E

LEGISLATION

1850

-

1853

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General Index

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General Abstract of Ordinances of Council from Volume Seven A

Year	Date	No	Title	Duration
1846	20th October	1	Supreme Court Ord.	2 years
"	"	2	Jury Ord.	"
"	27th "	3	Constables Ord.	"
"	"	4	Stipendiary Magistrates Ord.	"
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"	"	1	Cattle Trespass Ordinance	"
1847	4th August	2	Tippling Ordinance	"
"	"	3	Militia Ordinance	"
"	6th October	4	Land Registration Ord.	"
"	"	1	Tippling Auth: Ord.	3 years
1848	22nd July	2	Supreme Court Ord. Cont: Ord.	2 years
"	"	3	Jury Ord. Cont: Ord.	"
"	"	4	Constables Ord. Continue Ord.	"
"	"	5	Stip. Mag. Ord. Cont: Ord.	"
"	"	6	Summ: Proc: Ord. Cont: Ord.	"
"	13th Sept:	7	Mess Settlement Regulation Ord.	3 years
1849	19th May	1	Arms. Just. Ord.	2 years
"	15th Aug:	2	Dog License Ord.	3 years
"	"	3	Summ: Proc: License Ord.	"
"	"	4	Mess Ass: Ord.	2 years
"	"	5	Cattle Trespass Cont: Ord.	3 years
"	"	6	Militia Cont: Ord.	"
1850	31st August	1	Publicans Licensing Ord.	1 year
"	"	2	Dog License Ord.	Dis:
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Dog License Ordinance

1850

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2	Ship. Mag. to grant Licenses
3	Unlic. dogs may be destroyed
4	Recovery of Fines
5	Payment of Monies
6	Applicability of Ord.
7	Commencement of Ord.

Dog Register - Alien Harbour Justice Police Publicans Whole

Militia Ordinance
1851
No One Disallowed /

Register Queen Harbour Justice Police

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8 Value. Convey-
9 Lettes
10 Memorial of Judgment
11 Do " Acquisition
12 Do " Bankruptcy
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15 To describe Land
16 Definition
17 Copy
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19 Mode of entry
20 Referees
21 Registration
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23 Fees
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54 Ord. to commence &c.

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96 22 Party to be examined
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98 24 Delivery of goods
99 25 To search Ships on suspicion
26 Killing wild Cattle
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100 27 Taking Seal securing
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" 4 Grant to include all houses &c.
" 5 Covenants implied
144 " 6 Against her husband
" 7 Remedy on implied Covenants
" 8 Implied Covenant negatived
145 " 9 Grant to be valid as a deed &c.
10 Schedule of stamp duty &c.
147 12 Not to affect Registry Ord.
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" Pensions
2 Determination of Contract
138 3 Monies paid to Col.l Treasury
4 Ordinance to commence on the

Compared with the Original by Mc Monagan 26th June 1852
Seal Copy Mc E Cameron

Dog License Ordinance

In the year One Thousand eight hundred and fifty

Number Two

Precedent Book Page 59 Confirmed.

Confirmation in this book at page 253

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

Penalty for keeping a Dog without having obtained a License

1 — That if any person in the Town of Stanley or the Suburbs thereof, shall after the first day of September next keep any dog above the age of three months without having obtained an annual license for the same, he shall pay a fine of not less than five shillings nor more than five pounds.

License to be granted by the Stipendiary Magistrate

2 — That the Stipendiary Magistrate shall upon the payment of five shillings and one shilling to the Chief Constable grant to the keeper of any dog a license in the form in the Schedule hereunto annexed, which shall be in force from the date thereof to the first day of September then next ensuing and the Chief Constable shall keep a book in which he shall enter a copy of every license.

3 — That

Dog Register

Earl Grey suggests some distinguishing mark on dogs licensed.

Recovered

The words "under this Ordinance" were not in the original.
24th June 1852 – Query!

Unlicensed dogs found at large may be destroyed.

3 ——— That all unlicensed dogs found at large without their Keeper in the Town of Stanley or the suburbs thereof, may be destroyed by any Constable.

Fines to be recovered in a Summary way

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

All monies to be paid into the Colonial Treasury.

5th ——— That all monies received under this Ordinance by the Stipendiary Magistrate shall be accounted for and paid over from time to time to the Officer appointed by the Governor to receive the same to the use of Her Majesty her heirs and Successors for the public uses of the Settlement and the support of the Government thereof.

Applicability of Ordinance.

6 ——— That the Town and Suburbs of Stanley shall be deemed and taken to extend to a circle of two miles from the Junction of Villiers Street with the Kopje Road, and the word "dog" shall include all dogs whether female or male.

Commencement of Ordinance

7 ——— That this Ordinance shall come into operation on the 2nd day of September next ——— signed ——— George Rennie
Governor

Passed the Legislative Council
the thirty first day of August 1850

signed — J. K. Longden
Clerk to the Council

Register

License to _____ for 6 Dogs

~~Name of Owner~~	Name of Dog	~~Sex of Dog~~	~~Age of Dog~~	~~Price of Dog~~	~~Residence of Owner~~	Date and Number of License.

This License expires on the 30th day of September next.

_____

~~Mayor~~

Queen's Lieges

Stipendiary Magistrate

Register of Licenses Issued

Militia Ordinance Number One

In the year One Thousand eight hundred & fifty One.

Number One

By His Excellency George Kennic Esquire Governor and Commander-in-chief of the Falkland Islands and its Dependencies thereof, with the advice and consent of the Legislative Council thereof: Be it enacted; ——

Power to Governor to call together Militia

1 —— That it shall be lawful for the Governor to call together, arm and array as a Militia such persons as are hereinafter mentioned, and cause them to be trained and exercised at such times and for such as shall to him seem meet for any number of days not exceeding twenty eight days in any one year.

and appoint Officers

2 —— That it shall be lawful for the Governor to appoint a proper number of Officers to train discipline and command the Militia.

Governor to cause Militia to be

3 —— That it shall be lawful for the Governor to cause the Militia to be

Register

Formed into Regiments &c.

Formed into so many Regiments, Corps Battalions or other Bodies and to determine the number of Men of which each respectively shall be composed.

Court Martial

6 — That it shall be lawful for the Governor to erect and constitute Courts Martial as well as to grant his Commission or warrant to the Officer commanding for the time being any body of such Militia to convene courts martial as occasion may require for the trial & Offences committed under his Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such command.

Training

5 — That it shall be lawful for the Governor from time to time to make regulations respecting the training and exercise, terms and Acquirements, Clothing and equipment of such Militia.

Actual Service

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

Register

Who liable to serve

7— That every man between the ages of seventeen years and sixty years who shall reside within the Colony, shall be liable to serve in such Militia, except all Members of the Executive Council, and the Clerk to the said Council and all Ministers of religion.

Magistrates to form Militia list

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

Justices to correct list

9— That such Justices shall have power after hearing such objections to strike out of the said list the names of all persons who shall not be liable to serve and also of such as by reason of any disorder may be unfit for service and also from time to time to strike out and add such names as may be just.

Register

Copy of list to be sent to the Govr.

10 ___ A copy of the said corrected list by the said Justices shall be transmitted by them forthwith to the Governor.

Time and place of training

11 ___ That notice of the time and places fixed by the Governor for training and exercise shall be posted at the door of the Police Office and on the Gazette board ten clear days at least unless in cases in which the Governor may deem it expedient for the safety of the Colony to expedite the requirement before the time to be so appointed, which shall be deemed a sufficient notice to every Officer and Militia-man

Penalty for not appearing

12 ___ That every Officer and Militiaman who shall not appear at the time and place appointed shall forfeit and pay any sum not exceeding twenty pounds.

Penalty for non attendance

13 ___ That every Officer and Militia man who having joined the Regiment or Corps or Body to which he belongs, shall desert or absent himself during the time of any such training or exercise, shall forfeit and pay any sum not exceeding twenty pounds.

Notice to be given to Militiamen when called into actual Service

14 ___ That when any part of such Militia shall be ordered out for service the person to whom such order shall be

directed, shall forthwith cause notice in writing to be given to the several Militia men or left at their usual places of abode, to attend at the time and place mentioned in such order.

Penalty for not joining after being served with notice

15— That if any Officer or Militia-man duly served with notice shall not appear and perform the ancillary duties required of him, he shall be liable to be apprehended and punished as a deserter, according to the provisions of any Act then in force for punishing Mutiny and Desertion in the Army and for the better pay of the Army and their quarters and of the Articles of War made in pursuance of the same.

Penalty for concealing Militia-men

16— That if any person knowingly shall harbour or conceal any Officer or Militiaman who has deserted he shall for every such offence forfeit and pay a sum not exceeding twenty pounds

Penalty for selling or receiving Arms

17— That if any Officer or Militiaman shall sell pawn or lose any of his arms clothes accoutrements or ammunition, or neglect or refuse to return the same in good order to his Captain or to the person appointed to receive the same, or if any person shall knowingly or wilfully buy, take in

Register

2

exchange conceal or otherwise dispose of any Militia Arms Accoutrements, Cloths or Ammunition which shall be delivered for the Militia, every such Offender shall forfeit and pay for every such Offence any Sum not exceeding ten pounds, in addition to the value of said Arms Accoutrements and Ammunition, if the same are damaged or not returned.

Militia to be subject to Articles of War

18 That during the time that any such Militia shall be assembled for the purpose of being trained and exercised, or for actual service all things contained in any Act of Parliament which shall then be in force for governing Mutiny and Desertion and for the better Pay of the Army and their quarters and in the Articles of War made in pursuance of such Act shall be in force with respect to such Militia, and to all the Officers, Non-commissioned Officers and Privates of the same in all cases whatever, but so that no punishment shall extend to life or limb.

Regimental Court Martial

19 That it shall be lawful for any Officer commanding and present with any detachment or division of Militia called out to exercise or on actual Service, not being under the

Register

rank of a Captain, to order when he shall think it necessary a regimental court martial to be held for the trial of any Offence committed by any non-commissioned Officer or Private under and during his Command, and of a sufficient number of Officers under his immediate command shall not be present to constitute such Court Martial it shall be lawful for the Commanding Officer of the Regiment or Corps to which any such detachment or division shall belong upon application made to him by the Officer commanding such detachment for that purpose to order a sufficient number of Officers of proper rank to attend for the purpose of assisting at such Court-Martial who shall forthwith attend on duty and assist as Members thereof ——

Sentences to be submitted to the Commandant

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

Summary prosecution

21 —— That all fines imposed by this Ordinance shall be recovered in a Sum-

Register

-may at any before any Justice of the Peace

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

22 — That this Ordinance shall take effect and come into operation upon the day of the date and publication of any proclamation to be made and published by the Governor for the time being which shall make known and signify to the Inhabitants of the Falkland Islands and its Dependencies His Majesty's final assent and approbation thereof — Signed — George Rennie Governor

Passed the legislative Council the sixth of January 1831
Signed — J. K. Longden
Clerk to the Council

Register

Query: Should not all grants
of Land be enrolled in
the Magistrates Court—

Plans of Land in Surveyor Office to be recorded.

y. record alto. Sub ..

Compared 24 June 1842 by Jno. Montague with Copy under Great Seal the original supplied to have been sent to England. Collated Seal Copy by Mr. Edmonds.

An Ordinance for the Registration of Land Births & Deaths.

See Proclamation of Commencement in this book. See Page 253

In the year One thousand eight hundred and Forty One

Number Two

See Proclamation Precedent Book Page 57 by which this Ordinance came into operation on the 11th March 1842

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

Be it enacted

Register Office

1 That there shall be an Office at Stanley which shall be called the Registry Office, and the Governor shall from time to time appoint a person to be Registrar subject to the approval of Her Majesty

Instruments to be registered by Copy.

2 That any grant by the Crown of land within the Colony, and every deed, contract or Will, whereby such land may be affected, may be registered by causing a Copy thereof to be recorded. Provided that no lease or agreement for a lease for any time not exceeding seven years from the date thereof, nor any assignment thereof shall be registered.

Register Alien Land Grants

Earl Grey suggests, One Month and One year to register

+ Provided that any deed or contract executed out of the Colony, the first executed deed shall prevail if registered within twelve months from ~~that~~ day of its date

Instrument to be registered by Memorial

3 ___ That every Judgement Probate Ordinance Inquisition, declaration of Bankruptcy or Insolvency affecting any land within the Colony may be registered by causing a Memorial thereof to be recorded.

Unregistered deeds void as against subsequent registered deeds.

4 ___ That every deed grant by the Crown deed or Contract which is hereby authorised to be registered as aforesaid shall, so far as regards any land to be affected thereby be void as against any person claiming for valuable consideration under any subsequent grant, deed or Contract duly registered, unless the former grant, deed or contract shall have been registered before the registration of the subsequent grant deed or contract. +

Will

5 ___ That every Will shall, so far as regards any land to be affected thereby, be void against any person claiming for valuable consideration under any deed or contract duly registered, made after the death of the testator by any person by whom such subsequent deed or contract, might have been made if such Will as first aforesaid had not been executed, unless such Will as first aforesaid shall have been registered before the registration of the subsequent deed or Contract. Provided always, that every Will of any person dying within the Falkland Islands or the Dependencies thereof registered within the space of one year, or of any person dying elsewhere

within the space of three years after the death of any testator, shall be as valid and effectual as if the same had been registered immediately after the death of such testator.

Judgements Inquisition Bankruptcy Insolvency Priv. Act.

6 — That every Judgement or Assignment thereof, every Inquisition, Bankruptcy Insolvency or Private Ordinance shall so far as regards any land to be affected thereby be void and of no effect as against any person claiming for valuable consideration under any subsequent duly registered deed or Contract, duly registered, unless registered before the Registration of the subsequent deed or Contract.

Persons claiming without valuable consideration

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

Voluntary Conveyance

8 — That a voluntary Conveyance being duly registered shall not be defeated by any ~~Subsequent~~ Subsequently registered Conveyance for valuable consideration ~~whether such latter Conveyance shall be registered first or not~~.

Registered deed or Contract when title from unregistered deed

9 — That every deed or Contract although duly registered, whereby any title shall be derived or agreed to be derived from any person claiming under any unregistered deed shall be void as against any person claim-

† Earl Grey - Subsequently Registered

26th June 1852

24 June 1852

24 June 1852

26 June 1852

26 June 1852

-ing for a valuable consideration under any Instrument deed or Contract duly registered, whereby title shall be derived from any person claiming under any deed or Contract duly registered.

Memorial of Judgement

10 ____ That the Memorial of every Judgement shall express the date and title of the cause and the grounds of the decree or Judgement as shall relate to the Land affected thereby.

Memorial of Inquisition

11 ____ That the Memorial of every Inquisition shall express the name of the defendant and the date of the same.

Memorial of Bankruptcy

12 ____ That the Memorial of every Bankruptcy shall express the name of the Bankrupt and the date of the declaration of Bankruptcy.

Memorial of Insolvency

13 ____ That the Memorial of every Insolvency shall express the name of the Insolvent and the date of the declaration of Insolvency.

Memorial of private Ordinance

14 ____ That the Memorial of every private Ordinance shall express the title date and number thereof.

Memorial To describe the land

15 ____ That every Memorial shall describe the land to which the same shall relate, by reference to the number of such land in any Map in the Register Office

General Index Books

16.

* That for each Map there shall be kept a general Index book, if necessary, Index books each book having upon it the distinguishing letter or mark of the Map to which it belongs, and the heads or titles in each book shall consist of the numbers consecutively of the allotments of land so granted by the Crown and as numbered in the map, and when an Instrument is presented for registration it shall be filed under the head or title or number appropriated to the allotment to which the Instrument refers, and all Instruments relating to the same allotment shall be entered consecutively under the same head title or number in the order presented for registration in the form A hereunto annexed, and when recorded, reference shall be made in the blank space of the form allotted for that purpose to the volume of the Record Book and to the page of that volume where the Instrument is recorded.

† Earl Grey, ambiguous - the Section should be after Section 21.

16

as hereinafter provided.

Delineation of Land on Instrument.

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

Maps

17 — That there shall be kept in each Map having distinguishing letters or marks the Register Office a Map or Maps of all the Land surveyed within the Falkland Islands or the Dependencies thereof, and every Allotment in such Map or Maps, shall when granted by the Crown be numbered consecutively from Number One upwards.

Books

18 — That for every such Map there shall be kept a book or books to be called the index book with the letter or mark of such Map; and every head or title in such book shall consist of the numbers indicating the allotment of land to which such Instrument shall relate; and all such entries shall be made in the order in which the Instrument to which such entries refer shall have been presented for registration *

Entries how made

Mode of Entry

19 — That so long as the land in respect of which any entry was originally made shall remain undivided, all entries relating thereto shall be placed under the number originally appropriated thereto and when any portion thereof shall be

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absolutely obliterated, a new head, title or sub-number shall be appropriated to such portion

References in books

20 ___ That whenever any new head or sub-number shall be formed the Entry by which shall contain a reference to the original ~~head~~ number ~~to such new head or sub~~ ~~—~~ and there shall also be made a reference on the original number to such new head or sub-number

Mode of Registration

21 ___ That immediately upon the presentation of any instrument for registration the Registrar shall in presence of the party presenting such instrument, mark the same and make a note thereon of the day and hour of the receipt thereof, and shall also forthwith cause the same to be entered in such book under the number of head or sub-number of the allotment to which such instrument relates, specifying such day and hour and the nature of the Instrument or Memorial thereof, and referring to the book in which a Copy thereof shall be made according to the form in Schedule A hereunto annexed, and shall be signed by the person presenting such Instrument as aforesaid

Instrument to be copied

22 ___ That the Registrar shall thereupon cause such Instrument to be copied at full length in one of the books kept for that purpose.

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Fees

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

Interpretation Clause

24 ___ That in the construction of this Ordinance, the word "Land" shall extend to any estate or interest in Land real property, and the word "Will" shall extend to a Codicil, and the word "Instrument" shall extend to any Grant, Deed, Contract, Will, Codicil or any Memorial hereby authorized to be registered.

Registrar to register births and Deaths

25 ___ That the Registrar shall register himself every birth and death which shall happen within the Falkland Islands and the Dependencies thereof and register the same as soon after the event as conveniently may be done in one of the books by particulars according to the form in Schedules C and D respectively touching every such birth or every such death as the case may be, every such entry being made in order from the beginning to the end of the book.

Parent to Register Birth & Name & particulars

26 ___ That the father or mother of every Child born in the Falkland Islands or in the dependencies thereof, or in case of the death, illness, absence, or inability of the father or mother, the occupier of the House or Tenement in which such

child, shall have been born, shall within forty two days next after the day of every such birth, give information upon being requested so to do, to the said Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be registered, touching the birth of such child, or shall pay a fine not exceeding five pounds.

Persons to give particulars of death

27 — That some person present at the death or in attendance during the last illness of every person dying in the Falkland Islands or the Dependencies thereof or in case of the death in any such place or dejanto of all such persons the occupier of the house or tenement, and if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within forty days of which the Governor of Stanley, if elsewhere within a reasonable time not after the day of such death, give information upon being requested so to do to the said Registrar according to the best of his or her knowledge and belief of the several particulars hereby required to be registered touching the death of such person, or shall pay a fine not exceeding five pounds.

Abstract to be sent

28 — That the Registrar shall send on or before the tenth day of January

any

Query! the place of these words?

24 June/52

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to the Governor on 10th January in every year

in every year to the Governor a general abstract of the number of Births and Deaths ~~in every year~~ registered during the foregoing year, and if any Registrar shall refuse or without reasonable cause shall omit to register any Birth or death of which he shall have had due notice, [or to send any such general abstract,] he shall for every such Offence forfeit and pay a sum not exceeding ten pounds.

Right place

Penalty for losing or injuring Register books

29 That every person having the custody of any paper or book belonging to the said Office or any part thereof, who shall carelessly lose or injure the same or cause the same to be injured while in his keeping, shall for every such Offence forfeit a sum not exceeding fifty pounds.

Penalty for destroying or falsifying Register books

30 That every person who shall wilfully destroy or injure, or cause to be destroyed or injured any map or book belonging to the said Office, or shall falsely make a counterfeit, or cause to be falsely made a counterfeited any part of any such Map or book or certified Copy thereof, or shall wilfully insert or cause to be inserted in any such Map or book or certified Copy thereof any false entry of any instrument, Birth or death, or shall certify any writing to be a copy or extract of any such map or book, knowing the same Map, book,

And

Copy or extract thereof to be false in any part thereof, shall be guilty of Felony, and shall be liable to be transported for any period not exceeding seven years or be imprisoned with or without hard labour for any period not exceeding two years.

31 ——— That Whereas in pursuance of an Ordinance passed in the eleventh year of the reign of Her Majesty Queen Victoria intituled "An Ordinance to "provide for the Registration of Deeds and "Instruments affecting real property" which said Ordinance expires on the first of January 1856, a Registry Office was established and a Registrar appointed and various Maps, books, papers ——— Instruments and other things belonging to the said office are now in the possession of the late Registrar; Be it enacted,

Maps &c. to be delivered to new Registrar

That all maps, books, papers boxes, keys, documents and other things in the possession of the late Registrar shall be given as soon conveniently may be, by the first Registrar appointed under this Ordinance, and shall from and after the receipt of the same, remain and continue in the custody of the last mentioned Registrar, and every instrument registered under the authority of said Ordinance, shall be deemed and to have been registered under this Ordinance, and shall have the same

Instruments to be deemed registered under this Act.

force and effect to all intents and purposes, as fully and effectually as if such Instrument had been registered under the authority of this Ordinance, and the said Books, Maps and Papers may be continued and used by the Registrar under this Ordinance, as fully as he could do so, and comply with the provisions thereof.

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

32 That if on any Case in which any Registrar shall cease to hold the said Office all registers, keys, Books, documents and papers in his possession as such Registrar, shall be given, as soon as conveniently may be, to his successor in office, and if any person shall refuse to give up any such key, books documents or papers in such case as aforesaid, it shall be lawful for any Justice of the Peace, upon application made for that purpose, to issue a warrant for bringing such person before any Justice of the Peace, and upon such person appearing or not being found, it shall be lawful for such Justice to hear and determine the matter in a summary way, and if it shall appear to the Justice that any such box, keys, books, documents or papers are in the custody or power of any such person, and that he has without reasonable cause, refused or wilfully neglected to deliver up the same, he shall pay a fine not exceeding

24 June/52

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Omitted 24 June/52

her servants, and the Justices are hereby required to command Assistance to the Common Gaol, there to remain without bail, until he shall have delivered up the same; and the said Justices may grant a Warrant to search for such Key, Book, Documents or papers, as in the case of Felonies in any dwelling house or other premises, in which any credible witness shall prove upon oath before them, that they is reasonable cause to suspect the same to be, and the same when found shall be delivered to the person in whose custody they ought to be.

Recovery of Fines

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

Ord. to commence when H.M. pleasure is known

34 ____ That this Ordinance shall be put in force and come into operation upon the day of the date and publication of any Proclamation to be made and published by the Governor for the time being, which shall make known and signify to the Inhabitants of the Falkland Islands and ~~the~~ its Dependencies His Majesty's Royal assent and approbation hereof.

Passed the Legislative Council this 6th day of January 1851

Signed J. K. Longden
Clerk to the Council

Allen Harvey Justice

24 June / 1842 "Kinsdon to Pell."

20

Schedule A

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

Receipt of Instrument	Nature of Instrument	Date of Instrument	Where Recorded	Reference	Signature
11 A.M. 1st June 1842	Conveyance	31st May 1842	4 D. 71		James Brandreth
2 P.M. 3rd July 1842	Mortgage	9th June 1842	4 D. 100		Edward Willan
6 A.M. 1st Jan 1845	Memorial	29th Dec. 1844	2 B.M. 30	2 A. 19	Thomas Jones
9 A.M. 25th Augt 1846	Will	1st Augt 1846	1 W. 350		John Brown

General Index. Vol 2. A. (Page 19)

Map A. Section 5, Number 15 A.

Receipt of Instrument	Nature of Instrument	Date of Instrument	Where Recorded	Reference	Signature
3 P.M. 10th June 1842	Conveyance	9th June 1842	4 D. 100	1 A. 100	Edward Willan

24 June/52 Omitted

Schedule B

Scale of Fees

	£.	s.	d.
For the Registration of any Instrument of not more than 10 Folios of 72 words each	"	10	"
For every additional Folio of 72 words	"	1	"
For the recording thereof for every Folio of 72 words	"	"	6
For every search	"	2	6
For an attested Copy of, or Extract from any recorded Instrument or deposited Memorial, for every Folio of 72 words	"	"	6
For an attested Copy of, or Extract from the general Index, for every line	"	"	6
For every search or inspection of Indexes or recorded Instruments or deposited Memorials	"	2	6
For comparing, if required, any Instrument with the record thereof, by reading over the same with the party requiring, for every Folio of 72 words	"	"	2
For comparing, if required, any Copy or Extract supplied by the Registry Office, by reading over the same with the party requiring such Copy or Extract, for every Folio of 72 words	"	"	2
For every Certificate of Acts by different parties	"	5	"
For every Certificate of any description	"	2	6

Alien Harbour Justice

21 March 52

24 June 52

Column omitted

Schedule C

Sex
Boy

18 Births

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

Schedule **D**

18 **Deaths**

No.	When Died	Name and Surname	Sex	Age	Rank or Profession	Cause of Death	Signature Description and Residence of Informant	When Registered	Signature of Registrar
17	1st Feby	William Green	Male	43	Carpenter		Rebecca Green Widow 17 Bath St Mary le bone	5th Feby	John Ley Registrar

Captains Inquire notice of Aliens on board - See Burnt Island "Alien"

29 June compared the original signed & seal Copy W.E. Edmonds

by W. Meredith Copy unsigned & seal to be Book in England - See Letter

Alien Ordinance

An Ordinance for the year One Thousand eight hundred and fifty one.

Number Three

See President Book - 59 Page Ordinances -

For Confirmation in the Book Page 253

Be it Enacted by His Excellency George Rennie Esquire Governor and Commander in Chief of the Falkland Islands and its Dependencies with the advice and consent of the Legislative Council thereof, Be it enacted,

Penalty on Aliens landing.

1 —— That if any Alien shall land or reside in the Falkland Islands or any of its Dependencies without permission of the Governor for that purpose being first had and obtained, he or she shall forfeit and pay a sum not exceeding Fifty pounds or be imprisoned and kept to hard labour for any period not exceeding six months.

Penalty on persons introducing Aliens

2 —— That if the Master or Person in command of any vessel, or if any person or persons shall bring into or introduce into the Falkland Islands or any of its Dependencies Alien or Aliens not to land in the Falkland Islands or any of its Dependencies therefrom, any

Alien Harbour

Alien, without such permission as aforesaid, he or they shall forfeit and pay a sum not exceeding fifty pounds

Persons procuring or persuading Aliens to land.

3 — That any person who shall by words or by any means whatever directly or indirectly procure or persuade or attempt to procure or persuade any Alien, whom the Governor for the time being has refused permission to land or reside in the Falkland Islands or the Dependencies thereof, to land or reside contrary to such permission, and every person who shall aid or assist any such Alien in landing or residing or shall harbour or protect such Alien, shall forfeit and pay a penalty not exceeding Ten pounds or be imprisoned with or without hard labour for any period not exceeding two Months.

Governor may require Recognizances.

4 — That it shall be lawful for the Governor for the time being before granting any Alien his consent to land or reside in the Falkland Islands or any of the Dependencies thereof to require such Alien, or any person importing or introducing such Alien, to enter into a Recognizance in the form **B** hereunto annexed which any Justice of the Peace is hereby authorized and empowered to take at the request of any person who shall produce to him an Authority from the Governor for the time being in the form

24 June 1/5-2-0

hereunto annexed with or without two sureties as His Excellency may direct and in such amounts, His Excellency may deem necessary by which Recognizance such Obligor person shall bind himself to fulfill such conditions and agreements as the Governor for the time being may deem necessary. Provided such conditions shall be endorsed upon the Recognizance and signed by such Obligor person as well as by the Governor for the time being.

Mode of enforcing Recognizances.

5. That whenever the Governor for the time being shall deem it expedient that any Recognizance should be put in force for any breach thereof, the amount sought to be recovered shall be sued for and levied in a summary way upon information upon oath before any two Justices of the Peace, in such and the like manner as any other Fine or Penalty may be sued for and levied before any two Justices of the Peace in a Summary way; Provided that no such Amount shall be sued for or levied except upon the Information of some person appointed by the Governor for the time being to prosecute on behalf of Her Majesty, to be for the same, under his Signature in the form C hereunto annexed.

D

Harbour Justice

Query! Whether By a Before in the Original

∧ in the Form C, M.

Summary prosecution

Right

5 — That all fines, not otherwise provided for, imposed by this Ordinance, shall be recovered in a summary way before any Justice of the Peace.

Power to appoint a Prosecutor.

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

Ordinance repealed

8 — That the Ordinance passed in the twelfth year of the reign of Her Majesty Queen Victoria, intituled "An Ordinance to restrain the importation of Aliens into the Falkland Islands, shall from and after the first day of February next be repealed, except as to all fines and penalties incurred for offences against the said Ordinance, which may be sued for and levied as if this Ordinance had not passed.

9 — Whereas the delay incident to a previous Communication with Her Majesty's Government would be productive of inconvenience, Be it therefore enacted, —

Ordinance to commence on 1st February

— That this Ordinance shall take effect and come into Operation on the first day of February next. One Thousand eight

Harbour Justice

hundred and fifty One.

Signed George Rennie
Govr.

Passed the Legislative Council
this 15th day of January 1851

Signed J. R. Langdon
Clerk to Council

A

Form of Authority to Justices of Peace in Lake Rees

I _____ Governor and Commander in Chief of the Falkland Islands and its Dependencies do in virtue and pursuance of an Ordinance entitled "Main Ordinance" to hereby authorize (& W.B. Esquire to be also a Justice of the Peace) at his usual Residence at Berkeley Sound to take oaths of Office & Allegiance & to do all things before the said Justices of the Peace in the Town of _____ upon the following conditions

B

Form of Recognizance of Bail.

Falkland Islands } Be it remembered that on the _____ day of in the year of Our Lord _____

W.B. of _____ Labourer
L.M. of _____ Grocer
J.O. of _____ Butcher

personally came before me the undersigned

24 June/52 "Me" not in original.

Harbour Justice

24 Jan 52 indorsed

One of Her Majesty's Justices of the Peace for the said Islands and severally acknowledged & respectively bound to Our Sovereign Lady the Queen, the several sums following (i.e.) the said N.B. the sum of _____ and the said L.M. and S.O. the sum of _____ each, good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the use of Our said Lady the Queen, her heirs and Successors, if he the said N.B. fail in the Condition endorsed.

Taken and acknowledged before the day and year first above mentioned at Hamilton Bda

J. J.
P. M.

The condition of the said Recognizance or such that if the said _____ do observe and keep the Agreement and Promises made and entered into by him, ~~and~~ endorsed on the back of this Recognizance, then the said Recognizance to be void or else to stand in full force and effect _____

Usual condition on Agreement to be endorsed on back of Recognizance

Viz. I, _____ agree and promise that I will provide the means of conveying to the Jail of Sessions _____ and for _____ whence _____ came at any time within _____ years from the date hereof.

Sandy, I _____ agree and promise

Harbour Justice

24 June/52 2. Leave

24 June/52 2 Incopy under great Seal 11 Signatures

That if in the event of such default being made the said ——— should require relief sufficiently provided to him, and also such Amount as may be necessary for ——— support and Maintenance.

I Hereby ——— agree and promise that if the said ——— shall die before the ——— day of ——— 18 and shall not have sufficient means to pay all lawful expenses, allowing this Journal to pay the same.

N.B.
at Stanley this ———
day of ——— 18 —

Signature of Surety } L. S.
Signature of person } L. S.
insuring

C

Form of Affidavit to accompany Petition

I ——— Secretary and Commander in Chief of the Falkland Islands and Her Majesty's Deputy Receiver General in and for the Islands aforesaid do hereby make oath and say that I am duly authorized by an Ordinance of the Falkland Islands intituled "Queen Ordinance" to receive all Moneys arising under the said Ordinance — And I do further say that I have received and accounted for all such Moneys and that certain Fines and Forfeitures which have been imposed by and under the said Ordinance and that C.D. of ——— has incurred and is liable to pay having
has not paid the same

24 June/52. "Af" for "On"

contrary to the form of the said Ordi-
-nance. Given under my hand at Stanley
Fkds. day of 18
Signed
C. J.
Govr. &c. &c.

D

Form of appointment to receive amount of Rec.ts

I _____ Governor and Com-
-mander in chief of the Falkland Is-
-lands and their Dependencies in virtue
and pursuance of an Ordinance entitled
"An Ordinance" do hereby
authorize and appoint _____
_____ to ask for and receive the sum of
_____ from _____
claimed as due to Her Majesty upon
a breach of the 2nd _____
conditions of a certain bargain
Given under my hand at Stanley
this _____ day of _____ 18
Signed C. J.
Govr. &c. &c.

Harbour Master

Compared 24 June/57 by Mr. M. Seal Copy by Mr. Longpre. 36

Pilot and Harbour Ordinance

For Copy of Proclamation of Confirmation in this book at Page 255

In the year One Thousand eight hundred and fifty One

Number Four

In Precedent Book Page 58 for proclamation &c. Comrance.

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

—Be it enacted, —

Power to Govr to license pilots and make regulations.

1 ——— That it shall be lawful for the Governor of his Excellency shall from time to time, think fit to license or cause to be licensed such and so many persons to act as Pilots or Harbour Masters for any harbour within the Falkland Islands and its Dependencies thereof, and to make such regulations respecting the account and payment of pilotage the class of vessels which shall be bound to take pilot and respecting all other matters connected therewith, and it shall be lawful for the Governor for the time being of His Excellency shall think fit, to revoke any such license.

Governor in Council to

2 ——— That it shall be lawful for the Governor in Council of His Excellency

Harbour

24 June 52

24 June 52

make harbour regulations

shall think fit from time to time to make regulations respecting the anchoring and mooring of vessels the package lighting, deposit and removal of gun powder (save and except on board any vessel of war) the safe keeping thereof, and the rent to be charged for the same, for the watering ballasting or discharging of ballast of vessels, and all other matters relating to the use and accommodation of such harbours, and the order and management of vessels entering thereto.

Power in Council may require declaration and notice of departure

3 ——— That it shall be lawful for the governor in Council if he shall think fit to make such regulations requiring declarations to be made by masters of vessels arriving at any of the said ports, and notice to be given by them of their intended departure from any such port and prescribing the form and time of making such declarations & giving notices as may seem meet.

Penalty for contravention of Regulations

4 ——— That the master of any vessel entering or leaving any port who shall offend against the aforesaid provisions of this Ordinance or of any of the regulations duly issued in pursuance thereof, shall forfeit and pay for every such offence any sum not exceeding fifty pounds.

Penalty for having on board a discharging cannon.

5 ——— That every master, commander or other officer commanding any ship boat or other vessel (except Her Majesty's Ships of War) whereinto such Ships boat or vessel shall be or be in Standy harbour, shall keep any Cannon on board such Ship boat or vessel shotted or loaded with ball, or cause or permit to be fired any Cannon on board such Ship boat or vessel without the consent of the Governor for the time being, shall be liable for every Cannon so kept shotted or loaded to a penalty not exceeding five pounds, and for every Cannon so fired shall be liable to a penalty not exceeding ten pounds.

Gunpowder on board vessels may be seized.

6 ——— That it shall be lawful for any Constable, at any time between sunrising and sunsetting, to enter any Ship boat or vessel (except Her Majesty's Ships of War) in the said harbours and search the same for unlawful quantities of gunpowder and also to exercise the same powers of seizing and removing the proper places and detaining all such unlawful quantities of gunpowder found on board any such ship boat or vessel, and the barrels or other packages in which such gunpowder shall be.

Seamen refusing to work

7 ——— That if any Apprentice or Seaman belonging to any vessel

Section 7 to be Section 8
Section 8 to be Section 7
In Section 10 omit the words "last Section" and insert
the words "against the S.s 8 & 9 Sections ... Jn.
9 — Question not to frame Section

Quer: Whether Seamen in
foreign vessels should not be
subject to punishment for
offences committed in the
Harbours ~~in any~~ any case where
a British Seaman is punish-
able.

In 2. see above

2. The town defined in the Police Ord.
and should be in this Ord.

in Stanley Harbour

Stanley Harbour or Port Jackson shall
wilfully and without leave absent
herself from his ~~ship~~ service or from
his duty for all or any part of any
Tide or Watch as such by the master or other
without sufficient cause neglect or re-
fuse to perform such his duty as shall
be reasonably required of him by the
master or other person in command, it
shall be lawful for any Justice upon due
proof of such absence or neglect or refusal
to commit such offender or Seaman
to Prison, there to be kept in Solitary Con-
finement, or to be imprisoned in the or
without hard labour for a period not
exceeding thirty days and if a British
vessel or belonging to any Foreign State
or any Foreign Prohibited always
that no such punishment shall be in-
flicted upon any Foreign Seaman be-
longing to any Foreign vessel, except
upon the complaint of the master or of
~~the~~ other person in command of such
foreign vessel.

Penalty on seamen be-longing to ships at sight without bail only.

8 ——— That if any ~~soldier~~ marine, ~~or~~ seaman or soldier belonging to any vessel in Stanley Harbour shall be found in any public house or place in the town of Stanley after sunset or before sunrise without having a written pass from the master of the vessel to which he belongs, or the discharge from the vessel to which he last belonged, or from the

Justices

For 2. See page 39-

For 2. See page 39-

Officer in command of such soldiers or Marines, he shall pay a fair wages according to custom and may be taken in execution by any Constable.

Penalty for ordering apprentice or seaman to be absent or desert

9 That any person who shall by persuasion or any other means whatsoever directly or indirectly procure or persuade or attempt to procure or persuade any apprentice or seaman to be absent himself from any vessel whether British or foreign lying in Harbour or about to proceed on a voyage knowing that any such apprentice or seaman is about to absent himself or desert, shall for each offence on conviction thereof before any Justice of the Peace be liable to a penalty not exceeding twenty pounds or be imprisoned with or without hard labour for any period not exceeding two months.

Affidavit made before he leaves after he shall have left the Colony

10 That upon any prosecution for any offence against the last section where the vessel has left the Colony before such apprentice or seamen is alleged to have absented or deserted or attempted to absent or desert it shall be lawful to use upon any such prosecution any affidavit made before both by the Captain or the person who has left the Colony although the defendant shall not have

been present and accompanied such Stipendiary, Provided that the absence of such Defendant shall be owing to some sufficient unavoidable accident.

Watermen may be licensed.

11 — That the Stipendiary Magistrate may grant to any person whom he shall think fit a license (for which License no more shall be demanded than Two Shillings) to let any boat for carrying persons to or from any vessel within the limits of Stanley harbour, and which license shall specify the number of persons such boat shall carry, and if any person shall carry in any boat unlicensed any person for hire to or from any vessel within the said limits, he shall forfeit and pay for every such offence any sum not exceeding twenty shillings; and for every person exceeding the number expressed in the license, he shall forfeit and pay any sum not exceeding twenty pence; Provided that nothing herein contained shall apply to any person who shall carry in any boat unlicensed any person for hire to or from any vessel within the said limits, in any case where there shall be no boat licensed, or no licensed boat to be hired.

Limits of Stanley harbour.

12 — Be it enacted, That Stanley harbour for the purposes of this Ordinance shall be and shall be deemed and taken to

For Ferry Regulations
See page 238

what to all vessels lying to the westward of and within a line drawn from York point to Point William, and it shall be lawful for the Justices at any meeting to be holden from time to time for that purpose to make regulations respecting the days that such licensed persons shall be entitled to, and every person who shall hire and demand for his fair more than the fare aforesaid, or shall offend against any of the regulations to be made as aforesaid, shall forfeit and pay for every such offence any sum not exceeding forty Shillings.

Justices to make Regulations.

Penalty on Watermen

15 ___ That if any licensed waterman shall without the limits aforesaid, wilfully avoid or attempt to avoid any fare or passenger coming to hire to his boat, or shall refuse to take any fare or passenger desiring to go in such boat, or shall say that he is hired or engaged when he is not hired or engaged or shall unnecessarily delay any passenger, or shall permit any drunken person to enter his boat, or shall be himself drunk whilst in his boat or plying for hire, or shall be guilty of any misconduct or misbehaviour or use any abusive language towards any person or passenger offering to hire his boat or hiring his boat for any purpose aforesaid he shall forfeit and pay a sum

not exceeding forty shillings.

Justices to compel payment of boat hire

10 ____ That if any person shall refuse to pay a reasonable sum for any wherry, boat or lighter for boat hire, it shall be lawful for any Justice of the Peace (on Complaint made to him) to summon such person to answer such Complaint, and if any person being duly summoned shall refuse or neglect to appear to answer such Complaint, it shall be lawful for such Justice to issue his warrant for apprehending such person and to cause the party so offending to be brought before him, and the party accused being brought before either by means of such Summons or Warrant, he is hereby authorized and required upon due proof made of such refusal or payment upon oath or upon confession, to order payment of such sum of money as such waterman shall appear to be entitled to, and also to award reasonable satisfaction to be made to him for his loss of time and costs of the Justice of said Justice, and if the said person so offending, shall not pay such sum and make such reasonable satisfaction (if awarded) aforesaid, it shall be lawful for the said Justice to commit the party so offending to prison, there to remain for any space of time not exceeding One Month, unless the sum of money aforesaid and costs aforesaid shall be sooner paid.

Jessica

Boats to be Numbered.

15th That every Licensed Boat-man shall have his name and place of abode and number of his Boat painted on the One quick long on the inside of the Gunwale of the Stern Sheets of such Boat, or shall forfeit and pay for every day he uses his Boat without being so painted any Sum not exceeding One pound.

Penalty for not registering Boats.

16th That the Owner of every Boat under this Law, shall register at the Police Office such Boat, his name and place of abode, the name length and breadth of such Boat, and if above fifty tons the tonnage of such Boat, & shall pay a fee for every Boat that shall be used without being registered a sum not exceeding One pound.

Penalty for taking Boats without leave of Owner.

17th That any person who shall take and use himself or cause to be taken and used any Boat without the Consent of the Owner thereof, shall be liable to pay a penalty not exceeding Ten pounds and such Sum as the Justice before whom the case is heard shall award as a Compensation for the loss or damage done to such Boat or for the use of such Boat, and the Costs & expenses incidental to the prosecution.

Justice

18— That every Justice before whom any person shall be convicted of any Offence against this Ordinance may cause the conviction to be drawn up in the following form or in any other words to the same effect that is to say;

Form of Conviction.

Falkland Islands } Be it remembered,
to wit } S.S. That on the — day of —
in the year of Our Lord —
— — is convicted before me
one of Her Majesty's
Justices of the Peace for (here name the place)
for (— here set forth the Offence —)
contrary to an Ordinance, intituled "
— — — Anno —
and adjudge him to forfeit and pay for
the same, the sum of — — being
the penalty by him for such offence, and also
the sum of — — for costs of this
and costs (if awarded as the case may be
or to be committed to — — for
the space of — — unless the
said penalty be paid.

Given under my hand and seal
the day and year aforesaid.

Summary prosecution

19— Shall all fines imposed by
by this Ordinance shall be levied in a
Summary way before any Justice of the
Peace.

25 June 52 Wm. M. Lecarera.

Justice

Ordinance to commence on 1st of October 1851

Whereas the Legislature has by an Ordinance entitled an Ordinance to regulate the Pilotage of the Falkland Islands and its Dependencies passed on the 1st day of October 1851 enacted that it should be lawful for the Governor for the time being of the Falkland Islands to grant Licenses to such persons as he should think fit to act as Pilots within the Falkland Islands and its Dependencies and that such Licenses should be in such form as should be prescribed by the Governor and Executive Council and whereas it is expedient that a form of License should be prescribed Now I the Governor of the Falkland Islands and its Dependencies with the advice of the Executive Council do hereby prescribe the following form of License to be granted to Pilots under the said Ordinance

Dated at the Secretariat this eighteenth day of January 1851

Signed J. R. Clayton
Colonial Secretary

A

Pilots — License

Falkland Islands

To wit

I _____ Governor and Commander-in-Chief of the Falkland Islands and its Dependencies Do hereby in pursuance of the powers in me vested by an Ordinance for the Pilotage and Harbour Ordinance hereunto annexed marked A _____ of _____ to be a Pilot of the Port of Stanley to have and to hold the said office with all the rights profits and emoluments appertaining thereunto. In witness whereof I have hereunto set my hand and affixed the Seal of the Colony at Government House Stanley this

Justice

day of ——— One Thousand
eight hundred and

B

Stanley – Police Office

I ——— do hereby give notice
-tice of the Pilotage Harbour Or-
-dinance grant to – C D – a licence
to work for hire the boat called the
——— length ——— feet
width ——— feet, the said
boat being under 15 tons, for carrying
persons to or from ships within the
limits of Stanley Harbour, and I
do license such boat to carry ———
persons alone and the same boat and
owner. ———
Given under my hand
this ——— day of ——— 18 ———
signed
Superintendent of Pilots

Justice

2d Would it not be better to abolish the P.C. and give its
Jurisdiction to the Chairman of the Magistrates Court either alone
or with one or more Justices, and to give to the Def.t the right
to require the attendance of one Justice with the Chairman
who upon his request if necessary, to summon another
Justice and adjourn the proceeding.
The Clerk of the Mag. Ct. should have invested in him
the functions of the Officers of each and every court whose
Jurisdiction is vested in the Mag. Ct.
The Records of the old Ct to be preserved in the new and
the forms and scale of fees of the old Court continued
to the new until altered
The appeal from the P.C. to the Mag. Ct to Remain as
Oath of Notary shortened - Power to remove &c.
Surgeon in Practice exempt from Jury
The two Challenges peremptory -

Ordinances may be recited
As general
A general clause applicable to the recovery of penalties before
One or more Justices, omitting the special clause in each Ordinance.

The word "Governor in this or any other Ordinance to include
Lieut.t Governor or other person &c. for the time being.

Compared by Mr. M. 25 June 1852
Seal Copy part by Mr. Campbell part by Mr. Longden

45

Administration of Justice Ordinance

An Ordinance for the Year of Our Lord One Thousand eight hundred and fifty One

Number Five

By His Excellency George Rennie Esquire Lieutenant Governor in Chief of the Falkland Islands and its Dependencies thereof with the advice and consent of the Legislative Council thereof.

Laws in force in England on the 1st Jan.y 1850 to be in force

1 That all laws and statutes which were in force within the Realm of England on the first day of January One Thousand eight hundred and fifty shall be applied in the Administration of Justice in the Falkland Islands ~~the Dependencies thereof~~, so far as the same can be applied.

Jurisdiction & Inquests Court

2 That there shall be a Court for the Administration of Justice which shall be called the Inquests Court and shall be a Court of Record and shall have such jurisdiction in the Falkland Islands ~~and the Dependencies thereof~~

Justice

Common Law

Equitable

Ecclesiastical

Probate

as allowed as fully as Her Majesties Court of Queens Bench, Common Pleas and Exchequer, or any Court of General Quarter Sessions have in England, and shall be a Court of Oyer and Terminer and Gaol Delivery and Assize and Nisi Prius and shall be a Court of Equity and shall have power and authority to administer Justice and to do execute and perform all such acts matters and things as the Lord High Chancellor lawfully may within the realm of England, and shall also have power to appoint and control guardians of infants and their estates and also keepers of the persons and estates of idiots ~~and~~ lunatics and such as being of years and mind are unable to govern themselves and their estates, and shall have such power, authority and jurisdiction as to the administration of the effects of all persons dying possessed of personal property within the said Colony ~~of~~ as ~~the Diocesan Court~~ in all such cases as fully as the Prerogative Court of the Province of Canterbury has within that Province as to the administration of the effects of persons dying possessed of personal property within the said Province, and shall have full power and authority to grant probates of last Wills and Testaments of all persons who shall die and leave personal effects within the said Colony and the Defend-

Letters of Administration

- cacies thereof, and to commit Letters of Administration of the Goods, Chattels and Credits and all other Effects whatsoever of the said deceased, to be granted to the Executor not having appeared, the Power reserved to the said Executor to exhibit the like Power when he shall apply for the Probate thereof, or to any other person or persons having Power for the same, when and as the Occasion may require; And whereas the said Executor being duly cited hath not appeared and sued forth the Probate according to the Tenor and Effect of the said Will and Testament, but hath hitherto wholly neglected and refused so to do, and hath not given any Notice to the Judge of this Court of any Impediment that hath prevented him from so doing, and the Time appointed by the said Will for the Payment of the Legacies given thereby is now elapsed and expired, and the Residuary Legatee hath applied to this Court for Letters of Administration with the said Will annexed to be granted to him, he having duly cited the Executor to come into Court and accept Probate thereof, and to declare whether he intended to accept the Executorship or not, and the said Executor having neglected to appear and accept Probate thereof, or to declare his Intention of not accepting the Executorship, and the Residuary Legatee having duly cited all Persons claiming to be next of Kin to the said deceased to appear and see Grant of Letters of Administration of the Goods, Chattels and Credits of the said deceased to him granted, and no Person having appeared or shewn any Cause why such Letters of Administration should not be granted to him, and the Residuary Legatee having given Security for the due Administration of the Goods, Chattels and Credits of the said deceased, and for the Payment of the Legacies given by the said Will, so far as the Assets will extend, and as the Law directs, and having also given Security that the Account of such Administration shall be duly rendered and passed in this Court when required, and the Deputy Registrar having extracted the Decree and Order of this Court, and the Proctor for the Residuary Legatee having applied for Letters of Administration with the said Will annexed, and having made Oath that the Deceased died on the [illegible] day of [illegible] last past, and that to the best of his Knowledge and Belief the Value of the Personal Estate and Effects of the Deceased in this Diocese does not exceed the Sum of [illegible] pounds, and that he is the Residuary Legatee named in the said Will, and that he believes the said Will to be the last Will and Testament of the said deceased, and having also

same and to grant probate of the said will to such Executor, whenever he shall duly appear and sue for the the same. And the said Court shall grant and commit such letters of administration to any one or more of the lawful next of kin of such person so dying as aforesaid, and being then resident within the jurisdiction of the said Court, and being of the age of twenty one years, and in case no such person shall then be residing within the jurisdiction of the said Court, or being duly cited shall not appear and pray the same to such person or persons whether creditor or creditors or not of the deceased person as the Court shall see fit: Provided that in all cases where the executor or executors of any will being duly cited, shall refuse or neglect to take out probate, or in case the next of kin shall be absent and the effects of the deceased shall appear to the said Court to be exposed and liable to waste it shall be lawful for the said Court to authorise and empower any person the Court shall think fit to collect such effects, and to hold or deposit or invest the same in such manner and place, or upon such security and subject to such orders and directions as shall be made either as applicable in all such cases or specially in any case in respect of the custody, control or disposal thereof.

In the next of kin

In such person cant shall see fit

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

Court of Magistrates

3 Be it also enacted by the authority aforesaid that the said Court shall be holden by the Chairman and two or more Justices of the Peace and such Stipendiary Magistrate as Chairman of the said Court shall or otherwise howsoever as shall by law shall be constituted and appointed in the Falkland Islands and the Dependencies thereof, and such and the like jurisdiction and authority as any Judge of the Court of Queen's Bench Common Pleas or Exchequer in England, or any Chairman of any Court of General Quarter Sessions or as the Judge of the Vice Admiralty Court of the Province of Cambridge, acting by law separately have and exercise, and shall be accepted for carrying out effect the several Ordinances, Powers and Directions hereby given to the said Court.

Majority of Justices to decide.

4 Be it also enacted that all questions shall be decided by the majority of the Court and in any case in which the votes shall be equal the Chairman shall have a second or casting vote; Provided always that if either of the parties shall be desirous of having a Special Jury in any action at Law tried by a Jury and shall apply by motion to the said Court for that purpose, then it shall be lawful for the Court to grant a rule to try the issue by a Jury of the justices of such par-

Earl Grey – some other Species

25 June 42 Inquisition for Inquest

bail in case it may seem to the Court to require.

Proceedings to be summary

5 ____ And whereas there are no Barristers or Attorneys in the Falkland Islands, be it enacted that all civil cases shall be heard and determined in a summary way both at law and in equity, and all matters in equity shall be heard upon petition, and the parties and witnesses examined upon oath before the Court.

Crimes to be prosecuted by Information by Solicitor General

6 ____ That all crimes and offences cognizable in the said Court shall be prosecuted by Information in the name of the Queen's Solicitor or other Attorney Magistrate as upon Inquisition as hereinafter provided, and all persons offending in the premises and all persons aiding and assisting in the commission of any such crimes or offences shall be tried by a Jury of twelve men as hereinafter provided.

Trial by Jury of Indictable Capital Offences

A Inquest

6 ____ That the Jury in every Criminal Case and upon every Coroner's Inquest shall unanimously concur in their verdict and no Verdict in any case shall be given by a less number than twelve.

Verdict unanimous in Criminal Cases.

Inquisition by four Jurors to have the same effect as an Inquisition by Twelve.

8 — That if a verdict of Jurors or acceptance be given that fact shall be found by the Jury Upon any Issue Joined upon any Inquisition taken before the said Justices of Oyer and Terminer and Gaol Delivery and all and every other person shall have the same power respectively for the examination trial and execution of the person or persons so charged, as they by law have in England with regard to the examination trial and execution of the persons in England upon any Inquisition duly found by twelve Jurors.

Parties aggrieved may appeal from Mag.te Court to Sessions and at Sessions.

9 — That it shall be lawful for any person or persons finding aggrieved by any Judgement, decree, order or sentence of the said Magistrates Court in any civil case hereafter mentioned to the Sessions in Council upon such Judgement decree order or sentence shall be given or pronounced for or in respect of any Sum or matter above the amount or value of two hundred and fifty pounds sterling, or in case such Judgement decree order or sentence shall immediately or indirectly any claim demand or question to or respecting lands or any civil right amounting to the value of two hundred and fifty pounds sterling within fourteen days next after the same

25 June 1852 Marginal Note

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

shall have been previously made or given: Provided that Security shall be given by the party or parties appellant to the satisfaction of the said Court for the prosecution of the appeal and for the due performance of such judgement or order as the Governor in Council shall think fit to make thereupon.

Appeal by petition

10 That the party or parties shall appeal by petition to the Governor in Council and shall transmit together with such petition to the Governor in Council a true and exact Copy of all evidence, proceedings, judgements, decrees and orders had or made in such case as far as the same have relation to the matters of appeal, and the Governor in Council on hearing the petition and the evidence taken in the Magistrates Court shall make such order as Justice shall seem to require, and the Governor shall certify the same under his Signature to the Chairman of the said Court: and the said Court shall conform to and execute such order in the case returned to such Court by the Governor in Council and such order as the Governor in Council shall think fit to make in the premises in such manner as an original Judgement, decree, order or rule by the said Court should or might have been executed.

See Sec. 29. Page 94

2. All the Magistrates should have been two of the Magistrates in rotation beginning with the first on the commission

2. It is intended that all the Magistrates should be summoned in that only 2 constituting &c. 11 in connexion with Sec 3.

2. The distance should be defined, ten miles from the Junction of Tibbers Street with the Post Road from the East Corner

Court - 2. How can the Court set a fine upon a Magistrate for not attending, if two only are summoned, and even more attend. It should have been the Chairman or such Justices as shall attend, shall set &c. &c.

Sittings of the Court.

Magistrates to attend Adjournments

11 — That whenever the Stipendiary Magistrate shall deem it necessary that the Court shall be holden the Clerk shall summon before the Court by warrant to be served as under the Magistrates Act all the Magistrates resident within the Town of Stanley or within ten miles thereof, within which to attend the Court, and if any Magistrate so summoned shall neglect or fail to attend or shall withdraw himself without the permission of the Court the Court shall in a summary way (unless some reasonable excuse be proved) adjudge such Magistrate to forfeit and pay such sum not exceeding the sum of ten pounds as to the Court shall seem meet, and the same may forthwith be levied by distress.

Sessions of Police Court

12 — That there shall be a Court which shall be a Court of Record, possessing civil and criminal jurisdiction within the Settlement of the Falkland Islands and its Dependencies which shall be called the Police Court and shall be holden before the Stipendiary Magistrate, and shall have cognizance of all civil cases where the debt or damage sought to be recovered shall not exceed fifty pounds, and except as herein altered the Statutes and rules in force in England regulating the practice of County Courts shall be applied in the Administration of Justice

Civil County Court Act of Police.

E

9. 10 & 11 Vict. c. 95?

25 June 52 Sheriffs "in force" omitted

as the said Court (so far as they can be applied) and except also that the parties shall not be entitled to any such process in dispute amount to twenty pounds sterling; and

criminal

the said Plea Court shall also have cognizance of all crimes and offences punishable in England by fine or imprisonment or both imprisonment with hard labour or whipping or both, all which crimes and offences shall be dealt with and punished in a summary way without a jury. ——

Insolvency

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

Bankruptcy

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

Authority of Judge of Police Court.

15 — That the Stipendiary Magistrate as Judge of the said Court, shall in all cases whatsoever, as fully and amply to all intents and purposes in

the Taking Accounts & Re-
ports necessary or incidental thereto
& the like Jurisdiction and Authority as
the Chief Justice or any Judge of the Court
of Bankruptcy in the City of London has
or may from time to time exercise in the Chief
or any of them, or any Commissioner
thereof in Portugal Street Lincoln's Inn fields
London or any of them, or any Judge or
of any County Court in England Lan-
-cashire have and exercise, and shall
be necessary for carrying into effect the
several Jurisdictions, Powers and Au-
-thorities hereby given to the said
last mentioned Court.

Appeal in Cases above £20.

16. That in any Civil Case in which
the amount in dispute shall exceed
twenty pounds either of the parties may
by petition within twenty days from
any Judgement or Order in the Sher
Court appeal to the Manitoba Court
which Court on hearing the petition
and the evidence taken in the Sher
Court shall make such order as
to it shall seem to be right.

Judge may affirm or vary Judgment.

17. And whereas different
Offices such as Official and Provisional
Registrars Messengers Registrars Account-
-ants Bailiffs and others are appointed
in England to execute the several
Jurisdictions hereby vested in the said
Courts; Be it enacted that it shall

A There shall belong to each Court an Officer who shall be called the Clerk of the Court and the Clerk of the Magistrates Court shall in all cases whatsoever as fully and amply to all intents and purposes exercise such and the like power and Authority and discharge the duties which correspond with those discharged by the Master, Registrar, Prothonotary, or Keeper of Records of any or either of the Courts of Record at Westminster or of the Lord Chancellor's Court in England or Prerogative Court in England, or any Clerk of the Crowns or any Clerk of the Peace in England

The Clerk of the Police Court as above.
As the chief Clerk or Registrar of the Ct. of Bankruptcy,
As the chief Clerk or Registrar of the Insolvent Court at London
As the chief Clerk, High Bailiff or Registrar of any County Ct. in England or of the Sheriff's Ct. in the City of London and Acts of Parliament applicable to the corresponding offices in England should be applied here.

Qy
Better also to enact that the Sheriff or appointee should execute the orders of the Court as in a Charter and that when there is no Sheriff it shall be lawful for the Court to execute its orders by a warrant to any Constable or Constables

be lawful for the Stipendiary Magistrate or Judge of either of the said Courts as the case may require to appoint any fit person whether Barrister or not to act in any particular case in the place and stead of such Officer, and such person being so appointed shall in that case be in every respect and for to all intents and purposes whatsoever have such and the like state, power and authority as in England would be vested in the Officer in whose place and stead he shall be so appointed.

Appointment of Officers

A 18— That they shall belong to the said Courts such officers as shall from time to time be appointed by His Excellency the Governor which Officers shall from time to time be appointed and removed by His Excellency the Governor subject to the approval of Her Majesty.

Clerk

19— That all writs and process issued by the said Courts shall be signed by the Clerk of the Court.

Sheriff

20— That it shall be lawful for the Governor if he shall think proper to do so from time to time to appoint a fit person to be Sheriff either pro tem in any particular case or for any period His Excellency may deem to be expedient subject to the approval

of Her Majesty, who shall be removeable by the Governor on reasonable cause.

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

21 That it shall be lawful for the Stipendiary Magistrate or Judge of the said Police Courts or Chairman of the said Magistrates Court as the case may be, from time to time to make rules for regulating the time and place of holding the said Courts, and the practice proceedings, forms and pleadings upon all informations, suits and all other proceedings therein criminal as well as civil cases the proceedings of the Sheriff and other officers, the attendance of Barristers and Solicitors, the fees and poundage to be paid to any officer under and by virtue of the foregoing clauses and all matters relating to the business of either of such Courts and such rules from time to time to alter or revoke, provided that the same shall not be repugnant to any of the provisions herein contained. *

Stipendiary may admit the parties

22 That it shall be lawful for either of such Courts, for the plaintiff and defendant at his or their request if they both agree so to do to submit themselves to be examined without oath by the Stipendiary Magistrate, who may at his discretion do so, and admit

* and provided also that no such rules shall be in force until the same shall have been approved by the Governor

subject to the Governor's approval

the issue or issues so made in dispute between them, which issue or issues so made in dispute shall be tried by them, and shall be regarded by the Magistrate and the parties, and upon the trial of which issue or issues so made in dispute so tried and upon the judgement in the action as shall depend

Persons summoned to appear to defend Action

25 — That if any person having been duly summoned as a witness before any Court, Justice, or Justices shall fail to attend (when his name is called, such Court, Justice or Justices as the case may, shall in addition to any other reasonable excuse be proved, return the person so making default any sum not exceeding five pounds, and the amount may if thought fit be levied by distress or in default thereof by imprisonment for any term not exceeding One Month.

Qualification of Jurymen

26 — That every man not being an Alien between the ages of twenty one years and sixty years who shall reside in or within ten miles of the town of Hamilton shall be qualified and liable to serve as a Juryman except all members of the executive council the Clerk of the said Council and all ministers of religion and any person who has at any time been convicted of Felony.

Bail Prey - Convicts & those who can't read to be exempt, also a list of special Jurymen.

Jury List

25 — That on or before the first day of March in every year, the Stipendiary Magistrate shall prepare a list in alphabetical order of all men who shall be liable to serve on Juries, and shall cause a copy thereof to be affixed upon the door of the Police Office and upon the Parish Board, and to such copy shall subjoin a notice that all objections that may be made to the list will be heard and determined by him at any time before the first day of April then next.

Errors of Jury list to be rectified

26 — That the Stipendiary Magistrate shall have the power from time to time, to strike out of the said list the names of all persons who shall not be liable to serve as Jurors, and also of such as are disabled by Lunacy or unsoundness of mind, deafness, blindness and other cause of infirmity, and shall enter all such therein.

List to be kept by the Stip. Mag.

27 — That a copy of the list as corrected from time to time and signed by the Stipendiary Magistrate shall be kept by the Stipendiary Magistrate, & be transmitted before the tenth day of April, and from time to time as corrected to the Sheriff (if there be a Sheriff) and kept by him and such Copy shall be called the Jury list, and shall be brought into use on the said tenth day of April and shall continue to be used for one

the last

year thereof ensuing. ——

Jurors summoned in order

28 —— That the Sheriff or Clerk of the Court or Chief Constable, as the case may be, shall summon the persons whose names shall appear on the Jury list in the order in which they shall be placed and at the commencement of every year, he shall begin with the names in the new list next after the names of the persons who were last summoned in the preceding year.

Jurors how summoned.

29 —— That the Sheriff or Clerk when a Jury is required, a Chief Constable when a Coroner's Jury is required shall issue summonses in the form A hereto annexed requiring the attendance of twelve men for Juries of Four, and twenty four men for Juries of twelve liable to serve as aforesaid, and every summons, except in the case of a Coroner's inquest shall be personally served upon, or left at the usual place of abode of the person summoned three clear days before the day appointed for the sitting of the Court.

Juror to be fined in default of attendance.

30 —— That if any man having been duly served with such summons shall fail to attend when his name is called, or after appearance shall withdraw himself without the permission of the Court, the Court shall in a sum-

Q. When a Juror or Magistrate does not attend in obedience to a Summons, it should be competent to summon him on the next Jury and so on till he does attend.

25 June /52 In Seal Copy "subjoined"

any way, can be come responsible
unless he himself, or some person
on his behalf, shall have given the person
receiving the same, or his masters, notice
that the Constable is not answerable for
any such money, or that he will be
by [illegible] be bound by
any [illegible] for any sum exceeding [illegible] pounds.

Special Jury upon trial of Plaintiff's Cause.

21 — And it is further ordered that
the Sheriff of the Plaintiff's Cause
shall attend to be bound for a special
Jury, and shall be bound [illegible] to attend
at his office, after hearing the other party
to name [illegible] for a special Jury,
which shall be composed of such persons
as may be struck by the parties in the
cause, who shall [illegible] have
before the hour of the appearance of such
Sheriff or his Deputy may [illegible], and
one other person [illegible] to [illegible], alternately
select a person from the [illegible] list of
Jurors the Plaintiff having the first
choice, the Defendant the next until
four persons have agreed upon and ap-
proved by Sheriff. Provided
that if both parties shall disapprove
of any Juror selected, the party who
selected such Juror may [illegible]
to have select another until he shall
find a Juror approved of by both
parties.

25 June /52

25 June the letter "a" in Seal Copy.

25 June /52 "the" omitted

Panel

32 — That the Sheriff or Officer in case may be, Shall cause to be delivered to the Counsel of the Prisoner, a Panel containing the names and places of abode of the persons so summoned.

Penal Code that the trial is to be the same as in England.

33 — That in every case of trial by Jury, whether in a civil or criminal case, under the provisions of this Ordinance, save in so far as the mode of proceeding is by this Ordinance specially provided, the law and Jury and every adjournment, trial by Clerk, shall as far as may be practicable, be subject to the same rules of proceedure as in England would be observed, in a civil case, in an action at law in the Court of Queen's Bench, & in a criminal case, upon the trial of an indictment before the Justices of Gaol Delivery.

Jury in civil case

34 — That in any civil case in either of the said Courts the Jury shall consist of four persons, and if after having been sworn six hours they disagree in their verdict to be given or amount of damages to be assessed the decision of the majority in number of them shall be taken as a verdict or assessment for all, and if after having remained in their hall three hours afterwards in deliberation

* That in any case of a Jury of four immediately after the Clerk shall have called the Jurors from the panel, he shall call the Jury by taking out of the box one by one, and calling aloud the name of the Juror upon each card [illegible] criminal case, the crown and the prisoner, if a civil case, the plaintiff and defendant may each peremptorily challenge two, when any Juror is not challenged, the clerk or sheriff, if there be a sheriff, shall place his name on a list and so on from time to time eight names shall appear on the list and the list shall be then delivered &c.

Names of Jurors to be drawn from a box

35 That at the opening of the Court upon the sitting for the trial of any issue or issues, whether in civil or criminal cases, and as on a Coroner's inquest, the names of every Juror returned or otherwise upon a separate piece of card shall be put together in a box and the officer shall in open Court draw out the said cards until a sufficient number of Jurors shall appear, and in case of a sufficient number of Jurors not being in attendance, the Judge, Clerk or Coroner, as the case may be, shall complete the number from amongst the by-standers.

challenges and proceedure when Jurors drawn

36 That in every case of a Jury of four when the number of Jurors appearing and approved of shall exceed the number required for the Jury, each party to the suit, whether plaintiff and defendant as the case may be, being entitled to challenge only two shall have a list of their names

* Instead of from bracket to bracket see above

36 - Challenge not quite clear - the person [illegible] - where more left to a prisoners than one, must be joint - in Common law - See 6 -

Earl Grey - First few lines unintelligible.

25 June 52

being by the Sheriff or the Clerk of the Court to the Plaintiff or the Clerk of the Court as the case may be and upon every one of such persons shall or may be struck off, and the list returned shall be delivered to the Defendant or the persons by whom an equal number of names shall or may be struck off, and the names those names shall then remain upon such list, shall be the names and shall be sworn accordingly. Provided that where either of the parties by whom the list of jurors required to be returned shall not be present, or shall neglect or refuse to return such list, and upon every occasion the same may be reduced by the Court so the number of jurors required shall be called from such list by the Clerk of the Court in the order in which the names shall be thereon.

Challenge and proceedings thereupon

37 That when twenty four persons shall have been duly summoned to try any issue of fact upon any criminal prosecution the parties charged by such information or inquisition shall be allowed six challenges and no more, and the Crown prosecutor shall also be allowed six challenges and no more.

Earl Grey - Sections 38 & 39 should introduce a punishment more equivalent to transportation.

Sentences of transportation

38 That where any person shall be convicted of any offence for which in England such person would be liable to be transported, it shall be lawful to pass the same sentence in this Colony, and every such sentence of transportation shall operate as hereinafter mentioned, and such offender shall be conveyed and sent to such place beyond the sea, as shall or may be lawfully appointed as the place to which offenders convicted in this Colony shall be transported; and in the mean time it shall be lawful for the Governor to order such offender to be kept to hard labour either with or without irons, as to him shall seem meet, or to assign such offender to any person to be kept to hard labour in the Service of such person, or of any other inhabitant of this Colony, and under the custody or superintendence of any person he may think proper, and to grant all necessary and proper orders for the removal and due punishment of such offender, for all or any part of the time for which such offender shall be under sentence, and the time during which every such offender shall continue at or after any

be kept to hard labour

Gaol a place of Confinement, or be kept by any other as aforesaid shall be taken and got out of the Custody of the Person by whom he was so taken.

Persons escaping from Gaol may be retaken.

39 — And whereas it may happen that persons committed to the Common Gaol of this City having been tried and convicted, shall be placed in the said Gaol by any Officer acquainted of any Crime punishable with death or transportation, and such conviction of Treason shall be signified by the Sheriff to the Gaoler before whom such Offender shall have been convicted, such Gaoler shall cause to be kept under the custody of such Gaoler and his Servants, and shall provide for the immediate transportation of such Offender according to the Law, and the said Gaoler shall have the same force and effect as any Sentence of transportation.

Power of Gaoler in charge.

40 — And be it enacted that the Gaoler or the person in charge of an employed in having the management of any such Gaol under him, under any such Sheriff or Coroner, shall have the same power and authority over his assistants in the Office of Sheriff or Coroner, and if any Officer in the charge of any such Gaol or Prison or Cell shall be removed

* This being struck out the 45th Section will effect that is desired

A 14 days at intervals ~ New Act. Earl Grey

With consent of Powr.
New Act. M.

+ Provided the Governor for the time being shall certify under his signature his approval thereof on the back of the Warrant-Commanding its execution. This case Meany by Act 1 - 1853.

* [illegible] before any Justice or Justices of the Peace of an indictment, although [illegible] swearing, indecent or abusive language or gesture, in the Court, in his absence, without being in custody for the same, or otherwise misbehaving, he shall be liable to the same Punishment, as other persons convicted before Justices of the Peace for any such Offence to be inflicted in a summary way, after the same manner and for the like [illegible] for any term not exceeding ~~Seven~~ A ~~Days~~ 14 ~~Days~~ ~ including the original Sentence for any term not exceeding Thirty Days, as by such Justices for such Offence, if a male, to be whipped in any Part of his Body not exceeding ~~Thirty~~ ~~Lashes~~ ~~Strokes~~ with any Instrument [illegible] + Lashes not exceeding fifty Lashes in the whole in addition to any Punishment to which he may be sentenced for the original Offence, and in any Case in which any Person shall be convicted and liable to be punished with any Punishment under this Section for any Offence the same as if such Person had committed such Offence under any original Sentence.

Offences by persons [illegible] of the Justices.

41 ____ That the Offending Magistrate shall be liable to such Penalties as may by Law be exacted by any two Justices of the Peace in England.

Repeal of [illegible]

42 ____ Be it enacted That

2. Whether in every case of
conviction by a single Justice
where the fine exceeds £5. or
the imp.t 10 days at the request
and costs of the def.t the Adjng
Justice should not summon
two other Justices before whom
the evidence should be re-heard
and fresh evidence taken if
necessary and order enforced by
the extension of the 27.th Section
of 11 & 12 Vic. Cap 43.

before

Summary cases in Co. shall be appealable to Sessions, may proceed under this Act. and the Co. Justices of the Peace under this or any Ordinance which has been or shall be passed by H. Council with the advice and consent of the Legislative Council in all cases where special provision shall have been made.

before I

Summary Cases (W.I.) Parliament shall be paid to Treasurer England would be paid to Treasurer for the time being and to be paid to Harbinger and the Acts to be in force.

13 — That nothing in any Act of Parliament provided that any forfeiture the Treasurer of the Island for the County or to any other local purpose such Act notwithstanding shall be in force in this Colony, and such forfeiture shall be paid to the Queen for the use of Her Majesty's Public Revenue for the purposes of this Ordinance.

with ^

Power to award Costs on hearing Charge

14 — That it shall be lawful for any Magistrate who shall hear and determine any Charge or Complaint under this or any other Ordinance that has been or may hereafter be made, whether or not a warrant or Summons shall have been issued in consequence of such Charge or Complaint, to award such costs as to

term shall commence to be reckoned to be a day after the passing of the Sentence aforesaid.

Any person may be sentenced to imprisonment by any Court or Justice.

45 ——— That when any Court or Justice or Justices of the Peace may sentence any person to be imprisoned or to be imprisoned and kept to hard labour either along or in addition to any other punishment such Court or Justice or Justices as the case may be may also direct that such person may be kept in solitary confinement for any portion or portions of any such imprisonment not exceeding fourteen days at a time with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement: Provided that whenever any person shall not be sentenced to any imprisonment or any portion of it shall be solitary the period of solitary imprisonment shall in no case exceed fourteen days.

Penalties how to be recovered

46 ——— That all monies fines fees forfeitures or penalties received under this Ordinance or any Ordinance that has been or may hereafter be made by the Governor with the advice and consent of the Legislative Council, contrary to special directions to the Contrary, shall be accounted for and paid

Office Publique

every expenditure to be effected appertain by the Governor to receive the income to the use of the Province the Legislature for the public encouragement and the support of the Government thereof.

Public and Courts of Courts

107 — That the building commonly called the Public Gaol in Hamilton shall be a House of Correction, and shall be called the Public Gaol, and it shall be lawful for the Governor from time to time by proclamation to establish other buildings as and to be Public Gaols and Houses of Correction.

Regulating Fees and Books

108 — That no fees or sums of money shall be demanded for the arrest of any person or any civil action except in the cases and upon such Orders to be made as hereinafter provided.

Costs in Justices Courts

109 — That if the Plaintiff in any action shall not obtain the Defendant in such Court shall be entitled to recover from the Plaintiff his costs of suit to be ascertained by the Justice or Justices present at the hearing of the said cause or Chairman of the said Justices Court as the case may be, that such Plaintiff shall pay to the Defendant or Defendants the amount of twenty pounds or upwards or shall sustain damage to that amount

person

Police Publications

25 June 52

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Earl Grey - The acts should be prospectively legislative

shall

and such process and such [illegible] shall be deemed and taken to be personal notice to such defendant at any time after the expiration of the said days, and it shall be lawful for such Magistrate to proceed in the absence of such defendant as if he had appeared in obedience to the said summons, and such Magistrate shall thereupon proceed to hear and determine the matter of complaint, and to adjudge the costs of the proceedings, and may make such order for the payment of such costs as he shall think fit, and may enforce such order by distress or imprisonment, or both, in the same manner as any Justice of the Peace is empowered to enforce his orders by law in cases of complaint against any such defendant.

Magistrate may require security for debt

50 ___ And be it enacted that it shall be lawful for any such Magistrate, before issuing such summons, to require the complainant to enter into a recognizance with sufficient sureties, conditioned to prosecute such complaint with effect, and to pay such costs as may be awarded against him by such Magistrate, in case the said complaint shall be dismissed, and to enter into such recognizance accordingly.

Indemnity of Justices under certain Orders

51 ___ Whereas doubts have been entertained whether the Ordinances named in the Schedule hereunto annexed marked C are not, without

Police Offices

It would be better to enable the Govr. to appoint a person to act as Chairman of the Mag. Ct. or as Judge of the P. Ct. in any and every case where the Stip. Mags. is incompetent from interest or being a Witness, sickness or other cause. or where it is ~~dead~~ incompetent from legal or other disability for the Stip. Mag. to preside.

Q. as Stip. Ms. confused. what is the appeal?

force and effect by reason of certain alleged defects in the Constitution of the Legislative Council. Be it therefore enacted, That all proceedings, acts matters and things whatsoever which may have been had, done or done under and by virtue of the said Ordinances or any of them or in pursuance of any Authority thereby granted shall be and the same are hereby declared to be of the same force and validity as if the said Ordinances had been in all respects of full legal force and effect.

Chairman to be appointed in the absence of Stipendiary Magistrate

52 ____ That in case of the absence resignation death suspension or dismissal or in case of any disease or infirmity which shall render any such Stipendiary Magistrate incapable of discharging the duties of his office it shall be lawful for the Governor for the time being to appoint some fit and proper person to act as Chairman in his place and stead until such Stipendiary Magistrate shall return to the execution of his office or until a successor shall be appointed by Her Majesty, as the case may be, and in the mean time the powers and authorities vested in the Stipendiary Magistrate under this or any other Ordinance which

Police Publications

to be given in any Language to be spoken by the Person with the Assistance and Consent of the Legislative Council shall be signed in and received by the Chairman and it shall be lawful for such Chairman to administer every Oath and to give in writing and in such manner as to the Chairman may Magistrate lawfully could or ought to do.

Q. Chairman is the Chairman or Clerk?

A. Person appointed Notary Public will be appointed from England.

53 Witness it would be a great convenience and accommodation if there was a Notary Public at Stanley, to attend the Masters of Spanish and foreign Ships could receive protests and other documents required by law, when a respectable damages by the perils of the sea and between them is not at present any Notary Public resident at Stanley BE it therefore enacted that it shall be lawful for the Governor from time to time as there shall be occasion to appoint any person whom he shall think well qualified for it by merit in the form in Schedule **D** hereto annexed, having first required him to take and he having taken the oath in the form in Schedule **B** hereunto annexed, to be a Notary Public to practice within the Falkland Islands and the Dependencies thereof and a Notary Public duly appointed by

A

the Laws of England shall expire and be discharged the Duties of his Office and such Notary Public shall thereupon cease and determine, and it shall be lawful for the Governor of the Said Islands in the Name and on the Behalf of Her Majesty to appoint any other Notary Public under this Ordinance, so long as such Notary Public duly appointed by the Laws of England shall reside in Stanley and shall be able and willing to discharge the duties of his Office

Summary A 54 — That all fines imposed by

Police Publicans

recovered.

in a summary way

2y. Should there not be a Section confirming in office (unless removed) all persons holding Governt appointments, for a month after a new Governor has assumed the execution of his office.

This Section should be 56 and 56 should be 57.

Wna "Governr in Ordinance to include the Lieut. Governor or other person administering the Government.

56 ~~That in the construction of this Ordinance or any Ordinance that has been or may hereafter be made by the Governor with the advice and consent of the Legislative Council~~, the word "Governr" unless there be something in the context repugnant thereto shall be construed to mean the Governor for the time being and to include and extend to the Lieutenant Governor other person administering the Government for the time being as well as the Governor.

Present

This Ordinance shall be read in a summary way before any Justice of the Peace and all offences and matters hereby authorized or directed to be dealt with and punished upon information before a Stipendiary Magistrate or any two Justices of the Peace.

Interpretation Clause

See Al Ordinance

55 ~~That in the construction~~ of this Ordinance unless there be something in the Context repugnant thereto, any word denoting the singular number or the mass sex shall be taken to extend to any number of persons or things and to both sexes.

Ordinance to commence on 1st day of February 1851

56 Whereas the delay incident to a frequent communication with her Majesty's Home Government would be productive of serious inconvenience Be it enacted That this Ordinance shall take effect and come into operation on the first day of February one Thousand eight hundred and fifty One.

Signd George Kennie
Governor

Passed the Legislative Council this 23rd day of January 1851

signed J. R. Longden
Clerk Leg. Council

Police Magistrates

A Instead of Sec. 55 the section should read as follows:

That in this Ordinance or any Ordinance which has been or shall be passed by the Governor with the advice and consent of the Legislative Council, words importing the masculine gender shall be deemed and taken to include females and the singular to include the plural and the plural the singular unless the contrary as to gender or number is expressly provided, and the word month to mean "Calendar Month" unless words be added, shewing "lunar month" to be intended and the words "oath, sworn and affidavit" shall include "affirmation, declaration, affirming and declaring" in the case of persons by law allowed to declare or affirm instead of swearing, and the word "land" shall include "messuages, tenements hereditaments, houses and buildings of any tenure" unless where there are words to exclude houses and buildings, or to restrict the meanings of tenements of some particular tenure, and the word "person" shall include a corporation whether aggregate or sole, unless words be added shewing such was not intended, and where the matter shall ~~require to~~ be ~~done~~ by or before or required to be done by one or by two or by any specific number of Justices, the expression "one Justice" "two Justices" or any other expression defining any specific number, shall be understood to mean, "one, two or more Justices met and acting together" unless words be added shewing the intention to have been to limit the authority to one, two, or other specific number of Justices, as the case may be, and the words "Falkland Islands" shall be understood to mean "the Falkland Islands and the Dependencies thereof" unless there are words to restrict their meaning. That the word "Chairman," or the words

Schedules

A

Form of Summons of a Juryman

at the hour of 9 o'clock in the forenoon

Mr. B,

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

Given &c.

C.D.

Clerk of the Court

N.B. The penalty for disobedience to this summons is any sum not exceeding Ten Pounds.

Form of Summons for Witness to attend Court.

Mr. C. D.

You are hereby summoned to appear as a Juror before me A.B. Coroner on the ____ day of ____ next at the hour of ____ in the ____ noon then and there to give evidence touching all such things as shall be lawfully given you in charge touching the death of ____

By virtue of a Coroner's Inquest — A.B. Coroner.

Given — E.F.

Chief Constable

N.B. The penalty for disobedience to this summons is any sum not exceeding Ten Pounds.

Police Publicans

Chairman of the Magistrates Court or Chairman of the Police shall be understood to include the Deputy Chairman of the said Courts respectively, ~~and the~~ ~~and "Governor"~~ unless the context be repugnant to such Construction, and the word "Governor" unless there be something in the context repugnant to such construction shall be construed to mean the Governor for the time being and to extend to the Lieutenant Governor or other person administering the Government for the time being as well as the Governor.

B

Form of Oath

I [illegible] do swear that I will faithfully execute the office of a Deputy Police Magistrate [illegible] and I will faithfully and truly observe and keep the Rules and Regulations of Practice required by and pursuant to the Ordinance relating to Courts of Petty Sessions and the Jurisdiction thereof and I will do equal right to all persons coming before me in the execution of my said office without favour or affection to any party and I will not directly or indirectly receive any fee reward or profit for myself or any other person or persons to my use or benefit save such fees as are allowed by law for the execution of my said office and I will not act as Counsel or Attorney in any Cause or matter depending before any Court or Magistrate within the Jurisdiction of which I am a Magistrate nor will I act as Counsel or Attorney in any Cause or matter which may come before me in the Court of which I am a Magistrate or in any Court of Appeal therefrom and I will not be concerned directly or indirectly in the purchase of any lease mortgage or security of any property which may be sold by virtue of the process of any Court of which I am a Magistrate nor will I become bail for any person prosecuted before me for any offence and generally I will truly and impartially perform all the duties of my said office to the best of my knowledge skill and ability according to law. So help me God.

Police Magistrates

C

Sist of Ordinances referred to in clause 51 of this Ord.

13 Vic. No 1 ... An Ordinance for Licensing Ordinance
13 Vic. No 2 ... Dog Licence Ordinance
13 Vic. No 3 ... Spirits, Wine, Beer and Licence Ordinance
13 Vic. No 4 ... Weights Amendment Ordinance
13 Vic. No 5 ... Cattle Trespass Continuance Ordinance
13 Vic. No 6 ... Militia Continuance Ordinance

D

Appointment of Notary Public

Falkland Islands

To Wit

Whereas there is not yet any Notary Public resident in the Town of Stanley, Now therefore I the Governor and Commander in Chief of the Falkland Islands and the Dependencies thereof in pursuance of the powers and authority in me vested by the Ordinance intituled "An Ordinance for the establishment of Courts of Civil Jurisdiction" 50 Lucky Constitute and appoint you — being a fit and proper person to be a Notary Public to exercise within the Falkland Islands & the Dependencies thereof until a Notary Public duly appointed by the Law of England shall arrive at Stanley and discharge the duties of his

Police Paddock

office - The person with having been
by me first required so to do, and by
you taken. In testimony whereof
I have caused the seal of the Colony
to be affixed at Government House
Stanley this day of One
thousand eight hundred and

E

Form of Summons of a Magistrate.

B. Esquire

You are hereby commanded to appear as a Magistrate at the Magistrates Court to be holden at ____ O'clock in the forenoon at _____ on the ____ day of _____ next and there to attend from day to day until you shall be discharged from the said Court.

Signed C. D.
Clerk of Petty

N.B. The penalty for disobedience hereto is ____ pounds sterling.

Police Magistrates

24 June /52

Compared 24 June /52 by WJ Orr — Fair Copy by Mr Longan

For Conference
— see —
See Precedent
Book Page 59.
— " —

Proclamation
in this book
Page 253.

Police Ordinance

In the year One Thousand eight hundred and fifty One

Number Six

By His Excellency George Kennedy Esquire Governor and Commander in Chief of the Falkland Islands and Dependencies with the advice and consent of the Legislative Council thereof, be it enacted,

Appointment of Constables

1 ____ That a sufficient number of fit and able persons shall from time to time be appointed by the Governor as Constables for the Settlement of Port Louis and such Constables may be sworn in by any Justice of the Peace to act as Constables.

Penalty for neglect of duty

2 ____ That any Constable who is guilty of any neglect or misbehaviour of his duty as Constable and convicted thereof before two Justices shall be liable to a penalty not exceeding Ten Pounds or be imprisoned for any period not exceeding One Month with or without hard labour

Penalty on Constable absenting himself.

5 — And be it further enacted that if any Constable shall absent himself from his duty or be absent from the Sitting of any Stipendiary Magistrate at any Petty Session, or when he shall have given to such Stipendiary Magistrate one month's notice of his intention to do so, he shall pay a penalty not exceeding ten pounds, or be imprisoned with or without hard labour for any period not exceeding One month.

Power of Constable

6 — And be it enacted that it shall be lawful for any Constable to apprehend all loose, idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil design, and all persons whom he shall find between sunset and the hour of eight in the forenoon lying in any Street, yard or other place or loitering therein and not giving a satisfactory account of themselves, and any person found committing any offence punishable by this Ordinance may be taken into custody without a warrant, and any Constable may also stop, search or detain any vessel, boat or barge, cart or carriage or person which there shall be reason to suspect that any thing stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having

Search vessels &c.

Partiars

or conveying it any person any other
Sober & orderly behaviour.

Persons refusing to leave the Police Station when ordered

5 ——— That every person taken into custody by any Constable without a warrant or other process and conveying thither the more speedily may be discharged (unless charged with some crime or offence) shall be forthwith delivered into the custody of the Constable in charge of the nearest Police Station or Lock-up or if no such person may be then present at the Police Station shall be brought before a Magistrate to be dealt with according to law.

Penalties

6 ——— That every person who shall commit any of the following offences within the Borough of Stanley shall on conviction thereof before any Justice or Justices of the Peace for the said Borough be liable to a penalty not exceeding Five pounds, or be imprisoned for any term not exceeding One month with or without hard labour.

1. Drunkenness

Drunkenness

2. Violent or disorderly conduct

Violent or disorderly conduct

3. Using obscene or indecent language

Using obscene or indecent language

4. Assaulting or resisting any Constable in the execution of his duty or any person in the execution of any act under the provisions of this Ordinance

Assaulting or resisting Constable or others

5. Every act or omission made punishable by any other Ordinance in force within the Borough

24 June /52

V. or shall use towards any Constable any abusive, threatening or obscene language, oaths or other offensive, or insulting language or conduct—

This is too small — In the Metropolitan Act it is ten pounds.

Or be imprisoned with or without hard labour for any period not exceeding ten days.

Penalties in Licensed Houses in the Town of Stanley

7 ——— That every person who shall be convicted of any of the following offences within the Borough of Stanley shall commit any of the following offences, that is to say,

Publicans

24 June /52 Letters A. B & C. omitted.

Turning Cattle loose in the Town

A ——— Every person who shall turn loose any horned Cattle, pigs or goats, subject to be stopped, impounded or otherwise dealt with, by any person, by virtue of any by-law, order or regulation of the Council, or otherwise,

Driving Cattle to common injurious

B ——— Every person who by negligence or ill usage in driving Cattle shall cause or suffer the same to become injurious to Cattle, or to any person driving the same or in charge thereof, and also every person not being hired or employed to drive such Cattle, who shall wantonly and unlawfully drive or hunt any such Cattle,

Furiously riding

C ——— Every person who shall ride furiously so as to endanger the life or limb of any person or to the common danger of the Inhabitants.

Obstructing Thoroughfare

D ——— Every person who shall cause any Cart, Sledge truck or barrow with or without horses, to stand in any thoroughfare longer than may be necessary for loading or unloading, or by the negligence of any Cart, Sledge truck or barrow or any horse or other animal shall wilfully interrupt or cause any obstruction.

24 June /52 "And" for "Or".

D. who shall cause or make any fray, riot, fighting, quarrelling, causeless cry of murder or other false alarm.

Using profane or indecent language or behaviour

E ——— Every person who shall use any loud, violent or obscene language, or be guilty of any riotous, indecent, disorderly or noisy conduct or behaviour in any place of worship or within the precincts of the same during the performance of the service,

Disturbing religious assemblies or behaviour

F ——— Every person who shall use any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned,

Throwing Stones

G ——— Every person who shall throw or discharge anything at or against to the damage or danger of any person or to the annoyance of any house or building,

Discharging fire arms

H ——— Every person who shall discharge any fire arms in the town of Newbyport (unless in case of necessity or upon the order of the officer of the day or of the officer commanding the guard) or shall discharge any gun to the common danger of the inhabitants or passengers,

Pulling and tampering with

I ——— Every person who shall wantonly disturb any inhabitant by ringing or pulling any door bell or knocking at any door without lawful

Publicans

cause, or who shall wilfully or negligently extinguish the light of any Lamp.

Games in Streets

J. Every person who shall play at any game to the annoyance of the inhabitants or passengers, or who shall make or use any slide upon ice or snow in any street or other thoroughfare to the common danger of passengers.

Rubbish in Streets

K. Every person who shall throw or lay any coals, stones, slate, shell, lime, bricks, bricks, iron or other materials, except building materials or rubbish thereof removed which shall be placed or enclosed so as to prevent any mischief happening to the passengers.

Rubbish in Public Places

L. Every person who shall in any public place, other than such as may be set apart for that purpose by the Surveyor, shall throw or lay or cause to be thrown or laid any dirt, ashes, filth or any carrion, fish, bird, offal or rubbish, broken glass, bottles or bottles or other such substances, or shall upon any such thing into any public sewer, pipe or drain, or into any public well, stream or watercourse pond or reservoir for water, or cause any offensive matter to run into any

Publicans

public place or thoroughfare from any dwelling slaughter house or any uncovered place where animals are confined by a wall or fence.

Filth in case of dead animal

M—— If any person who shall place any filth or rubbish or shall cause the dead carcase of any animal belonging to him unburied so as to become a nuisance.

Privies

N—— Every person who shall empty or cause to be emptied any necessary between the hours of six in the morning and twelve at night or remove along any thoroughfare any offensive matter between the hours of six in the morning and eight in the evening unless shall carefully sweep and clean any place subject to such offensive matter shall have been effected or shall

Footpaths drains & waterways

O—— Every occupier of a house or tenement who shall not keep sufficiently swept and cleansed all footpaths drains and waterways adjoining the premises occupied by him and if any house or tenement shall be unoccupied the owner thereof shall be deemed the occupier with reference to this enactment.

Penalty for driving cattle through a Town.

8 ____ That every person who shall drive or cause to be driven through the town of Shelby any horse or other beast or cattle of any kind or description whatsoever shall be liable to a penalty not exceeding five pounds: Provided always that nothing herein contained shall extend to prevent any person driving or leading any horse or other cattle through the town of Shelby for the purpose of sale.

Penalty on persons lighting or carrying a large

9 ____ That if any person shall be found in the town of Shelby after the hour of nine o'clock in the evening carrying or having in his possession any lighted candle, lamp or torch he shall be liable to a penalty not exceeding five pounds.

Selling Chimney sweepings

10 ____ That every person who shall sell or cause to be sold any chimney sweepings within the town of Shelby shall be liable to a penalty not exceeding forty shillings: Provided always that such penalty

Chimneys accidentally on fire

11 ____ That if any chimney accidentally catch fire within the town of Shelby the person occupying any house wherein such chimney shall be shall be liable to a penalty not exceeding forty shillings: Provided always that such penalty shall

Publican

not be answered if such person shall prove to the satisfaction of the Justice before whom the case is heard, that such person was under the age of sixteen years at the time of committing the offence.

Penalty on selling beer &c. to persons drunk.

12 ——— That if any licensed victualler or keeper of a beer shop in the town of Stanley shall knowingly sell or supply any beer, cider, wine, spirituous liquors or any other intoxicating liquor to any person who is at the time drunk, every such victualler or keeper of a beer shop shall for every such offence forfeit and pay a sum not exceeding forty shillings.

Not to sell beer &c. to be drunk in Stanley.

13 ——— That if any person shall drink any beer, cider, wine, spirituous liquors or any other intoxicating liquor in any house, shop, cellar, warehouse, outhouse, yard, garden, or other premises in the town of Stanley, every such person shall for every such offence forfeit and pay a sum not exceeding twenty shillings.

Not to slaughter animals in Stanley.

14 ——— That if any person shall slaughter or kill any animal in the town of Stanley, such person shall for every animal so slaughtered and killed, forfeit and pay a sum not exceeding five pounds.

Not to keep houses to let for hire in Stanley unless inhabitable.

15 ——— That if any person shall erect or cause to be erected within the town of Stanley any building for human habitation and shall let or sell the same or any part thereof, every such person shall forfeit and pay a sum not exceeding twenty pounds.

Owners to have houses &c. cleansed before letting.

16 ——— That if any person shall let any house in the town of Stanley and permit the same to be occupied without a sufficient water-closet

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on horseback without a bell or bells
Sleigh bell each and every person
who owner of such horse shall be liable
to a penalty not exceeding fifty
pounds.

Rules to be erected by houses at night

10 ——— That the owner of every house in the town of Vienna shall before the first day of January next erect close to every such house a sufficient number of rules to reach from the ground to the roof of such house and shall keep the same so erected during the night season under a penalty not exceeding one pound for each and every day such house shall be occupied without such rules.

Damages for trespass by Cattle

11 ——— That whenever any cattle shall trespass upon the land of any person and shall do any damage thereon, or shall in any manner do any damage to any person it shall be lawful for any person upon the application of the person so damaged to issue a summons to summon the case in a summary way and to enquire into the amount of such damage and cost, the owner of such animal causing such damage shall pay a sum not exceeding thirty dollars over and besides the amount of such cost to be paid to the person suffering such damage by way of compensation for the same and the costs of the person

and engaged in the sale thereof.

Penalty for persons employing others engaging

15 ——— That if the keeper of any tavern shall have in his employ or shall have caused any person to attend or assist in the sale of liquor in such tavern or shall permit such person to engage in the sale of liquor therein, such keeper shall incur a penalty not exceeding twenty shillings for every day such unlicensed person shall be employed as aforesaid, and every such person shall be hereby authorized and required to destroy any dog found at large and unmuzzled after the service of such notice on the keeper or owner.

Penalty on visitors and selling.

16 ——— That every person who shall be found in any tavern or public house guilty of any violent or indecent behaviour in any Police Office or watch house shall forfeit and pay for every such offence any sum not exceeding forty

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shillings or be imprisoned with or without hard labour for any term not exceeding seven days.

Penalty from keeping a cock pit &c. &c.

20 — That every person who within his house, room or other place for the purpose of fighting cocks, dogs or other animals shall be liable to a penalty not exceeding five pounds or be imprisoned with or without hard labour for any period not exceeding one month. And it shall be lawful for any Justice by order in writing to authorize any Constable to enter any premises kept or used for any of the aforesaid purposes and to take into custody all persons who shall be found therein without lawful cause and every person so found shall be liable to a penalty not exceeding five Shillings, and a conviction under this Ordinance of the offence shall not exempt the owner, keeper or manager of any such house, room, pit or place from any penalty to which he may be liable for the nuisance thereby occasioned.

Penalty on persons suspected of having stolen property

21 — That every person who shall be brought before any Justice of the Peace charged with having in his possession or conveying in any manner any thing which may be reasonably sus-

spector of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Justice of the Peace how he came by the same, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty not exceeding five pounds or may be imprisoned with or without hard labour for any period not exceeding two months.

Party from whom stolen goods are received to be examined.

22 ——— That when any person shall be brought before any Magistrate charged with having in possession any thing 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 by some other person in the disposal or custody thereof, it shall be lawful for such Magistrate if he shall think fit, to cause every such person and also the person, by whom any person so charged shall say he was employed or from whose possession the same shall have been taken, to be brought before him or some other Magistrate, and to examine such person on oath touching the same; and if it shall appear to such Magistrate that any person shall have had possession of such thing and had reasonable cause to believe the same to have been stolen or unlawfully obtained, every such person shall be

Warrant to Search for goods unlawfully obtained

23 That if any information shall be given upon Oath before any Justice, that there is reasonable cause for suspecting that any thing stolen or unlawfully obtained is concealed or lodged in any dwelling house or any other place it shall be lawful for such Magistrate by special warrant under his hand to authorize any Constable to cause every such dwelling house or other place to be entered and searched at any time of the day (or by night if from the circumstances to be mentioned in the warrant, such Magistrate the said Magistrate 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 his authority to enter into the same by breaking open

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dogs or otherwise; and if upon search thereupon made, any such thing shall be found, then to convey the same before a Magistrate or otherwise dispose thereof in some place of safety, and may be take into custody and carry before the Magistrate every person found in such house or place as he shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to be stolen or otherwise unlawfully obtained. ——

Power to order delivery of goods stolen or fraudulently obtained and in default of payment to commit offenders

Be it —— That if any goods shall be stolen or unlawfully obtained from any person, or being lawfully obtained shall be unlawfully disposed of, pawned, pledged, sold or exchanged, and complaint thereof shall be made to a Magistrate and that such goods are in the possession of any person who shall have advanced money upon the credit of such goods it shall be lawful for the Magistrate 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 Magistrate shall think fit, and every 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 or shall forfeit to the Crown of the goods to the value thereof to be determined by the Magistrate.

Constable to search ships on suspicion of felony.

25 ——— That it shall be lawful for any Constable having just cause to suspect that any felony or misdemeanour has been or is about to be committed in or on board of any ship, boat or any other vessel lying in any harbour or port in the Falkland Islands or the Dependencies thereof to go at all times, as well by night as by day into and upon every ship boat or other vessel, and there to take all necessary measures for the effectual detection or prevention of such felonies or misdemeanours and to take into custody all persons suspected of being concerned in such felonies or misdemeanours, and also to take charge of all property so suspected to be stolen

26 ——— Whereas by a Contract lately executed Her Majesty has granted to Samuel Lafone the right to hunt and capture the wild cattle pigs and goats and horses in the Falkland Islands for a limited time, and under certain restrictions: Be it therefore enacted, That if any person after the date

Penalty

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on killing wild Cattle.

-mination of the said Contract without being duly authorized by the Governor, for the time being, or pending the determination of the said Contract without being duly authorized by the said Samuel Fisher Lagoe or his Agent shall without lawful cause hunt wound capture or destroy any such wild Cattle [ ] upon the Falkland Islands the Dependencies thereof, he shall forfeit and pay for every Animal so killed wounded, captured or destroyed a sum not exceeding twenty pounds, and

On receiving

every person who shall receive any part of such Animal knowing the same to have been so unlawfully captured and destroyed shall forfeit and pay a sum not exceeding five pounds, and

Power to arrest

any person found committing any offence against this Ordinance may be taken into Custody without a warrant by any Constable or by any other person or by the Magistrate of the Lagoe or his Agent to whom [ ] and may be detained until he can be brought before a Magistrate of the Place to be dealt with according to law; and every Constable

*

( )

may also stop search and detain any vessel or boat or upon which there shall

Should be omitted

* omit these words

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be reason to suspect that any part of such animal so unlawfully obtained may be found, and if upon search thereupon made, any part of such animal shall be found there it shall be lawful for a Magistrate and he is hereby authorized to take into custody and carry before a Magistrate any person in whose possession the same shall be found.

Penalty on taking seal at certain seasons

IX. That if any person shall kill or take any fur or hair seal or seals of either the Sibbald Islands or the Queen Charlotte Islands between the first day of November and the twenty eighth day of February or at any time or place between the twenty eighth day of February and the first day of May in any year or if any person shall receive any such seal or seals knowing the same to have been killed or taken at such time or place every such person shall pay a fine for every such offence not exceeding ten pounds and be imprisoned with hard labour for any period not exceeding one Month; and any fur seal found in the possession of any person contrary to this section may be taken into custody without a warrant by any

Penalty on receiving

Power to arrest

Constable or by any other person, and may be detained until he can be brought before a Justice of the Peace to be dealt with according to law. And every such Constable or other person may also stop, search and detain any vessel or boat in or upon which there shall be reason to suspect that any part of such seal or seals so unlawfully killed or taken may be found, and upon search thereupon made, any part of such seal or seals shall be found then to convey the same before a Magistrate and to take into custody and carry before a Magistrate any person in whose possession the same shall be found.

Power to stop and search

Penalty on riding same Horse.

28 And be it further enacted that if any person or persons shall ride or use any horse he shall forfeit and pay for every day he shall ride or use any horse, a sum not exceeding ten pounds, one half of which amount shall be paid to the Owner of a compensation for damage or hire of the said horse with costs and expenses, or be imprisoned and kept to hard labour for any period not exceeding thirty days.

Penalty on setting fire to the Cam[illegible].

29 That if any person shall wilfully or negligently set on fire

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Earl Grey - Within what period

† within one month of his landing

any grass or other herbage on
land not in his own possession and
if on crown land without the con-
sent of the Governor for the time
being if on land in the possession of
other parties without his or their au-
thority, he shall forfeit and pay
for every such offence a sum not ex-
ceeding twenty pounds or be impris-
oned with or without hard labour
for any period not exceeding two months.

Aliens to be registered.

30 ___ That every Alien resident within the Settled Islands or the Dependencies thereof shall cause his name and occupation to be registered in the Police Office, & shall pay a fee not exceeding five pounds.

Penalty on damaging public buildings &c. &c.

31 ___ That if any person shall wilfully damage any public building, fountain, pump, water pipe or cause or drain, he shall forfeit and pay any sum not exceeding twenty pounds.

Penalty on throwing rubbish into the Harbour or the Streets

32 ___ That if any person shall throw or cause to be thrown any dead animal, ballast or rubbish into Stanley harbour or shall leave or cause to be left any dead animal stones, peat, turf or other material on the streets thereof, he shall for every such offence pay a sum not exceeding fifty pounds or be imprisoned with or

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without hard labour for any period not exceeding two Months.

Penalty for cutting Peat on Crown land

33 — That if any person shall cut or cause to be cut any Peat upon land the property of the Crown without the consent of the Governor for the time being he shall forfeit and pay for every day that the Peat shall be so unlawfully cut any sum not exceeding forty Shillings.

Penalty for obtaining money by threatening Informations

34 — That any person who shall obtain any sum of money or other reward from any person by threatening directly or indirectly to lodge any Information or make any Complaint before any Justice or Justices of the Peace for any misdemeanour or as an accessory for refusing to lay such Information or to make such Complaint shall on conviction of the Offender be liable to a penalty not exceeding ten pounds or be imprisoned with or without hard labour for any period not exceeding thirty days.

Penalty for offences for which no penalty is otherwise provided

35 — That for any misdemeanour or other offence against this Ordinance for which no special penalty is herein before appointed, the offender shall at the discretion of the Magistrate

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before whom the conviction shall take place, shall be liable to a penalty not exceeding Five pounds or be imprisoned with or without hard labour for any period not exceeding One Month.

Compensation for damage not exceeding £.10-

36 That every person who by committing any offence herein forbidden shall have caused any hurt or damage to any person or property may be apprehended without warrant by any Constable, and if he shall not upon demand make amends for such hurt or damage to the satisfaction of the person aggrieved, he shall be detained by the Constable, in order to be taken before a Magistrate, and upon conviction he shall pay such a sum not exceeding Ten pounds as shall appear to the Magistrate before whom he shall be convicted to be reasonable amends to the person aggrieved, besides any penalty to which he may be liable for the offence, and the evidence of the person aggrieved may be admitted in proof of the offence.

Interpretation clause

37 That in the construction of this Ordinance unless there be something in the context repugnant thereto, any word denoting

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the singular number or the male sex, shall be taken to extend to any number of persons or things and to both sexes, and the word "cattle" shall include goats and pigs and horses, and the word "month" shall mean calendar month.

Limits of Stanley

Re Proclamation Page 252

38 — That the Town of Stanley shall be deemed and taken to be a Port and apply to such place as the Governor for the time being shall from time to time declare by any Proclamation for that purpose issued.

Summary Prosecution

39 — That all fines and penalties imposed by this Ordinance shall be recovered in a summary way before any Justice of the Peace, and all offences not otherwise provided for shall be dealt with and punished upon Information in a summary way before the Stipendiary Magistrate or any two Justices of the Peace.

Scale of Imprisonment for Non-payment of Penalties

40 — The Justice or Justices before whom any person shall be convicted and adjudged to pay any sum of Money for any offence against this Ordinance may adjudge that such person shall pay the same either immediately or within such period

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as he shall think fit, and that in default of payment at the time appointed he shall be imprisoned for any period not exceeding two months unless the sum to be paid shall not exceed five pounds, and for any term not exceeding $\frac{2}{3}$ months unless the sum to be paid shall not exceed ten pounds, and for any term not exceeding $\frac{4}{6}$ months in any other case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

Form of Conviction

101 — The Justice or Justices before whom any person shall be convicted of any offence against this Ordinance may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect that is to say,

Falkland Islands

To Wit

Be it remembered that on the — day of — in the year of Our Lord — at Stanley in the said Islands A.B. — is convicted before — of His Majesty's Justices of the Peace for the said Islands and the Dependencies thereof, for that he the said A.B. did specify the offence and the time and place when and where the same was committed, as the case may be. And

the said Justices adjudge the said A.B. for his said offence to forfeit and pay the sum of (here state the amount of the sum to be paid) and in default of immediate payment of the said sum to be imprisoned in the Gaol for the space of ——— unless the said sum shall be sooner paid; And it is hereby ordered that the said sum shall be paid to ——— Given under our hand the day and year first above mentioned.

Ordinance to commence on 1st February 1851

AB ——— Whereas the delay incident to a previous communication with Her Majesty to know Her Royal Pleasure thereon would be productive of inconvenience. Be it therefore enacted that this Ordinance shall be effectual and come into operation on the first day of February next one thousand eight hundred and fifty one.

[Signed] George Rennie
Governor

Passed the Legislative Council this twenty third day of January 1850.

[Signed] J. Ko. Longden
Clerk of Council
