officer suffering from any infectious or contagious disease who embarks on board of a vessel shall be liable to a fine not exceeding five pounds.

32. When in the case of a healthy ship from a Port which is an infected place, the Health Officer of the Port of arrival is satisfied that the measures specified in Regulation 31 have been efficiently carried out at such infected place, such ship shall be exempted from the measures specified in Regulation 19: Provided always that if the period specified in that Regulation and dating from the departure of the ship from the infected place shall not have been completed, the passengers and crew may be subjected to surveillance for such duration as may be necessary to complete the period.

33. (1) No measures shall be taken against any ship arriving in the waters of this Colony, because it has come from or called at any place where any of the following diseases exists:—

Typhus fever;
Enteric fever;
Cerebro-spinal fever;
Scarlet fever;
Diphtheria;
Measles;
Whooping Cough;
Chicken-Pox;
Dengue.

(2) If a case or cases of any of the above diseases has or have occurred on board either before leaving the Port of departure, during the voyage, or on arrival, the following measures may be applied at the discretion of the Health Officer:—

- (a) Isolation of the sick.
- (b) Disinfection of the infected clothing, bedding, and effects, and of the compartment of the ship occupied by the sick.
- (c) Surveillance of those who have been in contact with the sick.

34. If any ship in the waters of this Colony is known to have any case of infectious or contagious disease on board the Health Officer may order such ship to be placed in quarantine until she has been dealt with as an infected ship.

35. In the case of a death from any infectious or contagious disease on board any ship the body shall be disposed of in such a manner as the Health Officer may direct and at the expense of the ship.

36. If any person conveys or attempts to convey any article to or from any ship in contravention of these Regulations such article shall be forfeited.

37. (1) The Master or Surgeon when there is one of any ship shall if the facts warrant his so doing on arriving in the waters

of this Colony sign and deliver to the Harbour Master the certificate in accordance with Form II. appended to these Regulations.

(2) In the event of any Master or Surgeon not signing and delivering the certificates marked (a) and (b) the Harbour Master shall place such ship in quarantine pending the visit of the Health Officer who shall decide whether such ship shall be granted pratique or treated as an infected, suspected or healthy ship.

(3) In the event of any Master or Surgeon not signing and delivering the certificates marked (c) and (d), the Harbour Master shall grant pratique but the passengers and crew shall not be permitted to land until they have been seen and dealt with in accordance with these Regulations by the Health Officer.

(4) The Surgeon or Master of any ship who shall sign any such certificate as aforesaid containing any false statement shall be deemed guilty of a breach of these Regulations and may be proceeded against and punished accordingly.

38. The Owner, Master or Agents of the ship shall pay the Government on demand any costs and expenses incurred in the removal of any person from the ship to any observation station or connected with the cleansing and disinfection of any ship or of the cargo or merchandise of any ship or any part of such ship, cargo or merchandise, or of the destruction of rats or mosquitos on board including the hire of any necessary labour, ships, premises on shore and disinfecting appliances or of removing from any ship any article or thing and disinfecting the same.

39. (1) All costs and expenses charged or incurred by the Government for the maintenance of any person under observation or isolation and for the disinfection and cleansing of passengers' baggage shall be paid on demand to the Government by the person concerned, except in the case of the Master, Officers, or crew of any ship when such expenses shall be paid by the Owner, Master or Agent of the ship.

(2) The Government shall have a lien on all baggage and other property belonging to a person placed in an Observation or Isolation station to secure payment of any sums due to the Government for the maintenance of such person or that of other persons for whom he may be or may have rendered himself liable.

(3) Such property may be kept and detained at the Custom House, and, in default of payment, within eight days from the termination of the Quarantine, of any sums due to the Government by the owner of such property, in respect of maintenance, the Collector of Customs may cause such property to be sold by auction.

(4) Provided that after deduction from the sale price of such property of the claim of the Government and costs, the balance, if any, shall be paid to the owner of the property.

40. No ship shall be permitted to clear outwards from any port of this Colony until all fees and expenses payable by the Owner, Master, or Agents thereof in respect of such ship under the Quarantine Ordinance, 1908, or of these Regulations may have been first duly paid.

41. No person under surveillance shall be required to pay a fee to any Health Officer for the services of medical supervision: Provided always that this provision shall not apply to any such

person who receives at his or her request medical attendance.

42. Where any breach of the above Regulations is committed, all persons assisting in any way in the commission of such breach, and the Master or other person having the control of any ship on board of which such breach has been committed or who has been in any way concerned in the commission of such breach, shall be severally answerable for such breach and shall be deemed guilty of the same.

FORM I.

Regulation 25.

ORIGINAL.

(To be retained by the Health Officer issuing the Pass.)

- (1.) No. of Pass
- (2.) Residence
- (3.) Station of issue
- (4.) Date of arrival
- (5.) Name of person (in full)
- (6.) Father's name(a)
- (7.) Occupation
- (8.) Age
- (9.) Sex
- (10.) Whence coming (give town and locality.)
- (11.) Destination and residence during next (b)days. (give town and locality.)
- (12.) To whom the triplicate copy of the Pass sent and when

I declare the information set forth above under headings (5) to (11) to be correct and I do hereby bind myself _____ to appear _____ for inspection daily, to present the above named person for the nextdays at the office or residence of Dr.at the hour ofor such other place or hour as the Examining Officer may direct; and to report to the said Officer before departure any change in _____ my residence _____ residence of the above mentioned person within the said period ofdays; and to deliver to the said Officer this Pass on the expiration of the said period.

Signature or mark of Traveller or
person in charge of him.

Declared and signed before me.

Signature and designation of Officer
issuing the Pass.

INSTRUCTIONS TO THE HEALTH OFFICER ISSUING THE PASS.

1. The Pass should be prepared in triplicate. The Original should be retained for record, the duplicate delivered to the Traveller, and the triplicate sent without delay to the Officer who has to examine him for the prescribed number of days. The full designation and address of this Officer should be entered under heading 12. One Pass form should not be used for more than one individual.

2. The Pass-issuing Officer should explain to the Traveller or his guardian the terms of the Pass, and warn him that any breach of its terms will entail forfeiture of any deposit made by him and also prosecution and punishment with fine not exceeding ten pounds.

(a) May be omitted when clearly not required for identification.
(b) The number of days to be inserted in accordance with the infectious or contagious disease for which the person is placed under surveillance.

FORM I.

DUPLICATE.

(To be issued to the person under surveillance.)

- (1.) No. of Pass.....
- (2.) Residence.....
- (3.) Station of issue.....
- (4.) Date of arrival.....
- (5.) Name of person (in full).....
- (6.) Father's name(a).....
- (7.) Occupation.....
- (8.) Age.....
- (9.) Sex.....
- (10.) Whence coming (give town and locality).....
- (11.) Destination and residence during next (b).....days (give town and locality).....
- (12.) To whom the triplicate copy of the Pass sent and when.....

I declare the information set forth above under headings (5) to (11) to be correct, and I do hereby bind myself _____ to appear _____ for inspection daily, to present the above named person for the.....days at the office or residence of Dr.....at the hour of.....or such other place or hour as the Examining Officer may direct; and to report to the said Officer before departure any change in _____ my residence _____ residence of the above mentioned person within the said period of.....days; and to deliver to the said Officer this Pass on the expiry of the said period.

Signature or mark of Traveller or
person in charge of him.

Declared and signed before me.

Signature and designation of Officer
issuing the Pass.

(a) May be omitted when clearly not required for identification.

(b) The number of days to be inserted in accordance with the infectious or contagious disease for which the person is placed under surveillance.

FORM I.

TRIPLICATE.

(To be forwarded without delay to the Officer appointed to conduct thedays' inspection.)

- (1.) No. of Pass
- (2.) Residence
- (3.) Station of issue.....
- (4.) Date of arrival.....
- (5.) Name of person (in full)
- (6.) Father's name(a).....
- (7.) Occupation
- (8.) Age.....
- (9.) Sex.....
- (10.) Whence coming (give town and locality)
- (11.) Destination and residence during next (b)days (give town and locality.)
- (12.) To whom the triplicate copy of the Pass sent and when.....

I declare the information set forth above under headings (5) to (11) to be correct and I do hereby bind myself to appear for inspection daily, to present the above named person for the next.....days at the Office or residence of Dr.....at the hour of.....or such other place or hour as the Examining Officer may direct; and to report to the said Officer before departure any change in my residence residence of the above mentioned person within the said period of.....days; and to deliver to the said Officer this Pass on the expiry of the said period.

Signature or mark of Traveller or
person in charge of him.

Declared and signed before me.

Signature and designation of Officer
issuing the Pass.

INSTRUCTIONS TO THE OFFICER APPOINTED TO CONDUCT THE.....DAYS' INSPECTION.

The Examining Officer should satisfy himself that the person presenting the Pass is the person described therein. He should ascertain from the traveller whether there is any sickness or death in his house. If the traveller exhibits any symptoms of plague, cholera, yellow fever, small-pox, or if any sickness or death is reported in his house, or if he fails to appear for inspection, the said Officer should take immediate steps for detaining him or for making the necessary enquiries as to the cause of sickness, death or absence, and report with the quickest despatch to the Colonial Surgeon.

(a) May be omitted when clearly not required for identification.

(b) The number of days to be inserted in accordance with the infectious or contagious disease for which the person is placed under surveillance.

Endorsement of the Examining Officer—

	Date.	Signature.
First day		
Second day		
Third day		
Fourth day		
Fifth day		
Sixth day		
Seventh day		
Eighth day		
Ninth day		
Tenth day		
Eleventh day		
Twelfth day		

Forwarded to the Colonial Surgeon, the passenger having been daily observed for the prescribed period.

Signature and designation of
Examining Officer.

Date _____

1. The Pass-holder must unless exempted by a written order endorsed on the Pass appear daily for the prescribed number of days on his Pass with his Pass before the Examining Officer and obtain that Officer's signature on the reverse of his Pass in token of inspection.

2. The Pass-holder is not obliged to remain at a place for the prescribed number of days by reason of his Pass, but should he desire to change his residence within that period he must give due intimation to the Examining Officer and get the entries under headings 11 and 12 altered before departure. On the expiration of his term of surveillance he shall deliver his Pass to the Examining Officer.

3. The Pass-holder is warned that any breach of the terms of the Pass will entail forfeiture of any deposit made by him and also prosecution and punishment with fine not exceeding ten pounds.

FORM II.

Regulation 37.

(a) I hereby certify that there is not and has not been on board the.....
during the voyage from.....or during the stay of the Ship in that
Port, or in any other Port in the course of the voyage, any case or suspected case of
Plague, Cholera, Yellow Fever, or Small-Pox.

Signature of Master or Surgeon.

Ship _____

Date _____

(b) I certify that, to the best of my knowledge and belief, the Ship has not
come from or touched at any place where there were any cases of Plague, Cholera,
Yellow Fever, or Small-pox, and that there is no person on board who has within
twelve days of embarkation been in any place where there were any cases of these
diseases.

Signature of Master or Surgeon.

Ship _____

Date _____

(c) I certify that there is not and has not been on board the.....
during the voyage from.....or during the stay of the Ship in that
Port, or in any other Port, in the course of the voyage, any case or suspected case of
the following diseases :—

Typhus Fever,
Enteric Fever,
Cerebro-spinal Fever,
Scarlet Fever,
Diphtheria,
Measles,
Whooping Cough,
Chicken-pox,
Dengue.

Signature of Master or Surgeon.

Ship _____

Date _____

(d) I certify that there has been no death from any cause on board during the
voyage.

Signature of Master or Surgeon.

Ship _____

Date _____

Second Schedule.

SECOND SCHEDULE.**ORDINANCES REPEALED.**

Number and Year.	Short Title.
3 of 1875.	The Quarantine Ordinance, 1875.
13 of 1889.	



W. H. Allardyce
Governor.

No. 8,



1908.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(24th December, 1908.)

An Ordinance to provide for the service of the Year 1909.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. The Governor may cause to be issued out of the Public
Revenue and other funds of the Colony and applied to the service
of the year ending on the 31st December, 1909, a sum not exceeding
Eighteen Thousand, Five hundred and Twenty-seven Pounds, Thir-
teen Shillings and Nine pence, which sum is granted, and shall be
appropriated for the purposes, and to defray the charges of the
several services expressed and particularly mentioned in the
Schedule hereto which will come in course of payment during the
year 1909.

Appropriation.

SCHEDULE.

Item.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions	603	8	9
2	Governor	1552	0	0
3	Colonial Secretary	906	0	0
4	Treasury and Customs	686	15	0
5	Audit	32	0	0
6	Port and Marine	90	0	0
7	Legal	10	0	0
8	Police	443	0	0
9	Prisons	185	0	0
10	Medical	920	0	0
11	Education	818	0	0
12	Ecclesiastical	220	0	0
13	Transport	230	0	0
14	Miscellaneous	749	0	0
15	Post Office	3609	0	0
16	Colonial Engineer	1498	0	0
17	Savings Bank	1465	0	0
18	Currency Note Fund	44	0	0
19	Drawbacks and Refunds	100	0	0
20	Public Debt	317	10	0
21	Public Works Recurrent	1140	0	0
	Total, Ordinary Expenditure	15618	13	9
22	Public Works Extraordinary	2155	0	0
23	Live Stock Ordinance	751	0	0
	£	18527	13	9

Short title

2. This Ordinance may be cited as the Appropriation Ordinance, 1909.

Passed the Legislative Council this 22nd day of December, 1908.

Assented to by the Governor and given under the Public Seal of the Colony this 24th day of December, 1908.

M. Craigie-Halkett.
Clerk of the Council.

FALKLAND ISLANDS :

Printed at the Government Printing Office, by William J. Worthy.



W. L. Allardyce

Governor.

No. 9,



1908.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of St. Michael and St. George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(24th December, 1908.)

An Ordinance

To regulate the legal position of the
Dependencies of the Colony of
the Falkland Islands.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. In this Ordinance, and in all Ordinances passed after the
commencement of this Ordinance, unless the contrary intention
appears, the expression "Dependencies" shall mean the groups of
islands known as South Georgia, the South Orkneys, the South
Shetlands, and the Sandwich Islands, and the territory known as
Graham's Land, situated in the South Atlantic Ocean to the south
of the fiftieth parallel of south latitude, and lying between the
twentieth and the eightieth degrees of west longitude.

Interpretation.

2. Subject to all local Ordinances and Orders in Council for the
time being in force, the Common Law the doctrines of Equity and
the Statutes of general application which were in force in England
on the 22nd day of May, 1900, are and shall be in force in the
Dependencies, but so far only as the circumstances of the Depen-
dencies and their inhabitants and the limits of the Colonial
jurisdiction permit and subject to such qualifications as local
circumstances render necessary.

Extent of the Law of
England in force in the
Dependencies.

Procedure for bringing the Law of the Colony into force in the Dependencies.

3. It shall be lawful for the Governor in Council from time to time to declare by notification in the Gazette any Ordinance or part of any Ordinance of the Colony, whether passed before or after the commencement of this Ordinance, to be in force in the Dependencies, and thereupon such Ordinance or part as aforesaid, and any rules, regulations, or bye-laws made thereunder, unless it is expressly declared that such rules, regulations, or bye-laws shall not be in force in the Dependencies, shall be in force therein, and it shall be lawful for the Governor in Council by notification in the Gazette to revoke and declare to be no longer in force any such notification as aforesaid.

General Law of the Colony not in force in the Dependencies.

4. Except as provided in this Ordinance, no Ordinance of the Colony passed before the commencement of this Ordinance, nor any Ordinance of the Colony passed hereafter which shall not be expressly declared to be in force in the Dependencies as well as in the Colony, shall be in force in the Dependencies.

Extent to which the Law of the Colony applied to the Dependencies shall be in force.

5. Any Ordinance or part of any Ordinance of the Colony which shall be in force in the Dependencies shall be in force therein so far only as the circumstances of the Dependencies and their inhabitants permit and subject to such qualifications as local circumstances render necessary.

Power of the Governor in Council to make rules, regulations, and bye-laws, specially applicable to the Dependencies.

6. Whenever any Ordinance or part of any Ordinance of the Colony shall be in force in the Dependencies, and rules, regulations, or bye-laws may be made thereunder for carrying out the provisions thereof, the Governor in Council may from time to time make under such Ordinance or part as aforesaid rules, regulations, or bye-laws, as the case may be, which shall be specially applicable to any or all of the Dependencies and be in force therein.

Jurisdiction of the Supreme Court extended to the Dependencies.

7. All the jurisdiction, powers, and authorities vested in the Supreme Court of the Colony under the provisions of the Administration of Justice Ordinance, 1901, shall extend to the Dependencies.

Power of the Governor to appoint Stipendiary Magistrates and Justices of the Peace.

8. The Governor may for any period he may think fit appoint from time to time such Stipendiary Magistrates and Justices of the Peace for the Dependencies as he may deem necessary.

Jurisdiction of Stipendiary Magistrates and Justices of the Peace.

9. Every Stipendiary Magistrate or Justice of the Peace appointed under this Ordinance shall have and may exercise over and within the district defined and specified in his warrant of appointment all the jurisdiction, powers, and authorities in civil and criminal cases as are conferred on and exercised by Stipendiary Magistrates and Justices respectively appointed under the provisions of the Summary Jurisdiction Ordinance, 1902, and if no limits be defined or specified in such warrant of appointment, then he shall have and may exercise the said jurisdiction, powers, and authorities throughout the Dependencies.

Power of the Governor to appoint constables.

10. The Governor may for any period he may think fit appoint from time to time any person to be a constable for the Dependencies, and any constable so appointed shall have, exercise, and enjoy all the powers, authorities, advantages, and immunities, and be liable to all the duties and responsibilities, which attach to any constable duly appointed under the provisions of the Summary Jurisdiction Ordinance, 1902.

11. The Governor may for any period he may think fit appoint from time to time such officers as may be necessary to enforce and carry out the provisions of any Ordinance or part of any Ordinance, and any regulations made thereunder, which shall be in force in the Dependencies.

Power of the Governor to appoint officers.

12. This Ordinance may be cited as the Dependencies Ordinance, 1908.

Short title.

Passed the Legislative Council this 22nd day of December, 1908.

Assented to by the Governor and given under the Public Seal of the Colony this 24th day of December, 1908.

M. Craigie-Hackett

Clerk of the Council.



W. L. Allardyce
Governor.

No. 1,



1909.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(7th April, 1909.)

An Ordinance

To appropriate certain further sums of money for the use of the Public Service of the Colony for the year ended on the 31st day of December, 1908.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. The several sums of money appearing in the Schedule hereto, and amounting in the whole to three thousand and fourteen pounds sixteen shillings and nine pence, are hereby declared to be also payable for the year ended on the 31st day of December, 1908, for and in respect of the several services in the said Schedule mentioned, in addition to the sums appropriated by Ordinance No. 1 of 1908.

Additional Expenditure
of £3014 16s. 9d.
legalised for service
of 1908.

2. This Ordinance may be cited as the Supplementary Short title.
Appropriation Ordinance, 1909.

Passed the Legislative Council this 5th day of April, 1909.

Assented to by the Governor and given under the Public Seal
of the Colony this 7th day of April, 1909.

M. Craigie Hackett
Clerk of the Council.

SCHEDULE.

Division.	Head of Service.	Amount.		
		£	s.	d.
I.	Pensions	84	6	1
II.	Governor	39	15	1
III.	Colonial Secretary	1	3	11
IV.	Treasury and Customs	106	5	7
VI.	Port and Marine	12	7	6
IX.	Prisons	13	7	8
X.	Medical	127	7	10
XI.	Education	9	13	6
XIII.	Transport	562	0	4
XIV.	Miscellaneous	32	4	11
XVI.	Colonial Engineer	116	6	6
XVII.	Savings Bank	224	15	4
XIX.	Drawbacks and Refunds	146	7	1
XXI.	Public Works Recurrent	276	12	5
	Total Ordinary Expenditure	1752	13	9
XXII.	Public Works Extraordinary	1262	3	0
	Total	£ 3014	16	9



W. L. Allardyce
Governor.

No. 2,



1909.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(30th June, 1909.)

An Ordinance

To amend the Summary Jurisdiction Ordinance, 1902.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. Section 52 (d) of the Summary Jurisdiction Ordinance, 1902, is hereby amended by striking out the words "shall move" along any public road any night-soil between the hours of six in the morning and ten at night, or who".

Amendment of section
52 (d) of Ordinance
No. 5 of 1902.

2. This Ordinance may be cited as the Summary Jurisdiction (Amendment) Ordinance, 1909.

Short title.

Passed the Legislative Council this 28th day of June, 1909.

Assented to by the Governor and given under the Public Seal of the Colony this 30th day of June, 1909.

M. Craigie-Halkett

Clerk of the Council.



W. L. Allardyce
Governor.

No. 3,



1909.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(2nd August, 1909.)

An Ordinance

To extend to the Colony and Dependencies
thereof the Deceased Wife's Sister's
Marriage Act, 1907, of the Imperial
Parliament.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. From and after the passing of this Ordinance the provisions
of the Act of the Imperial Parliament 7 Edward 7 Chapter 47 (the
Deceased Wife's Sister's Marriage Act, 1907) shall apply *mutatis*
mutandis to this colony and to the Dependencies thereof.

Deceased Wife's Sis-
ter's Marriage Act,
1907 (Imperial) extend-
ed to the Colony and to
the Dependencies.

2. This Ordinance may be cited as the Deceased Wife's
Sister's Marriage Ordinance, 1909.

Short title.

Passed the Legislative Council this 23rd day of July, 1909.

Assented to by the Governor and given under the Public Seal
of the Colony this 2nd day of August, 1909.

M. Craigie-Halkett
Clerk of the Council.

FALKLAND ISLANDS:

Printed at the Government Printing Office by William J. Worthy.

W. L. Allardyce
Governor.

No. 4,



1909.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(2nd August, 1909.)

An Ordinance

To prohibit the passing of sentence of
death on a child or young person.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. In this Ordinance—

Definitions.

The expression "child" means a person under the age of
fourteen years;

The expression "young person" means a person who is four-
teen years of age or upwards and under the age of sixteen
years.

2. Sentence of death shall not be pronounced on or recorded
against a child or young person, but in lieu thereof the Court shall
sentence the child or young person to be detained during His
Majesty's pleasure, and, if so sentenced, he shall be liable to be
detained in such place and under such conditions as the Governor
in Council may direct, and whilst so detained shall be deemed to be
in legal custody.

Sentence of death on
child or young person
not to be passed.

3. This Ordinance may be cited as the Children Ordinance, Short title.
1909.

Passed the Legislative Council this 23rd day of July, 1909.

Assented to by the Governor and given under the Public Seal
of the Colony this 2nd day of August, 1909.

M. Craigie-Halkett

Clerk of the Council.

FALKLAND ISLANDS:

Printed at the Government Printing Office by William J. Worthy.



W. H. Allardyce.
Governor.

No. 5,



1909.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(2nd August, 1909.)

An Ordinance

To regulate the practice and procedure in
the Falkland Islands in Appeals to
His Majesty in Council.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. In this Ordinance, unless the context otherwise requires:— Definitions.

“Appeal” means Appeal to His Majesty in Council;

“His Majesty” includes His Majesty’s heirs and successors;

“Judgment” includes decree, order, sentence, rule, or decision;

“Court” means the Supreme Court of the Falkland Islands;

“Record” means the aggregate of papers relating to an Appeal
(including the pleadings, proceedings, evidence and judgments)
proper to be laid before His Majesty in Council on
the hearing of the Appeal;

"Registrar" means the Registrar or other proper officer having the custody of the Records in the Supreme Court of the Falkland Islands;

"Month" means calendar month;

Words in the singular include the plural, and words in the plural include the singular;

Cases in which an Appeal lies.

2. Subject to the provisions of this Ordinance, an Appeal shall lie—

- (a) as of right, from any final judgment of the Court, where the matter in dispute on the Appeal amounts to or is of the value of five hundred pounds sterling or upwards, or where the Appeal involves, directly or indirectly, some claim or question to or respecting property or some civil right amounting to or of the value of five hundred pounds sterling or upwards; and
- (b) at the discretion of the Court, from any other judgment of the Court, whether final or interlocutory, if, in the opinion of the Court, the question involved in the Appeal is one which, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council for decision.

Cases in which final judgment may be entered *pro forma* for purposes of appeal.

3. Where in any action or other proceeding no final judgment can be duly given in consequence of a difference of opinion between the judges, the final judgment may be entered *pro forma* on the application of any party to such action or other proceeding according to the opinion of the Chief Justice or, in his absence, of the senior puisne Judge of the Court, but such judgment shall only be deemed final for purposes of an appeal therefrom, and not for any other purpose.

Procedure on applications for leave to appeal.

4. Applications to the Court for leave to appeal shall be made by motion or petition within twenty-one days from the date of the judgment to be appealed from, and the Applicant shall give the opposite party notice of his intended application.

Conditions upon which leave to appeal shall be granted.

5. Leave to appeal under Section 2 shall only be granted by the Court in the first instance—

- (a) upon condition of the Appellant, within a period to be fixed by the Court but not exceeding three months from the date of the hearing of the application for leave to appeal, entering into good and sufficient security, to the satisfaction of the Court, in a sum not exceeding five hundred pounds, for the due prosecution of the Appeal, and the payment of all such costs as may become payable to the Respondent in the event of the Appellant's not obtaining an order granting him final leave to appeal, or of the Appeal being dismissed for non-prosecution, or of His Majesty in Council ordering the Appellant to pay the Respondent's costs of the Appeal (as the case may be); and
- (b) upon such other conditions (if any) as to the time or times within which the Appellant shall take the necessary steps for the purpose of procuring the preparation of the Record and the dispatch thereof to England as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.

6. Where the judgment appealed from requires the Appellant to pay money or perform a duty, the Court shall have power, when granting leave to appeal, either to direct that the said judgment shall be carried into execution or that the execution thereof shall be suspended pending the Appeal, as to the Court shall seem just, and in case the Court shall direct the said judgment to be carried into execution, the person in whose favour it was given shall, before the execution thereof, enter into good and sufficient security, to the satisfaction of the Court, for the due performance of such order as His Majesty in Council shall think fit to make thereon.
7. The preparation of the Record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.
8. The Registrar, as well as the parties and their legal Agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the Appeal, and, generally, to reduce the bulk of the Record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the Record.
9. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included, the Record, as finally printed (whether in the Falkland Islands or in England), shall, with a view to the subsequent adjustments of the costs of and incidental to such document, indicate in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.
10. The Record shall be printed in accordance with the Rules set forth in the Schedule hereto. It may be so printed either in the Falkland Islands or in England.
11. Where the Record is printed in the Falkland Islands, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council forty copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal of the Court.
12. Where the Record is to be printed in England, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.
13. Where part of the Record is printed in the Falkland Islands and part is to be printed in England, Sections 11 and 12 of this Ordinance shall, as far as practicable, apply to such parts as are printed in the Falkland Islands and such as are to be printed in England respectively.
14. The reasons given by the judge, or any of the judges, for or against any judgment pronounced in the course of the proceedings out of which the Appeal arises shall by such judge or judges be

Power of the Court when granting leave to appeal.

Preparation of the Record.

Irrelevant documents to be excluded from the Record.

Cases in which there is a conflict between parties as to the relevancy of a document.

The Record to be printed.

Duty of the Registrar when the Record is printed in the Colony.

Duty of the Registrar when the Record is to be printed in England.

Duty of the Registrar when part of the Record is printed in the Colony and part is to be printed in England.

Reasons given by judges for judgments to be transmitted with the Record.

communicated in writing to the Registrar, and shall by him be transmitted to the Registrar of the Privy Council at the same time when the Record is transmitted.

Cases in which the Court may direct Appeals to be consolidated.

15. Where there are two or more applications for leave to appeal arising out of the same matter, and the Court is of opinion that it would be for the convenience of the Lords of the Judicial Committee and all parties concerned that the Appeals should be consolidated, the Court may direct the Appeals to be consolidated and grant leave to appeal by a single Order.

Withdrawal of an Appeal prior to order granting final leave to appeal.

16. An Appellant who has obtained an order granting him conditional leave to appeal may at any time prior to the making of an order granting him final leave to appeal withdraw his Appeal on such terms as to costs and otherwise as the Court may direct.

Cases in which an order granting conditional leave to appeal may be rescinded.

17. Where an Appellant, having obtained an order granting him conditional leave to appeal, and having complied with the conditions imposed on him by such Order, fails thereafter to apply with due diligence to the Court for an order granting him final leave to appeal, the Court may, on an application in that behalf made by the Respondent, rescind the order granting conditional leave to appeal, notwithstanding the Appellant's compliance with the conditions imposed by such Order, and may give such directions as to the costs of the Appeal and the security entered into by the Appellant as the Court shall think fit, or make such further or other order in the premises as, in the opinion of the Court, the justice of the case requires.

Cases in which the Court may defer granting final leave to appeal.

18. On an application for final leave to appeal, the Court may inquire whether notice, or sufficient notice, of the application has been given by the Appellant to all parties concerned, and, if not satisfied as to the notices given, may defer the granting of the final leave to appeal, or may give such other directions in the matter as, in the opinion of the Court, the justice of the case requires.

Prosecution of an Appeal.

19. An Appellant who has obtained final leave to appeal shall prosecute his Appeal in accordance with the Rules for the time being regulating the general practice and procedure in Appeals to His Majesty in Council.

Withdrawal of an Appeal after final leave to appeal has been obtained, and prior to the dispatch of the Record to England.

20. Where an Appellant, having obtained final leave to appeal, desires, prior to the dispatch of the Record to England, to withdraw his Appeal, the Court may, upon an application in that behalf made by the Appellant, grant him a certificate to the effect that the Appeal has been withdrawn, and the Appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

Cases in which, after final leave to appeal has been obtained, the appeal shall be deemed to stand dismissed for non-prosecution.

21. Where an Appellant, having obtained final leave to appeal, fails to show due diligence in taking all necessary steps for the purpose of procuring the dispatch of the Record to England, the Respondent may, after giving the Appellant due notice of his intended application, apply to the Court for a certificate that the Appeal has not been effectually prosecuted by the Appellant, and if the Court sees fit to grant such a certificate, the Appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

22. Where at any time between the order granting final leave to appeal and the dispatch of the Record to England the Record becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court may, notwithstanding the order granting final leave to appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted or entered on the Record in place of, or in addition to, the party who has died or undergone a change of status, and the name of such person shall thereupon be deemed to be so substituted or entered on the Record as aforesaid without express Order of His Majesty in Council.

Substitution, &c., of parties to the Appeal, prior to the dispatch of the Record to England.

23. Where the Record subsequently to its dispatch to England becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Privy Council showing who, in the opinion of the Court, is the proper person to be substituted, or entered, on the Record, in place of, or in addition to, the party who has died or undergone a change of status.

Substitution, &c., of parties to the Appeal, after the dispatch of the Record to England.

24. The Case of each party to the Appeal may be printed either in the Falkland Islands or in England and shall, in either event, be printed in accordance with the Rules set forth in the Schedule hereto, every tenth line thereof being numbered in the margin, and shall be signed by at least one of the Counsel who attends at the hearing of the Appeal, or by the party himself if he conducts his Appeal in person.

Case of each party to the Appeal to be printed in accordance with the rules set forth in the Schedule.

25. The Case shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the Appeal arises, the contentions to be urged by the party lodging the same, and the reasons of appeal. References by page and line to the relevant portions of the Record as printed shall, as far as practicable, be printed in the margin, and care shall be taken to avoid, as far as possible, the reprinting in the Case of long extracts from the Record. The taxing officer, in taxing the costs of the Appeal, shall, either of his own motion, or at the instance of the opposite party, inquire into any unnecessary prolixity in the Case, and shall disallow the costs occasioned thereby.

Preparation of the Case.

26. Where the Judicial Committee directs a party to bear the costs of an Appeal incurred in the Falkland Islands, such costs shall be taxed by the proper officer of the Court in accordance with the rules for the time being regulating taxation in the Court.

Taxation of costs.

27. The Court shall conform with, and execute, any order which His Majesty in Council may think fit to make on an Appeal from a judgment of the Court in like manner as any original judgment of the Court should or might have been executed.

Execution by the Court of an order of His Majesty in Council on an Appeal.

28. Nothing in this Ordinance contained shall be deemed to interfere with the right of His Majesty upon the humble Petition of any person aggrieved by any judgment of the Court, to admit his Appeal therefrom upon such conditions as His Majesty in Council shall think fit to impose.

Right of His Majesty to admit an Appeal from any judgment reserved.

29. Section 25 of the Administration of Justice Ordinance, 1901, is hereby repealed.

Repeal.

Short title.

30. This Ordinance may be cited as the Privy Council Appeals Ordinance, 1909.

Passed the Legislative Council this 23rd day of July, 1909.

Assented to by the Governor and given under the Public Seal of the Colony this 2nd day of August, 1909.

M. Craigie-Halkett

Clerk of the Council.

SCHEDULE

I. Records and Cases in Appeals to His Majesty in Council shall be printed in the form known as Demy Quarto (i.e., 54 ems in length and 42 in width).

II. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and $8\frac{1}{2}$ inches in width.

III. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter, and notes.

IV. The number of lines in each page of Pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

FALKLAND ISLANDS:

Printed at the Government Printing Office by William J. Worthy.



W. L. Allardyce

No. 6,



1909.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(20th October, 1909.)

An Ordinance

To regulate the Seal Fishery in the
Dependencies.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. It shall not be lawful for any person to kill, take, or hunt,
or attempt to kill or take any seal in the Dependencies or the
Colonial Waters thereof unless he shall first have been duly licensed.

Unlawful to take seal
in the Dependencies
without a license.

2. In this Ordinance:—

Interpretation.

“ Seal ” means the “ Fur Seal ”, the “ Hair Seal ”, the “ Sea
Otter ”, the “ Sea Elephant ”, the “ Sea Leopard ”, the “ Sea
Bear ”, the “ Sea Lion ”, the “ Sea Dog ”, and any animal
of the seal kind.

“ Skin ” means the skin of any seal.

“ Seal Reserve ” means any portion of land or water set apart
by the Governor in Council within the limits of the Depen-
dencies for the breeding of Seals.

Granting of Sealing
Licenses.

3. (1.) The Colonial Secretary or such other officer as the Governor may appoint for the purpose, may grant licenses to take seals in the Dependencies and Colonial Waters thereof to such persons as may apply for them for such periods and on such terms and conditions in respect of the number and description of seals to be taken and the territorial and marine limits within which they may be taken, under such licenses, as may be approved by the Governor.

(2.) There shall be paid into the Colonial Treasury for and in respect of each license to take seals granted under this Ordinance the sum of fifty pounds.

Governor in Council
may make regulations.

4. The Governor in Council, may, from time to time, make regulations for carrying out the provisions of this Ordinance, and the intent and object thereof, and may impose penalties not exceeding ten pounds for the breach of such regulations.

Regulations to be
published in the
Gazette.

5. All regulations made in pursuance of this Ordinance shall be published in the Gazette, and shall come into force on such day as the Governor may direct by notice in that behalf published in the Gazette.

Seal reserves.

6. (1.) It shall be lawful for the Governor in Council from time to time to declare by notification in the Gazette any Crown Land, Colonial Waters, or with the consent of the owner or lessee, any private land in the Dependencies to be a seal reserve, and, by notification in the Gazette, to revoke and declare to be no longer in force any such notification as aforesaid.

(2.) No License shall be granted under this Ordinance in respect of any seal reserve.

Liability of an owner
or master of a vessel.

7. Any owner or master or other person in charge of any vessel, who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in killing or taking seals, or who shall permit or negligently suffer any person belonging to such vessel to be employed in killing or taking seals, in the Dependencies or the Colonial Waters thereof without a license under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any license granted to him under this Ordinance, shall forfeit any seals so killed or taken, and any seals, seal-oil, or skins found in his possession, and in addition thereto shall be liable to a penalty not exceeding three hundred pounds for each offence.

Offences and penalties
and forfeitures
consequent thereon.

8. Any person who does any of the following acts shall be guilty of an offence against this Ordinance, and shall be liable on conviction to a penalty not exceeding one hundred pounds for each such offence, and to forfeit any seals, seal-oil, or skins found in his possession :—

(a) Kills, takes, or hunts, or attempts to kill or take, any seal in the Dependencies or the Colonial Waters thereof without a license under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any license granted to him under this Ordinance.

(b) Has in his possession, or in any vessel under his command, any seal, seal-oil, or skins, for the lawful possession of which he cannot account satisfactorily.

Arrest of vessel and
person in charge.

9. Whenever any vessel is found in Colonial Waters in the Colony or in the Dependencies and there is good cause to suspect that the owner, master, or other person in charge of such vessel, or any person belonging thereto, has committed any offence against this Ordinance, it shall be lawful for any person duly authorised by the Governor, without warrant, to seize and apprehend the person in charge of such vessel, and any person belonging thereto, and to arrest and detain such vessel until the master has given security to be

approved by the Chief Justice to abide the event of any action, suit or other legal proceeding that may be instituted in respect of such vessel or of any person belonging thereto and to pay all penalties, costs and damages that may be awarded thereon.

10. In any legal proceeding under the next preceding section, the person giving security may be deemed to be the owner of the detained vessel. Security.

11. No duly authorised person shall be liable for any costs or damages in respect of any vessel detained under this Ordinance, unless the detention is proved to have been made without reasonable grounds. No authorised person liable for detention of vessel.

12. Offences under this Ordinance, or under any regulation made thereunder, may be prosecuted, and penalties and forfeitures under this Ordinance, or any regulations thereunder, may be recovered before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner, or by action in the Supreme Court of the Colony, together with full costs of suit; provided that any penalty imposed by a Stipendiary Magistrate or two Justices of the Peace shall not exceed one hundred pounds, exclusive of costs. Prosecution of offences.

13. 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. Venue.

14. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof. Recovery of penalties.

15. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any vessel to which he may belong with the person being or appearing to be in command or charge of such vessel. Service of Summons.

16. The Governor and any person duly authorised by him in writing, may kill or take, for a scientific or any other special purpose, any seal in the Dependencies or Colonial Waters thereof, and in so doing shall be exempt from any penalties and forfeitures under this Ordinance. Special exemption.

17. This Ordinance may be cited as the Seal Fishery (Dependencies) Ordinance, 1909, and shall come into operation on the first day of January, one thousand nine hundred and ten. Short title and commencement.

Passed the Legislative Council this 18th day of October, 1909.

Assented to by the Governor and given under the Public Seal of the Colony this 20th day of October, 1909.

M. Craigie-Halkett
Clerk of the Council.



W. L. Allardyce

No. 7,



1909.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(20th October, 1909.)

An Ordinance

To provide for the preservation of Penguins in the Dependencies.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. It shall not be lawful for any person to kill or take Penguins in the Dependencies unless he shall first have been duly licensed.

Unlawful to take
Penguins without a
License.

2. The Colonial Secretary or such other Officer as the Governor may appoint for the purpose, may grant licenses to take penguins in the Dependencies to such persons as may apply for them for such periods, and on such terms and conditions in respect of the number and description of penguins to be taken, the territorial limits within which they may be taken, under such licenses, and the payment to be made in respect thereof, as may be approved by the Governor.

Granting of licenses.

3. The Governor in Council may, from time to time, make regulations for carrying out the provisions of this Ordinance, and the intent and object thereof, and may impose penalties not exceeding ten pounds for the breach of such regulations.

Governor in Council
may make regulations.

4. All regulations made in pursuance of this Ordinance shall be published in the Gazette, and shall come into force on such day as the Governor may direct by notice in that behalf published in the Gazette.

Regulations to be
published in the
Gazette.

Penalty for taking
penguins without a
license.

5. Any person who shall, after the coming into operation of this Ordinance, without a license or contrary to the terms and conditions of any license which may have been granted to him under this Ordinance kill or take, or caused to be killed or taken any penguin in the Dependencies shall be liable to a penalty not exceeding thirty pounds.

Liability of an owner
or master of a vessel.

6. Any owner or master or other person in charge of any vessel, who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in killing or taking penguins, or who shall permit or negligently suffer any person belonging to such vessel to be employed in killing or taking penguins, contrary to the provisions of this Ordinance, shall forfeit any penguins so killed or taken, and any penguins or penguin-oil found in his possession, and in addition thereto shall be liable to a penalty not exceeding one hundred pounds for each offence.

Prosecution of Offences.

7. Offences under this Ordinance or under any regulations made thereunder, may be prosecuted, and any penalties and forfeitures under this Ordinance, or any regulations thereunder, may be recovered before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner.

Venue.

8. 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.

Recovery of penalties.

9. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and her tackel, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Service of summons.

10. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any vessel to which he may belong, with the person being or appearing to be in command or charge of such vessel.

Special exemption.

11. The Governor, and any person duly authorised by him in writing, may kill or take for a scientific or any other special purpose, any penguin, and in so doing shall be exempt from any penalties and forfeitures under this Ordinance.

Short title and
commencement.

12. This Ordinance may be cited as the Penguin (Dependencies) Ordinance, 1909, and shall come into operation on the first day of January, one thousand nine hundred and ten.

Passed the Legislative Council this 18th day of October, 1909.

Assented to by the Governor and given under the Public Seal of the Colony this 20th day of October, 1909.

M. Craigie-Hackett
Clerk of the Council.

FALKLAND ISLANDS :

Printed at the Government Printing Office by William J. Worthy.



W. L. Allardyce

No. 8,



1909.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(16th December, 1909.)

An Ordinance

To provide for Public Education.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

Enacting Clause.

1. The parents or guardians of all children residing in Stanley of not less than five and not more than fourteen years of age are hereby required to cause such children to attend school unless there be some reasonable excuse as hereinafter mentioned shown to the satisfaction of the Stipendiary Magistrate; provided always that at any time before the first day of July, 1910, it shall be lawful for the parents or guardians of any child to withdraw such child from school on attaining the age of thirteen years.

Parents and Guardians
to send children to
school.

Any of the following reasons shall be a reasonable excuse:—

- (a) That the child is under efficient instruction in some other manner;
- (b) That the child has been prevented from attending school by illness or any other unavoidable cause.

Excuse for not doing so.

Any parent or guardian acting in contravention of this section shall be liable to a penalty not exceeding five shillings; provided always that a complaint for continued non-attendance shall not be repeated at any less interval than two weeks.

Penalty.

Chief Constable to
prosecute complaints.

2. It shall be the duty of the Chief Constable to prepare, keep and from time to time revise, add to and correct, a list in the form A in the Schedule hereto annexed, of all children between the ages of five and fourteen years residing in Stanley, and it shall be the further duty of the said Chief Constable, as hereinafter provided, to lodge a complaint before the Stipendiary Magistrate against the parent or guardian of any of such children who shall fail and omit to send them regularly to school.

Teachers to warn
parents and guardians
of non-attendance of
children.

3. It shall be the duty of the Headmaster of the Government School and the Teachers of all schools receiving a grant from the Government in aid of their Schools in Stanley—

(a) To send once a fortnight to the parents or guardians of all children who do not make eight attendances out of ten in one week or sixteen attendances out of twenty in two consecutive weeks, due warning of such non-attendance in the form B in the Schedule hereto annexed;

(b) To furnish the Chief Constable once in every two weeks with a list in the form C in the Schedule hereto annexed, of the children on the register of such schools, who have without reasonable excuse, and after due warning being given to the parents or guardians in the form B, failed to make the requisite number of attendances in any two weeks under this section. The production of the counterfoil of any such list shall be evidence before the Stipendiary Magistrate of the absence from school of the child or children named therein on the dates mentioned.

Power of Governor in
Council to make
Regulations.

4. The Governor in Council may from time to time make Regulations for the inspection and control:—

(a) Of all Government Schools;

(b) Of all Schools receiving a Government Grant;

(c) Of all Schools established in any other township of the Colony than Stanley;

and may impose penalties not exceeding five shillings for any breach of same.

Such Regulations shall upon publication in the Government Gazette have the same effect as if inserted in this Ordinance.

Mode of recovery of
penalties.

5. All penalties under this Ordinance, or under the Regulations framed hereunder, shall be recoverable in a summary manner in Stanley before a Stipendiary Magistrate on the complaint of the Chief Constable and in any other place than Stanley before a Justice of the Peace on the prosecution of any person named or appointed by the Governor.

Remission of fees in
case of poverty.

6. The Governor of the Colony may remit the whole or any part of the school fees of any child attending a Government school upon being satisfied that the parent or guardian of such child is unable because of indigent circumstances to pay the same.

Instruction of children
residing outside
Stanley.

7. The parents or guardians of all children residing outside Stanley, shall have such children being not less than five and not more than fourteen years of age, taught by the various Government Itinerant or Resident Schoolmasters, unless there be some reasonable excuse to the contrary, as mentioned in Section 1 (a) and (b).

Appointment of Pupil
Teachers.

8. It shall be competent for the Headmaster of the Government School, and for teachers of other schools receiving a Government grant, to appoint such number of pupil Teachers as may be approved

and sanctioned by the Governor, to assist the teachers in the aforementioned schools, to the extent of one Pupil Teacher for every fifty scholars in average attendance up to one hundred, and one Pupil Teacher for every twenty scholars in average attendance over one hundred. Such Pupil-teachers must, before being appointed, be certified as having passed the sixth Standard, or class equivalent to this, and must also be certified by the Government Medical Officer to be of sound constitution and physically fit to undertake the work of teaching.

9. The person appointed to be a Pupil Teacher as above shall be not less than fourteen years of age and will be on probation during the first year of his or her engagement, after which the Pupil Teacher must enter into an Agreement to serve for a further period of three years.

Terms of engagement of Pupil Teachers.

10. Each Pupil Teacher appointed to a Government School shall receive a salary at the rate of £24 per annum, to be increased by £3 per annum for each subsequent year, on passing the prescribed annual examination.

Salary of Pupil Teacher.

11. During his or her term of engagement the Pupil Teacher shall be allowed two afternoons in every school week for the purpose of study in the school under supervision, and while the School is not being held, shall receive special instruction from a certificated teacher of the school in which the Pupil Teacher is engaged during at least five hours per week (except during school holidays) of which not more than two shall be part of the same day. Such special instruction given to the Pupil Teacher shall be in the subjects specified for each year as shown in the form D in the Schedule hereto annexed, and the Pupil Teacher will be examined in each year of his or her engagement in those subjects.

Pupil Teacher to receive special instruction and be examined.

12. A Pupil Teacher who has successfully passed the final examination in the prescribed subjects at the termination of the fourth year of his or her agreement, may be employed as an Assistant Teacher in the Colony or as an Itinerant Schoolmaster, and shall receive a Certificate stating the educational acquirements attained and his or her ability as a Teacher.

Pupil Teacher may be employed as Assistant Teacher & receive Certificate.

13. Once a year at least, and on such other occasion as the Governor may direct, the Government Medical Officer shall make an examination of the children attending the Government Schools, or other schools receiving a Government grant and shall make a report to the Government of any children suffering from malnutrition, defective eye-sight, defective teeth, want of cleanliness of person, or from any skin disease.

Inspection of School children by Government Medical Officer.

14. The Government Medical Officer shall keep a list of the names of the scholars suffering from one or more of the defects mentioned in Section 13 and notice shall be sent to the parents or guardians of such children intimating that the children are so suffering, and advising the parents or guardians to adopt remedial measures.

Government Medical Officer to keep list of school children suffering from any defect, & Parents to be advised to remedy such.

15. The Headmaster of the Government School or Teacher of other Schools receiving a Government Grant shall, when possible, receive at least two day's notice of any visit from a Government Medical Officer, under section 13, in order that preparation may be made for such visit with as little disturbance to School routine as possible.

Government Medical Officer to give 2 days notice of visit to School.

16. Ordinance No. 6 of 1895 entitled "The School Attendance Ordinance, 1895", and the Regulations made thereunder shall be

Repeal.

and the same are hereby repealed.

Short Title.

17. This Ordinance shall be cited as the Public Education Ordinance, 1909, and shall come into operation on the first day of January, one thousand nine hundred and ten.

Passed the Legislative Council this 8th day of December, 1909.

Assented to by the Governor and given under the Public Seal of the Colony this 16th day of December, 1909.

M. Craigie-Halkett
Clerk of the Council.

Regulations for Government Schools.

ATTENDANCE.

1. The hours of attendance shall be defined in the Time Table of the School, which must be prepared by the Schoolmaster and submitted for the approval and sanction of the Governor in Council. Any alterations which may from time to time be suggested by the Schoolmaster must be submitted in like manner.

2. The regular school holidays shall be as follows:—

Good Friday and Easter week. The week following the next Friday after the 21st of September. Four weeks commencing with the week in which Christmas Day falls.

In addition to the above, the schools will be closed on every Saturday and on every day kept as a Public Holiday, or on which the Public Offices shall be closed by order of the Governor, and no other holidays shall be given without the sanction of the Governor.

3. The attendance of the scholars shall be registered every morning and every afternoon, at not later than 10. o.c. in the forenoon and not later than 2. 10 o.c. in the afternoon.

4. The Schools may at any time be temporarily closed by order of the Governor on account of epidemic disease or other sufficient cause.

WORK OF THE SCHOOLS.

5. (a) Time Tables and Schemes of Work must be prepared annually by the Schoolmaster and thereafter submitted to the Governor in Council for his approval and sanction.

(b) Evening continuation classes on advanced subjects may be instituted with the approval of the Governor.

DUTIES OF THE SCHOOLMASTER, SCHOOLMISTRESS AND ASSISTANT TEACHERS.

6. During school hours, the Schoolmaster, Schoolmistresses, Assistant Teachers and Pupil Teachers shall confine themselves strictly to the tuition of the scholars and shall not during such time be engaged in any other work, or in the preparation of Reports, or Accounts, all of which shall be done out of School hours.

7. It is the duty of the Schoolmaster in the month of November in each year to prepare requisitions for all necessary books, stationery, etc., required for the ensuing year, and forward them to the Colonial Secretary.

8. All books and other requisites necessary for the scholars shall be supplied to them by the Schoolmaster at prices which will be only the actual cost of the articles, to be paid for on or before delivery to the scholars.

9. A duplicate list of all school furniture, maps, and other articles being the property of the Government used in the school, must be made out annually by the Schoolmaster, one copy to be sent to the Colonial Secretary and the other to be kept in the School.

10. The Schoolmaster shall make an entry in the School Log Book each day specifying progress and other facts connected with the School and the Teachers.

11. No entry once made in the Log Book may be removed or altered otherwise than by a subsequent entry.

12. The Teachers must be at School at least five minutes before the time for opening.

13. The School shall be opened punctually at the times fixed by the Time Tables.

14. The Teachers must not be absent from their duties during school hours. If any absence is unavoidable it must be entered in the Log Book with the cause and duration of absence.

15. The School shall be opened by the children repeating the Lord's Prayer and by the singing of songs or by some simple physical exercises.

16. The School Accounts shall be kept in the manner and form appointed by the Governor in Council, and in books or forms supplied for that purpose.

17. The Governor in Council may from time to time appoint a Government Inspector of Schools, who, under such terms and conditions as may be approved, will periodically inspect:—

- (a) All Government Schools,
- (b) All Schools receiving Government grants,
- (c) All Camp Schools in charge of a Government Schoolmaster,

and perform such other educational work as the Government may desire. All reports made by the Government Inspector of Schools shall be forwarded to the Colonial Secretary.

18. The Parent or Guardian of any child attending a Government School shall pay to the Government Schoolmaster the undermentioned fees:—

- (a) In the case of children in Standards II and upwards, a fee of 6d. each weekly.
- (b) In the case of children in the Infant Class and Standard I, a fee of 3d. each weekly.

All fees received by the Government Schoolmaster shall be paid monthly to the Colonial Treasurer.

Schedule.

FORM A.

Name of Child.	Date of Birth.	Name of Parent or Guardian.	With whom residing.

FORM B.

Warning to Parent or Guardian.

I beg to inform..... the Parent
the Guardian of.....

that..... has been absent from School on.....

and you are hereby notified and warned of such irregularity of attendance in terms of section 3 of the Public Education Ordinance, 1909.

Government Schoolmaster or Teacher in Charge.

School.

FORM C.

Name of Child.	Age.	Parent or Guardian.	Days when absent from School.	Explanation (if any) of absence or remarks of Teacher.

Government Schoolmaster or Teacher of

School.

FORM D.

Subjects of Examination for Pupil Teachers.

[To be approved hereafter by the Governor in Council.]



W. L. Allardyce

No. 9,



1909.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(17th December, 1909.)

An Ordinance

To extend to the Colony certain provisions
of the Merchant Shipping Acts of the
Imperial Parliament.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. From and after the passing of this Ordinance, the provisions
of Part II. of the Act of the Imperial Parliament 57 & 58 Victoria
Chapter 60 (the Merchant Shipping Act, 1894) as amended by the
Act of the Imperial Parliament 6 Edward 7 Chapter 48 (the
Merchant Shipping Act, 1906) relating to British Ships registered in
the United Kingdom, and to the owners, masters, and crews of
those ships, shall apply to British ships registered in the Colony and
to the owners, masters and crews of those ships when within the
jurisdiction of the Colony.

Part II. of the
Merchant Shipping
Act, 1894, applied to
the Colony.

2. This Ordinance may be cited as the Merchant Shipping Ordinance, 1909.

Short title.

Passed the Legislative Council this 8th day of December, 1909.

Assented to by the Governor and given under the Public Seal
of the Colony this 17th day of December, 1909.

M. Craigie-Hackett
Clerk of the Council.

FALKLAND ISLANDS:

Printed at the Government Printing Office by William J. Worthy.



T. A. V. Best.

Administrator.

No. 1,



1910.

FALKLAND ISLANDS.

THOMAS ALEXANDER VANS BEST, Esquire,
ADMINISTRATOR.

(20th January, 1910.)

An Ordinance

To provide for the service of the
Year 1910.

BE IT ENACTED by the Administrator of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Administrator may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on 31st December, 1910, a sum not exceeding Eighteen Thousand and Ninety-one Pounds, Eight Shillings and Nine Pence, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1910.

Appropriation.

SCHEDULE.

Div.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions ...	603	8	9
2	Governor ...	1552	0	0
3	Colonial Secretary ...	914	0	0
4	Treasury and Customs ...	802	0	0
5	Audit ...			
6	Port and Marine ...			
7	Legal ...			
8	Police ...			
9	Prisons ...			
10	Medical ...			
11	Education ...			
12	Ecclesiastical ...			
13	Transport ...			
14	Miscellaneous ...			
15	Post Office ...			
16	Colonial Engineer ...			
17	Savings Bank ...			
18	Currency Note Fund ...			
19	Drawbacks and Refunds ...			
20	Public Debt ...			
21	Public Works Recurrent ...			0
	Total, Ordinary Expenditure	16304	8	9
22	Public Works Extraordinary ...	1028	0	0
23	Live Stock Ordinance ...	759	0	0
	£	18091	8	9

Short title.

2. This Ordinance may be cited as the Appropriation Ordinance, 1910.

Passed the Legislative Council this 19th day of January, 1910.

Assented to by the Administrator and given under the Public Seal of the Colony this 20th day of January, 1910.

M. Craigie-Hall Ket
Clerk of the Council.



T. A. V. Best.

No. 2,



1910.

FALKLAND ISLANDS.

THOMAS ALEXANDER VANS BEST, Esquire,
ADMINISTRATOR.

(18th April, 1910.)

An Ordinance

To provide for the service of the
Year 1910.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on 31st December, 1910, a sum not exceeding Eighteen Thousand and Ninety-one Pounds, Eight Shillings and Nine Pence, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1910.

Appropriation.

SCHEDULE.

Div.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions ...	603	8	9
2	Governor ...	1552	0	0
3	Colonial Secretary ...	914	0	0
4	Treasury and Customs ...	802	0	0
5	Audit ...	32	0	0
6	Port and Marine ...	70	0	0
7	Legal ...	260	0	0
8	Police ...	532	0	0
9	Prisons ...	190	0	0
10	Medical ...	925	0	0
11	Education ...	847	0	0
12	Ecclesiastical ...	220	0	0
13	Transport ...	300	0	0
14	Miscellaneous ...	838	0	0
15	Post Office ...	3629	0	0
16	Colonial Engineer ...	1835	0	0
17	Savings Bank ...	1504	0	0
18	Currency Note Fund ...	51	0	0
19	Drawbacks and Refunds ...	100	0	0
20	Public Debt ...	.....	.....	.....
21	Public Works Recurrent ...	1100	0	0
	Total, Ordinary Expenditure	16304	8	9
22	Public Works Extraordinary ...	1028	0	0
23	Live Stock Ordinance ...	759	0	0
		£ 18091	8	9

Repeal.

2. The Appropriation Ordinance, 1910, is hereby repealed.

Short title.

3. This Ordinance may be cited as the Appropriation Amendment Ordinance, 1910.

Passed the Legislative Council this 18th day of April, 1910.

Assented to by the Officer Administering the Government and given under the Public Seal of the Colony this 18th day of April, 1910.

M. Craigie-Hackes

Clerk of the Council.



T.A.V. Best.

No. 3,



1910.

FALKLAND ISLANDS.

THOMAS ALEXANDER VANS BEST, Esquire,
ADMINISTRATOR.

(18th April, 1903.)

An Ordinance

To appropriate certain further sums of money for the use of the Public Service of the Colony for the year ended on the 31st day of December, 1909.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. The several sums of money appearing in the Schedule hereto, and amounting in the whole to two thousand and seventy-four pounds seventeen shillings and six pence, are hereby declared to be also payable for the year ended on the 31st day of December, 1909, for and in respect of the several services in the said Schedule mentioned, in addition to the sums appropriated by Ordinance No. 1 of 1909.

Additional Expenditure
of £2074 17s. 6d.
legalised for service
of 1909.

2. This Ordinance may be cited as the Supplementary Short title.
Appropriation Ordinance, 1910.

SCHEDULE.

Division.	Head of Service.	Amount.		
		£	s.	d.
IV.	Treasury and Customs	70	17	1
VIII.	Police	15	19	0
X.	Medical	79	12	0
XI.	Education	54	2	11
XIII.	Transport	539	8	3
XIV.	Miscellaneous	154	17	11
XVI.	Colonial Engineer	94	19	8
XVII.	Savings Bank	73	5	2
XIX.	Drawbacks and Refunds	158	3	9
XXI.	Public Works Recurrent	164	14	4
	Total Ordinary Expenditure	1406	0	1
XXII.	Public Works Extraordinary	668	17	5
	Total	£ 2074	17	6

Passed the Legislative Council this 18th day of April, 1910.

Assented to by the Officer Administering the Government and given under the Public Seal of the Colony this 18th day of April, 1910.

M. Traill-Hackett
Clerk of the Council.



W. Allardyce
Governor.

No. I,



1911.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(18th February, 1911.)

An Ordinance Respecting the use of Government Wharfs.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. In this Ordinance—

“Government wharf” shall mean any wharf the property of the Crown which shall be declared to be such by the Governor in Council and published in the Gazette.

“Vessel” shall mean every description of ship, lighter, or floating water tank.

“Boat” shall mean any small open or partly decked vessel, ordinarily propelled by oars.

“Harbour Master” shall mean any person lawfully performing the duties or acting under the orders of the Harbour Master.

“Officer of Customs” shall mean any person duly appointed in writing as such, and shall include the Collector of Customs, and any Deputy Collector of Customs, and all Police Constables.

2. No vessel shall be taken alongside of or made fast to any Government wharf except with the permission of the Harbour Master. Any vessel alongside of or made fast to any such wharf must at any time at the request of the Harbour Master be removed therefrom or shifted from alongside of such wharf. The Master or person in charge of any vessel who shall offend against any of the provisions of this section shall on conviction be liable for every such offence to a penalty not exceeding ten pounds.

3. When any vessel of a measurement of not less than two tons shall be placed alongside a Government wharf for the purpose of discharging or taking in cargo or landing or embarking passengers thereat or for any other purpose there shall be paid in respect of such vessel the wharfage charges specified in the Schedule to this Ordinance. Such wharfage shall be paid or secured to the satisfaction of the Harbour Master before such vessel is removed from alongside of such Government wharf. Any person or persons removing any vessel from alongside of any Government wharf without such wharfage being paid or secured as aforesaid shall be liable on conviction to a penalty not exceeding ten pounds.

4. The measurement of any vessel shall be deemed to be that specified in the register, and in the case of unregistered vessels the Harbour Master shall be the person to determine the tonnage of same.

5. The Governor in Council in the case of any vessel or vessels owned by the same firm or person within the Colony, may, on application being made in writing, permit the wharfage charges payable in respect of such vessel or vessels for any period not exceeding one year to be commuted by the payment in advance of such sum as he may determine subject to such conditions as he may deem expedient.

6. Any vessel employed trading to or within the Colony that has paid the wharfage charge aforesaid at one Government wharf for any one day may for any portion of such day be placed alongside any other Government wharf free of wharfage.

7. Whenever it shall appear necessary to the Harbour Master or any Officer of Customs it shall be lawful for them to prevent any person from coming upon any Government wharf and also to order any person already there to leave the same and any person neglecting or refusing to leave such wharf when requested to do so may be taken into custody without a warrant and shall upon conviction be liable to a fine not exceeding ten pounds.

8. The owner or master of any vessel or boat shall be liable for any damage done to any Government wharf, or penalty incurred by such vessel or boat, and such vessel or boat may be detained by order of the Governor until such penalty or damage has been paid.

9. The Master or owner of any vessel or boat from which any ashes, ballast, damaged goods, or dead animals are landed on any Government wharf without permission shall be liable to any penalty not exceeding fifty pounds.

10. Any person who leaves or causes to be left on any Government wharf any dead animal, ballast, damaged goods, rubbish, nightsoil, or any other material without the permission of the Harbour Master or an Officer of Customs shall be liable to a penalty not exceeding five pounds.

11. (1.) The Governor in Council may from time to time make, alter, or revoke Regulations appertaining to and for the general good management and control of any Government wharf, and such Regulations may provide that any infraction thereof may be punished by fine not exceeding ten pounds.

(2) Until the Governor in Council makes Regulations under this section, the Regulations in the Schedule to this Ordinance shall be in force and shall be deemed for all purposes to be Regulations made by the Governor in Council under this section.

12. This Ordinance may be cited as "The Wharfage Ordinance, 1911."

Passed the Legislative Council this 16th day of February, 1911.

Assented to by the Governor and given under the Public Seal of the Colony this 18th day of February, 1911.

Arthur C. Stirling
Acting Clerk of the Council.

SCHEDULE.

The Wharfage Regulations, 1911.

1. These Regulations may be cited as the Wharfage Regulations, 1911.

2. The Master or Owner of every vessel of a registered measurement of two tons and over shall pay wharfage to the Harbour Master in accordance with the subjoined scale of charges—

Wharfage duty for one day or any part thereof.

Vessels of 2 tons but under 10 tons	5/-.
do. 10 do. 20	7/6.
do. 20 do. 50	10/-.
do. 50 do. 60	11/-.
do. 60 do. 70	12/-.
do. 70 do. 80	13/-.
do. 80 do. 90	14/-.
do. 90 do. 150	15/-.
do. 150 tons and upwards	20/-.

3. The Government wharf at the north end of Philomel Street in the town of Stanley shall after the hour of sunset and before the hour of sunrise be the only calling place for all boats plying to or from vessels in the harbour, and it shall not be lawful for any boat to call at any other wharf or place, or to proceed from any other wharf or place on the shore of the harbour after the hour of sunset or before the hour of sunrise without the permission of the Harbour Master or an Officer of Customs.

4. No vessel is to be anchored or moored within twenty yards of the two mooring buoys situated to the North West and North East respectively of the Government wharf at the North end of Philomel Street without the permission of the Harbour Master, or within twenty yards of a straight line drawn between the two mooring buoys.

5. Any vessel while under mail contract with the Government will be exempt from wharfage charges.

6. Any person failing to comply with or offending against these Regulations shall be liable to a penalty not exceeding the sum of two pounds for each offence.



W. Allardyce
Governor.

No. 2,



1911.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(18th February, 1911.)

An Ordinance

To provide for the service of the
Year 1911.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on 31st December, 1911, a sum not exceeding Nineteen Thousand Six hundred and Fifty-eight Pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1911.

Appropriation.

SCHEDULE.

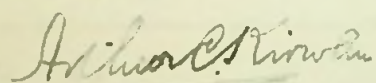
Div.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions ...	630	0	0
2	Governor ...	1587	0	0
3	Colonial Secretary ...	959	0	0
4	Treasury and Customs ...	802	0	0
5	Audit ...	32	0	0
6	Port and Marine ...	45	0	0
7	Legal ...	260	0	0
8	Police ...	532	0	0
9	Prisons ...	169	0	0
10	Medical ...	876	0	0
11	Education ...	958	0	0
12	Ecclesiastical ...	220	0	0
13	Transport ...	300	0	0
14	Miscellaneous ...	847	0	0
15	Post Office ...	3629	0	0
16	Colonial Engineer ...	1892	0	0
17	Savings Bank ...	1564	0	0
18	Currency Note Fund ...	57	0	0
19	Drawbacks and Refunds ...	100	0	0
20	Public Works Recurrent ...	1135	0	0
	Total, Ordinary Expenditure	16594	0	0
21	Public Works Extraordinary ...	2180	0	0
22	Live Stock Ordinance ...	884	0	0
		£ 19658	0	0

Short title.

2. This Ordinance may be cited as the Appropriation Ordinance, 1911.

Passed the Legislative Council this 16th day of February, 1911.

Assented to by the Governor and given under the Public Seal of the Colony this 18th day of February, 1911.



Acting Clerk of the Council.



W. L. Allardyce

Governor.

No. 3,



1911.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(18th March, 1911.)

An Ordinance

To appropriate certain further sums of money for the use of the Public Service of the Colony for the year ended on the 31st day of December, 1910.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. The several sums of money appearing in the Schedule hereto, and amounting in the whole to nine hundred and twenty-nine pounds eight shillings and eleven pence, are hereby declared to be also payable for the year ended on the 31st day of December, 1910, for and in respect of the several services in the said Schedule mentioned, in addition to the sums appropriated by Ordinance No. 2 of 1910.

Additional Expenditure
of £929 8s. 11d.
legalised for service
of 1910.

2. This Ordinance may be cited as the Supplementary Short title.
Appropriation Ordinance, 1911.

SCHEDULE.

Division.	Head of Service.	Amount.
		£ s. d.
I.	Pensions	26 15 3
IV.	Treasury and Customs	137 18 3
VII.	Legal	19 9 11
IX.	Prisons	11 19 2
X.	Medical	70 19 2
XI.	Education	47 18 1
XII.	Ecclesiastical	2 9 10
XIV.	Miscellaneous	226 7 10
XVI.	Savings Bank	6 9 6
	Total Ordinary Expenditure	550 7 0
XXII.	Public Works Extraordinary	342 18 11
XXIII.	Stock Ordinance	36 3 0
	Total	£ 929 8 11

Passed the Legislative Council this 16th day of March, 1911.

Assented to by the Governor and given under the Public Seal of the Colony this 18th day of March, 1911.

Arthur C. Kiroe

Acting Clerk of the Council.



W. Allardyce
Governor.

No. 4,



1911.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,
Companion of the Most Distinguished Order of Saint Michael and Saint George.
GOVERNOR AND COMMANDER-IN-CHIEF.

(7th July, 1911.)

An Ordinance

To validate certain proceedings of the
Legislative Council.

Whereas doubt has arisen as to whether Montague Cecil Craigie-Halkett was a legally appointed Member of the Legislative Council during the period from 10th February to 30th May, 1911.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. All Ordinances and Resolutions passed, and all Votes granted, by the Legislative Council during the period from 10th February to 30th May, 1911, inclusive, shall be as valid as if the Legislative Council had been legally constituted.

2. Montague Cecil Craigie-Halkett shall be relieved of all penalties to which he may have rendered himself liable for having sat and voted during the above mentioned period in the Legislative Council.

3. This Ordinance may be cited as "The Council's Validity Ordinance, 1911".

Passed the Legislative Council this 6th day of July, 1911.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of July, 1911.

Arthur C. Tindall
Acting Clerk of the Council.

FALKLAND ISLANDS:

Printed at the Government Printing Office by William J. Worthy.



W. Allardyce
Governor.

No. 5,



1911.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(27th November, 1911.)

An Ordinance

To Regulate the Sale of Intoxicating Liquors in South Georgia.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. No person shall sell or expose for sale in the Dependency of South Georgia any intoxicating liquor without being licensed to sell the same, and any person who shall sell or expose any liquor for sale without holding a licence shall for the first offence be liable to a penalty of not less than thirty pounds, and for any subsequent offence such person shall forfeit the sum of fifty pounds. Upon any conviction under this section the offender shall forfeit all liquors in his possession with the vessels containing the same to the use of His Majesty, and the same may be sold by order of the Stipendiary Magistrate and the proceeds of the sale shall be paid into general revenue.

Sale of Liquor
prohibited without a
Licence.

2. In order to enable any person lawfully to sell intoxicating liquor he must obtain a licence from the Stipendiary Magistrate.

Licence, how obtained.

3. The Stipendiary Magistrate may issue licences for the sale of intoxicating liquor on the premises specified in the licence and on payment of the fees specified in section 5 of this Ordinance, but no licence may be issued without the approval of the Governor in Council who shall likewise decide the place where and the hours during which such liquor may be sold.

Power of Magistrate to
issue licence when
approved by Governor
in Council.

Duration of Licence.

4. Licences issued under this Ordinance shall be in force for six months from the date of issue, or for such period less than six months as may be specified in the licence.

Fees.

5. The fees payable for licences issued under this Ordinance shall be as follows:—

For 3 months or less £10.

For over 3 months £20.

Supply of liquor to intoxicated persons.

6. If the holder of any licence or his servant supplies intoxicating liquor to any person who is at the time in a state of intoxication such holder shall be liable to a penalty of not less than two pounds or more than five pounds and for any subsequent offence to a penalty of not less than five pounds or more than ten pounds.

Revocation of Licence.

7. Any licence issued under this Ordinance may be revoked at any time by the Stipendiary Magistrate, but the reasons for such revocation shall be reported in writing to the Governor.

Short title.

8. This Ordinance may be cited as the Licensing Ordinance (South Georgia), 1911.

Passed by the Legislative Council this 24th day of November, 1911.

Assented to by the Governor and given under the Public Seal of the Colony this 27th day of November, 1911.

L. H. Boileau.

Acting Clerk of the Council.

FALKLAND ISLANDS :

Printed at the Government Printing Office by William J. Worthy.



W. H. Allardyce
Governor.

No. 6,



1911.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(23rd December, 1911.)

An Ordinance

To amend the Licensing Ordinance, 1882.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. When any person against whom a prohibition order has been made or renewed under sections 25 or 26 of the Licensing Ordinance, 1882, shall :

Offences punishable.

- (a) send, or in any way influence, any person to procure him liquor ; or
- (b) be found in possession of any liquor ; or
- (c) be found drunk in Stanley

he shall be liable to a fine not exceeding £5 or to imprisonment not exceeding one month.

2. Any person convicted under section 1 of this Ordinance or convicted under section 1, subsection (c) of the Licensing Ordinance, 1904, of selling, supplying or distributing liquor to a prohibited person, shall be liable on a second or subsequent conviction to imprisonment not exceeding six months.

Penalty on second conviction.

Power of Magistrate
to grant relief to
family of convicted
person.

3. In the case of a married person sentenced under either of the two preceding sections, the Magistrate may, at his discretion, and on being satisfied that the family is indigent, order that a sum not exceeding 3/- per diem be paid by the Government towards the support of the family of the convicted person during the whole or any portion of the time during which such person is imprisoned in accordance with the following scale :—

Allowance to wife : not exceeding 1/6 per diem ;

Allowance to husband (when incapacitated from work owing to illness or accident and on production of satisfactory medical certificate) : not exceeding 1/6 per diem ;

Allowance to each child (not exceeding six) under 14 years of age : 3d. per diem.

Title.

4. This Ordinance may be cited for all purposes as the Licensing Ordinance, 1911, and shall be construed as one with the Licensing Ordinance, 1882, and the Licensing Ordinance, 1904.

Passed by the Legislative Council this 21st day of December, 1911.

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1911.

Lewis H. Boileau

Acting Clerk of the Council.



W. H. Allardyce
Governor.

No. 7,



1911.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, EsQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(23rd December, 1911.)

An Ordinance

To make provision for the preparation and publication of a new and revised edition of the Ordinances of this Colony.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. In this Ordinance 'The New Edition' means the new and revised edition of the Ordinances of the Colony to be prepared under the authority of this Ordinance.

Interpretation.

2. The Right Honourable the Secretary of State for the Colonies shall appoint a Commissioner for the purpose of preparing a new and revised edition of the Ordinances of this Colony. Should the Commissioner selected be unable from any cause to fully discharge his commission under this Ordinance the Right Honourable the Secretary of State for the Colonies may appoint some other fit and proper person to be a Commissioner in his stead.

Appointment of
Commissioner for the
new edition.

Powers of revision as to form vested in the Commissioner.

3. In the preparation of the new edition the Commissioner shall have the following powers (that is to say):

- (1) To omit—
 - (a) All Ordinances or parts of Ordinances which have been expressly or specifically repealed or which have expired or have become spent or have had their effect;
 - (b) All repealing enactments contained in Ordinances and also all tables or lists of repealed enactments whether contained in Schedules or otherwise;
 - (c) All preambles to Ordinances where such omission can in the opinion of the Commissioner be conveniently made;
 - (d) All introductory words of enactment;
 - (e) All enactments prescribing the date when an Ordinance or part of an Ordinance is to come into force where such omission can in the opinion of the Commissioner be conveniently made; and
 - (f) All amending Ordinances or parts of Ordinances where the amendments affected by such Ordinances or parts of Ordinances have been embodied by the Commissioner in the Ordinances to which they relate;
- (2) To consolidate into one Ordinance any two or more Ordinances in *pari materia* making the alterations thereby rendered necessary in the consolidated Ordinance and affixing such date thereto as may seem most convenient;
- (3) To alter the order of sections in any Ordinance and in all cases where it is necessary to do so to renumber the sections of any Ordinance;
- (4) To alter the form or arrangement of any section of an Ordinance either by combining it in whole or in part with another section or other sections or by dividing it into two or more sub-sections;
- (5) To divide any Ordinance whether consolidated or not into parts or other divisions;
- (6) To add a short title to any Ordinance which may require it and if necessary to alter the short title of any Ordinance; and
- (7) To do all other things relating to form and method which may be necessary for the perfecting of the new edition.

Numbering of Ordinances.

4. There shall be attached to each Ordinance contained in the new edition a number shewing its place among the Ordinances of the year to which it belongs.

Mode of dealing with alterations of substance.

5. (1) The powers conferred upon the Commissioner in section 3 shall not be taken to imply any power in him to make any alteration or amendment in the matter or substance of any Ordinance or part of an Ordinance.
- (2) Subject to the provision of sub-section 4 of this section in every case where any such alteration or amendment is in the opinion of the Commissioner desirable the Commissioner shall draft a Bill setting forth such

alterations and amendments and authorising them to be made in the said new and revised edition and every such Bill shall be subject to the sanction of the Governor be submitted to the Legislative Council and be dealt with in the ordinary way.

(3) Any such Bill may have reference to more Ordinances than one although such Ordinances may not be in pari materia.

(4) In any case where an Ordinance whether consolidated or not requires such considerable alterations and amendments as to involve its entire recasting the Commissioner shall draft a Bill accordingly and such Bill shall be submitted to the Legislative Council and be dealt with in the ordinary way.

6. (1) On the copies of the new edition being printed the Governor shall cause each of the said copies to be impressed on the title-page thereof with the Public Seal.

Bringing into force of the new edition.

(2) On some convenient day thereafter the Governor shall by a proclamation to be published in the Gazette notify that the copies of the new edition have been duly impressed as aforesaid and are ready for issue at the Colonial Secretary's Office in Stanley.

7. At the expiration of three months after the publication of the said proclamation the new edition shall be laid before the Legislative Council for approval and after such approval shall be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all other purposes whatsoever the sole and only proper Ordinance Book of the Colony up to the date of the latest of the Ordinances contained therein. Provided that nothing in this section shall affect the operation of any Ordinance which may be passed before such approval by the Legislative Council for the repeal alteration or amendment of any earlier Ordinance after such Ordinance has been already printed in the new edition.

Approval of the Legislative Council and validity.

8. Where in any enactment or in any document of whatsoever kind reference is made to any enactment repealed or otherwise affected by or under the operation of this Ordinance such reference shall where necessary and practicable be deemed to extend and apply to the corresponding enactment in the new edition.

Reference to repealed enactment, how construed.

Enactment.

9. This Ordinance may be cited for all purposes as "The New Edition of the Ordinances Ordinance, 1911".

Short title.

Passed by the Legislative Council this 21st day of December, 1911.

Assented to by the Governor and given under the Public Seal of the Colony this 23rd day of December, 1911.

Lewis H. Boileau.

Acting Clerk of the Council.

FALKLAND ISLANDS:

Printed at the Government Printing Office by William J. Worthy.



W. Allardyce
Governor.

No. 1,



1912.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(16th February, 1912.)

An Ordinance

To amend the Tariff Ordinance, 1900.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Third Schedule to the Tariff Ordinance, 1900, as amended by the Tariff Amendment Ordinance, 1900, is hereby amended by adding the following to the list of Export Duties :

Addition to 3rd section
of "Tariff Ordinance,
1900".

Export Duties.

Article.	Quantity.	Rate of Duty.
Whale Oil.	Barrel (40 gallons)	Threepence.

2. This Ordinance shall come into operation on the first day of October, 1912 ; and may be cited as "the Tariff Amendment Ordinance, 1912", and shall be read and construed as one with the Tariff Ordinance, 1900 ; and any copy of the Tariff Ordinance, 1900, printed after the commencement of this Ordinance may be printed with the amendment made by this Ordinance.

Date of commencement.

Short title.

Reprint.

Passed the Legislative Council this 15th day of February, 1912.

Assented to by the Governor and given under the Public Seal of the Colony this 16th day of February, 1912.

Lewis H. Boyleau.

Acting Clerk of the Council.

FALKLAND ISLANDS :

Printed at the Government Printing Office by William J. Worthy.



W. Allardyce
Governor.

No. 2,



1912.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(15th March, 1912.)

An Ordinance

To appropriate certain further sums of money for the use of the Public Service of the Colony for the year ended on the 31st day of December, 1911.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. The several sums of money appearing in the Schedule hereto, and amounting in the whole to four thousand and twenty-two pounds six shillings and four pence, are hereby declared to be also payable for the year ended on the 31st day of December, 1911, for and in respect of the several services in the said Schedule mentioned, in addition to the sums appropriated by Ordinance No. 2 of 1911.

Additional Expenditure
of £4022 6s. 4d.
legalised for service
of 1911.

2. This Ordinance may be cited as the Supplementary Short title.
Appropriation Ordinance, 1912.

Passed the Legislative Council this 14th day of March, 1912.

Assented to by the Governor and given under the Public Seal
of the Colony this 15th day of March, 1912.

Lewis H. Boileau.
Acting Clerk of the Council.

FALKLAND ISLANDS:

Printed at the Government Printing Office by W. J. Worthy.

SCHEDULE.

Division.	Head of Service.	Amount.		
		£	s.	d.
I.	Pensions	80	10	11
II.	Governor	53	5	10
IV.	Treasury and Customs		6	5
VII.	Legal	2	12	0
X.	Medical	174	5	6
XI.	Education	34	13	11
XIII.	Transport	175	5	11
XIV.	Miscellaneous	347	11	10
XV.	Post Office	146	17	3
XVII.	Savings Bank	89	14	10
XX.	Works Recurrent	223	17	7
	Total Ordinary Expenditure	1329	2	0
XXI.	Public Works Extraordinary	2630	0	7
XXII.	Stock Ordinance	63	3	9
	Total	£ 4022	6	4



W. Allardyce
Governor.

No. 3,



1912.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George.
GOVERNOR AND COMMANDER-IN-CHIEF.

(15th March, 1912.)

An Ordinance relating to Wireless Telegraphy.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. No person shall establish any wireless telegraph station or install or work any apparatus for wireless telegraphy in any place or on board any British ship registered in the Colony except under and in accordance with a licence granted in that behalf by the Governor in Council.

Licences for Wireless
Telegraphy.

2. No person shall work any apparatus for wireless telegraphy installed on any merchant ship (whether British or Foreign) whilst that ship is in the territorial waters of the Colony, otherwise than in accordance with regulations made in that behalf by the Governor in Council, and the Governor in Council may, by any such regulations impose penalties, recoverable before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner, for the breach of any such regulations, not exceeding twenty pounds for each offence, and may provide for the forfeiture on any such breach of any apparatus for wireless telegraphy installed or worked on such ship.

Regulations made by
Governor in Council.

Penalties.

3. If any person establishes a wireless telegraph station without a licence in that behalf or installs or works any apparatus for wireless telegraphy without a licence in that behalf he shall be guilty of a misdemeanour and be liable on summary conviction thereof to a penalty not exceeding twenty pounds or to imprisonment not exceeding three months and, on conviction in the Supreme Court, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding twelve months and in either case be liable to forfeit any apparatus for wireless telegraphy installed or worked without a licence.

Power to issue
Search Warrant.

4. If a Justice of the Peace is satisfied by information on oath that there is reasonable ground for supposing that a wireless telegraph station has been established without a licence in that behalf, or that any apparatus for wireless telegraphy has been installed or worked in any place or on board any merchant ship within his jurisdiction without a licence in that behalf or contrary to the provisions of the regulations made under this Ordinance, he may grant a search warrant to any constable or to any officer appointed in that behalf by the Governor and named in the warrant, and a warrant so granted shall authorise the officer named therein to enter and inspect the station, place or ship and to seize any apparatus which appears to him to be used or intended to be used for wireless telegraphy therein.

Definition.

5. The expression "wireless telegraphy" means any communication by telegraph without the aid of any wire connecting the points from and at which the messages or other communications are sent and received : Provided that nothing in this Ordinance shall prevent any person from making or using electrical apparatus for actuating machinery or for any purpose other than the transmission of messages.

Proviso.

Repeal.

6. The Wireless Telegraphy Ordinance, 1903, is hereby repealed.

Short title.

7. This Ordinance may be cited as the Wireless Telegraphy Ordinance, 1912.

Passed the Legislative Council this 14th day of March, 1912.

Assented to by the Governor and given under the Public Seal of the Colony this 15th day of March, 1912.

Lewis H. Boileau.

Acting Clerk of the Council.



W. Allardyce
Governor.

No. 4,



1912.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(11th April, 1912.)

An Ordinance To regulate Cinematograph and similar Exhibitions.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. (1) It shall not be lawful for any person to advertise, present or carry on any Cinematograph or other similar Exhibition, unless a description of every scene intended to be presented or produced at such Exhibition has been first furnished to the Colonial Secretary, nor without the written permission of the Governor granted under his hand or under the hand of the Colonial Secretary.

Cinematograph
Exhibitions subject to
conditions.

(2) The Governor may refuse to grant such permission or grant it subject to such special conditions and restrictions, to be specified in the permission as to him may seem fit ; and any such permission may be revoked by the Governor at any time.

2. Where the Governor grants any such permission as aforesaid upon condition that the Exhibition be conducted under the superintendence of some person designated in the permission, then it shall be lawful, at any time, for the person so designated to order such Exhibition to cease or to give any other direction he may think necessary for ensuring the safety from fire of the premises at which the Exhibition takes place and of the people attending the Exhibition.

Supervision to ensure
safety from fire.

Penalty.

3. Any person who conducts or in any way assists in conducting any such Exhibition as aforesaid in contravention of the provisions of this Ordinance, or the Rules made thereunder, or of any condition or restriction specified in a permission granted under this Ordinance, shall be guilty of an offence against this Ordinance.

Duty of occupier, etc.
of premises.

4. (1) It shall be the duty of the occupier or the person who manages or receives the rent of any premises at which it may be proposed to conduct any such Exhibition as aforesaid, to ascertain whether the requisite permission shall have been obtained and, if so, the terms of such permission ; and it shall also be the duty of such occupier or person to give notice to the Chief Constable, or to the Officer in charge of the Police Station, if and so soon as he has reason to believe that there is an intention to proceed with the Exhibition either without the Governor's permission, or with such permission but without having everything done, which may be required by such permission to be done previous to the Exhibition taking place.

Penalty.

(2) Any occupier or person referred to in this section who fails to comply with the provisions of this section shall be guilty of an offence against this Ordinance.

Power of entry.

5. A constable or any other officer appointed for the purpose by the Governor may at all reasonable times enter any premises in which he has reason to believe that such an Exhibition as aforesaid is being or about to be given, with a view to seeing whether the provisions of this Ordinance or any Rules made thereunder, and the conditions of any permission granted under this Ordinance, have been complied with ; and if any person prevents or obstructs the entry of any constable or officer appointed as aforesaid, he shall be guilty of an offence against this Ordinance.

Rules.

6. The Governor in Council may make and thereafter may, from time to time, vary, amend or rescind, such Rules as he may deem expedient for regulating and controlling cinematograph and other similar exhibitions.

General penal clause.

7. Any person guilty of an offence against this Ordinance, or against any provision of the Rules made thereunder, shall be liable on summary conviction to a fine not exceeding twenty pounds.

Burden of proof.

8. In any prosecution under this Ordinance, the onus of proving that he had complied with the law shall lie on the Defendant.

Ordinance not
applicable to private
exhibitions.

9. This Ordinance shall not apply to an exhibition given in private premises to which the public are not admitted, whether on payment or otherwise.

Short title.

10. This Ordinance may be cited as "The Cinematograph Ordinance, 1912".

Passed the Legislative Council this 2nd day of April, 1912.

Assented to by the Governor and given under the Public Seal of the Colony this 11th day of April, 1912.

Lewis H. Boileau.
Acting Clerk of the Council.



W. H. Allardyce
Governor.

No. 5,



1912.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(8th June, 1912.)

An Ordinance To amend "The Whale Fishery Ordinance, 1908".

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. Section 2 of the Whale Fishery Ordinance, 1908, herein-after called the principal Ordinance, is hereby amended by inserting therein the following subsection after subsection (2):

New subsections.

(3) The Colonial Secretary or such other officer as the Governor may appoint for the purpose, may grant Floating Factory Licences, that is to say, licences to flench, render, boil down, treat or manufacture whale carcases or any part thereof by means of a floating factory, on such terms and conditions and on payment of a fee of not less than £100 and not more than £200, as the Governor in Council may approve.

*Power to grant
Floating Factory
Licences.*

2. Section 6 of the principal Ordinance is hereby amended by inserting therein the following subsections :

(c) Employs any vessel or floating factory for the purpose of flenching, rendering, boiling down, treating or manufacturing the blubber or any part of the carcase of any whale in Colonial Waters unless he shall have been expressly authorised to do so by a licence under this Ordinance or by the lease of a site on land for whaling purposes. Offences.

(d) Employs any vessel for the purpose of towing the body of any whale in Colonial Waters unless he shall have been expressly authorised by licence or otherwise to do so.

3. This Ordinance may be cited as the Whale Fishery Amendment Ordinance, 1912, and shall be read and construed as one with the principal Ordinance and any copy of the principal Ordinance printed after the commencement of this Ordinance may be printed with the amendments made by this Ordinance. Short title.
Reprints.

4. This Ordinance shall come into operation on the first day of October, 1912. Date of
Commencement.

Passed the Legislative Council this 7th day of June, 1912.

Assented to by the Governor and given under the Public Seal of the Colony this 8th day of June, 1912.

Lewis H. Boileau.
Acting Clerk of the Council.



W. H. Allardyce
Governor.

No. 6,



1912.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(6th July, 1912.)

An Ordinance

To provide for the service of the
Year 1912.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on 31st December, 1912, a sum not exceeding Twenty-five Thousand Eight Hundred and Thirty Pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1912. Appropriation.

SCHEDULE.

Div.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions ...	751	0	0
2	Governor ...	1607	0	0
3	Colonial Secretary ...	1014	0	0
4	Treasury and Customs ...	1034	0	0
5	Audit ...	32	0	0
6	Port and Marine ...	45	0	0
7	Legal ...	260	0	0
8	Police ...	532	0	0
9	Prisons ...	169	0	0
10	Medical ...	1157	0	0
11	Education ...	980	0	0
12	Ecclesiastical ...	220	0	0
13	Transport ...	400	0	0
14	Miscellaneous ...	964	0	0
15	Post Office ...	3663	0	0
16	Colonial Engineer ...	2435	0	0
17	Savings Bank ...	1564	0	0
18	Currency Note Fund ...	57	0	0
19	Drawbacks and Refunds ...	100	0	0
20	Public Works Recurrent ...	1335	0	0
	Total, Ordinary Expenditure	18319	0	0
21	Public Works Extraordinary ...	6570	0	0
22	Live Stock Ordinance ...	941	0	0
		£ 25830	0	0

Short title.

2. This Ordinance may be cited as the Appropriation Ordinance, 1912.

Passed the Legislative Council this 5th day of July, 1912.

Assented to by the Governor and given under the Public Seal of the Colony this 6th day of July, 1912.

Lewis H. Boileau.

Acting Clerk of the Council.



W. Allardyce
Governor.

No. 7,



1912.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(21st August, 1912.)

An Ordinance

To amend the Licensing Ordinance, 1882.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. When any person against whom a prohibition order has been made or renewed under sections 25 or 26 of the Licensing Ordinance, 1882, shall :

Offences punishable.

- (a) send, or in any way influence, any person to procure him liquor ; or
- (b) be found in possession of any liquor ; or
- (c) be found drunk in Stanley;

he shall be liable to a fine not exceeding £5 or to imprisonment not exceeding one month.

Penalty on second conviction.

2. Any person convicted under section 1 of this Ordinance or convicted under section 1, subsection (c) of the Licensing Ordinance, 1904, of selling, supplying or distributing liquor to a prohibited person, shall be liable on a second or subsequent conviction to imprisonment not exceeding six months.

Repeal.

3. The Licensing Ordinance, 1911, No. VI of 1911 is hereby repealed.

Short title.

4. This Ordinance may be cited for all purposes as the Licensing Ordinance, 1912, and shall be construed as one with the Licensing Ordinance, 1882, and the Licensing Ordinance, 1904.

Passed the Legislative Council this 19th day of August, 1912.

Assented to by the Governor and given under the Public Seal of the Colony this 21st day of August, 1912.

Lewis H. Boileau.

Acting Clerk of the Council.



W. H. Allardyce
Governor.

No. 8,



1912.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(28th September, 1912.)

An Ordinance

to provide for the preservation of certain
Wild Animals and Birds in South Georgia.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. This Ordinance shall come into force on the 1st day of
December one thousand nine hundred and twelve, which day is in
this Ordinance referred to as the Commencement of this Ordinance. Commencement of
Ordinance.
2. From and after the commencement of this Ordinance it Prohibition.
shall be unlawful for any person to wilfully kill or take or attempt
to kill or take or use any lime, trap, net, snare or other instrument
for the purpose of taking or to have in his control or possession
killed or taken any wild animal or bird which is included in the
first Schedule to this Ordinance annexed and any person who com- Penalty.
mits any such offence shall on conviction be liable to a penalty not
exceeding ten pounds for every such animal and to a penalty not
exceeding two pounds for every such bird in respect of which an
offence has been committed.

Close Season.

3. From and after the commencement of this Ordinance it shall be unlawful for any person to wilfully kill or take or attempt to kill or take or use any lime, trap, net, snare or other instrument for the purpose of taking or to have in his control or possession killed or taken between the 1st day of October in any year and the following last day of February, both days inclusive, any wild bird which is included in the second Schedule to this Ordinance annexed, and any person who commits any such offence shall on conviction be liable to a penalty not exceeding the sum of one pound for every bird in respect of which an offence has been committed.

Penalty.

Power of Governor in Council.

4. The Governor in Council may, from time to time, by order published in the Gazette, add any wild animal or bird to the lists in the Schedules to this Ordinance annexed and a copy of the Gazette containing any order made under this Ordinance shall be evidence of such order having been made.

Exemptions.

5. The Governor and any person duly authorised in writing by him or by the Stipendiary Magistrate, South Georgia, may kill or capture for scientific or other purpose any wild animal or wild bird, and in so doing shall be exempt from any penalties provided by this Ordinance.

Prosecution of offences.

6. Every offence under this Ordinance, may be prosecuted before a Stipendiary Magistrate or two Justices of the Peace in a summary manner.

Short title.

7. This Ordinance may be cited as the Wild Animals and Birds (South Georgia) Ordinance, 1912.

Passed the Legislative Council this 25th day of September, 1912.

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of September, 1912.

Lewis H. Boileau.

Acting Clerk of the Council.

First Schedule.

Reindeer.
Upland Goose.

Second Schedule.

Duck.
Teal.
Widgeon.
Giant Petrel.



Wm. Allardyce
Governor

No. 9,



1912.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(28th September, 1912.)

An Ordinance

To amend the Registration Ordinance No. XII of 1853.

Whereas it is advisable to amend the Registration Ordinance No. XII of 1853, (hereinafter called the principal Ordinance) BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. (1) The Registrar General shall from time to time furnish printed forms of certificates of cause of death gratis to any medical practitioner residing or practising in the Colony.

Certificates of cause of death.

(2) In case of the death of any person who has been attended by a medical practitioner, that practitioner shall sign and give to some person required by the principal Ordinance to give information concerning the death a certificate stating to the best of his knowledge and belief the cause of death, and such person shall upon giving information concerning the death or giving notice of the death, deliver that certificate to the registrar and the cause of death stated in that certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(3) Where an inquest is held on the body of any deceased person a medical certificate of the cause of death need not be given to the registrar, but the certificate of the finding of the Jury given by the Coroner, or the written statement of the Coroner, shall be sufficient.

Power of Governor in Council to alter forms and make regulations.

2. The Governor in Council may, from time to time by order published in the Gazette, alter any of the forms contained in the Schedules to the principal Ordinance, or prescribe new forms for the purpose of carrying into effect the provisions of the principal Ordinance, or this Ordinance, and may from time to time make Regulations for carrying into effect the said provisions and revoke and alter such Regulations and the Governor in Council may impose penalties not exceeding twenty pounds for the breach of such Regulations.

Short title.

3. This Ordinance may be cited as the Registration Amendment Ordinance, 1912, and shall be read and construed as one with the principal Ordinance, and any copy of the principal Ordinance printed after the commencement of this Ordinance may be printed with the Amendments made by this Ordinance.

Passed the Legislative Council this 25th day of September, 1912.

Assented to by the Governor and given under the Public Seal of the Colony this 28th day of September, 1912.

Lewis H. Boileau.

Acting Clerk of the Council.



W. H. Allardyce
Governor.

No. 10,



1912.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(30th September, 1912.)

An Ordinance

To prohibit the passing of sentence of
death on a child or young person.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows :—

1. In this Ordinance—

Definitions.

The expression "child" means a person who in the opinion of
the Court is under the age of fourteen years ;

The expression "young person" means a person who in the
opinion of the Court is fourteen years of age or upwards
and under the age of sixteen years.

Sentence of death on
child or young person
not to be passed.

2. Sentence of death shall not be pronounced on or recorded against a child or young person, but in lieu thereof the Court shall sentence the child or young person to be detained during His Majesty's pleasure, and, if so sentenced, he shall be liable to be detained in such place and under such conditions as the Governor in Council may direct, and whilst so detained shall be deemed to be in legal custody.

Repeal.

3. The Children Ordinance, 1909, No. IV of 1909, is hereby repealed.

Short title.

4. This Ordinance may be cited as the Children Ordinance, 1912.

Passed the Legislative Council this 25th day of September, 1912.

Assented to by the Governor and given under the Public Seal of the Colony this 30th day of September, 1912.

Lewis H. Boileau.

Acting Clerk of the Council.



W. H. Allardyce
Governor.

No. 11,



1912.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.
(21st December, 1912.)

An Ordinance

To provide for the service of the
Year 1913.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on 31st December, 1913, a sum not exceeding Twenty-three Thousand Three Hundred and Thirty One Pounds, which sum is granted and shall be appropriated for the purposes and to defray the charges of the several services expressed and particularly mentioned in the Schedule hereto which will come in course of payment during the year 1913.

Appropriation.

SCHEDULE.

Div.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions ...			
2	Governor ...			
3	Colonial Secretary ...			
4	Treasury and Customs			
5	Audit ...			
6	Port and Marine ...			
7	Legal ...			
8	Police & Prisons ...			
9	Medical ...			
10	Education ...			
11	Ecclesiastical ...			
12	Transport ...			
13	Miscellaneous ...			
14	Post Office ...			
15	Colonial Engineer ...			0
16	Savings Bank ...	1604	0	0
17	Currency Note Fund ...	15	0	0
18	Drawbacks and Refunds ...	100	0	0
19	Public Works Recurrent ...	1327	0	0
	Total, Ordinary Expenditure	20580	0	0
20	Public Works Extraordinary ...	2170	0	0
21	Live Stock Ordinance ...	581	0	0
		£ 23331	0	0

Short title.

2. This Ordinance may be cited as the Appropriation Ordinance, 1913.

Passed the Legislative Council this 20th day of December, 1912.

Assented to by the Governor and given under the Public Seal of the Colony this 21st day of December, 1912.

L. H. Boileau.

Acting Clerk of the Council.



W. H. Allardyce
Governor.

No. 1,



1913.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,
Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(22nd March, 1913.)

An Ordinance

To amend the law with regard to the
preservation of wild animals and birds.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

1. This Ordinance may be cited as 'The Wild Animals and
Birds Protection (Amendment) Ordinance 1913, and shall apply
throughout the Colony of the Falkland Islands and its dependencies,
and shall come into force on such date as the Governor shall appoint
by Proclamation in the Government Gazette.

Short title and
commencement of
Ordinance.

2. The Wild Birds Preservation Ordinance 1908 and the Wild
Animals and Birds (South Georgia) Ordinance 1912 are hereby
repealed.

Repeal.

3. Any person who, after the commencement of this Ordinance,
within the limits of the Colony of the Falkland Islands or its
dependencies,

Offences with regard
to wild animals and
birds mentioned in
Schedule I.

(a) knowingly kills or attempts to kill, or wounds or takes any wild animal or bird specified in the first schedule to this Ordinance : or

(b) uses any lime, trap, net, snare or other instrument for the purpose of killing or taking any such wild animal or bird : or

(c) has in his control or possession or exposes or offers for sale or exports or attempts to export from the Colony or its dependencies any such wild animal or bird, killed or taken after the commencement of this Ordinance, or any part of any such wild animal or bird, so killed or taken,

shall be guilty of an offence and shall, on conviction, be liable to a penalty not exceeding ten pounds for every such wild animal or part of an animal and to a penalty not exceeding two pounds for any bird, or part of a bird in respect of which an offence has been committed.

Offences with regard to wild animals or birds mentioned in Schedule II.

4. Any person who, during the period between the first day of October in any year and the last day of February in the following year, both days included (which period is hereinafter called the close season),

(a) knowingly kills or attempts to kill or wounds or takes any wild animal or bird specified in the second schedule to this Ordinance : or

(b) uses any lime, trap, net, snare, or other instrument for the purpose of killing or taking any such wild animal or bird : or

(c) has in his control or possession or exposes or offers for sale or exports or attempts to export any such wild animal or bird or any part of any such wild animal or bird, killed or taken during the close season ;

shall be guilty of an offence and shall be liable, on conviction, to a penalty not exceeding one pound for every wild animal or bird or part of a wild animal or bird in respect of which an offence has been committed.

Burden of proof in certain cases.

5. Whenever in any proceedings under sections 3 or 4 of this Ordinance it is alleged that the wild animal or bird in respect to which or to any part of which the charge is laid was killed or taken without the limits of the Colony and its dependencies or before the commencement of this Ordinance or at a time when such bird might lawfully be killed or taken, the proof of such circumstance shall lie on the person alleging the same.

Power of Governor to grant licences.

6. Notwithstanding anything contained in this Ordinance the Governor by writing under his hand may, for such time and subject to such conditions as he thinks fit, authorize any person to kill or take any wild animal or bird, specified in the schedules, and to export such animal or bird.

Power of Stipendiary Magistrate to grant licence.

7. The Stipendiary Magistrate in any dependency may authorize the killing or taking in that dependency of any wild animal or bird specified in the schedules, and the export from that dependency of any such animal or bird.

Power of Governor in Council to alter Schedules.

8. (a) The Governor in Council may from time to time by order published in the Government Gazette declare that the name or names of any wild animal or bird shall be added to or expunged from the list of animals and birds contained in Schedules I and II to this Ordinance and thereupon and while such order remains in force this Ordinance shall be read and shall have effect as if the name of the animal or bird so added had been inserted or as if the

name of the animal or bird so expunged had not been specified in the schedule, mentioned in such order.

(b) Such order may apply either to the whole of the Colony and its dependencies or to any part of such whole.

9. (a) The Governor in Council may by Proclamation published in the Government Gazette, vary the close season established by section 4 of this Ordinance or by any such Proclamation with regard to any or all of the wild animals or birds named in the second schedule to this Ordinance, and while any such Proclamation remains in force this Ordinance shall be read subject to the variation made by such Proclamation.

Power of Governor in Council to vary the close season.

(b) Such Proclamation may apply either to the whole of the Colony and its dependencies or to any part of such whole.

10. Every offence under this Ordinance may be prosecuted before a Stipendiary Magistrate or two Justices of the Peace in a summary manner.

Prosecution of offences.

11. Nothing in this Ordinance shall affect any penalty incurred in respect of any offence committed against either of the Ordinances hereby repealed or any investigation or legal proceeding in respect of any such offence, but any such investigation or legal proceeding may be instituted, continued or enforced and any such penalty may be imposed as if this Ordinance had not been passed.

Penalties incurred or proceedings taken under the repealed Ordinances not affected.

Passed the Legislative Council this 14th day of March, 1913.

Assented to by the Governor and given under the Public Seal of the Colony this 22nd day of March, 1913.

L. H. Boileau.

Clerk of the Council.

Schedule I.

Reindeer.	Scoresby's Gull (<i>Larus Scoresbyi</i>).
Kelp Goose (<i>Bernicla antarctica</i>).	Kelp Pigeon (<i>Chionis alba</i>).
Thrush (<i>Turdus falklandicus</i>).	Red-breasted Starling (<i>Trupialis falklandicus</i>).
Wren (<i>Troglodytes Cobbi</i>).	Cinclodes (<i>Cinclodes antarcticus</i>).

Schedule II.

Blacknecked Swan.	White or Coscoroba Swan.
Widgeon.	Pintail Duck.
Grey Duck.	Mallard (<i>Anas boschas</i>).
Teal.	Grebe.
Giant Petrel.	Snipe.
Double-ringed Plover (<i>Aegialitis falklandicus</i>).	King-Shag (<i>Phalacrocorax alriceps</i>).

FALKLAND ISLANDS :

Printed at the Government Printing Office by W. J. Worthy.



W. Allardyce
Governor.

No. 2,



1913.

FAULKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(1st April, 1913.)

An Ordinance

To appropriate certain further sums of money for the use of the Public Service of the Colony for the year ended on the 31st day of December, 1912.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. The several sums of money appearing in the Schedule hereto, and amounting in the whole to seven thousand eight hundred and thirty two pounds fifteen shillings and eight pence, are hereby declared to be also payable for the year ended on the 31st day of December, 1912, for and in respect of the several services in the said Schedule mentioned, in addition to the sums appropriated by Ordinance No. 6 of 1912.

Additional Expenditure
of £7832 15s. 8d.
legalised for service
of 1912.

Short title.

2. This Ordinance may be cited as the 1912 Supplementary Appropriation Ordinance, 1913.

Passed the Legislative Council this 31st day of March, 1913.

Assented to by the Governor and given under the Public Seal of the Colony this 1st day of April, 1913.

L. H. Boileau

Clerk of the Council.

Schedule.

SCHEDULE.

Division.	Head of Service.	Amount.
		£ s. d.
I.	Pensions	52 16 8
II.	Governor	291 17 10
III.	Colonial Secretary	67 5 10
IV.	Treasury and Customs	228 14 10
VI.	Port & Marine	40 2 6
VII.	Legal	215 5 6
X.	Medical	303 12 3
XI.	Education	9 10 5
XIII.	Transport	432 3 3
XIV.	Miscellaneous	322 15 2
XV.	Post Office	476 12 7
XVI.	Colonial Engineer	56 4 7
XVII.	Savings Bank	128 17 2
XX.	Works Recurrent	81 2 6
	Total Ordinary Expenditure	2707 1 1
XXI.	Public Works Extraordinary	5085 6 0
XXII.	Stock Ordinance	40 8 7
	Total	£ 7832 15 8



W. L. Allardyce
Governor.

No. 3,



1913.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, ESQUIRE,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(8th April, 1913.)

An Ordinance

To give effect to the provisions of the Convention signed at The Hague on the 23rd of January, 1912, and to regulate the storage and disposal of Opium, Morphine, Cocaine and similar drugs in the Falkland Islands.

Whereas the Government of the Falkland Islands hath agreed to be bound by the Convention signed at The Hague on the 23rd of January,

And whereas it is expedient to regulate the Importation and the Storage and Disposal of Opium, Morphine, Cocaine and similar drugs;

BE IT THEREFORE ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "The Opium Ordinance, 1913".

Signification of terms.

2. In this Ordinance the term —

“Raw opium” means the spontaneously coagulated juice obtained from the capsules of the “*papaver somniferum*” which has only been submitted to the necessary manipulations for packing and transport.

“Prepared opium” means the product of raw opium, obtained by a series of special operations, especially by dissolving, boiling, roasting, and fermentation, designed to transform it into an extract suitable for consumption; and includes dross and all other residues remaining when opium has been smoked.

“Medicinal opium” means raw opium which has been heated to 60° centigrade and contains not less than 10% of morphine, whether or not it be powdered or granulated or mixed with indifferent materials.

“Morphine” means the principal alkaloid of opium, having the chemical formula $C_{17}H_{19}NO_3$.

“Heroin” means the diacetyl morphine, having the formula $C_{21}H_{23}NO_5$.

“Cocaine” means the principal alkaloid of the leaves of *Erythroxylon Coca*, having the formula $C_{17}H_{21}NO_4$.

“Similar drugs” include—

(a) all preparations whether officinal or non-officinal as well as the so-called anti-opium remedies, which contain more than 0.2% of morphine, or more than 0.1% of cocaine.

(b) heroine, its salts and preparations containing more than 0.1% of heroine.

(c) all new derivatives of morphine, of cocaine, or of their respective salts, and every other alkaloid of opium which has been demonstrated by scientific research to be liable to similar abuse and in its abuse productive of like ill-effects.

“Opium” when used without any qualifying epithet, shall be taken to include “Raw opium” “Medicinal opium” “Morphine,” “Heroin,” “Cocaine,” and “Similar drugs.”

“Store” means any place appointed by the Governor for the storage of opium on its arrival at any port in the Colony.

Cultivation of Opium
Poppy prohibited.

3. It shall not be lawful to cultivate in this Colony the Opium Poppy (*papaver somniferum*).

Importation of prepared opium unlawful.

4. It shall not be lawful to import into the Colony any prepared opium.

Opium to be deposited in store.

5. All opium imported into the Colony shall be deposited, at the cost, risk, and peril of the person or persons importing the same, in such store as shall be appointed by the Governor for that purpose.

Opium withdrawn on Colonial Surgeon's authority.

6. No opium shall be delivered or withdrawn from a store except on the written authority of the Colonial Surgeon or Medical Officer authorised by him as hereinafter provided.

Colonial Surgeon may delegate authority.

7. The Colonial Surgeon may authorise in writing any Medical Officer at any port in the Colony to sign the authority required by this Ordinance for the withdrawal of opium.

Withdrawals only by Registered Medical Practitioners, etc.

8. It shall not be lawful to authorise any withdrawal of opium from a store except to registered Medical Practitioners and Dentists and to licensed Druggists.

Opium not to be kept in a place other than a store without authority.

9. Where any opium imported into the Colony is, without the proper authority, found in the possession of any person or kept in a place other than a store such person or the occupier of such place,

unless he can prove that the same was deposited there without his knowledge or consent, and also the owner of, or other person guilty of keeping the opium, shall be guilty of an offence.

10. Any person contravening the provisions of any of the preceding sections shall, on summary conviction before a Magistrate be liable to a penalty not exceeding one hundred pounds or to imprisonment, with or without hard labour, for any period not exceeding twelve months, and the Magistrate may order any prepared opium, or opium unlawfully imported or withdrawn from the store, to be forfeited to His Majesty.

Penalty for
contravention.

11. It shall be lawful for a Magistrate, if satisfied by information on oath that any opium, or prepared opium is being unlawfully kept, conveyed, landed or sold in contravention of this Ordinance at any place, whether a building or not, or in any ship, not being or having the status of a ship of war, or vehicle, to grant a warrant to enter at any time, and if needs be by force, on Sundays as well as on any other days, the place, ship, or vehicle named in such warrant, and every part thereof, and to examine the same, and to search for any opium or prepared opium unlawfully kept therein, and to demand from the owner or occupier thereof the production of the authority for being in possession of the same.

Search warrant.

When the officer or other person executing such warrant has reasonable cause to believe that any prepared opium or opium found by him in any such place, ship or vehicle, is being kept, conveyed, landed or sold in contravention of this Ordinance, he may seize and detain the same until the Magistrate has decided whether the same is liable to be forfeited or not.

Seizure of prepared
opium or opium.

Proceedings in a Magistrate's Court shall be commenced as soon as possible after the seizure.

Procedure.

12. Any person acting under the aforementioned warrant shall not be liable to any suit for seizing or detaining any prepared opium or opium.

Protection of officers
from actions.

13. Whoever attempts to commit or aids or abets in the commission of any offence against this Ordinance may be dealt with in the same way, and shall be liable in the same penalty, as if he were charged with the actual offence.

Accomplices.

14. It shall be lawful for the Governor in Council to make such rules as he may consider expedient for the regulation of the importation, landing, storage, withdrawal or conveyance of any opium imported into this Colony and any person contravening the same shall, on summary conviction before a Magistrate, be liable for every offence to a penalty not exceeding five pounds, or to imprisonment, with or without hard labour, for a period not exceeding one month.

Governor in Council
may make rules.

15. All penalties incurred under this Ordinance may be recovered before a Magistrate, for which purpose every Magistrate shall have jurisdiction to the extent of the said penalties.

Recovery of penalties.

16. This Ordinance shall not come into force until such date as the Governor may fix by Proclamation after His Majesty's non-disallowance thereof has been communicated to him.

Date of commencement
of Ordinance.

Passed the Legislative Council this 31st day of March, 1913.

Assented to by the Governor and given under the Public Seal of the Colony this 8th day of April, 1913.

L. H. Boileau.

Clerk of the Council.

FALKLAND ISLANDS:

Printed at the Government Printing Office by Wm. J. Worthy.



W. H. Allardyce
Governor.

No. 4,



1913.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(9th June, 1913.)

An Ordinance

To amend the Pensions Ordinance, 1906.

Whereas it is advisable to amend the Pensions Ordinance, No. 5 of 1906, (hereinafter called the principal Ordinance) BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. No officer who has retired from the public service of the Colony shall accept the directorship of any company operating in the Colony without first obtaining the written consent of the Governor of the Colony for the time being, which consent during the first three years of an officer's retirement will only be given in very exceptional circumstances and after reference to the Secretary of State.

Conditions under which a retired officer may accept the directorship of a company operating in the Colony.

2. If any person to whom a pension has been granted under the principal Ordinance or any amendment thereof, or under any regulations made thereunder, shall be guilty of an offence against the preceding section, or shall fail to comply with the Secretary of State's instructions in connection with any application made under the preceding section, it shall be lawful for the Governor in Council, subject to the approval of the Secretary of State, to suspend such pension for such period as he may think fit.

Penalty.

3. This Ordinance may be cited as the Pensions Amendment Ordinance, 1913, and shall be read and construed as one with the principal Ordinance, and any copy of the principal Ordinance printed after the commencement of this Ordinance may be printed with the amendments made by this Ordinance. Short title.

Passed the Legislative Council this 6th day of June, 1913.

Assented to by the Governor and given under the Public Seal of the Colony this 9th day of June, 1913.

L. H. Boileau .

Clerk of the Council.



W. Allardyce
Governor.

No. 5,



1913.

FALKLAND ISLANDS.

WILLIAM LAMOND ALLARDYCE, Esquire,

Companion of the Most Distinguished Order of Saint Michael and Saint George,
GOVERNOR AND COMMANDER-IN-CHIEF.

(23rd June, 1913.)

An Ordinance

To amend "The Tariff Ordinance, 1900".

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Tariff Amendment Ordinance, 1906," is hereby repealed. Repeal.

2. The First Schedule to "The Tariff Ordinance, 1900," as amended by "The Tariff Amendment Ordinance, 1900," is hereby amended by striking out the words— Alteration of Customs duties on spirits.

"Spirits, Strong Waters, Liqueurs, Cordials, Sweetened Spirits
"and all articles containing any quantity of alcohol or spirit
"which by the Imperial Customs Laws are liable to duty
"as spirits, per gallon, twelve shillings"

and by inserting in the place of the words so struck out the words—

“Spirits not exceeding the strength of proof as ascertained
“by Sikes’s hydrometer, and in proportion for any greater
“strength than strength of proof, per gallon, fifteen
“shillings.”

Period for which
Ordinance remains in
force.

3. This Ordinance shall remain in force for a period of two
years.

Short title.

4. This Ordinance may be cited for all purposes as “The Tariff
Amendment Ordinance, 1913.”

Passed the Legislative Council this 19th day of June, 1913.

Assented to by the Governor and given under the Public Seal
of the Colony this 23rd day of June, 1913.

L. H. Boileau.

Clerk of the Council.



John Quayle Dickson
Administrator

No. 6,



1913.

FALKLAND ISLANDS.

CAPTAIN JOHN QUAYLE DICKSON,

Companion of the Distinguished Service Order.

ADMINISTRATOR AND COMMANDER-IN-CHIEF.

(31st December, 1913.)

An Ordinance

To amend The Pensions Ordinance, 1906.

WHEREAS it is advisable to repeal the "Pensions Amendment Ordinance, 1913".

Repeal.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. If any person to whom a pension has been granted under Ordinance No. 5 of 1906, entitled "An Ordinance to declare the law regulating pensions, gratuities, and other allowances to be granted in respect of offices held in the Public Service of the Falkland Islands", (hereinafter called the principal Ordinance) becomes, on his final retirement from the service of the Colony, either a Director of any Company the principal part of whose business is in any way directly concerned with the Colony, or an officer or a servant employed in the Colony by any such Company, without in every such case the permission of the Governor in writing first had and obtained, then in every such case it shall be lawful for the Governor, with the approval of the Secretary of State, to direct that such pension shall forthwith cease: provided always that it shall be lawful for the Secretary of State, on being satisfied that the person in respect of whose pension any such direction shall have been given has ceased to be a Director of such Company or to be employed as an officer or servant of such Company in the Colony, as the case may be, to give directions for the restoration of such pension, with retrospective effect, if he shall see fit, to such a date as he shall specify.

Conditions under which a retired Officer may accept the Directorship, etc., of a Company operating in the Colony

Penalty

Conditions under which pension may be restored

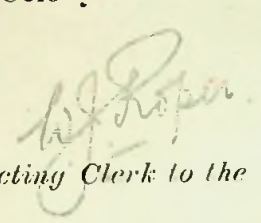
Short title

Reprint

2. This Ordinance may be cited for all purposes as the "Pensions Amendment Ordinance, 1913", and shall be read and construed as one with the principal Ordinance, and any copy of the principal Ordinance printed after the commencement of this Ordinance may be printed with the amendments made by this Ordinance.

Passed the Legislative Council this 30th day of December, 1913.

Assented to by the Officer Administering the Government and given under the Public Seal of the Colony this 31st day of December, 1913.


Acting Clerk to the Council.

FALKLAND ISLANDS :

Printed at the Government Printing Office by William J. Worthy.



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John Quayle Dickson
Administrator

No. 7,



1913.

FALKLAND ISLANDS.

CAPTAIN JOHN QUAYLE DICKSON,

Companion of the Distinguished Service Order, Administrator
and Commander-in-Chief.

(31st December, 1913.)

An Ordinance

To amend the Patents Ordinance, 1903.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. The sixth sub-section of the third section of Ordinance No. 2 of 1903, entitled an Ordinance relating to Patents for Inventions, Registration of Designs and of Trade Marks", is hereby amended as follows:—

Addition to 3rd section,
6th sub-section of
"Patents Ordinance,
1903".

(6) A fee of five pounds. In the event of a renewal of the registration being desired at the termination of fourteen years from the date of the first registration a further fee of five pounds will then become payable, and thereafter at the termination of every further period of fourteen years.

2. This Ordinance may be cited for all purposes as the "Patents Amendment Ordinance, 1913"; and shall be read and

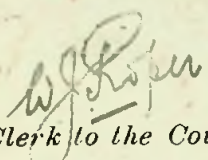
Short title.

Reprint.

construed as one with the Patents Ordinance, 1903 : and any copy of the Patents Ordinance, 1903, printed hereafter may be printed with the amendment made by this Ordinance.

Passed the Legislative Council this 30th day of December, 1913.

Assented to by the Officer Administering the Government and given under the Public Seal of the Colony this 31st day of December, 1913.


Acting Clerk to the Council.

FALKLAND ISLANDS :

Printed at the Government Printing Office by Wm. J. Worthy.



John Quayle Dickson,
Administrator.

No. 8,



1913.

FALKLAND ISLANDS.

CAPTAIN JOHN QUAYLE DICKSON,

Companion of the Distinguished Service Order, Administrator and
Commander-in-Chief.

(31st December, 1913.)

An Ordinance

To provide for the service of the
Year 1914.

BE IT ENACTED by the Governor of the Colony of the
Falkland Islands, with the advice and consent of the Legislative
Council thereof, as follows:—

Preamble.

1. The Governor may cause to be issued out of the Public
Revenue and other funds of the Colony and applied to the service
of the year ending on 31st December, 1914, a sum not exceeding
Twenty-seven Thousand Five Hundred and Twelve Pounds, which
sum is granted and shall be appropriated for the purposes and to
defray the charges of the several services expressed and particularly
mentioned in the Schedule hereto which will come in course of
payment during the year 1914.

Appropriation.

SCHEDULE.

Div.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions ...	763	0	0
2	Governor ...	1953	0	0
3	Colonial Secretary ...	1796	0	0
4	Treasury and Customs	1540	0	0
5	Audit ...	32	0	0
6	Port and Marine ...	680	0	0
7	Legal ...	410	0	0
8	Police & Prisons ...	794	0	0
9	Medical ...	1674	0	0
10	Education ...	1085	0	0
11	Ecclesiastical ...	220	0	0
12	Transport ...	450	0	0
13	Miscellaneous ...	847	0	0
14	Post Office ...	5280	0	0
15	Colonial Engineer ...	2323	0	0
16	Savings Bank ...	1624	0	0
17	Currency Note Fund ...	15	0	0
18	Drawbacks and Refunds ...	100	0	0
19	Public Works Recurrent ...	1595	0	0
	Total, Ordinary Expenditure	23181	0	0
20	Public Works Extraordinary ...	3754	0	0
21	Live Stock Ordinance ...	577	0	0
		£ 27512	0	0

Short title.

2. This Ordinance may be cited for all purposes as the “Appropriation Ordinance, 1914”.

Passed the Legislative Council this 30th day of December, 1913.

Assented to by the Officer Administering the Government and given under the Public Seal of the Colony this 31st day of December, 1913.

W. J. Worthy
Acting Clerk to the Council.

