

O

ORDINANCES  
OF THE COLONY  
OF THE  
FALKLAND ISLANDS

REVISED EDITION.

1915.



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The Property of the Government.







ORDINANCES  
OF THE COLONY OF THE  
FALKLAND ISLANDS.







A REVISED EDITION  
OF THE  
ORDINANCES  
OF THE COLONY OF THE  
FALKLAND ISLANDS.

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PREPARED UNDER THE AUTHORITY OF  
"THE NEW EDITION OF THE ORDINANCES ORDINANCE, 1911,"

BY

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# CHRONOLOGICAL TABLE OF ORDINANCES.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
1853		
1	Extending to Colony certain Acts of Parliament.	Repealed by 1 of 1898.
2	Naturalisation ... ..	Repealed by 5 of 1900.
3	Land ... ..	Repealed by 6 of 1904.
4	Merchant Shipping ... ..	Repealed by 3 of 1857.
5	Auctioneers ... ..	Amended by 2 of 1858.
6	Dog Licences.	
7	Aliens ... ..	Repealed by 2 of 1870.
8	Pilots ... ..	Repealed by 5 of 1871.
9	Licensing ... ..	Repealed by 11 of 1882.
10	Administration of Justice ... ..	Repealed by 2 of 1901.
11	Summary Jurisdiction ... ..	Repealed by 5 of 1902.
12	Registration ... ..	Amended by 1 of 1873, 9 of 1893, 8 of 1902, 6 of 1904, 9 of 1912.
1856		
1	Jurors ... ..	Expired.
1857		
1	Marriage ... ..	Repealed by 1 of 1858.
2	Summary Jurisdiction ... ..	Repealed by 5 of 1904.
3	Merchant Shipping ... ..	Repealed by 2 of 1901.
1858		
1	Marriage ... ..	Repealed by 8 of 1902.
2	Auctioneers ... ..	Incorporated in 5 of 1853.
1859		
1	Administration of Justice ... ..	Repealed by 1 of 1870.
1862		
1	Summary Jurisdiction ... ..	Repealed by 2 of 1901.
2	Summary Jurisdiction ... ..	Repealed by 2 of 1901.
3	Summary Jurisdiction ... ..	Repealed by 2 of 1901.
1864		
1	Clergymen ... ..	Repealed by 1 of 1865.
2	Penguins ... ..	Repealed by 1 of 1867.
3	Summary Jurisdiction ... ..	Repealed by 2 of 1865.
1865		
1	Clergymen.	
2	Summary Jurisdiction ... ..	Repealed by 2 of 1869.

CHRONOLOGICAL TABLE OF ORDINANCES—*continued.*

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1866</b>		
1	Penguins ... ..	Repealed by 1 of 1867.
2	Naturalisation ... ..	Repealed by 5 of 1900.
<b>1867</b>		
1	Penguins.	
2	Naturalisation ... ..	Repealed by 5 of 1900
3	Sheep ... ..	Repealed by 4 of 1895.
4	Naval Stores and Victualling.	
5	Wild Cattle ... ..	Repealed by 2 of 1869
6	Naturalisation ... ..	Repealed by 5 of 1900.
<b>1868</b>		
1	Vaccination ... ..	Amended by 3 of 1895
2	Licensing ... ..	Repealed by 11 of 1882.
3	Dogs.	
<b>1869</b>		
1	Escheat ... ..	Repealed by 3 of 1900.
2	Wild Cattle ... ..	Repealed by 1 of 1903.
3	Licensing ... ..	Repealed by 11 of 1882.
<b>1870</b>		
1	Juries ... ..	Repealed by 6 of 1889.
2	Aliens ... ..	Repealed by 5 of 1900.
3	Spirit Duties ... ..	Repealed by 10 of 1882.
4	Animals ... ..	Repealed by 6 of 1901.
5	Naturalisation ... ..	Repealed by 5 of 1900.
6	Crown Lands ... ..	Disallowed.
7	Pilots ... ..	Disallowed.
<b>1871</b>		
1	Bankruptcy ... ..	Repealed by 2 of 1898.
2	Escheat.	
3	Wrecks ... ..	Repealed by 3 of 1899.
4	Crown Lands ... ..	Repealed by 1 of 1903.
5	Pilots ... ..	Repealed by 6 of 1902.
<b>1872</b>		
1	Crown Lands ... ..	Repealed by 1 of 1903.
2	Savings Bank ... ..	Disallowed.
3	Naturalisation ... ..	Repealed by 5 of 1900.
4	Marriage ... ..	Repealed by 8 of 1902.

CHRONOLOGICAL TABLE OF ORDINANCES—*continued.*

Year and Number.	Subject Matter.	How repealed or otherwise affected.
1873		
1	Registration ... ..	Incorporated in 12 of 1853.
2	Extending to Colony certain Acts of Parliament.	Repealed by 1 of 1898.
3	Naturalisation ... ..	Repealed by 5 of 1900.
1874		
1	Land ... ..	Repealed by 1 of 1903.
2	Unseaworthy Vessels ... ..	Disallowed.
1875		
1	Mortgages ... ..	Amended by 6 of 1876 and 1 of 1905.
2	Unseaworthy Vessels.	
3	Quarantine... ..	Repealed by 7 of 1908.
4	Licensing ... ..	Repealed by 11 of 1882.
1876		
1	Naturalisation ... ..	Repealed by 5 of 1900.
2	Administration of Justice ... ..	Repealed by 2 of 1901.
3	Verbal Amendments of Ordinances ... ..	Repealed by 2 of 1898.
4	Penal Servitude ... ..	Repealed by 2 of 1898.
5	Extending to Colony certain Acts of Parliament.	Repealed by 1 of 1898.
6	Mortgages ... ..	Incorporated in 1 of 1875.
1878		
1	Stanley Harbour ... ..	Repealed by 6 of 1902.
2	Tobacco Duties ... ..	Repealed by 10 of 1882.
3	Spirit Duties ... ..	Repealed by 10 of 1882.
4	Customs ... ..	Repealed by 10 of 1882.
5	Tobacco Licences ... ..	Repealed by 10 of 1889.
1879		
1	Crown Lands ... ..	Repealed by 1 of 1903.
2	Naturalisation ... ..	Repealed by 5 of 1900.
3	Naturalisation ... ..	Repealed by 5 of 1900.
1880		
1	Postal Services ... ..	Repealed by 10 of 1898.
2	Pilots ... ..	Repealed by 2 of 1902.
3	Customs ... ..	Repealed by 10 of 1882.
4	Administration of Justice ... ..	Repealed by 2 of 1898.

CHRONOLOGICAL TABLE OF ORDINANCES—*continued.*

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1881</b>		
1	Census ... ..	Lapsed.
2	Capital Punishment ... ..	Repealed by 6 of 1882.
3	Marriages ... ..	Repealed by 8 of 1902.
4	Seal Fishery ... ..	Repealed by 1 of 1889.
<b>1882</b>		
1	Colonial Prisoners Removal ... ..	Disallowed.
2	Postal Services ... ..	Repealed by 10 of 1898.
3	Merchant Shipping ... ..	Repealed by 1 of 1898.
4	Extending to Colony certain Act of Parliament.	Repealed by 1 of 1898.
5	Extending to Colony certain Act of Parliament.	Repealed by 1 of 1898.
6	Capital Punishment ... ..	Repealed by 5 of 1898.
7	Marriages ... ..	Repealed by 8 of 1902.
8	Naturalisation ... ..	Repealed by 5 of 1900.
9	Crown Lands ... ..	Repealed by 1 of 1903.
10	Customs ... ..	Repealed by 3 of 1897.
11	Licensing ... ..	Amended by 15 of 1889, 8 of 1891, 3 of 1892, 7 of 1896, 1 of 1898, 8 of 1901, 3 of 1904, 6 of 1911.
12	Naturalisation ... ..	Repealed by 5 of 1900.
13	Pilots ... ..	Repealed by 1 of 1898.
14	Revenue ... ..	Expired.
<b>1883</b>		
1	Customs ... ..	Repealed by 3 of 1897.
<b>1884</b>		
1	Provision for service of year 1884 ...	Expired.
2	Crown Lands ... ..	Repealed by 1 of 1903.
3	Land ... ..	Repealed by 4 of 1884.
4	Land ... ..	Repealed by 1 of 1903.
5	Naturalisation ... ..	Repealed by 5 of 1900.
6	Provision for service of year 1885 ...	Expired.
<b>1885</b>		
1	Naturalisation ... ..	Repealed by 5 of 1900.
2	Provision for service of year 1886 ...	Expired.
3	Customs ... ..	Repealed by 2 of 1889.



CHRONOLOGICAL TABLE OF ORDINANCES—*continued.*

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1886</b>		
1	Public Health ... ..	Repealed by 5 of 1894.
2	Customs ... ..	Repealed by 3 of 1897.
3	Town Lands ... ..	Repealed by 1 of 1903.
4	Extending to Colony certain Act of Parliament.	Repealed by 8 of 1886.
5	Naturalisation ... ..	Repealed by 5 of 1900.
6	Further provision for service of year 1886.	Expired.
7	Supplying Liquor to H.M. Ships ...	Repealed by 2 of 1901.
8	Protection of Married Women ...	Repealed by 2 of 1901.
9	Provision for service of year 1887 ...	Expired.
<b>1887</b>		
1	Aliens ... ..	Repealed by 5 of 1900.
2	Further provision for service of years 1884, 1885 and 1886.	Expired.
3	Provision for service of year 1888 ...	Expired.
4	Further provision for service of year 1887.	Expired.
<b>1888</b>		
1	Savings Bank ... ..	Amended by 4 of 1902.
2	Further provision for service of year 1887.	Expired.
3	Counterfeit Stamps ... ..	Repealed by 10 of 1898.
4	Further provision for service of year 1888.	Expired.
5	Provision for service of year 1889 ...	Expired.
6	Stanley Cemetery... ..	Amended by 9 of 1892 and 4 of 1907.
7	Stanley Assembly Room Company ...	Repealed by 8 of 1898.
<b>1889</b>		
1	Merchandise Marks ... ..	Amended by 14 of 1889.
2	Customs ... ..	Repealed by 5 of 1891.
3	Criminal Law Amendment.	
4	Married Women's Property.	
5	Education ... ..	Repealed by 6 of 1895.
6	Jurors ... ..	Repealed by 4 of 1898.
7	Exports ... ..	Repealed by 2 of 1904.
9	Postal Parcels ... ..	Repealed by 8 of 1890.
10	Tobacco Licences.	

CHRONOLOGICAL TABLE OF ORDINANCES—*continued.*

Year and Number.	Subject Matter.	How repealed or otherwise affected.
1889		
11	Further provision for service of year 1889.	Expired.
12	Provision for service of year 1890 ...	Expired.
13	Quarantine... ..	Repealed by 7 of 1908.
14	Merchandise Marks ... ..	Incorporated in 1 of 1889.
15	Licensing ... ..	Incorporated in 11 of 1882.
1890		
1	Perjury ... ..	Repealed by 2 of 1901.
2	Jurors ... ..	Repealed by 4 of 1898.
3	Foreign Jurisdiction Acts.	
4	Customs ... ..	Repealed by 5 of 1891.
5	Provision for service of year 1891 ...	Expired.
6	Further provision for service of year 1890.	Expired.
7	Census ... ..	Expired.
8	Parcels Post Insurance ... ..	Repealed by 10 of 1898.
9	Crown Lands ... ..	Repealed by 1 of 1903.
1891		
1	Administration of Justice ... ..	Repealed by 2 of 1898.
2	Naturalisation ... ..	Repealed by 9 of 1891.
3	Public Health ... ..	Repealed by 5 of 1894.
4	Commissions of Inquiry ... ..	Repealed by 2 of 1892.
5	Customs ... ..	Repealed by 5 of 1896.
6	Validity of Ordinances ... ..	Expired.
7	Bills of Exchange... ..	Repealed by 1 of 1898.
8	Licensing ... ..	Incorporated in 11 of 1882.
9	Naturalisation ... ..	Repealed by 5 of 1900.
10	Provision for service of year 1892 ...	Expired.
1892		
1	Further provision for service of year 1890.	Expired.
2	Commissions of Inquiry ... ..	Repealed by 3 of 1900.
3	Licensing ... ..	Incorporated in 11 of 1882.
4	Further provision for service of year 1891.	Expired.
5	Dogs.	
6	Administration of Justice ... ..	Repealed by 2 of 1898.

CHRONOLOGICAL TABLE OF ORDINANCES--continued.

Year and Number.	Subject Matter.	How repealed or otherwise affected.
1892		
7	Local Taxation ... ..	Expired.
8	Provision for service of year 1893 ...	Repealed by 2 of 1893.
9	Stanley Cemetery... ..	Incorporated with 6 of 1888.
10	Customs ... ..	Repealed by 5 of 1896.
11	Visiting Justices ... ..	Repealed by 5 of 1898.
12	Postal Service ... ..	Repealed by 10 of 1898.
1893		
1	Local Taxation ... ..	Repealed by 5 of 1897.
2	Provision for service of year 1893 ...	Expired.
3	Further provision for service of year 1892.	Expired.
4	Trustees of Christ Church.	
5	Volunteer Force.	
6	Provision for service of year 1894 ...	Expired.
7	Animals ... ..	Repealed by 5 of 1904.
8	Town Lands ... ..	Repealed by 1 of 1903.
9	Fees of Office ... ..	Incorporated in 12 of 1853.
10	Vaccination ... ..	Repealed by 3 of 1895.
1894		
1	Customs ... ..	Repealed by 5 of 1896.
2	Crown Lands ... ..	Repealed by 1 of 1903.
3	Further provision for service of year 1893.	Expired.
4	Lunacy ... ..	Amended by 2 of 1895.
5	Public Health ... ..	Amended by 4 of 1897.
6	Wreck Inquiry ... ..	Repealed by 3 of 1899.
7	Provision for service of year 1895 ...	Expired.
8	Customs ... ..	Repealed by 5 of 1896.
9	Crown Lands ... ..	Repealed by 1 of 1903.
1895		
1	Post Office... ..	Repealed by 10 of 1898.
2	Lunacy ... ..	Incorporated with 5 of 1894.
3	Vaccination ... ..	Incorporated with 1 of 1868.
4	Live Stock... ..	Repealed by 6 of 1901.
5	Quarantine... ..	Disallowed.
6	Education ... ..	Repealed by 8 of 1909.
7	Uniforms.	

*Ordinances of the Falkland Islands.*CHRONOLOGICAL TABLE OF ORDINANCES—*continued.*

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1895</b>		
8	Probate ... ..	Repealed by 9 of 1901.
9	Further provision for service of year 1894.	Expired.
10	Stipendiary Magistrate (West Falkland)	Repealed by 2 of 1901.
11	Provision for service of year 1896 ...	Expired.
12	Live Stock... ..	Repealed by 6 of 1901.
<b>1896</b>		
1	Customs ... ..	Repealed by 5 of 1896.
2	Conspiracy.	
3	Unrepresented Estates ... ..	Repealed by 9 of 1901.
4	Further provision for service of year 1895.	Expired.
5	Customs ... ..	Repealed by 3 of 1897.
6	Land ... ..	Repealed by 1 of 1903.
7	Licensing ... ..	Incorporated in 11 of 1882.
8	Customs ... ..	Repealed by 3 of 1897.
9	Provision for service of year 1897 ...	Expired.
10	Live Stock ... ..	Repealed by 6 of 1901.
11	Unrepresented Estates ... ..	Repealed by 9 of 1901.
<b>1897</b>		
1	Live Stock... ..	Repealed by 6 of 1901.
	Further provision for service of year 1896.	Expired.
2		
3	Customs ... ..	Repealed by 6 of 1903.
4	Public Health ... ..	Incorporated in 5 of 1894.
5	Local Rates ... ..	Repealed by 4 of 1905.
6	Land ... ..	Repealed by 1 of 1903.
7	Fire Brigade ... ..	Disallowed.
8	Animals ... ..	Repealed by 5 of 1904.
9	Live Stock ... ..	Repealed by 6 of 1901.
10	Provision for service of year 1898 ...	Expired.
<b>1898</b>		
1	Interpretation and General Law ...	Repealed by 3 of 1900.
2	Administration of Justice ... ..	Repealed by 4 of 1901.
3	Stanley Fire Brigade.	
4	Jurors ... ..	Repealed by 5 of 1901
5	Gaols.	



CHRONOLOGICAL TABLE OF ORDINANCES—*continued.*

Year and Number.	Subject Matter.	How repealed or otherwise affected.
1898		
6	Coroners.	
7	Further provision for service of year 1897.	Expired.
8	Companies.	
9	Harbours ... ..	Repealed by 2 of 1902.
10	Post Office.	
11	Provision for service of year 1899 ...	Expired.
1899		
1	Seal Fishery ... ..	Amended by 8 of 1904
2	Further provision for service of year 1898.	Expired.
3	Wrecks.	
4	Provision for service of year 1900 ...	Expired.
1900		
1	Customs ... ..	Amended by 6 of 1900, 7 of 1901, 4 of 1903, 2 of 1906, 1 of 1912, 5 of 1913.
2	Further provision for service of year 1899.	Expired.
3	Interpretation and General Law ...	Amended by 5 of 1902, 6 of 1906, 6 of 1908.
4	Provision for service of year 1901 ...	Expired.
5	Aliens.	
6	Customs ... ..	Incorporated with 1 of 1900.
1901		
1	Census.	
2	Summary Jurisdiction ... ..	Repealed by 5 of 1902.
3	Further provision for service of year 1900.	Expired.
4	Administration of Justice.	
5	Jurors ... ..	Amended by 5 of 1903.
6	Live Stock ... ..	Amended by 1 of 1907.
7	Customs ... ..	Incorporated with 1 of 1900.
8	Licensing ... ..	Incorporated with 11 of 1882.
9	Probate.	
10	Provision for service of year 1902 ...	Expired.

CHRONOLOGICAL TABLE OF ORDINANCES—*continued.*

Year and Number.	Subject Matter.	How repealed or otherwise affected.
<b>1902</b>		
1	Public Lands.	
2	Harbours.	
3	Further provision for service of year 1901.	Expired.
4	Savings Bank ... ..	Incorporated with 1 of 1888.
5	Summary Jurisdiction ... ..	Amended by 2 of 1909.
6	Pilots.	
7	Provision for service of year 1903 ...	Expired.
8	Marriage.	
<b>1903</b>		
1	Land ... ..	Repealed by 9 of 1903.
2	Patents.	
3	Further provision for service of year 1902.	Expired.
4	Customs ... ..	Incorporated with 1 of 1900.
5	Jurors ... ..	Incorporated with 5 of 1901.
6	Customs.	
7	Wireless Telegraphy ... ..	Repealed by 3 of 1912.
8	Provision for service of year 1904 ...	Expired.
9	Land ... ..	Amended by 7 of 1906.
<b>1904</b>		
1	Flogging.	
2	Exportation of Arms ... ..	Incorporated with 6 of 1903.
3	Licensing ... ..	Incorporated with 11 of 1882.
4	Further provision for service of year 1903.	Expired.
5	Trespass.	
6	Conveyancing.	
7	Pilots ... ..	Incorporated with 6 of 1902.
8	Seal Fishery ... ..	Incorporated with 1 of 1899.
9	Provision for service of year 1905 ...	Expired.
10	Municipal Councils ... ..	Disallowed.
<b>1905</b>		
1	Mortgages ... ..	Incorporated with 1 of 1875.
2	Further provision for service of year 1904.	Expired.
3	Live Stock ... ..	Expired.

CHRONOLOGICAL TABLE OF ORDINANCES—*continued.*

Year and Number.	Subject Matter.	How repealed or otherwise affected.
1905		
4	Rating of Stanley.	
5	Provision for service of year 1906 ...	Expired.
1906		
1	Further provision for service of year 1905.	Expired.
2	Customs ... ..	Repealed by 5 of 1913.
3	Whale Fishery ... ..	Repealed by 5 of 1908.
4	Provision for service of year 1907 ...	Expired.
5	Pensions ... ..	Amended by 3 of 1907.
6	Interpretation and General Law ...	Incorporated with 3 of 1900.
7	Land ... ..	Incorporated with 9 of 1903.
1907		
1	Live Stock... ..	Incorporated with 6 of 1901.
2	Further provision for service of year 1906.	Expired.
3	Pensions ... ..	Incorporated with 5 of 1906.
4	Stanley Cemetery... ..	Incorporated with 6 of 1888.
1908		
1	Provision for service of year 1908 ...	Expired.
2	Gun Licences.	
3	Further provision for service of year 1907.	Expired.
4	Wild Birds Preservation ... ..	Repealed by 1 of 1913.
5	Whale Fishery.	
6	Interpretation and General Law ...	Incorporated with 3 of 1900.
7	Quarantine.	
8	Provision for service of year 1909 ...	Expired.
9	Dependencies.	
1909		
1	Further provision for service of year 1908.	Expired.
2	Summary Jurisdiction ... ..	Incorporated with 5 of 1902.
3	Marriage with Deceased Wife's Sister.	
4	Children ... ..	Repealed by 10 of 1912.
5	Appeals.	
6	Seal Fishery in Dependencies.	
7	Penguins Preservation.	

CHRONOLOGICAL TABLE OF ORDINANCES—*continued.*

Year and Number	Subject Matter.	How repealed or otherwise affected.
1909		
8	Education.	
9	Merchant Shipping.	
1910		
1	Provision for service of year 1910 ...	Repealed by 2 of 1910.
2	Provision for service of year 1910 ...	Expired.
3	Further provision for service of year 1909.	Expired.
1911		
1	Government Wharves.	
2	Provision for service of year 1911 ...	Expired.
3	Further provision for service of year 1910.	Expired.
4	Council's Validity.	
5	Licensing (S. Georgia).	
	Licensing ... ..	Incorporated with 11 of 1882.
	New Edition of the Ordinances.	
2		
1	Customs ... ..	Incorporated with 1 of 1900.
2	Further provision for service of year 1911.	Expired.
3	Wireless Telegraphy.	
4	Cinematograph Exhibitions.	
5	Whale Fishery ... ..	Incorporated with 5 of 1908.
6	Provision for service of year 1912 ...	Expired.
7	Licensing ... ..	Incorporated with 11 of 1882.
8	Wild Animals Preservation ... ..	Repealed by 1 of 1913.
9	Registration ... ..	Incorporated with 12 of 1853.
10	Children.	
11	Provision for service of year of 1913.	
1913		
1	Wild Animals and Birds Preservation.	
2	Further provision for service of year 1912.	Expired.
3	Opium.	
4	Pensions ... ..	Repealed by 6 of 1913.
5	Tariff Amendment ... ..	Incorporated with 1 of 1900.
6	Pensions ... ..	Incorporated with 5 of 1906.



# ORDINANCES

OF THE COLONY OF THE

## FALKLAND ISLANDS.

### AUCTIONEERS.

Ordinance No. 5 of 1853.

*As amended by No. 2 of 1858.*

[23rd July, 1853.]

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

1. It shall be lawful for the Governor, or any person duly authorised by the Governor, to grant to any person or company a licence in the Form A set out in the Schedule hereto to carry on the business of an auctioneer on his or their own account, or by his or their agent, as the case may be, upon payment to the Governor or other person as aforesaid of five pounds, such licence to be in force for the period of twelve months from the day of its date :

Power to grant  
licences.

As amended by  
No. 2 of 1858.

Provided that persons in partnership carrying on business by one agent as auctioneer shall not be obliged to take out more than one licence in one year, and it shall be lawful for the Governor, or other person as aforesaid, from time to time, at discretion, to transfer any such licence, or a transfer thereof, to any other agent, to sell on account of the same person or company for the residue of the term, by an endorsement to that effect on the back of such licence or transfer.

Partners.

Licences may  
be transferred.

Who to be  
deemed an  
auctioneer.

2. Any person who carries on the business of an auctioneer, or who acts in such capacity at any sale, and any person who sells, or offers for sale, any goods or chattels, lands, tenements, or hereditaments, or any interest therein, at any sale where any person or persons become the purchaser of the same by competition, and being the highest bidder, either by being the single bidder, or increasing upon the biddings made by others, or decreasing on sums named by the auctioneer, or person acting as auctioneer, or other person at such sale, or by any other mode of sale by competition, shall be deemed to carry on the business of an auctioneer; and if any person shall carry on the business of an auctioneer, without having a licence or transfer (except as hereinafter mentioned), he shall pay for any such offence a fine of one hundred pounds.

Penalty for  
selling without  
a licence.

Auction duty.

3. There shall be levied and paid upon the proceeds of any sale by auction of fermented or spirituous liquors a duty at the rate of five pounds per cent., and of any sale of any other goods or chattels, or any lands, tenements, hereditaments, or interest therein (with the exceptions hereinafter mentioned), a duty at the rate of two pounds ten shillings per cent., which duty immediately upon the knocking down of the hammer, or other closing of the bidding, shall be a charge upon the auctioneer, and shall be paid by him, and may be retained by him out of the proceeds of any such sale, or recovered by him by action at law, from the person by whom he shall have been employed; and any agreement or condition of sale that the purchaser shall pay the duty shall be void :

Exceptions.

Provided always, that no auction duty shall be payable on the sale of implements used on grazing or agricultural farms, or in horticulture, or on biscuit, flour, wheat, maize, pulse, grain, seeds, or plants of any kind, or on cattle, sheep, horses, or any description of live animal.

No duty if a lot  
bought in, and  
the reserve  
price publicly  
stated.

4. If before any lot shall be put up for sale at any such auction the auctioneer shall publicly declare the reserved price, and the lot shall be bought in at or under such price, and the auctioneer, at the fall of the hammer, shall publicly state that the lot was

bought in, the Governor, on the facts and fairness of the transaction being proved to his satisfaction, shall make an allowance to the auctioneer of the duty in such case on the passing of his accounts.

5. If any licensed auctioneer shall not send the Governor a catalogue, or shall not cause to be placed a true and correct copy of such catalogue on the *Government Gazette* boards, at the store yard and market-place respectively, of any sale by auction, intended to be holden by him in Stanley, at least twenty-four hours previous to the commencement of such sale, and if elsewhere, twenty-four hours' additional notice for every twenty miles' distance, or if such catalogue shall not fully state the conditions, or place, or hour of sale, or contents of each lot, as near as can be stated, for any such offence he shall pay a fine of fifty pounds.

Catalogue and conditions of sale to be sent to the Governor.

6. If any licensed auctioneer shall not, within seven days, or such further time as the Governor, at discretion, shall grant after any such sale by auction, render to the Governor, or other person as aforesaid, a full and true account, in writing, of the price at which every article or lot shall have been sold by such auctioneer at such sale, together with a statement of the time and place of such sale, and shall not duly pay all sums of money which may be payable by him in respect of such auction duty as hereinbefore mentioned, he shall, for any such offence, pay a fine of one hundred pounds; and upon a second conviction of any such offence be for ever after disqualified to hold any licence under the provisions of this Ordinance.

Account of sales.

7. If any licensed auctioneer shall hold any auction on board of any vessel, without permission of the Governor in writing, unless the vessel shall be attached to a wharf, or on shore, and into and from which the public shall have free access by a jetty, or a gangway from on shore, he shall pay a fine of one hundred pounds.

Auctioneer selling on board of a vessel.

8. Any auction duty as aforesaid shall and may be sued for and recovered in the name of any person

Duties how recovered.

appointed by the Governor, by warrant in the Form B set out in the Schedule hereto, by action, of debt, plaint, or information in any Court in this Colony having jurisdiction to the amount sought to be recovered, or by information before two or more Justices.

Fines how recovered.

9. None of the aforesaid fines shall be sued for, except on the information of some person appointed by the Governor by warrant under his signature, in the Form C set out in the Schedule hereto.

Excepted cases.

10. Nothing herein contained shall extend to any sale by order of the Governor, or of any Officer of Customs, or to any sale of any vessel, or the apparel or stores or cargo of any vessel which may be taken and condemned as a prize and sold for the benefit of the captors, or to any sale by the judicial order of any Justice or Court, or to any sale under a distress for rent, or to any sale of fresh fruit or fish or poultry by the owners, or to the person selling as auctioneer in any such excepted case without a licence.

No licensed persons to act as Justice.

11. No Justice holding a licence under this Ordinance shall act as a Justice under any of the provisions of this Ordinance.

Short title and commencement.

12. This Ordinance may be cited as "The Auctioneers Ordinance, 1853," and shall take effect and come into operation on the 1st day of August, 1853.

#### SCHEDULE.

##### FORM A.

Form of licence.

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

Dated

(Signed)

Governor.



FORM B.

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

Form of  
appointment to  
recover duties.

(Signed)

*Governor.*

FORM C.

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

Form of  
appointment  
to recover  
penalties.

(Signed)

*Governor.*

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**DOG LICENCES.**

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**Ordinance No. 6 of 1853.**

[1st August, 1853.]

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

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

Penalty for  
keeping a dog  
without having  
obtained a  
licence.

2. The Stipendiary Magistrate shall, upon the payment of eight shillings for a dog and twelve shillings for a bitch, grant to the keeper thereof a

Licences to be  
granted by the  
Stipendiary  
Magistrate.

licence in the form in the Schedule hereunto annexed, which shall be in force for twelve months from the date thereof, and shall not be transferable; and the Stipendiary Magistrate shall cause to be kept a register of every such licence.

Justice may  
order an  
unlicensed dog  
to be killed.

3. It shall be lawful for any Justice to issue a warrant to any Constable directing him to kill any dog in Stanley above the age of three months for which a licence shall not have been obtained, and the Constable to whom such warrant shall be directed shall forthwith kill or cause to be killed any such dog :

Provided, nevertheless, that the owner of such dog shall not be thereby exonerated from the penalty he may have incurred for keeping an unlicensed dog.

Short title and  
commence-  
ment.

4. This Ordinance may be cited as "The Dog Licences Ordinance, 1853," and shall come into operation on the 1st day of September, 1853.

#### SCHEDULE.

Licence	to	for	Dog.
Name of Dog.	Sex and Description of Dog.	Date of Licence.	

This licence will expire on the \_\_\_\_\_ day of \_\_\_\_\_, and is not transferable.

(Signed)

*Stipendiary Magistrate.*

**REGISTRATION.****Ordinance No. 12 of 1853.**

*As amended by No. 1 of 1873, No. 9 of 1893, No. 8 of 1902, No. 6 of 1904, and No. 9 of 1912.*

[13th September, 1853.]

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

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

Registry Office.

Governor may  
appoint a  
Deputy  
Registrar.

2. It shall be lawful for the Governor to appoint any qualified person who resides in any district within the jurisdiction of the Falkland Islands to be Registrar of births, deaths and marriages in such district, and for the said purpose such District Registrar shall have all the powers and discharge the like duties, and be subject to all the provisions and penalties relating to Registrars.

Appointment  
of District  
Registrars.

3. The Registrar shall keep a set of books to be numbered consecutively which shall be called the General Index Books, and the titles in such books shall consist of the numbers consecutively of the grants of land as numbered by the Crown, and each title shall refer to the allotment of the land as numbered and described in the notice of the Crown grant as hereinafter provided, and all instruments relating to the

General Index  
Books.

same allotment shall be entered and numbered consecutively under the same title in the order presented for registration in the Form A set out in the First Schedule hereto, and every entry shall be divided from the following entry by a line, and when recorded reference shall be made in the blank space of the form allotted for that purpose to the volume of the Record Book hereinafter referred to, and to the page of the volume where the instrument is recorded; and each General Index Book shall have an index in which shall be stated in alphabetical order the name of every party to every instrument entered in the volume.

Record Book.

4. The Registrar shall keep a set of books to be numbered consecutively which shall be called the Record Book, and shall as soon as practicable cause each instrument in the order presented for registration, together with the certificate of registry placed thereon as hereinafter provided to be copied at full length in one of the volumes of the Record Book, and shall cause every instrument as entered in each book to be numbered consecutively from one upwards, and each volume of the Record Book shall have an index in which shall be stated in alphabetical order the name of every party to every instrument recorded in the volume with a reference to the page of the volume where the instrument is recorded to which the individual is a party.

<sup>1</sup>  
<sup>or</sup> 5. Immediately upon the presentation of any instrument the Registrar shall in the presence of the party presenting such instrument forthwith enter the same as hereinbefore directed in the General Index Books, which entry shall be there signed by the party in the space of the form allotted for that purpose, and the Registrar shall in the presence of the party place upon the instrument a certificate of registry under his signature in the words as near as may be, or to the effect in the Form B set out in the First Schedule hereto, and any such certificate purporting to be signed by the Registrar shall be received as evidence of the registration of the instrument to which the same relates, unless it shall be proved that the same certificate is a forgery, and the date of any such certificate shall be taken to be the date of regis-

tration of the instrument, and the Registrar shall give to the party a receipt in the words or to the effect of the Form C set out in the First Schedule hereto.

6. Any person upon payment of the sum of ten shillings for each search may inspect and peruse the duplicate grant book containing the duplicates on parchment signed by the Governor and preserved in the Governor's office of each grant of land issued by the Crown, and upon payment of two pounds shall be at liberty to have a copy of any duplicate grant therein, and any such copy certified to be a true copy by the Governor on proof of his signature, or the duplicate grant itself shall, in the event of the loss of the original grant, be conclusive evidence of the contents of the original.

Inspection of duplicate grants.

7. Within five days after the issue of any Crown grant the officer from time to time appointed by the Governor for that purpose shall transmit to the Registrar a notice which shall express the number of the grant, its date, the quantity and description of the land granted by reference to the number and description of the allotment in the Crown grant and the name of the grantee, and the Registrar shall continue the titles in the General Index Books as hereinbefore directed, according to the particulars stated in such notice; and all notices that have been and shall be sent to the Registrar shall be kept in his office, in such order and manner as he shall think fit, so that the same may be most readily seen and inspected.

Notice of Crown grant to be sent to Registrar.

8. Any clergyman may demand and receive to his own use the fees allowed to him in the Second Schedule hereto, but those payable to the Registrar in the said Schedule shall be received by him and paid into the Colonial Treasury for purposes of General Revenue, and it shall be lawful for the Governor from time to time, with the advice and consent of the Executive Council, to make any alteration in the said Schedule.

Fees (as amended by No. 9 of 1893).

9. In the construction of this Ordinance the word "Registrar" shall be understood to include the

Interpretation clause.

Deputy Registrar and the District Registrar, and the word "land" shall extend to any estate or interest whatever in real property, and the word "will" shall extend to a codicil, and the word "instrument" shall extend to any deed, contract, will, codicil, or any memorial hereby authorised to be registered.

Register books.

10. The Registrar shall keep three sets of books, each set to be numbered consecutively; one set shall be called registers of births, another registers of deaths, and a third registers of marriages; and in them shall be written upon each side of every leaf the heads of information herein required to be known and registered of births, deaths and marriages respectively, and every page of such book shall be numbered progressively from beginning to the end, beginning with No. 1, and every place of entry shall also be numbered progressively from beginning to the end of the book, beginning with No. 1, and every entry shall be divided from the following entry by a line, and each book shall have an index, in which shall be stated, in alphabetical order, the name of every party whose birth, death or marriage respectively shall be registered in that book.

11. The Registrar shall inform himself of every birth and death which shall happen within the Falkland Islands, and register, as soon after the event as conveniently may be done in the appropriate book, the particulars, according to the Forms D and E in the First Schedule hereto respectively, touching every such birth, or every such death, as the case may be, every such entry being made in order, from the beginning to the end of the book.

Parent or  
occupier of  
house to give  
particulars.

12. The father or mother of every child born in the Falkland Islands, or in case of the death, illness, or absence, or inability of the father or mother, the occupier of the house or tenement in which such child shall have been born shall, if in Stanley within ten days, if elsewhere within a reasonable time next after the day of every such birth, give information, upon being requested so to do, to the Registrar, according

to the best of his knowledge and belief, of the several particulars hereby required to be registered, touching the birth of every such child, or shall pay a fine not exceeding five pounds.

13. If any child, whose birth shall have been registered, shall within six months have any name given to it in baptism, the person procuring such name to be given may within seven days after such baptism procure and deliver to the Registrar a certificate, according to the Form F in the First Schedule hereto, which certificate the minister who performed the rite of baptism is hereby required to give, whenever the same shall be demanded, on payment of the fee of one shilling to his use, and the Registrar, on receipt of such certificate, and on payment of the fee of one shilling to his use, shall without any erasure of the original entry forthwith register therein that the child was baptised with such name.

Name of baptism may be added to register within six months.

14. Some person present at the death, or in attendance during the last illness of any person dying in the Falkland Islands, or in case of the death, illness, or inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall within eight days, if in Stanley, if elsewhere, within a reasonable time next after the day of such death, give information, upon being requested so to do, to the Registrar, according to the best of his knowledge and belief, of the several particulars hereby required to be registered, touching the death of such person, or shall pay a fine not exceeding five pounds :

Persons to give particulars of death.

Provided always, that in every case in which an inquest shall be held on any dead body, the jury shall inquire of the particulars herein required to be registered concerning the death, and the Coroner shall inform the Registrar of the finding of the jury, and the Registrar shall make the entry accordingly.

15. (1) The Registrar-General shall from time to time furnish printed forms of certificates of cause of death gratis to any medical practitioner residing or practising in the Colony.

Certificates of cause of death.

(2) In case of the death of any person who has been attended by a medical practitioner, that practitioner shall sign and give to some person required to give information concerning the death a certificate stating to the best of his knowledge and belief the cause of death, and such person shall upon giving information concerning the death or giving notice of the death, deliver that certificate to the Registrar and the cause of death stated in that certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(3) Where an inquest is held on the body of any deceased person a medical certificate of the cause of death need not be given to the Registrar, but the certificate of the finding of the jury given by the Coroner, or the written statement of the Coroner, shall be sufficient.

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e and  
made

16. The register books of baptisms, marriages and burials solemnised by the colonial chaplains since the 27th day of October, 1845, shall be deemed to have been made under the provisions of the Act 52, Geo. III., Cap. 146, and each entry in the said books relating to any baptism, marriage or burial, as the case may be, shall be evidence of the facts stated therein.

Ministers to  
keep registers  
of baptisms and  
burials.

17. Any minister of religion who shall baptise or bury any person shall, as soon as possible after such baptism or burial respectively, record and enter in the proper register book the several particulars described in the Schedules A to C of the said Act 52, Geo. III., Cap. 146, and sign the same, and in no case, unless prevented by sickness or other unavoidable impediment, later than seven days after such baptism or burial shall have taken place.

District  
Registrars to  
send copies to  
Registrar-  
General.  
(No. 1 of 1873.)

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

18. On or before the 15th day of January in each year every District Registrar shall forward to the Registrar-General's office at Stanley a true copy of all entries contained in the register books of births and deaths for the preceding year, and on or before the same date the Registrar-General shall send to the Governor a general abstract of the number of births, deaths and marriages registered during the



foregoing year, and each minister shall send to the Governor a general abstract of the number of baptisms and burials registered during the foregoing year in such form as the Governor shall from time to time request, and if any Registrar or minister shall refuse, or without reasonable cause shall omit, to send any such copy or general abstract he shall for such offence pay a fine not exceeding ten pounds.

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

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

Right to search.

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

Register to be signed by informant.

21. The clergyman or Registrar who shall have the keeping of any such register book shall at all reasonable hours allow searches to be made in any such register book, and shall upon demand give a copy, certified under his hand, of any entry in the same; and any such certificate purporting to be signed by the clergyman or Registrar shall be received as evidence of the contents thereof, without any proof of his handwriting, unless it shall be proved that the same certificate is a forgery.

Searching books.

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

Penalty for wilful false information.

Wilfully  
inserting in a  
copy or general  
abstract false  
entries.

Verifying false  
entries.

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

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

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

Penalty for  
destroying or  
falsifying  
register books.

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

26. No person charged with the duty of registering any birth, death or marriage, who shall discover any error to have been committed in the form or substance of any such entry, shall be therefore liable to any of the penalties aforesaid, if within one month next after the discovery of such error, in the presence of the parent of the child whose birth may have been so registered, or of the parties married, or of two persons attending any person in his last illness whose death may have been so registered, or in case of the death or absence of the respective parties aforesaid, of two credible witnesses, who shall respectively attest the same, he shall correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made :

Accidental errors may be corrected.

Provided that, in the case of a marriage register he shall make the like marginal entry, attested in like manner, in the duplicate marriage register book to be made by him as aforesaid, and in every such case shall make the like alteration in the certified copy of the register book to be made by him as aforesaid; or in case such certified copy shall have been already made, provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therewith made.

27. All maps, books, papers, boxes, keys, documents and other things in the possession of the late Registrar appointed under the Ordinance intituled " An Ordinance to provide for the Registration of Land, Births and Deaths " shall be given as soon as conveniently may be to the first Registrar appointed under this Ordinance, and shall from and after the receipt of the same remain and continue in the custody of the Registrar for the time being under this Ordinance, and the said books, maps and papers may be continued and used by the Registrar for the time being under this Ordinance so far as he can do so and comply with the provisions hereof.

Maps, etc., to be delivered to new Registrar.

28. In every case in which any Registrar shall cease to hold the said office all registers, boxes, keys, books, maps, documents and papers in his possession relating to his office as Registrar shall be given as soon as conveniently may be to his successor in office, and if any Registrar shall refuse to give up any box, key, book, document, map or paper in such case as aforesaid it shall be lawful for any Justice, upon application made for that purpose, to issue a warrant for bringing such Registrar before any two Justices, and upon such Registrar appearing or not being found it shall be lawful for such Justices to hear and determine the matter in a summary way, and if it shall appear to the Justices that any such box, key, book, document, map or paper is in the custody or power of any such Registrar, and that he has without reasonable cause refused or wilfully neglected to deliver up the same, he shall pay a fine not exceeding ten pounds, and the Justices are hereby required to commit such offender to the common gaol there to remain without bail until he shall have delivered up the same, and the said Justices may grant a warrant to search for such box, key, book, document, map or paper, as in the case of stolen goods in any dwelling-house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be, and the same when found shall be delivered to the person in whose custody it ought to be.

Power of  
Governor in  
Council to alter  
forms and  
make  
regulations.

29. The Governor in Council may, from time to time by order published in the *Gazette*, alter any of the forms contained in the Schedules to this Ordinance, or prescribe new forms for the purpose of carrying into effect the provisions of this Ordinance, and may from time to time make Regulations for carrying into effect the said provisions and revoke and alter such Regulations, and the Governor in Council may impose penalties not exceeding twenty pounds for the breach of such Regulations.

30. This Ordinance may be cited as "The Registration Ordinance, 1853."

## FIRST SCHEDULE.

## FORM A.

*General Index.*

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

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

(Signed)

E. F., *Registrar.*

## FORM B.

*Registrar's Certificate on Instrument.*

Registry Office, Stanley, Falkland Islands.

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

(Signed)

E. F., *Registrar.*

## FORM C.

*Receipt.*

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

(Signed)

G. H., *Registrar.*

## FORM D.

18 . BIRTHS.

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

## FORM E.

18 . DEATHS.

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

## FORM F.

I  
name of

and  
to have been born at  
day of

do hereby certify that I have baptised by the  
a child produced by  
as the of  
and declared by the said on the

Witness my hand this

day of

## SECOND SCHEDULE.

## REGISTRAR'S FEES.

*Land.*

	£	s.	d.
For the registration and recording of every instrument of not more than five folios of seventy-two words each, including receipt and certificate of registry ... ..	0	10	0
For every additional folio of seventy-two words ... ..	0	1	0
For every search ... ..	0	2	6
For an attested copy of or extract from any recorded instrument or deposited memorial or notice, for every folio of seventy-two words ... ..	0	1	0
For an attested copy of or extract from the general index, for every line ... ..	0	0	6
For every search or inspection of indexes, recorded instruments, or deposited memorials or notices ... ..	0	2	6
For comparing, if required, any instrument with the record thereof by reading over the same with the party registering, for every folio of seventy-two words ... ..	0	0	2
For comparing, if required, any copy or extract supplied by the Registry Office by reading over the same with the party requiring such copy or extract, for every folio of seventy-two words ... ..	0	0	2
For every other certificate of any description ... ..	0	2	6
For searching Crown grant book ... ..	0	10	0
For every certified copy of Crown grant ... ..	2	0	0

*Births.*

For registering every birth ... ..	0	2	6
For searching the registry books of births—			
For each name within ten years ... ..	0	1	0
For every year beyond in addition ... ..	0	0	6

*Deaths.*

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

## CLERGYMEN'S FEES.

*Baptisms.*

For searching the registry books of baptisms—			
For each name within ten years ... ..	0	1	0
For every year beyond ... ..	0	0	6

*Burials.*

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

**CLERGYMEN.****Ordinance No. 1 of 1865.**

[22nd August, 1865.]

Recital.

Whereas by an Act passed in the twenty-sixth year of His late Majesty King George the Third, Cap. 84, intituled, "An Act to empower the Archbishop of Canterbury, or the Archbishop of York, for the time being to consecrate to the office of Bishop persons being subjects or citizens of countries out of His Majesty's dominions," it was enacted that no person or persons admitted to the Order of Deacon or Priest by any Bishop or Bishops so consecrated, or by the successor or successors of any Bishops so consecrated, should be thereby enabled to exercise his or their respective office or offices within His Majesty's dominions.

And whereas by an Act of Parliament passed in the twenty-sixth and twenty-seventh year of Her Majesty Queen Victoria, Cap. 121, intituled, "An Act to establish the validity of Acts performed in Her Majesty's Possessions abroad by certain Clergymen ordained in foreign parts, and to extend the powers of Colonial Legislatures with respect to such Clergymen," it was enacted that it should be lawful for the Legislature of any of Her Majesty's possessions abroad by any law or laws to be by them passed, to authorise any persons admitted to the Order of Priest or Deacon by any of such Bishops as are mentioned in the said first recited Act to exercise their respective offices in such possessions.

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

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

Validity of  
Acts.

1. All Acts which may at any time hereafter be performed in the Falkland Islands or their Depen-



dencies by any person having been admitted to the office of Priest or Deacon by any of such Bishops as aforesaid shall be as valid and effectual at law for all purposes whatever, as if such person had been so admitted by a Bishop or Bishops of the United Church of England and Ireland.

2. This Ordinance may be cited as "The Clergymen's Ordinance, 1865."

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**PENGUINS.**

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**Ordinance No. 1 of 1867.**

[23rd March, 1867.]

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

1. It shall be lawful for the Governor to grant to any person a licence in writing under his hand to kill penguins on the unoccupied lands of the Crown on the East Falkland Island and islands adjacent thereto lying north of Choiseul Sound and Brenton Loch, or on the West Falkland Island and the islands adjacent thereto; such licence to be upon such terms and conditions, and for such payment as the Governor may deem reasonable.

2. Each licence shall be for twelve months only :

Duration of  
licence  
revocation.

Provided, nevertheless, that it shall be lawful for the Governor at any time to revoke a licence upon proof that any of the conditions contained therein have been broken.

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

Governor may  
grant licences  
to kill penguins  
on private  
lands.

4. A statement of the names of all persons licensed under this Ordinance shall be placed on the

Names of  
licensees to be  
published.;

Government *Gazette* board within fourteen days after such licence has been granted, and the revocation of any licence shall be notified in a similar manner.

Penalty for  
killing without  
a licence.

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

Forfeiture of  
boat.

6. If the owner of any boat or vessel make use of or shall permit his boat or vessel to be used for the purpose of destroying penguins, he shall be liable to the power of the Stipendiary Magistrate in his absence, of two or more Justices of the Peace, to order, in addition to such fine as may be imposed, the boat or vessel and its contents shall be forfeited to the Crown.

of

7. All penalties under this Ordinance shall be sued for and recovered in the same way that penalties are sued for and recovered under and by virtue of the Summary Jurisdiction Ordinance, No. 5 of 1902.

Short title.

8. This Ordinance may be cited as "The Penguins Ordinance, 1867."

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### NAVAL STORES AND VICTUALLING.

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Ordinance No. 4 of 1867.

[23rd August, 1867.]

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

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

1. The marks described in the schedule to this Ordinance may be applied in or on Her Majesty's Naval and Victualling Stores to denote Her

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

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

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

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

Knowingly receiving marked stores a misdemeanour.

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

Knowledge of stores being marked presumed against dealers.

5. Any person charged with such a misdemeanour as last aforesaid in relation to stores, the value of which does not exceed five pounds, shall be liable on summary conviction before a Justice of the Peace to a penalty not exceeding twenty pounds, or in

Offenders may be summarily convicted in certain cases.

the discretion of the Justice to be imprisoned for any term not exceeding six months, with or without hard labour.

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

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

Criminal possession explained.

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

No unauthorised person to creep, sweep, etc., for stores within 100 yards of dockyards.

8. It shall not be lawful for any person, without permission in writing from the Admiralty or from some person authorised by the Admiralty or by the Governor in that behalf, to creep, sweep, dredge or otherwise search for stores in the sea or in any tidal water, within one hundred yards of any vessel belonging to Her Majesty, or in Her Majesty's Service, or from any mooring-place or anchoring-

place appropriated to such vessels or from any moorings belonging to Her Majesty, or from any of Her Majesty's wharves, or dock, victualling, or steam factory yards. If any person act in contravention of this provision, he shall be liable, on summary conviction before a Justice of the Peace, to a penalty not exceeding five pounds, or to be imprisoned for any time not exceeding three months, with or without hard labour.

9. All offences punishable under this Ordinance shall be prosecuted and punished in the same way that other offences committed in this Colony are punishable by law :

Punishment.

Provided that no offence under this Ordinance shall be prosecuted except on the information of some person appointed by the Governor by warrant under his signature.

Governor to appoint a prosecutor.

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

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

11. This Ordinance may be cited as "The Naval Stores Ordinance, 1867."

Short title.

#### SCHEDULE.

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

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

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

Bunting—A double tape in the warp.

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

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

**VACCINATION.**

Ordinance No. 1 of 1868.

*As amended by No. 3 of 1895.*

[28th April, 1868.]

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

Governor to  
appoint public  
vaccinator.

1. It shall be lawful for the Governor from time to time to divide the Falkland Islands into as many districts as he may deem advisable or necessary, and to appoint the Colonial Surgeon or other public medical officers of these Islands, or any duly qualified medical practitioner to be the Public Vaccinator or Vaccinators of such districts, whose duty it shall be to attend at such time or times as may be appointed by the Governor at some convenient place within each such vaccination districts as the Governor may direct, and the said Public Vaccinator or Vaccinators shall and are hereby required to vaccinate all persons resident in any such district or districts, who may come or be brought to them for that purpose, being fit subjects for vaccination, subject to such regulations as may be issued by the Governor in that behalf :

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

Provided always, that the provisions of this Ordinance shall not apply or be in force in any district until a Public Vaccinator has been appointed for such district.

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

2. The father or mother of every child born in the Falkland Islands after the passing of this Ordinance shall within three months after the birth of such child, or when by reason of the death, illness, absence or inability of the father or mother, or other cause, any other person shall have the custody of such child, such person shall within three months after receiving the custody of such child take it or cause it to be taken to the Public Vaccinator of the district to

be vaccinated, unless such shall have been previously vaccinated by some duly qualified medical practitioner and the vaccination, or unfitness, or insusceptibility of successful vaccination duly certified, and the Public Vaccinator is hereby required with all reasonable dispatch, subject to such conditions hereinafter mentioned, to vaccinate such child.

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

Children under the age of twelve years to be vaccinated.

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

Provision for inspection of vaccination.

5. Upon and immediately after the successful vaccination of any child the Public Vaccinator or other qualified medical practitioner shall deliver to the father or mother of the said child, or to the person having the custody of such child, a certificate under his hand according to the form in the Schedule hereunto annexed marked A, or to the like effect that the child has been successfully vaccinated, and such certificate shall, without further proof, be admissible

Certificate of successful vaccination.

as evidence of the successful vaccination of such child in any information or complaint which shall be brought against the father or mother of the said child, or such person as aforesaid, for non-compliance with the provisions of this Ordinance.

Provision for  
the unfitness of  
child to be  
vaccinated.

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

Provision for  
the insuscepti-  
bility of  
successful  
vaccination.

7. If the Public Vaccinator or medical practitioner shall find that a child whom he had three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or other person as aforesaid a certificate under his hand according to the form in the Schedule hereunto annexed marked C, or to the like effect. And the parent or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated, and the production of such



certificate shall be sufficient defence against any complaint that may be brought against the parent or other person for non-compliance with the provisions of this Ordinance.

8. That the father or mother or other person as aforesaid shall pay to the Public Vaccinator the sum of two shillings and sixpence for each child successfully vaccinated.

Remuneration to Public Vaccinator for successful vaccination.

9. That the Registrar for the time being acting under and by virtue of the Registration Ordinance, 1853, shall, upon the registration of the birth of any child, give notice according to the form in the Schedule hereunto annexed marked D, or to the like effect to the father or mother or person having the custody of such child, requiring such child to be duly vaccinated according to the provisions of this Ordinance.

Registrar to give notice of vaccination to parent or other person registering birth.

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

Penalty on parent or other person neglecting to procure vaccination of the child.

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

Penalty on vaccinator neglecting to give certificate, and persons signing false certificates.

12. Every public vaccinator or medical practitioner to whom a child has been brought for vaccination shall send to the Registrar in the town of Stanley, within seven days thereafter in the case of a child presented for vaccination in Stanley or

Public vaccinators to return certificate of successful vaccination or otherwise to Registrar.

its suburbs, or within eight weeks in the case of a child presented for vaccination in any other place in the Colony than the town of Stanley and its suburbs, a certificate of successful vaccination, as the case may be, in the Forms A, B or C in the Schedule annexed to this Ordinance as may be applicable to the particular case: And any public vaccinator or medical practitioner who shall refuse or fail to do so shall be liable to a penalty not exceeding ten pounds unless reasonable grounds be shown for such failure.

Certificates to be registered.

13. All such certificates shall, upon receipt at the Registrar's office, be entered by the Registrar in a book to be provided for that purpose, and it shall be the duty of the Registrar once in every quarter to compare this book with the registry of births, and to send a list to the Chief Constable of all children whose births have been registered and with respect to whom no certificates under Section 12 of this Ordinance have been received by the said Registrar within four months from their birth.

Chief Constable to prosecute cases in Stanley and forward reports when parents reside elsewhere.

14. The Chief Constable immediately upon the receipt of this list shall, when the parents of the children or other parties required by law to take the children named therein to be vaccinated are resident in Stanley or its suburbs, apply to the Police Magistrate or a Justice of the Peace of the Colony for the issue of summonses for the offending parties, and in cases where the offending parties are resident elsewhere in the Colony than in Stanley or its suburbs the said Chief Constable shall forward a list of such last-mentioned cases to any officer appointed by the Governor to enforce the provisions of this Ordinance, whose duty it shall be immediately to charge the said parties before a Justice of the Peace.

Action in cases of unvaccinated children under 14 years of age.

15. If any Registrar or any officer appointed by the Governor to enforce the provisions of this Ordinance shall give information in writing to the Police Magistrate or a Justice of the Peace that he has reason to believe that any child under the age of fourteen years being within the district for which the informant acts has not been successfully vaccinated, and that he has given notice to the parent

or person having the custody of such child to procure the vaccination of the child and that this notice has been disregarded, the Police Magistrate or Justice may order further inquiry to be made or shall summon such parent or person to appear with the child before him at a certain time and place, and upon the appearance, if the Police Magistrate or Justice shall find after such examination as he shall deem necessary that the child has not been successfully vaccinated nor has already had the small-pox, he shall make an order under his hand and seal directing such child to be vaccinated within a certain time, and if at the expiration of such time the child shall not have been so vaccinated or shall not be shown to be unfit to be vaccinated or to be insusceptible of vaccination the person upon whom such order shall have been made shall be proceeded against summarily when such person is resident in Stanley or its suburbs by the Chief Constable, and when such person is resident elsewhere in the Colony than in Stanley and its suburbs by any officer appointed by the Governor to enforce the provisions of the Ordinance, and unless the person charged can show some reasonable ground for his omission to carry the order into effect, he shall be liable to a penalty not exceeding twenty shillings :

Provided that if the Police Magistrate or Justice of the Peace shall be of opinion that the person is improperly brought before him and shall refuse to make any order for the vaccination of the child he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the Police Magistrate or Justice of the Peace.

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

Penalty on  
persons  
inoculating  
with small-pox.

Mode of  
recovery of  
penalties.

17. All penalties imposed under this Ordinance shall be recovered in a summary way before the Police Magistrate or a Justice of the Peace of the Colony, but in default of payment a sentence of imprisonment without hard labour only shall be imposed.

Notice not to  
be proved by  
prosecution.

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

Short title.

19. This Ordinance may be cited as "The Vaccination Ordinance, 1868."

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#### SCHEDULE.

##### FORM A.

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

Dated this day of

(Signed)

*Public Vaccinator [or] Medical Practitioner*  
*[as the case may be].*

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##### FORM B.

I, the undersigned, being a [*here insert nature of professional qualification*], hereby certify my opinion that  
 the child of , of , in the  
 district of , aged , is not now in a  
 fit state to be successfully vaccinated, and I do hereby postpone the vaccination  
 until the day of

Dated this day of

(Signed)

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

## FORM C.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
(Signed)

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

## FORM D.

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

As witness my hand this \_\_\_\_\_ day of \_\_\_\_\_  
(Signed)

*Registrar.*

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**DOG .**

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**Ordinance No. 3 of 1868.**

[7th October, 1868.]

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

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

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

2. The occupier of any house or premises where any dog was kept, or permitted to live or remain at the time of such injury, shall be deemed to be the owner of such dog, and shall be liable as such unless the said occupier can prove that he was not the owner of such dog at the time the injury complained of was committed, and that such dog was kept or permitted to live or remain in the said house or premises without his sanction or knowledge :

Provided always, that where there are more occupiers than one in any house or premises let in separate apartments, or lodgings, or otherwise, the occupier of that particular part of the premises in which such dog shall have been kept, or permitted to live or remain at the time of such injury, shall be deemed to be the owner of such dog.

3. This Ordinance may be cited as "The Dogs Ordinance, 1868."

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### **ESCHEAT.**

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#### **Ordinance No. 2 of 1871.**

[15th May, 1871.]

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

Governor to  
appoint  
Escheator-  
General.

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

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

2. In all cases of escheat to the Crown it shall be lawful for the Escheator-General to issue his precept in the form in Schedule A hereto annexed to the Chief Constable to summon a jury of twelve persons, any six of whom shall be sufficient to

constitute a jury to inquire of such escheat, and the said Chief Constable shall thereupon summon twelve persons liable to serve on juries, and return such precept to the Escheator-General with the names of the persons summoned endorsed thereon certified under his hand.

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

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

4. All inquests under this Ordinance shall be holden at the Court-house, Stanley, on any day not appointed for the sitting of any Court therein, and notice of the day and hour shall be published on the *Gazette* board, and, in case of real estate, shall be affixed or left with some person at the premises respecting which inquiry is to be made three months before the holding of the inquest.

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

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

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

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

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

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

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





touching certain property to which Our Sovereign Lady the Queen hath become entitled by way of escheat as is alleged, and have you then and there the names of the jurors and this writ according to the Ordinance in that case provided.

Dated the

day of

(Signed)

A. B., *Escheator-General*.

Falkland Islands.

*Form of Oath to Juror.*

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

*Form of Oath to Witness.*

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

*Form of Inquisition.*

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

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

(Signed)

*A. B., Escheator-General.*

[*Signatures of Jurors.*]

## SECOND SCHEDULE.

### *Table of Fees.*

	£	s.	d.
Escheator-General	3	0	0
For each summons.			
Chief Constable	1	6	8
For summoning jury.			
For each Juror	0	3	0

## MORTGAGES.

## Ordinance No. 1 of 1875.

*As amended by No. 6 of 1876, and No. 1 of 1905.*

[30th April, 1875.]

Be it enacted by the Governor of the Falkland Islands and the Dependencies thereof, with the advice of the Legislative Council thereof, as follows :—

Any person making a *bona-fide* advance to any proprietor of sheep on condition of receiving in payment the wool of the next ensuing clip to be entitled to the whole of the wool mentioned in such agreement.

1. In all cases where any person shall make any *bona-fide* advance of money or goods, or give any valid promissory note or bill to any proprietor of sheep on condition of receiving in payment or as security only for such money, goods, promissory note or bill, as the case may be, the wool of the then next ensuing clip of such proprietor, and where the agreement relating to such purchase or security shall be made in the Form A set out in the Schedule hereto or to the effect thereof, and shall be duly registered within ten days after the date of such agreement, the person making such purchase or advance shall be entitled to the whole of the wool mentioned in such agreement, whether such advance of money or goods or of such note or bill be before, at or after the granting of any such preferable lien, so long as the registered agreement relating thereto shall purport on the face of it to have been made in payment, or as security for such advance; and the possession of such wool by the said proprietor shall be, to all intents and purposes, the possession of the person or persons making such purchase or advance :

When advance repaid property and possession of the wool to revert in the proprietor of the sheep.

Provided that when, at any time, such advance be repaid, with such interest and commission as may be specified in any such agreement, the possession and property of the said wool shall revert in such proprietor.

2. When any person shall make any such *bona-fide* advance or purchase as aforesaid, the preferable lien of the lienee making the same, on the wool of the then next ensuing clip of such proprietor, shall not be in anywise extinguished, suspended, impaired, or otherwise prejudicially affected by any subsequent sale, mortgage, or other encumbrance whatsoever of the sheep mentioned and described in the registered agreement relating to any such preferable lien, nor by the subsequent bankruptcy of the lienor, but shall be as valid and affectual to all intents and purposes whatsoever, against any such subsequent purchaser, mortgagee, encumbrancer, or other claimant or possessor of the said sheep, or against the trustees or assignees of such bankrupt lienor, as against the original proprietor thereof, who granted such preferable lien :

Provided that if any such lienor, subsequent mortgagor, encumbrancer, trustee, or other claimant or possessor of such sheep shall neglect or refuse to shear and deliver the wool of any sheep for which any such preferable lien shall have been granted as aforesaid, in pursuance of the agreement in that behalf contained in such preferable lien, it shall be lawful for the lienee, his executors, administrators, or assigns, to take possession of the sheep bearing such wool, for the purpose of washing and shearing the same; and all expenses attending such shearing and the conveyance of the wool to the place of abode of such lienee, shall be incorporated with and deemed in law part of the amount secured by such lien.

3. All mortgages of sheep, cattle, and horses, which shall hereafter be made *bona-fide*, and for valuable consideration, and where the names of the parties thereto, and the particulars thereof, shall be duly registered in cases where such mortgages shall have been executed in the Colony within ten days and where executed out of the Colony within three months after the date thereof in the office of the Registrar-General in the Form B set out in the Schedule hereto, shall be valid in law, to all intents and purposes, whether the money secured by the said mortgage be payable presently or not, and notwithstanding the said mortgaged live stock shall not be

Agreement, in form herein specified, for any *bona-fide* advance on security of ensuing clip of wool, registered as herein mentioned, valid against subsequent purchaser, etc., of sheep.

Mortgage of live stock *bona-fide* made for valuable consideration executed and registered as herein mentioned, valid although the principal sum not presently payable, and although stock remain in possession of the mortgagor.

delivered over to the mortgagee, but shall remain and continue, in every respect as theretofore, in the possession, order, and disposition of the said mortgagor; and though the said mortgagor may afterwards be adjudicated a bankrupt :

Provided that no mortgage shall protect the same from the operation of any such law, unless such mortgage shall have been executed at least sixty days before the date of any fiat in bankruptcy, or where the consideration of any such mortgage shall be an advance or loan not payable presently, then the same shall only be valid to the extent of the amount actually advanced, or the bills or notes actually given by the mortgagee at the date of such fiat with such interest and commission as may be due in respect thereof.

Separate and distinct registry from year to year to be kept of agreements for purchases of, or advances on wool, and of mortgages of live stock.

4. The Registrar-General or Deputy-Registrar shall keep a separate and distinct registry, from year to year, of all such agreements for such purchases of wool, or advances thereon, and shall also keep a separate and distinct registry of the particulars of all such mortgages of sheep, cattle, and horses as aforesaid; and shall be entitled to demand for every such registry thereof, the fees payable under the Registration Ordinance, 1853.

When and how preferable liens on wool may be cancelled.

5. The Registrar-General, or his deputy, at any time after the registration of any such preferable lien as hereinbefore provided, may, at the request of both parties to any such preferable lien, enter satisfaction for the same on the records of the office.

In every case, before or after passing of this Ordinance, in which amount of mortgage shall have been paid, mortgagor may register the receipt, but without prejudice to any previous sale or subsequent mortgage.

6. Where before or after the passing of this Ordinance the amount of principal and interest, or of the balance of principal and interest due upon any mortgage of live stock, shall have been, or shall be paid to the person entitled to receive the same, or his agent in that behalf, and a receipt in writing for the amount so paid shall have been, or shall be given, signed by the party so entitled, or by his agent acknowledging such payment to be in satisfaction of the mortgage, it shall be lawful for the mortgagor, his executors, administrators, or assigns, to cause a copy of such receipt, duly verified by affidavit, to be

registered at Stanley, in the office of the Registrar-General, on production to this officer, or his deputy, of the original receipt, and of the mortgage deed to which the same shall relate; and, from and after the time of the registration of any such verified receipt, such payment shall operate as an extinction of the mortgage, and of the right and interest thereby created, to all intents and purposes whatsoever, but without prejudice nevertheless to any previous sale or sales, or any conveyance in pursuance thereof, under such mortgage deed, the particulars whereof shall be duly endorsed thereon, and without prejudice to any second or subsequent mortgage affecting the same live stock, or any part thereof, then duly registered, unless every party thereto shall, by writing under his or her hand, at the foot of such receipt as aforesaid have signified his or her assent to the registration of such receipt.

7. Nothing in this Ordinance contained shall be construed to affect in any way the rights or prerogatives of the Crown, as to any of the waste lands described in any such liens or mortgages as the lands or stations where any such sheep, horses, or cattle, may be depasturing.

Rights of the  
Crown as to  
waste lands not  
affected.

8. Any grantor of any such preferable lien on wool, or of any mortgage of sheep, cattle, or horses, or of their increase and progeny, under this Ordinance, whether such grantor shall be principal or agent, who shall afterwards by the sale or delivery of the wool under any such lien, without the written consent of the lienee, to any purchaser, pawnee, or other person, or by selling, steaming, or boiling down, or causing to be sold, steamed, or boiled down, without such written consent as aforesaid, the sheep whereon the same shall be growing, with a view to defraud such lienee of such wool, or of the value thereof; or who shall, after the due execution and registry of any such mortgage, without the written consent of the mortgagee thereof, sell and dispose of, or steam, or boil down, or cause to be sold and disposed of, or to be steamed or boiled down, any sheep, cattle, or horses, or their increase or progeny (with intent in any such case to defraud the lienee or mortgagee), shall be severally held and deemed guilty

Punishment to  
frauds.

of an indictable fraud and misdemeanour, and being thereof duly convicted, shall be severally liable, in the discretion of the Judge or Court before whom any such offender shall be so convicted, to fine or imprisonment, or to both fine and imprisonment, for any period not exceeding three years, with or without hard labour, at the discretion of such Court or Judge.

Short title.

9. This Ordinance may be cited as "The Mortgages Ordinance, 1875."

#### SCHEDULE.

##### FORM A.

In consideration of [*here set out in full the consideration moving from A. B., of* , *the mortgagee, whether money or goods, or whatsoever else, and if it be money, state whether such money is payable presently or not, and if in fixed instalments set out the dates*] I do hereby give the said A. B. a preferable lien to the extent of £ , with interest thereon at the rate of £ per centum per annum, and such sums by way of commission as shall be due to him from time to time according to the ruling rates amongst merchants for the sale of such wool, and in respect of other sales and purchases made on my behalf, on the wool of the ensuing clip, to be shorn from my flocks of sheep, consisting in number of or thereabouts, and now depasturing at , in the said Colony, under the superintendence of . It is further agreed that the said sheep shall be shorn by me, or at my expense, and that the wool thereof shall be delivered by me at to the order of the said A. B.

Dated

day of

, A.D.

Witness

(Signed)

C. D.

*N.B.*—If the money or goods, promissory note or notes, bill or bills advanced be for the absolute purchase of the wool, instead of the words "to the extent of £ " insert the words "for the absolute purchase and whole value thereof."

##### FORM B.

Date of Deed or Agreement.	Name of Mortgagor or Lienor.	Name of Mortgagee or Liencee.	Consideration (if for a preferable lien state particulars of bills or notes, if any, given).	Number and description of sheep whose wool is pledged, or of mortgaged sheep, cattle or horses, and the brand or other distinctive mark and stations where the same are depasturing, as also the name of the principal Superintendent or Overseer.

[*Name of witness or witnesses.*]

**UNSEAWORTHY VESSELS.****Ordinance No. 2 of 1875.**

[20th September, 1875.]

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

1. Where the Governor has received a complaint or has reason to believe that any ship is by reason of the defective condition of her hull, equipments or machinery, or by reason of overloading, or improper loading, unfit to proceed to sea without serious danger to human life, he may if he think fit appoint some competent person or persons to survey such ship and the equipments, machinery and cargo thereof, and to report thereon to him.

Power to  
appoint inspec-  
tors of ships.

2. Any person so appointed may for the purposes of such survey require the unloading or removal of any cargo, ballast or tackle, and shall have all the following powers, that is to say :—

Powers of  
inspectors.

(1) He may go on board any ship and may inspect the same or any part thereof, or any of the machinery, boats, equipments or articles on board thereof to which the provisions of this Ordinance apply, not unnecessarily detaining or delaying her from proceeding on any voyage.

(2) He may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make.

(3) He may by summons under his hand require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make.

(4) He may require and enforce the production of all books, papers or documents which he considers important for such purpose.

(5) He may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

And every witness so summoned as aforesaid shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before any Court of record, and in case of any dispute as to the amount of such expenses, the same shall be referred by the Inspector to the Clerk of the Supreme Court, who, on a request made to him for that purpose under the hand of the Inspector, shall ascertain and certify the proper amount of such expenses; and every person who refuses to attend as a witness before any such Inspector, after having been required so to do in the manner hereby directed, and after having had a tender made to him of the expenses, if any, to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which any such Inspector is hereby empowered to require, shall for each such offence incur a penalty not exceeding ten pounds.

**Penalty on obstructing inspector.**

3. Any person who (having notice of the intention to hold such survey) wilfully does, or causes to be done, any act by which the person appointed to make such survey is prevented from or obstructed in ascertaining the condition of the ship, her equipments, machinery and cargo shall be liable to a penalty not exceeding fifty pounds.

**Power to detain ship for survey.**

4. The Governor may, if he think fit, order that any ship be detained for the purpose of being surveyed under this Ordinance, and thereupon any Officer of Customs may detain such ship until her release be ordered by the Governor.

**Powers to detain or release ship after report of inspector.**

5. Upon the receipt of the report of the person making any such survey, the Governor may, if in his opinion the ship cannot proceed to sea without serious danger to human life, make such further order as he may think requisite as to the detention of



the ship, or as to her release, either absolutely or upon the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Governor may impose. He may also from time to time vary or add to such order.

6. A copy of any such order and of the report upon which it was founded, and also of any variation of or addition to such order, shall be delivered as soon as possible to the owner, consignee or master of the ship to which it relates.

Delivery of copy of report and order to owner, consignee or master of ship.

7. When a ship has been detained under this Ordinance, she shall not be released by reason of her British or Colonial register having been closed.

Closing of register not to effect detention.

8. If upon the survey of a ship under this Ordinance she is reported to have been at the time of the survey, having regard to the nature of the service for which she was then intended, unfit to proceed to sea without serious danger to human life, the expenses incurred in respect of the survey shall be paid by the owner of the ship to the Treasurer, and shall, without prejudice to any other remedy, be recoverable by suit or other proceeding at the instance of the Stipendiary Magistrate in the same manner as salvage is recoverable.

Expenses of survey of ship reported unseaworthy.

9. If upon such survey the ship is not reported to have been unfit to proceed to sea, having regard to the nature of the service for which she was intended, the Treasurer, on the warrant of the Governor, shall out of the general revenues of this Colony pay compensation to any person for any loss or damage which he may have sustained by reason of the detention of the ship for the purpose of survey, or otherwise in respect of such survey, and shall also pay in like manner the expenses of such survey.

Expenses of survey and damages if ship not reported unfit.

10. Where a complaint has been made to the Governor that a ship is not fit to proceed to sea, he may, if he think fit, before ordering a survey of the ship, require the complainant to give or provide such security as he may think sufficient for the payment

Power to demand security for expenses and damages.

of the costs and expenses which may be incurred in respect of the survey of the ship, and of all compensation which may be payable for loss or damage caused by detention for the purpose of such survey, or otherwise in respect of such survey.

As to expenses and damage if complaint made without reasonable cause.

11. Where a ship has been surveyed under this Ordinance in consequence of a complaint made to the Governor, if upon such survey being made it appear that such complaint was made without reasonable cause, the expenses incurred in respect of the survey of the ship and the amount, if any, which may have become payable out of the general revenues of this Colony in respect of any loss or damage caused by her detention, shall be recoverable from such complainant by action at the instance of the Stipendiary Magistrate, which may in form be for moneys paid out of the Treasury of this Colony at the request of such complainant.

Expenses to be paid out of general revenues of Colony.

12. All moneys payable in respect or by reason of the survey or detention of a ship under this Ordinance shall in the first instance, and subject to the right by this Ordinance provided of recovering such moneys from the complainant or owner of the ship, be paid out of the general revenues of this Colony on the warrant of the Governor.

Definition.

13. The term ship in this Ordinance shall include the Colonial schooners and all decked vessels of whatsoever tonnage, and howsoever propelled, having a British or British-Colonial register.

Short title.

14. This Ordinance may be cited as "The Ships Ordinance, 1875."

### **LICENSING.**

#### **Ordinance No. 11 of 1882.**

[1st December, 1882.]

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

Licence already held to be subject to this Ordinance.

1. All licences held at the commencement of this Ordinance, and all licensed persons and licensed premises holding, or in respect of which a licence

shall be held at the commencement of this Ordinance, shall, except where otherwise specially provided, be under and subject to the provisions of this Ordinance.

Proviso:

2. Nothing in this Ordinance shall apply to any person selling any spirituous or distilled perfume, *bona-fide* as perfumery, nor to the prescription or administration of any liquor simply as medicine, or for medical purposes by or under the direction of any known or practising physician, surgeon or medical practitioner, nor to any person who holds a licence as auctioneer, selling liquor at public auction in quantities of not less than two gallons at any one time, nor shall any licence be required by the master or commander of any vessel for the supply of any allowance of liquor to the crew of such vessel.

Ordinance not to apply in certain cases.

3. No person shall sell or expose for sale any intoxicating liquor without being duly licensed to sell the same, or at any place where he is not duly authorised to sell the same, and any person who shall (except as the agent or servant of a licensed person, and then only in accordance with such person's licence) sell any liquor without a licence authorising such sale shall forfeit and pay for a first offence any sum not less than twenty-five pounds and not more than fifty pounds, or shall be liable to imprisonment for any term not less than one month, nor exceeding three months, and for a second and any subsequent offence shall be liable to imprisonment, with or without hard labour, for any term not less than three months nor exceeding six months, and shall also for a first as well as any subsequent offence forfeit all liquor in his possession, with the vessels containing the same.

No liquor to be sold without licence.

Penalties.

4. The following licences may be granted under this Ordinance :—

Kinds of licence.

- Publican's retail licences.
- Billiard table licences.
- Packet licences.
- Wholesale licences.
- Brewer's licences.

Such licences respectively shall be in such one of the forms in the Schedule as shall be applicable, and

Forms.

shall be in force for six months, with the exception of packet licences, wholesale licences and brewers' licences, which shall be in force for twelve months.

Publican's  
licence.

5. A publican's retail licence shall authorise the licensee to sell and dispose of any liquor in any quantity less than two gallons on the premises specified, on any lawful day between the hours of eight in the morning and ten at night.

Billiard licence.

6. A billiard table licence shall authorise the licensee to keep and maintain billiard or bagatelle tables for hire on the premises thereon specified, and to allow such tables to be used between the hours of ten in the morning and ten at night.

Packet licence.

7. A packet licence shall authorise the master of the vessel therein mentioned, being a vessel by which passengers are conveyed from any place within the Colony or its Dependencies, to any other place within or without the Colony, to sell and dispose of liquor during her passage between such places to any passenger on board such vessel :

Provided that no licence shall be necessary to authorise the granting of allowances of liquor to the crew of such packet or vessel.

Wholesale  
licence.

8. A wholesale licence shall authorise the licensee to sell any liquor in quantities not less than two gallons on the premises specified in the licence, which, if more than one, must be contiguous to each other.

Brewer's  
licence.

9. A brewer's licence shall authorise the licensee to brew beer on the premises specified in such licence, for sale in quantities of not less than nine gallons, and subject to such regulations as shall from time to time be prescribed by the Governor in Council. There shall be payable in respect of such beer upon every 36 gallons of worts of a specific gravity of 1,030 degrees, or upon any less quantity or gravity, a duty of 6s., and for every two degrees in excess of 1,030 degrees the sum of 3d.

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

	£	s.	d.
For a publican's retail licence for six months	10	0	0
For a billiard table licence for six months, each table	2	10	0
For a packet licence for twelve months	5	0	0
For a wholesale licence for twelve months	20	0	0
For a brewer's licence for twelve months	2	0	0

Fees.

11. Any person may, by application to the Colonial Treasurer, obtain a "publican's," "billiard table," or "packet" licence, on production of a certificate of good character and fitness signed by two Justices of the Peace not holding licences under this Ordinance, and approved by the Governor, and on payment of the fee hereinbefore set forth :

Power of Treasurer to issue licences.

Provided always that every such application shall first have been published by the Treasurer for fourteen days in the official *Gazette*, and that the objections (if any) to such licence being granted shall have been heard and determined in manner herein-after provided.

12. All objections to the granting or renewal of licences shall be heard and determined by the Governor in Council.

Objections to be heard by Governor in Council.

13. The objections that may be taken to the granting of an application for a licence may be one or more of the following :—That the applicant is of bad fame and character, or of drunken habits, or has within twelve months previously forfeited a licence, or that the applicant has been convicted of selling liquor without a licence within a period of three years, or that the premises in question have not reasonable accommodation, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situated will be disturbed if a licence be granted. The objections which may be taken to the renewal of a licence may be one or more of the following :—That the applicant is of bad fame and character, or of drunken habits, or that

**Objections to licences.**

the premises in question are not maintained at the required standard, and also any other objection (whether or not of the same kind as any of the preceding objections) which appears to the Governor in Council to be sufficient :

Provided that at least three days' notice of such objections shall be given to the applicant before the day of hearing the same.

**Renewal of licences.**

14. All licences held at the commencement of this Ordinance or granted during its operation may be renewed by the Colonial Treasurer on the terms and according to the provisions of this Ordinance without certificate, provided no objections be taken to such renewal. In any case where objections are taken the licence will not be renewed until such objections are heard and determined by the Governor in Council in favour of the licence.

**Power of Magistrate to issue special licence.**

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

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

**Special billiard licence.**

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

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

17. It shall be lawful for the Police Magistrate, if he shall consider it conducive to public convenience, to grant to any person an "occasional licence" for the sale of intoxicating liquors at such place, in such quantities, and for such period of time not exceeding three consecutive days as may be specified in such licence, and on the issue of any such licence there shall be paid into the Treasury a fee at the rate of ten shillings per diem in respect of any place within three miles of a public-house, and five shillings per diem in respect of any other place :

Occasional licence.

Provided that no such licence shall be granted except with the consent of the occupier of the place specified in such licence.

18. It shall be lawful for the Colonial Treasurer to grant to any person, company, or mercantile firm, or to the agent of such company or mercantile firm, a wholesale licence for twelve months, in the form in the Schedule to this Ordinance, on payment of the fee of twenty pounds.

Grant of wholesale licence.

19. Every licensed person shall cause to be painted or fixed, and shall keep painted or fixed on the front of the premises in respect of which his licence is granted, in a conspicuous place, and in letters at least three inches in length, his name, with the addition after the name of the word "licensed," and of words sufficient to express the business for which his licence has been granted, and no person shall have any words or letters on his premises importing that he is licensed in any way other than that in which he is in fact duly licensed. Every licensed person who acts in contravention of, or who fails to comply with the provisions of this section, shall be liable to a penalty not exceeding for the first offence five pounds, and not exceeding for the second and any subsequent offence ten pounds.

Name of licensed person to be affixed on premises.

20. Every person duly licensed to sell liquors in Stanley, or in any township which may hereafter be proclaimed, shall keep books in form to be approved by the Governor in Council, and daily enter therein a true account of all liquors purchased or imported, as well as of all liquors sold by him; and such books

Licensed persons to keep account of liquor obtained and sold.

shall be open to inspection at any time by any constable. For any neglect of, or refusal to comply with, any of these provisions, the licensee will be liable to the forfeiture of his licence and to a penalty not exceeding twenty pounds.

Retail dealers  
not to keep  
store.

21. Any person licensed to sell liquor by retail in Stanley, or in any township which may be hereafter proclaimed, who shall directly or indirectly keep a store, or sell, or barter goods on the premises for which a retail licence has been issued under this Ordinance, shall on conviction be liable to forfeiture of his licence and to a penalty not exceeding fifty pounds.

Licensee may  
supply meals.

22. The foregoing section shall not apply to any meals supplied by the licensee, nor to provisions consumed on the licensed premises, nor to the sale of tobacco where a licence for sale has been taken out under the provisions of Ordinance No. 10 of 1889.

Prohibition of  
sale of spirits  
of less strength  
than 27 under  
proof.

23. It shall not be lawful for any licensed dealer to sell by wholesale or retail any spirits of less strength than 27 under proof under a penalty upon conviction for each offence not exceeding twenty pounds.

Samples of  
liquor may be  
taken for test  
purposes.

24. It shall be lawful for any constable to enter upon any premises where liquor is kept or stored for the purposes of sale and take samples of any such liquor to be tested, and any person refusing so to furnish liquor required with this object, or who may interfere with, impede, resist or obstruct the officer in the discharge of this duty shall be liable to a penalty for each offence not exceeding fifty pounds.

Penalty for  
unlawful hire  
of billiard table.

25. Any person who shall permit or allow a billiard or bagatelle table to be used for hire on any premises for which a billiard table licence has not been obtained shall be liable to a penalty not exceeding twenty pounds.

Outdoor lamp  
to be kept  
burning all  
night.

26. Every licensed publican shall keep a lamp with white light affixed over the door of his premises, or within twenty feet thereof, lighted during the



whole of every night from sunset to sunrise, and every person who acts in contravention or fails to comply with the provisions of this section shall forfeit and pay for each offence a penalty not exceeding forty shillings.

27. Every holder of a publican's licence shall thoroughly cleanse and disinfect all the rooms, passages, stairs, floors, walls, ceilings, closets, cess-pools and drains of the licensed premises to the satisfaction of and as often as shall be required by or in accordance with the directions of any inspector appointed by the Governor.

Sanitary precautions.

28. If any licensed person shall permit any room or portion of his licensed premises or the appurtenances thereof to be used or occupied as a dancing, concert or theatrical saloon, or as a place of common resort to which persons may be admitted by ticket or otherwise, he shall be liable to forfeit his licence. But nothing herein contained shall extend to prevent private societies or assemblies of persons from hiring and using such room or place and keeping the exclusive control over admission to such room or place, independent of or unconnected with the proprietor or keeper of such house; and on every occasion of the hiring of such room or place special leave shall be applied for in writing by one or more of the persons desiring such leave, and such leave shall be obtained in writing from and under the hand of the Police Magistrate, countersigned by the Colonial Secretary; and the occasion on which and the name or names of one or more of the persons by or on behalf of whom such place is required shall be stated on the face of such written application and leave respectively :

Penalty for permitting room to be used as dancing saloon.

Provided that the Police Magistrate and the Colonial Secretary may, if they think fit, refuse to grant such application.

29. If any person who shall be duly licensed to sell liquor by retail shall be convicted of any offence against the laws for the proper regulation and good order of his house or against the conditions of the licence to him granted, such person, in addition to

Power to revoke licence if holder is convicted.

any punishment or penalty which may be awarded by the Court on account of such offence, may, at the option of the Court, be deprived of his licence and the said licence shall thereupon become null and void :

Provided that it shall be lawful for the Governor to remit any such forfeiture of a licence as aforesaid.

Penalty for  
paying wages  
in licensed  
premises.

30. If any master employing journeymen, workmen, servants or labourers shall pay or cause any payment to be made to any such journeymen, workmen, servants or labourers in or at any licensed premises or in any house in which liquor shall be sold, he shall for every such offence forfeit and pay a sum not exceeding ten pounds :

Provided always that nothing herein contained shall extend to any licensed person paying his own journeymen, workmen, servants or labourers employed solely in his business as licensed person in his licensed house.

No debts for  
liquor recover-  
able.

31. No licensed person shall recover any debt or demand on account of any liquor supplied by him to any person for consumption on the premises; but such licensed person may sue for and recover the value of any liquor supplied in moderate quantity with meals to any person *bona-fide* lodging in the house.

Liquor to be  
sold for money  
only.

32. If any licensed person shall receive in payment or as a pledge for any liquor or entertainment supplied in or from his licensed premises anything except current money, he shall for each such offence pay a penalty not exceeding ten pounds. The person to whom belongs anything given as a pledge as aforesaid shall have the same remedy for recovering such pledge or the value thereof as if it had never been pledged.

No licensed person shall receive payment in advance for any liquor to be supplied; and any payment so made in advance may be recovered notwithstanding that any liquor may have been supplied subsequently to such payment.

33. Any licensed person who allows to be supplied in his licensed premises by purchase or otherwise to be consumed on the premises any description whatever of spirits or of wine, ale, beer or porter to any person apparently under the age of sixteen years, of either sex, not being resident on the premises as a *bona-fide* guest, lodger or traveller, shall, as well as the person who actually gives or supplies the spirits, wine, ale, beer or porter, be liable to a penalty not exceeding ten pounds for every such offence. Upon a conviction for a first offence against this section the convicted person (if licensed) shall be liable to have his licence suspended for six months; and in case of a second or any subsequent offence he shall be liable to forfeit his licence, and the premises in respect of which such licence is granted shall be liable to be declared disqualified for a period of not less than two years nor exceeding five years.

Penalty for supplying children with liquor.

34. Any person who sells or delivers any liquor to any child apparently under fourteen years of age, to be taken away from the premises, shall be liable to a penalty not exceeding five pounds.

Selling or delivering liquor to children.

35. If any licensed person knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty, or supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty, unless by the authority of some superior officer of such constable, or bribes or attempts to bribe any constable, he shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second or any subsequent offence twenty pounds.

Penalty for harbouring constable.

36. Where it shall be made to appear in open Court that any person by excessive drinking of liquor misspends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the Police Magistrate or any two Justices

Supply of liquor to drunkards prohibited.

presiding in such Court shall, by writing under their hands, forbid any licensed person to sell to him or her any liquor for the space of one year, and such Police Magistrate or Justices or any other two Justices may, at the same time or any other time, in like manner prohibit the selling of any such liquor to the said drunkard by any such licensed persons of any other district to which such drunkard shall or may be likely to resort for the same.

Prohibition  
renewable.

37. The said Police Magistrate or Justices or any two of them shall in like manner, from year to year, renew any such prohibition as aforesaid as to all such persons as have not in their opinion reformed within the year; and if any licensed person shall during any such prohibition, after service of a copy thereof upon him or her or with a knowledge thereof in other manner acquired, sell to any such prohibited person any liquor, he or she shall forfeit, upon conviction for every such offence, a sum not exceeding ten pounds.

Penalties.

38. Any person—

(a) against whom an order of prohibition has been made under Section 36 or renewed under Section 37 of this Ordinance who shall, within one year of the making or renewal of such order, be in any place where liquor is sold by retail; or

(b) who, being the holder of any retail liquor licence, shall suffer any such prohibited person to be in the place so licensed; or

(c) who sells, supplies or distributes intoxicating liquor or authorises such sale, supply or distribution to any such prohibited person,

shall be liable on conviction for a first offence to a penalty not exceeding five pounds :

Proviso.

Provided that the Magistrate hearing any charge under this Ordinance, upon being satisfied that the person charged did not wilfully contravene the provisions of this section, or used every effort to prevent a prohibited person from being or remain-

ing on his premises and immediately gave information thereof to the police, may dismiss the charge against such person.

39. When any person against whom a prohibition order has been made or renewed under Sections 36 or 37 of this Ordinance shall—

(a) send or in any way influence any person to procure him liquor; or

(b) be found in possession of any liquor; or

(c) be found drunk in Stanley,

he shall be liable to a fine not exceeding five pounds or to imprisonment not exceeding one month.

40. Any person convicted under Section 38, Sub-Section (c), or Section 39 of this Ordinance shall be liable on a second or subsequent conviction to imprisonment not exceeding six months.

Penalty on second conviction.

41. No licensed person shall permit any sale by auction to be made on his premises under a penalty not exceeding five pounds for each offence.

Sales by auction forbidden on licensed premises.

42. If any licensed person suffers any unlawful game or any raffle, lottery or betting to be carried on in his premises, or opens, keeps or uses or suffers his premises to be opened, kept or used for the purpose of fighting or baiting any dog, cock or other kind of animal, whether of domestic or wild nature, he shall be liable for the first offence to a penalty not exceeding ten pounds, and not exceeding for the second or any subsequent offence twenty pounds. The penalties in this section mentioned shall be irrespective of and in addition to any other penalties to which any person may be liable under any law relating to gaming or cruelty to animals respectively.

Penalty for permitting gaming.

43. If any licensed person is convicted of permitting his premises to be a brothel, he shall be liable to a penalty not exceeding twenty pounds and shall forfeit his licence, and he shall be disqualified

Forfeiture of licence for permitting house to be a brothel.

for ever from holding any licence for the sale of liquors.

Power to  
exclude persons  
from premises  
and to refuse  
liquor.

44. Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is drunken or who is violent, quarrelsome or disorderly, whether drunken or not, and any person whose presence on his premises would subject him to a penalty under this Ordinance, and may refuse to serve any such person with liquor if demanded only as a pretext for remaining on the premises.

Penalty for  
refusing to quit  
premises on  
demand.

45. Any such person who, upon being requested by such licensed person or his agent or servant or any constable to quit such premises, refuses or fails to do so, shall be liable to a penalty not exceeding five pounds; and all constables are required on the demand of such licensed person, agent or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

Closing hours  
for licensed  
premises.

46. All premises in which intoxicating liquors are sold by retail shall be closed as follows :—

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

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

On Christmas Day and Good Friday as if Christmas Day and Good Friday were respectively Sunday :

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

Penalty for sale  
of liquor at  
unauthorised  
times.

47. Any person who, during the time at which licensed premises are directed to be closed by or in pursuance of this Ordinance, sells or exposes for sale on such premises, any liquor, or opens, or keeps open such premises for the sale of liquors, or allows any liquors, although purchased before the hours of closing, to be consumed on such premises, or during

such aforesaid time allows any one whomsoever to play at billiards or bagatelle, or any other game on such premises, shall, for the first offence, be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

48. Nothing in this Ordinance shall preclude a person who is licensed to sell liquor, to be consumed on the premises, from selling such liquor at any time to *bona-fide* travellers, or to persons lodging in his house.

Saving as to  
*bona-fide*  
travellers and  
lodgers.

49. If, in the course of any proceedings which may be taken against any licensed person for infringing the provisions of this Ordinance, relating to closing, such person (in this section referred to as "the defendant") fails to prove that the person to whom the liquor was sold (in this section referred to as "the purchaser") is a *bona-fide* traveller, but the Magistrate or Justices are satisfied that the defendant truly believed that the purchaser was a *bona-fide* traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the Magistrate or Justices shall dismiss the case against the defendant; and if they think that the purchaser falsely represented himself to be a *bona-fide* traveller, it shall be lawful for the Justices to direct proceedings to be instituted against such purchaser under the next following section of this Ordinance.

Onus of proof  
in such cases.

A person, for the purpose of this Ordinance, shall not be deemed to be a *bona-fide* traveller unless he shall reside at least five miles from the licensed premises where he shall be supplied with liquor or refreshment, or shall have travelled at least that distance on the day when he shall be so supplied.

50. Every person who, by falsely representing himself to be a traveller or lodger, buys or obtains, or attempts to buy or obtain at any premises, any liquor during the period during which such premises are closed, in pursuance of this Ordinance, shall be liable to a penalty not exceeding five pounds.

Penalty for  
false repre-  
sentation as a  
traveller.

Occupier of  
unlicensed  
premises liable  
for the sale  
of liquor.

51. The occupier of any unlicensed premises on which any liquor is sold, or, if such premises are occupied by more than one person, every occupier thereof, shall, if it be proved that he was privy or consenting to the sale, be subject to the penalties imposed upon persons for the sale of liquors contrary to licence.

Seller liable for  
drinking on  
premises  
contrary to  
licence.

52. If any purchaser of any liquor from a person who is not licensed to sell the same, to be drunk on the premises, drinks such liquor on the premises where the same is sold, the seller of such liquor shall, if it shall appear that the drinking was with his privity or consent, be subject to the following penalties, that is to say :—

For the first offence he shall be liable to a penalty not exceeding ten pounds.

For the second or any subsequent offence he shall be liable to a penalty not exceeding twenty pounds.

For the purposes of this section the expression “ premises where the same is sold ” shall include the premises adjoining, or near the premises where the liquor is sold, if belonging to the seller or under his control, or used by his permission.

A record of every conviction for an offence against this section shall be endorsed on the licence of the person convicted.

Evasion of law  
as to drinking  
on premises  
contrary to  
licence.

53. If any person having a licence to sell liquors, not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry any liquor out of, or from the premises of such licensed person, for the purpose of being sold on his account, or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, belonging to such licensed person, or hired, used, or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person with his privity and consent,



and such licensed person shall be punished accordingly in manner provided by this Ordinance.

A record of every conviction for an offence against this section shall be endorsed on the licence of the person convicted.

In any proceeding under this section it shall not be necessary to prove that the premises, or place or places to which such liquor is taken to be drunk, belonged to or were hired, used, or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case, that such liquor was taken to be consumed thereon or therein, with intent to evade the conditions of his licence.

54. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises, and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty not exceeding ten pounds for every day during which such communication remains open.

Penalty on internal communication with unlicensed premises.

In addition to any penalty imposed by this section, any person convicted of an offence under this section shall, if he be the holder of a licence, forfeit such licence.

55. After the grant of a publican's licence, no bar, beyond the number stated on the licence, shall be opened or used in or upon the licensed premises, except with the consent of the Police Magistrate and the Colonial Secretary, which consent shall be endorsed on the licence.

Penalty on using bars beyond the number licensed.

If any person shall open or use any such bar for the sale of liquors, or shall knowingly permit the same to be opened or used for such sale, without such consent as aforesaid, and the payment of a licence fee at the rate of five pounds per annum for every additional bar, and the endorsement of the same upon the licence, he shall be deemed to have been guilty of selling without a licence.

Fees for additional bars.

56. In proving the sale or consumption of liquor for the purpose of any proceeding relative to

Evidence of sale or consumption of liquor.

any offence under this Ordinance, it shall not be necessary to show that any money actually passed or any liquor was actually consumed, if the Court hearing the case be satisfied that a transaction in the nature of a sale actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor, on premises to which a licence is attached by some person other than the occupier of or a servant in such premises, shall be evidence that the liquor was sold to the person consuming, or being about to consume, or carrying away the same by or on behalf of the holder of the licence.

Unlawful sale  
of liquor prov-  
able by pur-  
chaser thereof.

57. The evidence of any person shall be admitted in proof of unlawful sale of liquor, although he may have himself purchased the same, and such evidence, if otherwise good, shall be sufficient to support a conviction for such offence.

Persons deemed  
unlicensed if  
not producing  
licence.

58. In all proceedings against any person for selling or allowing to be sold any liquor without a licence, such person shall be deemed to be unlicensed, unless he shall at the hearing of the case produce his licence.

*Prima facie*  
evidence of  
unlicensed  
premises.

The fact of any person, not being a licensed person, keeping up any sign, writing, painting, or other mark in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that any is sold or served therein, or of there being on such premises more liquor than is reasonably required for the use of the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person.

Forging,  
counterfeiting  
licence, etc.,  
felony.

59. Every person shall be guilty of felony who shall forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, any licence, or any seal or signature to any licence, or shall use or tender in evidence any such forged, counterfeited, or altered licence, or seal or signature, knowing the same to be forged, counterfeited or altered.

60. If any licensed person permits drunkenness or any violent, quarrelsome, or riotous conduct to take place on his premises, or sells any liquor to any person already in a state of intoxication, or by any means encourages and incites any person to drink, he shall be liable to a penalty not exceeding for the first offence twenty pounds, and not exceeding for the second or any subsequent offence fifty pounds.

Penalty for  
permitting  
drunkenness.

61. Every house for which a publican's licence shall be granted shall be considered as a common inn, and no goods or chattels whatsoever *bona-fide* the property of any lodger or stranger, and being in such licensed house, or the appurtenances thereof, or any place used and occupied therewith in the ordinary course of resort at such licensed house, shall be subject to be distrained or seized for or in respect of any claim of rent for such licensed house or appurtenances, or in respect of any other claim whatsoever against the said house or appurtenances, or the owner thereof.

Protection of  
property of  
guests.

62. If any such goods or chattels shall be distrained or seized for rent, or in any other manner contrary to the provisions of this Ordinance, it shall be lawful for the Police Magistrate, or any two Justices, to inquire into any complaint made in such respect in a summary manner, and to order such goods or chattels to be restored to the owner or proprietor thereof, and to order the payment of such reasonable costs as shall be incurred by such summary proceedings.

Remedy in case  
of distress.

63. No publican shall be liable to make good to any lodger or guest any loss of or injury to goods or property brought to his licensed premises to a greater amount than the sum of thirty pounds, except in the following cases, that is to say:—

Limit of  
liability of  
landlord for  
property.

(1) Where such goods or property shall have been stolen, lost, or injured through the wilful act, default, or neglect of such licensee, or any servant in his employ.

(2) Where such goods or property shall have been deposited expressly for safe custody with such licence:

Provided always, that in the case of such deposit it shall be lawful for such licensee, if he think fit, to require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

Money lent to lodgers or customers not recoverable by law.

64. No claim for money lent or goods sold to any lodger or customer shall be recoverable by any publican before any Magistrate or Court.

To provide accommodation for at least one traveller.

65. Every licensed publican is required to provide suitable accommodation, with bed and board, for at least one traveller, under a penalty of at least five pounds for every default.

Licensed publicans to act as special constables and warders of the gaol.

66. All licensed publicans shall be liable upon the order of the Governor, or of the Police Magistrate, confirmed by the Governor, to act as special constables and warders of the gaol, and to perform all duties necessary for the preservation of order and in aid of the administration of justice as shall be required of them, under a penalty of five pounds for each neglect, omission or default.

Accurate description of premises to be given.

67. No publican's retail licence shall be issued to any person until an accurate description of the premises in writing, with a diagram or plan of the same attached thereto, shall have been furnished by the applicant, and approved by the Police Magistrate and the Colonial Secretary, and should the description so furnished by such applicant be found to be false or inaccurate, the party making such false or inaccurate statement shall be liable to a penalty of ten pounds, and shall also forfeit any licence which may have been granted to him by reason of such false or inaccurate description.

The description given by the applicant shall in all cases be endorsed on or embodied in the licence.

Change or alteration of premises.

68. If any person holding any retail licence as aforesaid shall be desirous of removing from the premises described in the licence, to any other premises, or of altering the bar, or external doors or

premises, it shall be lawful for the Police Magistrate and the Colonial Secretary to authorise such removal or alteration should they see fit, provided that all the conditions of the last preceding section be first complied with :

Provided also that objections to the removal of any licence may be made in manner provided herein in respect to objections to the granting of licences.

69. No publican's retail licence shall be transferred to any person except with the consent in writing of the Police Magistrate and the Colonial Secretary, and on the production of the person to whom the licence is proposed to be transferred of a certificate of good character and fitness as provided in Section 11 of this Ordinance.

Transfer of  
retail licences.

70. Where any person holding a publican's retail licence employs any other person as his manager or agent, such manager or agent must first be approved by the Police Magistrate and the Colonial Secretary, which approval must be in writing, signed by them, and the name of such manager or agent must be endorsed upon the licence.

Managers or  
agents to be  
approved.

Any person acting in contravention of this section shall be liable to a penalty of ten pounds for every breach thereof.

71. In case of the death of any person holding a publican's retail licence, his widow, or any executor or administrator, or person appointed by them may, if approved by the Police Magistrate and the Colonial Secretary, carry on the business of the deceased on the licensed premises until the expiration of the licence :

Provision in  
case of the  
death of  
licensee.

Provided always, that such approval must be endorsed upon the licence, and be signed by the Police Magistrate and the Colonial Secretary.

72. It shall be lawful for the Governor, the Police Magistrate, or any two Justices of the Peace, when any riot, tumult, breach of the peace or disorderly conduct shall happen, or be expected to take place, to order any person holding a publican's

Governor or  
Justices may  
order licensed  
houses to be  
closed.

retail licence, or transfer thereof, to close his house at any time, which the Governor, the Police Magistrate, or the Justices shall direct; and if any such licensed person shall keep his house open during such time he shall pay a fine not exceeding one hundred pounds.

Magistrate or constable may enter and search.

73. It shall be lawful for any Justice or constable from time to time, and at all times by day or night, to enter and search any house or premises licensed as aforesaid; and if any person shall cause any unnecessary delay in giving admission to such Justice or constable, or to any Justice either alone or with any constable entering any unlicensed house as hereinafter mentioned, or any person duly executing a warrant to search any unlicensed house as hereinafter mentioned, or shall obstruct or use any abusive language or conduct towards such Justice or constable duly searching in compliance with this Ordinance, such person shall pay a fine not exceeding twenty pounds.

74. Upon reasonable cause of suspicion that any liquor is in or upon any house, premises, vessel or boat, which has been illegally sold, or is there for the purpose of illegal sale, or that any person is there illegally purchasing liquor, it shall be lawful for any Justice alone, or with any constable or constables, to enter and search any such house, premises, vessel or boat, or any part thereof at any hour; and it shall be lawful for any Justice to grant a warrant to search any such house, premises, vessel or boat, and such Justice either alone or with any constable or constables, or such person to whom such warrant may be addressed may and shall seize and remove to the police office all such liquor, together with the casks or bottles and packages containing the same as shall be found there, and may and shall arrest any person found there illegally purchasing or selling liquor; and the Justice before whom the case shall be heard shall, in addition to any fine which he may impose, declare such liquor, together with the casks or bottles and packages containing the same, to be, and the same shall thereupon be forfeited to the use of Her Majesty, unless the defen-

dant shall prove that such liquor was not illegally sold, or there for the purpose of illegal sale.

75. If any person shall knowingly remove or convey any liquor for the purpose of being or that shall have been illegally sold he shall pay a fine not exceeding fifty pounds; and it shall be lawful for any constable to stop any person conveying in any manner any liquor, and if such person shall not upon request satisfy the constable that such liquor has not been illegally removed or sold as aforesaid, to detain and convey such person and liquor, together with the packages, before any Justice, and to seize and take into his possession the horse, cart, boat, vessel, or other conveyance used in removing the same; and if such person shall not upon the hearing of the information prove to the satisfaction of the Justice that such liquor had not been illegally removed or sold as aforesaid, the Justice shall declare the same to be, and the same shall be forfeited to Her Majesty, as well as the horse, cart, boat, vessel or other conveyance, if any, used in removing the same.

Constable may stop any person removing liquor.

76. If any licensed person shall be convicted of felony, perjury, infamous offence, or misdemeanour, followed by sentence of imprisonment, he shall forfeit his licence.

Forfeiture of licence for felony, etc.

77. No Justice holding a licence under this Ordinance shall act as a Justice under any of the provisions of this Ordinance, under a penalty not exceeding fifty pounds.

No licensed person to act as a Justice.

78. If any licensed person shall mix, or suffer to be mixed with any liquor any unwholesome ingredient, or shall receive or have in his possession an unwholesome ingredient, with intent to mix the same with any liquor, he shall for each offence be liable to a penalty not exceeding one hundred pounds, and also to forfeiture of his licence, and all such unwholesome liquor and ingredients shall be destroyed.

Adulterating liquor.

79. Where any licensed person is convicted of any offence, and in consequence either becomes personally disqualified, or has his licence forfeited, the

Continuance of forfeited licence to owners of premises in certain cases.

Police Magistrate and the Colonial Secretary on the application by or on behalf of the owner of the premises in respect of which the licence was granted (where the owner is not the occupier), and upon being satisfied that such owner was not privy to, nor a consenting party to the act of his tenant, and that he has legal power to eject the tenant of such premises, may by order authorise an agent to carry on the business of such premises until the end of the period for which such licence was granted, in the same manner as if such licence had been formally transferred to such agent.

Penalty on persons holding a wholesale licence selling by retail, or retailer selling by wholesale.

80. If any person holding a wholesale licence, or transfer thereof, shall sell or suffer to be sold on his premises any liquor by retail, or if any person holding a retail licence, or transfer thereof, shall directly or indirectly sell or suffer to be sold in or upon his house or premises at one time to one person any quantity of liquor amounting to or exceeding two gallons, he shall for such offence pay a fine not exceeding fifty pounds: and upon a second conviction the Justice shall, in addition to a fine, declare his licence or the transfer thereof to be, and the same shall thereupon be forfeited and void:

Proviso.

Provided always, that it shall be lawful for persons holding both wholesale and retail licences to sell liquor either by wholesale or retail on the same premises.

Supply of liquor without licence by owners of stations to their employees under certain conditions.

81. Any owner, lessee, manager, or agent in charge of any station may, without a licence, sell liquor to shepherds and other employees, *bona-fide* in his own employment, provided such station be at a distance of not less than six miles from Stanley, or from any other township which may be hereafter proclaimed, and provided that such liquor shall have been procured from some person duly licensed to sell liquor within the Colony. The said owner shall keep a book in form to be approved by the Governor in Council, and shall enter therein a true account of all liquor sold by him, which book shall be produced for inspection by him to the Magistrate or Officer deputed by him, when called for. Any owner selling liquor



to other than his own employees, or who shall fail to comply with any of the provisions of this section, will be liable to a penalty not exceeding five pounds for each offence.

82. The Governor may appoint any proper persons to be inspectors of licensed premises (herein called "Inspectors"), and may remove any such person and supply any vacancy thereby or otherwise occurring. The Chief Constable shall by virtue of his office be an inspector of licensed premises under this Ordinance.

Governor to appoint inspectors.

Chief constable to be *ex officio* inspector.

83. Every inspector of licensed premises shall have all the powers, duties, and authorities of an inspector of nuisances.

Inspectors to have the powers, etc., of inspectors of nuisances.

84. It shall be the duties of the inspectors to enforce and superintend the carrying out of this Ordinance in every respect.

Duties of inspectors.

85. Any inspector may at all times during business hours, and after such hours for reasonable cause, enter on any premises licensed under this Ordinance, and may examine every room and part of such premises, and take an account of all liquor therein, and may demand, select, and obtain any samples of liquor which may be in such house or premises, and on paying, or tendering payment for such samples of liquor may remove the same for the purpose of analysis or otherwise. If any licensed or other person in charge of any premises refuses or fails to admit any inspector demanding to enter in pursuance of this section, or refuses to permit any inspector to select or obtain such samples, or refuses or fails to furnish him with such light or assistance as he may require, or obstructs such inspector, or causes or permits him to be obstructed or delayed in the discharge of his duty, such licensed or other person shall be liable to a fine not exceeding twenty pounds.

Inspectors may enter premises and search for adulterated drink.

Penalty for obstructing inspector.

86. All prosecutions under this Ordinance for penalties, fines or forfeitures shall be commenced within six calendar months after the same shall have been incurred, and such penalties or fines may be

Summary jurisdiction for recovery of penalties.

recovered in a summary manner before the Police Magistrate or any two Justices of the Peace.

Application of  
fines, penalties,  
etc.

87. All forfeitures shall be sold or otherwise disposed of in such manner as the Magistrate or Justices making the order may direct, and the proceeds of such sale or disposal (if any) and all fees, fines and penalties imposed by this Ordinance shall be paid to the Colonial Treasurer for the use of the Government.

On committal,  
hard labour  
may be added.

88. The Court in committing any person to prison for non-payment of a penalty under this Ordinance may order him to be imprisoned with hard labour.

Description of  
offence in words  
of Ordinance  
sufficient.

89. The description of any offence under this Ordinance in the words of such Ordinance, or in similar words, shall be sufficient in law. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Ordinance, may be proved by the defendant, but need not be specified or negatived in the information; and if so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Excuse,  
exception, etc.

Conviction not  
to be quashed  
for want of  
form.

90. No conviction or order made in pursuance of this Ordinance relative to any offence, penalty, forfeiture or summary order, shall be quashed for want of form, or be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private party into any superior Court. Moreover, no warrant of commitment in any such matter shall be held void by reason of any defect therein :

No *certiorari*.

Provided that there is a valid conviction to sustain such warrant, and it is alleged in the warrant that the party has been convicted.

Powers of  
Governor in  
Council to make  
regulations.

91. The Governor in Council may from time to time make, alter, annul and revoke regulations for the more effective carrying out of the purposes of this Ordinance, and may impose penalties not exceeding ten pounds for the breach of any such regulations.

Short title.

92. This Ordinance may be cited as "The Licensing Ordinance, 1882."

## SCHEDULE.

No. 1.—*Publican's Retail Licence.*

Whereas *A. B.*, of \_\_\_\_\_, has deposited in this office a certificate as required by the eleventh section of the Licensing Ordinance, 1882, and has applied for [*or the renewal of*] a Publican's retail licence for the premises known as \_\_\_\_\_ situate in [*here describe the locality*]. And whereas the said *A. B.* has paid the sum of \_\_\_\_\_ sterling as the fee on such licence. Now I, by virtue of the powers vested in me by the said Ordinance, do hereby license the said *A. B.* to sell liquors according to law on the aforesaid premises, but not elsewhere. This licence commences on the \_\_\_\_\_ day of \_\_\_\_\_, and shall continue in force until the \_\_\_\_\_ day of \_\_\_\_\_, both days included, provided it be not forfeited in the meantime.

Given under my hand and seal at Stanley this \_\_\_\_\_ day of \_\_\_\_\_  
18 \_\_\_\_\_

C. D., *Colonial Treasurer.*

No. 2.—*Billiard Table Licence.*

Whereas *A. B.*, of \_\_\_\_\_, has deposited in this office a certificate as required by the eleventh section of the Licensing Ordinance, 1882, and has applied for [*or the renewal of*] a billiard table licence for the premises known as \_\_\_\_\_ situate in [*here describe the locality*]. And whereas the said *A. B.* has paid the sum of \_\_\_\_\_ sterling as the fee on such licence. Now I, by virtue of the powers vested in me, do hereby license the said *A. B.* to keep, set up, and maintain billiard [*or bagatelle*] tables not exceeding \_\_\_\_\_ in number in the said house or rooms, but not elsewhere, and to allow such tables to be used during the hours sanctioned by law. This licence commences on the \_\_\_\_\_ day of \_\_\_\_\_ and shall continue in force until the \_\_\_\_\_ day of \_\_\_\_\_, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand and seal at Stanley this \_\_\_\_\_ day of \_\_\_\_\_  
18 \_\_\_\_\_

C. D., *Colonial Treasurer.*

No. 3.—*Packet Licence.*

Whereas *A. B.*, of \_\_\_\_\_, being the master or commander of the passenger steamer [*if any other kind of vessel describe it*] \_\_\_\_\_ conveying passengers in the Colony of the Falkland Islands

[or between    in the Colony of the Falkland Islands  
and    ] has deposited in this office the certificate required by the  
eleventh section of the Licensing Ordinance, 1882, and has applied for [or the  
*renewal of*] a packet licence for the said steamer. And whereas the said  
A. B. has paid the sum of    sterling as the fee on such licence.  
Now I, by virtue of the powers vested in me, do hereby license the said A. B.  
to sell liquors to any passenger on board such vessel during her actual passage  
between the said places. This licence commences on the    day of  
                                        and shall continue in force until the    day of  
provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal at Stanley this                      day of 18

C. D., *Colonial Treasurer.*

No. 4.—*Wholesale Licence.*

is paid the sum of \_\_\_\_\_ sterling, being the fee  
licence. Now I, by virtue of the powers vested in me  
in of the Licensing Ordinance, 1882, do hereby license  
your in any quantity not less than two gallons on the  
situate in [*here describe the locality*].  
on the \_\_\_\_\_ day of \_\_\_\_\_ and shall continue  
\_\_\_\_\_ day of \_\_\_\_\_, provided it be not forfeited  
time.

and seal at Stanley this                      day of

C. D., Colonial Treasurer.

No. 5.—*Brewer's Licence.*

Whereas *A. B.* has paid the sum of \_\_\_\_\_ sterling, being the fee for a brewer's licence. Now I, by virtue of the powers vested in me by the Licensing Ordinance, 1882, do hereby license the said *A. B.* to brew beer on the premises known as \_\_\_\_\_ situate in [*here describe the locality*] for sale in quantities of not less than nine gallons, and subject to such regulations as shall from time to time be prescribed by the Governor in Council. This licence commences on the \_\_\_\_\_ day of \_\_\_\_\_ and shall continue in force until the \_\_\_\_\_ day of \_\_\_\_\_, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal at Stanley this                      day of  
18                      .

C. D., Colonial Treasurer.

## SAVINGS BANK.

### Ordinance No. 1 of 1888.

*As amended by No. 4 of 1902.*

[20th January, 1888.]

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

1. It shall be lawful for the Governor to direct the Treasurer to receive into a Government Savings Bank savings on deposit, and to repay the same with interest thereon under such regulations as the Governor in Council may from time to time prescribe :

Treasurer to receive deposits under certain regulations.

Provided always that no such deposit shall be of less amount than one shilling.

No deposit to be of less amount than one shilling.

2. All regulations prescribed as aforesaid shall be binding on all persons concerned to the same extent as if such regulations formed part of this Ordinance. A copy of all regulations so prescribed, and of every alteration and amendment thereof, shall at all times be exhibited in the office of the Treasurer.

Such regulations to be as binding as law.

3. Deposits may be made in behalf of any charitable or friendly society, or of any Penny Savings Bank, or of any trust, or on account of intestate estates, or of any public department fund.

Funds of Charitable and Friendly Societies, Penny Savings Banks, Trusts, Intestate Estates, and Public Departments, may be deposited.

4. Every depositor on making his first deposit shall be furnished with a pass book in such form as the Governor in Council may from time to time direct, to contain a record of the sums deposited by him, the interest accruing thereon and the sum withdrawn by him. On every occasion when a depositor adds to his deposits, or withdraws any portion thereof, he shall produce his pass book, in order that the necessary entries may be made therein, and when a depositor finally withdraws the full amount of

Pass book to be furnished to depositor.

To be produced when he deposits or withdraws.

To be given up  
when he finally  
withdraws.

moneys deposited by him, he shall deliver up his pass book, which shall be kept by the Treasurer for purposes of reference.

New pass book  
may issue on  
payment of  
five shillings.

5. The Treasurer, on proof to his satisfaction that any pass book has been lost or destroyed, may issue to a depositor a new pass book on payment of a fee of five shillings.

Deposits to be  
entered in pass  
book of deposi-  
tors at time of  
receipt.

6. Every deposit received as aforesaid shall, at the time of receipt, be recorded, with the date thereof, in the depositor's pass book, and such record shall be attested by the signature of the officer receiving the same, countersigned by a clerk, or other officer of the department.

Names of  
depositors not  
to be disclosed.

7. The officers engaged in the discharge of duties under this Ordinance shall not disclose, except to the Governor, or in due course of law, the name of any depositor.

Rate of interest  
payable to  
depositors.

8. Interest on deposits shall be calculated at the rate of two pounds ten shillings per centum per annum on every complete pound, and such interest shall accrue from the 1st day of January, April, July or October, whichever next follows the date on which the money is deposited, to the last day of March, June, September or December, which next precedes the date on which the money is withdrawn, both such days inclusive.

Interest how  
calculated.

9. The interest accruing due to any depositor shall be calculated to the 30th day of September in each year, and the amount thus ascertained shall be added to the amounts actually deposited by him, and shall thenceforth be considered, and be in all respects treated as a further deposit, bearing interest :

Provided always that if before the 30th day of September in any year any depositor shall withdraw the full amount of moneys up to that time deposited by him, the amount of interest accrued due to him from the 1st day of October in the last previous year, to the date of such withdrawal, shall then be paid to him.

10. All moneys deposited under the authority of this Ordinance may from time to time be invested as the Governor, with the approval of the Secretary of State, shall direct, in the public securities of Great Britain and Ireland, or of any British Colony, if convertible at short notice.

Investment of funds.

11. The moneys arising from interest under the last preceding section shall form a fund for defraying the interest due to depositors, and all expenses incurred in the execution of this Ordinance.

Appropriation of the moneys arising from interest.

12. If at any time the funds so established shall be insufficient to defray the interest due to depositors, and all expenses incurred in the execution of this Ordinance, then such deficiency shall be provided for out of the general revenues of the Colony.

Additional security to depositors.

13. The Treasurer shall annually prepare full and distinct accounts of all monetary transactions taking place under the authority of this Ordinance during each financial year, from October to September, and such accounts after being audited, by Commissioners, to be appointed by the Governor, shall be submitted to the Governor not later than the 31st day of December in each year.

Annual accounts to be submitted to the Governor.

14. Minors and married women may deposit money in the Bank in their own names, and withdraw the same together with any interest which may accrue thereon.

Minors and married women may be depositors.

15. The Government Savings Bank shall be under the management of the Treasurer.

Savings Bank under management of Treasurer.

16. The Governor in Council, subject to the approval of the Secretary of State for the Colonies, shall determine the amount of salaries to be paid to the Treasurer and the Clerk for their services in conducting the business of the Bank, and the amount of security to be given by those officers.

Remuneration of officers.

17. This Ordinance may be cited as "The Savings Bank Ordinance, 1888."

Short title.

**STANLEY CEMETERY.**

Ordinance No. 6 of 1888.

*As amended by No. 9 of 1892.*

[17th September, 1888.]

**Preamble.**

WHEREAS at the time of the settlement of the town of Stanley a certain lot of Crown land, having an area of three acres, was reserved and set apart as a place for a church and cemetery, and the same is delineated in the original plan of survey made by Murrell Robinson Robinson, then chief Government Surveyor, and inscribed with the words "Trinity Church Square":

And whereas a portion of the said land, being half an acre or thereabouts, was then enclosed by a wooden fence as a general burying ground for the use of the Settlement:

And whereas on the 3rd day of February, 1872, one acre or thereabouts of the aforesaid reserved land, including that part of it which had been enclosed and used as a burial ground as aforesaid, was granted to the Right Reverend Waite Hockin Stirling, Doctor of Divinity, Bishop of the Church of England in the Falkland Islands, and the Reverend Charles Bull, Master of Arts, Colonial Chaplain, and their successors, for the purposes of a cemetery or burial ground of the dead of all religious denominations:

And whereas the land so granted was then consecrated by the Bishop and has been enclosed by a stone wall:

And whereas the increasing population of the Settlement renders it necessary and expedient to increase the size of the Cemetery, and to make provision for the due protection and management thereof, and for the allotment of graves, and for other purposes.



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

Enacting clause.

1. That portion of the Cemetery which by Deed of Grant, dated the 3rd day of February, 1872, was vested in the Right Reverend Waite Hockin Stirling, Doctor of Divinity, Bishop of the Church of England in the Falkland Islands, and the Reverend Charles Bull, Master of Arts, and their successors, for the purposes of a cemetery or burial ground of the dead of all religious denominations, shall cease to be so vested, and the whole of the said Cemetery as hereinafter described shall be vested in the Governor of the Falkland Islands, and his successors in office, for the purposes of a cemetery for the use of the Colony.

From date of this Ordinance the entire Cemetery vested in Governor and his successors in office for the purposes of a cemetery for use of the Colony.

2. The boundaries of the Cemetery shall be as follows :—From east to west the space between the line dividing lots Nos. 41 and 42 and the western wall of the Cemetery. From north to south the space between the northern wall of the Cemetery and the Fitzroy Road, being six chains and eighty links from east to west and six chains and fifty links from north to south, enclosing an area of four acres, one rood and twenty-seven perches, and including lots Nos. 40, 41 and 96.

Boundaries of Cemetery.

3. No burial shall take place in the new part of the Cemetery until it shall have been enclosed by a substantial fence or wall at least seven feet in height.

Cemetery to be enclosed and fenced.

4. The Cemetery shall be surrounded on all sides by an open space or road, not less than one chain in width, and no dwelling-house shall be erected within one hundred feet of the outer wall or fence of the Cemetery.

Space to be left round the Cemetery.

No dwelling-house to be within 100 feet of Cemetery.

5. There shall be a Burial Board composed of the following members, that is to say :—The Incumbent of Christ Church Cathedral for the time being, the Priest, if any, for the time being in charge

Burial Board.

of the Roman Catholic Chapel in Stanley, and the Minister, if any, for the time being attached to the Baptist Chapel in Stanley, two unofficial members of the Legislative Council and two persons residing in the town of Stanley, or within one mile thereof, to be appointed by the Governor :

Provided always, that the two persons appointed by the Governor shall not continue in office longer than two years without being reappointed.

Meetings of the Board.

6. The Board shall meet at least once in every month at some convenient place previously publicly notified, and the said Board may meet at such other time as at any previous meeting shall be determined upon; and it shall be at all times competent for any two members of the Board by writing under their hands to summon, with at least forty-eight hours' notice, the Board for any special purpose mentioned in such writing, and to meet at such time as shall be appointed therein.

7. At all meetings of the Board any number not less than three of members of such Board shall be a sufficient number for transacting business and for exercising all the powers of the Board.

8. Entries of all proceedings of the Board, with the names of the members who attend each meeting, shall be made in books to be provided and kept for that purpose, under the direction of the Board, and shall be signed by the members present or any two of them; and all entries purporting to be so signed shall be received as evidence, without proof of any meeting of the Board having been duly convened or held, or of the presence at any such meeting of the persons named in any such entry as being present thereat, or of such persons being members of the Board, or of the signature of any person by whom any such entry purports to be signed, all which matters shall be presumed until the contrary is proved; and the Board shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid for or on account of the purposes of this Ordinance, and of all liabilities incurred by them for such purposes

Board to keep accounts.

and of the several purposes for which such sums of money are paid and such liabilities incurred.

9. The accounts of the Board shall be made up and balanced to the 30th day of September in each year, and some time in the month of December in every year, not later than the 15th day thereof, the Board shall cause to be forwarded to the Colonial Secretary, for the information of the Governor in Council, an account of all sums of money received and expended by the Board under the provisions of this Ordinance, and a statement of the purposes of all expenditure and of the balance of money, if any, remaining in hand, and all or any of the books which shall be kept by the Board as hereinbefore provided shall at all times be placed before the Governor in Council for inspection when so required on due notice to the Board from the Colonial Secretary.

Accounts to be made up and balanced annually on 30th September.

Board to forward accounts annually for information of Governor in Council.

Books to be at all times, when required, placed before Governor in Council for inspection.

10. The Board shall have the management and control of all matters connected with the Cemetery, and may permit the building of such chapel or chapels for the performance of the Burial Service, either in the consecrated or unconsecrated parts thereof in such situations as they think fit, and may lay out and embellish the grounds of the Cemetery as they think fit.

Board to have control of Cemetery.

11. The Board shall, as soon as practicable, with such funds as may be at their disposal, enclose the Cemetery by a wall or other sufficient fence as hereinbefore directed, and shall keep the Cemetery and the buildings, if any, and the fences thereof in good order and condition out of such moneys as shall be received by them by virtue of this Ordinance or by public or private contributions or from any other funds made applicable to such purpose.

Board to enclose Cemetery.

Moneys received and income arising from Cemetery to be applied towards defraying expenses.

12. The Board shall set apart one acre of land on the eastern side of the Cemetery in a single block, of the entire length from north to south, to be used exclusively for the burial of Roman Catholics, and the Board shall also set apart one acre of the southern part of the Cemetery to remain unconsecrated for the burial of such other persons, not

One acre of unconsecrated part of Cemetery to be set apart for Roman Catholics.

One acre in southern part of Cemetery to remain unconsecrated.

Residue to be added to consecrated part of Cemetery, and be also consecrated.

being members of the Church of England, whose friends may object to their burial in that part of the Cemetery which is consecrated according to the rites of the Church of England, and the residue of the extension after the deduction of the two acres aforesaid shall be added to the consecrated portion of the Cemetery and be duly consecrated as soon as the necessary conditions for that purpose shall have been fulfilled.

Consecrated ground to be defined.

13. The Board shall define by suitable marks the consecrated and unconsecrated portions of the Cemetery and the portion set apart for the burial of Roman Catholics.

No wall or fence required between the consecrated and unconsecrated portions of the Cemetery.

Boundary marks to be provided.

14. It shall not be necessary to erect or maintain any wall or fence between the consecrated and unconsecrated portions of the Cemetery :

Provided always that it shall be the duty of the Board to place and from time to time to renew such boundary marks of stone or iron as may be sufficient to show the boundaries of such consecrated and unconsecrated portions respectively.

Regulations for ensuring decency and solemnity.

15. The Board shall make regulations for ensuring that all burials within the Cemetery are conducted in a decent and solemn manner.

Sexton to be clerk of Board if so required.

16. The sexton shall be under the authority of the Board, and shall, if so required, be the clerk of the Board.

Power to appoint grave-diggers.

17. The Board shall appoint such persons as they may think fit from time to time to be grave-diggers, and shall fix the rate of charges for digging graves.

Board to regulate depth of graves.

18. The Board shall make such regulations respecting the depth of graves as they shall think fit.

Parts of Cemetery may be set apart for exclusive burial.

19. The Board may set apart such parts of the Cemetery as they think fit for the purpose of granting exclusive rights of burial therein, and they may sell, either in perpetuity or for a limited time and

subject to such conditions as shall be hereafter determined, the exclusive right of burial in any parts of the Cemetery so set apart or the right of one or more burials therein, and they may sell the right of placing any monument or gravestone in the Cemetery or of any railing or other enclosure or any tablet or monumental inscription on the walls of any chapel or other building within the Cemetery.

Monumental inscriptions.

20. The Board shall cause a plan of the Cemetery to be made on a scale sufficiently large to show the situation of every burial place in all parts of the Cemetery so set apart and in which an exclusive right of burial has been granted, and all such burial places shall be numbered and such numbers shall be entered in a book to be kept for that purpose, and such book shall contain the names and descriptions of the several persons to whom the exclusive right of burial in any such place of burial has been granted by the Board, and no place of burial, with exclusive right of burial therein, shall be made in the Cemetery without the same being marked out in such plan and a corresponding entry made in the said book, and the said plan and book shall be kept by the clerk of the Board.

Plan and book of reference to be kept.

21. The grant of the exclusive right of burial in any part of the Cemetery, either in perpetuity or for a limited time, and of the right of one or more burials therein or of placing therein any monument, tablet or gravestone or any railings or other enclosures round the same may be made in the form in the Schedule to this Ordinance or to the like effect, and it may be executed by the Board or any two of them.

Form of grant of burial, etc., to be according to Schedule.

22. A register of all such grants shall be kept by the clerk of the Board, and within fourteen days after the date of any such grant an entry or memorial of the date thereof and of the parties thereto, and also the consideration for such grant and also a proper description of the ground described in such grant, so as the situation thereof may be ascertained, shall be made by the said clerk in such register; and such clerk shall be entitled to demand such sum as

Register of grants to be kept.

the Board think fit, not exceeding two shillings and sixpence, for every such entry or memorial, and the said register may be perused at all reasonable times by any grantee or assignee of such right on payment of one shilling to the clerk of the Board.

Exclusive right of burial place to be personal estate of grantee, to be assignable, or may be bequeathed by will.

23. The exclusive right of burial in any such place of burial shall, whether granted in perpetuity or for a limited time, be considered as the personal estate of the grantee and may be assigned in his lifetime or bequeathed in his will.

Form of assignment.

24. Every such assignment made in the lifetime of the assignor shall be by deed, in which the consideration shall be duly set forth, and may be in the form in the Schedule to this Ordinance or to the like effect.

Assignment to be registered.

25. Every such assignment shall, within six months after the execution thereof, if executed in the Falkland Islands, or within six months after the arrival thereof in the Falkland Islands, if executed elsewhere, be produced to the clerk of the Board, and an entry or memorial of such assignment shall be made in the register by the clerk of the Board in the same manner as that of the original grant, and until such entry or memorial no right of burial shall be acquired under any such assignment, and for every such entry or memorial the clerk shall be entitled to demand such sum as the Board think fit, not exceeding two shillings and sixpence.

Probates of wills to be registered.

26. An entry or memorial of the probate of every will by which the exclusive right of burial within the Cemetery is bequeathed and, in case there be any specific disposition of such exclusive right of burial in the said will, an entry of such disposition shall, within six months after the probate of such will, be made in the said register in the same manner as that of the original grant, and until such entry no right of exclusive burial shall be acquired under such will; and for every such entry or memorial the clerk of the Board shall be entitled to demand such sum as the Board think fit, not exceeding two shillings and sixpence.

27. No body shall be buried in any place wherein the exclusive right of burial shall have been granted by the Board, except with the consent of the owner for the time being of such exclusive right of burial.

Burial place to be kept exclusively for purchasers of exclusive right.

28. No such grant as aforesaid shall give the right to bury within the consecrated part of the Cemetery the body of any person not entitled to be buried in consecrated ground according to the rights and usage of the Church of England, or to place any monument, gravestone, tablet or monumental inscription respecting any such body within the consecrated part of the Cemetery.

No such grant to give the right of burial in consecrated ground to certain persons.

29. The Board may take down and remove any gravestone, monument, tablet or monumental inscription and any railings or other enclosures which shall after the coming into operation of this Ordinance have been placed within the Cemetery without their authority.

Power to remove monuments improperly erected.

30. The Board shall set apart, both in the consecrated and unconsecrated portions of the Cemetery, a sufficient space for the burial of the bodies of paupers or of those persons whose friends may not be desirous of purchasing the exclusive rights of burial.

Space to be reserved for bodies of paupers and others.

31. With respect to interments made in the Cemetery previous to the operation of this Ordinance, the Board shall have the same power and authority to grant exclusive rights to such burial places, and to the right of any monuments, tablets, gravestones, railings or other enclosures which shall have already been placed thereon, in like manner as hereinbefore provided for the purchase of such rights, and all such burial places shall be measured and defined by boundary marks and by numbers in regular order, and shall be duly marked upon the plan of the Cemetery and entered in the register book, and the rate of payment for the same shall be at the rate fixed for all such exclusive burial places, according to the space of ground occupied.

Board may grant exclusive rights to burial places already occupied, and to gravestones and monuments, etc., already placed therein.

Such burial places to be defined and marked on plan and entered in register book, and paid for at same rate as fixed by the Board for all exclusive burial places.

Power of Board  
to make by-  
laws.

32. The Board may make rules and by-laws with respect to the following matters, that is to say :—

(1) With respect to the minimum and maximum size of all graves and of all spaces in which exclusive rights of burial are granted, as hereinbefore provided.

(2) The conditions on which exclusive rights of burial may be granted and the price to be paid for the minimum size of such spaces, and the price per superficial foot at a largely increased rate of any additional space between the minimum and maximum size of spaces so granted.

(3) The price and conditions of the sale of a right to place monuments, gravestones or any railing or other enclosure in the Cemetery, or of placing any tablet or monumental inscription on the walls of any chapel or other building within the Cemetery.

(4) The rate and amount of all fees to be paid to the clerk or other officer of the Board for attending at funerals, allotting graves or any other duties for which he ought properly to receive fees.

By-laws to be  
approved by  
Governor.

33. All rules and by-laws shall be approved by the Governor in Council before they shall have the force of law.

Ordinance not  
to affect powers  
of Board of  
Health.

34. Nothing in this Ordinance contained shall be held to affect the powers of the Board of Health with respect to burial grounds and the burial of the dead under the provisions of the Public Health Ordinance, 1894.

Penalty for  
damaging the  
Cemetery.

35. Every person who shall wilfully destroy or injure any building, wall or fence belonging to the Cemetery, or destroy or injure any plant therein, or who shall daub or disfigure any wall thereof, or put up any bill therein or on any wall thereof, or wilfully destroy, injure or deface any monument, tablet, inscription or gravestone, railing or other



enclosure within the Cemetery, or do any wilful damage therein, shall for every such offence forfeit and pay to the Board over and above the amount of injury done a sum not exceeding five pounds.

36. Every person who shall play at any game or sport or discharge fire-arms, save at a military funeral, in the Cemetery, or shall wilfully and unlawfully disturb any persons assembled in the Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the Cemetery, shall forfeit and pay to the Board a sum not exceeding five pounds.

Penalty on persons committing nuisances in the Cemetery.

37. All penalties and forfeitures incurred under this Ordinance may be recovered in a summary manner before the Police Magistrate, with costs, on the complaint of any member or officer of the Board.

Recovery of penalties.

38. This Ordinance may be cited as "The Stanley Cemetery Ordinance, 1888."

Short title.

#### SCHEDULE.

##### *Form of Grant of Right of Burial.*

By virtue of Stanley Cemetery Ordinance, 1888, we, in consideration of the sum of \_\_\_\_\_ to us paid by \_\_\_\_\_ of \_\_\_\_\_ do hereby grant unto the said \_\_\_\_\_ the exclusive right of burial [or the right of placing a monument, tablet or gravestone, railing or enclosure], [*here describe the ground intended for the exclusive burial, or for placing a monument, tablet or gravestone, railing or enclosure, as the case may be, so as to identify the same, and if a place of exclusive burial add " numbered \_\_\_\_\_ on the plan of the Cemetery, made in pursuance of the said Ordinance "*], to hold the same to the said \_\_\_\_\_ in perpetuity [*or the period agreed upon*] for the purpose of burial [*or as the case may be*].

Given under our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord

\_\_\_\_\_

*Form of Assignment of Right of Burial.*

I, A. B., of \_\_\_\_\_, in consideration of the sum of \_\_\_\_\_ paid to me by C. D. of \_\_\_\_\_ do hereby assign unto the said C. D. the exclusive right of burial in Stanley Cemetery, and numbered \_\_\_\_\_ on the plan of the Cemetery, made in pursuance of the Stanley Cemetery Ordinance, 1888, which was granted to me [or unto A. C. of \_\_\_\_\_ in perpetuity] [or as the case may be] by a Deed of Grant bearing date the \_\_\_\_\_ day of \_\_\_\_\_ and all my estate, title and interest therein, to hold the same unto the said C. D. in perpetuity [or as the case may be for the remainder of the period for which the same was granted], subject to the conditions on which I held the same immediately before the execution hereof.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

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**MERCHANDISE MARKS.**


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**Ordinance No. 1 of 1889.**

*As amended by No. 14 of 1889.*

[18th February, 1889.]

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

Short title.

1. This Ordinance may be cited as "The Merchandise Marks Ordinance, 1889."

2. (1) Every person who—

Offences as to  
trade marks  
and trade  
descriptions.

(a) Forges any trade mark; or

(b) Falsely applies to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive; or

(c) Makes any die, block, machine or other instrument for the purpose of forging, or of being used for forging a trade mark; or

(d) Applies any false trade description to goods; or

(e) Disposes of or has in his possession any die, block, machine or other instrument for the purpose of forging a trade mark; or

(f) Causes any of the things above in this section mentioned to be done,

shall, subject to the provisions of this Ordinance, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Ordinance.

(2) Every person who sells, or exposes for, or has in his possession for sale or any purpose of trade or manufacture any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, shall, unless he proves—

(a) That having taken all reasonable precautions against committing an offence against this Ordinance, he had at the time of the alleged offence no reason to suspect the genuineness of the trade mark or trade description; and

(b) That on demand made by or on behalf of the prosecutor he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or

(c) That otherwise he had acted innocently, be guilty of an offence against this Ordinance.

(3) Every person guilty of an offence against this Ordinance shall be liable—

(i) On conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or to fine or to both imprisonment and fine; and

(ii) On summary conviction to imprisonment, with or without hard labour, for a term not exceeding four months, or to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding thirty pounds; and

(iii) In any case to forfeit to Her Majesty every chattel, article, instrument or thing by means of or in relation to which the offence has been committed.

(4) The Court before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of, as the Court thinks fit.

(5) If any person feels aggrieved by any conviction made by a Police Magistrate he may appeal therefrom to the Supreme Court under the provisions of the Administration of Justice Ordinance, 1901.

(6) Any offence for which a person is under this Ordinance liable to punishment on summary conviction may be prosecuted in manner provided by the Summary Jurisdiction Ordinance, 1902 :

Provided that a person charged with an offence under this section before a Police Magistrate or two Justices of the Peace shall, on appearing before the Court and before the charge is gone into, be informed of his right to be tried on indictment, and if he requires to be so tried accordingly.

(7) All fines and penalties imposed by this Ordinance shall be due to Her Majesty, Her Heirs

and Successors, and shall be paid to the Treasurer for the public uses of this Colony.

3. (1) For the purposes of this Ordinance—

Definitions.

The expression "trade mark" means a trade mark registered in the register of trade marks kept under the provisions of the Act of the Imperial Parliament, which may be cited as "The Trade Marks Act, 1905," and includes any trade mark which, either with or without registration, is protected by law in this Colony, or in any British possession or Foreign State, to which the provisions of Section 91 of the Imperial Patents and Designs Act, 1907, are under Order in Council for the time being applicable.

The expression "trade description" means any description, statement or other indication direct or indirect—

(a) As to the number, quantity, measure, gauge or weight of any goods; or

(b) As to the place or country in which any goods were made or produced; or

(c) As to the mode of manufacturing or producing any goods; or

(d) As to the material of which any goods are composed; or

(e) As to any goods being the subject of an existing patent, privilege or copy-right,

and the use of any figure, word or mark which according to the custom of trade is commonly taken to be an indication of any of the above matters shall be deemed to be a trade description within the meaning of this Ordinance.

The expression "false trade description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise where that alteration

makes the description false in a material respect, and the fact that a trade description is a trade mark, or part of a trade mark, shall not prevent such trade description being a false trade description within the meaning of this Ordinance.

The expression "goods" means anything which is the subject of trade, manufacture or merchandise.

The expressions "person," "manufacturer," "dealer" or "trader" and "proprietor" include any body of persons corporate or unincorporate.

The expression "name" includes any abbreviation of a name.

(2) The provisions of this Ordinance respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement, or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are.

(3) The provisions of this Ordinance respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials applied in like manner, as if such name or initials were a trade description, and for the purpose of this enactment the expression "false name or initials" means as applied to any goods any name or initials of a person which—

(a) Are not a trade mark or part of a trade mark; and

(b) Are identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description, and not having authorised the use of such name or initials; and

(c) Are either those of a fictitious person or of some person not *bona-fide* carrying on business in connection with such goods.

4. A person shall be deemed to forge a trade mark who either—

Forging trade mark.

(a) Without the assent of the proprietor of the trade mark makes that trade mark, or a mark so nearly resembling that trade mark as to be calculated to deceive; or

(b) Falsifies any genuine trade mark, whether by alteration, addition, effacement or otherwise,

and any trade mark or mark so made or falsified is in this Ordinance referred to as a forged trade mark :

Provided that in any prosecution for forging a trade mark the burden of proving the assent of the proprietor shall lie on the defendant.

5. (1) A person shall be deemed to apply a trade mark or mark or trade description to goods who—

Applying marks and descriptions.

(a) Applies it to the goods themselves; or

(b) Applies it to any covering, label, reel or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade or manufacture; or

(c) Places, encloses or annexes any goods which are sold or exposed, or had in possession for any purpose of sale, trade or manufacture in, with or to any covering, label, reel or other thing to which a trade mark or trade description has been applied; or

(d) Uses a trade mark or mark or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade mark or mark or trade description.

(2) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame or wrapper, and the expression "label" includes any band or ticket.

A trade mark, or mark, or trade description shall be deemed to be applied whether it is woven,

impressed or otherwise worked into, or annexed, or affixed to the goods, or to any covering, label, reel or other thing.

(3) A person shall be deemed to falsely apply to goods a trade mark or mark, who without the assent of the proprietor of a trade mark applies such trade mark or a mark so nearly resembling it as to be calculated to deceive, but in any prosecution for falsely applying a trade mark or mark to goods the burden of proving the assent of the proprietor shall lie on the defendant.

Exemption  
of certain  
persons  
employed in  
ordinary course  
of business.

6. Where a defendant is charged with making any die, block, machine or other instrument for the purpose of forging or being used for forging a trade mark, or with falsely applying to goods any trade mark, or any mark so nearly resembling a trade mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done and proves—

(a) That in the ordinary course of his business he is employed on behalf of other persons to make dies, blocks, machines or other instruments for making or being used in making trade marks, or as the case may be to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the Colony and was not interested in the goods by way of profit or commission dependent on the sale of such goods; and

(b) That he took reasonable precautions against committing the offence charged; and

(c) That he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade mark, mark or trade description; and

(d) That he gave to the prosecutor all the information in his power with respect to the persons on whose behalf the trade mark, mark or trade description was applied—



he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he has given due notice to him that he will rely on the above defence.

7. Where a watch case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall *prima facie* be deemed to be a description of that country within the meaning of this Ordinance, and the provisions of this Ordinance with respect to goods to which a false trade description has been applied, and with respect to selling or exposing for, or having in possession for sale, or any purpose of trade or manufacture goods with a false trade description shall apply accordingly, and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch case.

Application of Ordinance to watches.

8. In any indictment, pleading, proceeding or document, in which any trade mark or forged trade mark is intended to be mentioned, it shall be sufficient without further description and without any copy or facsimile to state that trade mark or forged trade mark to be a trade mark or forged trade mark.

Trade mark, how described in pleading.

9. In any prosecution for an offence against this Ordinance—

Rules as to evidence.

(1) A defendant and his wife or her husband, as the case may be, may if the defendant thinks fit be called as a witness, and if called shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness.

(2) In the case of imported goods evidence of the port of shipment shall be *prima facie* evidence of the place or country in which the goods were made or produced.

10. Any person who being within this Colony procures, counsels, aids, abets or is accessory to the

Punishment of accessories.

commission without this Colony of any act, which if committed within this Colony would under this Ordinance be a misdemeanour, shall be guilty of that misdemeanour as a principal, and be liable to be indicted, proceeded against, tried and convicted in any place in this Colony in which he may be as if the misdemeanour had been there committed.

Search  
warrant.

11. (1) Where upon information of an offence against this Ordinance a Justice of the Peace has issued either a summons requiring the defendant charged by such information to appear to answer to the same or a warrant for the arrest of such defendant, and either the said Justice on or after issuing the said summons or warrant, or any other Justice of the Peace, is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which such offence has been committed are in any house or premises of the defendant or otherwise in his possession or under his control in any place, such Justice may issue a warrant under his hand by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter any such house, premises or place at any reasonable time by day and to search there for and seize and take away those goods or things, and any goods or things seized under any such warrant shall be brought before a Police Magistrate or two Justices of the Peace for the purpose of its being determined whether the same are or are not liable to forfeiture under this Ordinance.

(2) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Ordinance is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and a Police Magistrate or two Justices of the Peace may cause notice to be advertised stating that unless cause is shown to the contrary at the time and place named in the notice such goods or things will be forfeited, and at such time and place the Police Magistrate or two Justices of the Peace, unless the owner or any person on his behalf or other

person interested in the goods or things show cause to the contrary, may order such goods or things, or any of them, to be forfeited.

(3) Any goods or things forfeited under this section or under any other provision of this Ordinance may be destroyed or otherwise disposed of in such manner as the Court by which the same are forfeited may direct, and the Court may, out of any proceeds which may be realised by the disposition of such goods (all trade marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

Costs of defence  
or prosecution.

12. On any prosecution under this Ordinance the Court may order costs to be paid to the defendant by the prosecutor or to the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

Limitation of  
prosecution.

13. No prosecution for an offence against this Ordinance shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

Prohibition on  
importation.

14. Whereas it is expedient to make further provision for prohibiting the importation of goods which if sold would be liable to forfeiture under this Ordinance :

Be it therefore enacted as follows :—

(1) All such goods and also all goods of foreign manufacture bearing any name or trade mark, being or purporting to be the name or trade mark of any manufacturer, dealer or trader in the United Kingdom or any British possession, unless such name or trade mark is accompanied by a definite indication of the country in which the goods were made or produced, are hereby prohibited to be imported into this Colony.

(2) Before detaining any such goods or taking any further proceedings with a view to the forfeiture thereof, the Collector of Customs may require the regulations under this section, whether as to information, security, conditions or other matters, to be complied with, and may satisfy himself in accordance with those regulations that the goods are such as are prohibited by this section to be imported.

(3) The Governor in Council may from time to time make, revoke and vary regulations, either general or special, respecting the detention and forfeiture of goods, the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may by such regulations determine the information, notices and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) Where there is on any goods a name which is identical with or a colourable imitation of the name of a place in the United Kingdom, that name, unless accompanied by the name of the country in which such place is situate, shall be treated for the purposes of this section as if it were the name of a place in the United Kingdom.

(5) Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods.

(6) The Collector of Customs, in administering the regulations and generally in the administration of this section, whether in the exercise of any discretion or opinion or otherwise, shall act under the control of the Governor.

(7) The regulations may provide for the informant reimbursing the Collector of Customs all expenses and damages incurred in respect of any detention made on his information and of any proceedings consequent on such detention.

(8) All regulations under this section shall be published in the Government Gazette.

15. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade mark, and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Ordinance, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the purchaser.

Implied warranty on sale of marked goods.

16. Where at the passing of this Ordinance a trade description is lawfully and generally applied to goods of a particular class or manufactured by a particular method to indicate the particular class or method of manufacture of such goods, the provisions of this Ordinance with respect to false trade descriptions shall not apply to such trade description when so applied :

Provisions of Ordinance as false description not to apply in certain cases.

Provided that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply unless there is added to the trade description immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

17. (1) This Ordinance shall not exempt any person from any action, suit or other proceeding which might, but for the provisions of this Ordinance, be brought against him.

Savings.

(2) Nothing in this Ordinance shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action,

but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Ordinance.

(3) Nothing in this Ordinance shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in this Colony who *bona-fide* acts in obedience to the instructions of such master, and on demand made by or on behalf of the prosecutor has given full information as to his master.

False  
representation  
as to Royal  
Warrant or  
Government  
department.

18. Any person who falsely represents that any goods are made by a person holding a Royal Warrant or for the service of Her Majesty, or any of the Royal Family, or any Government department, shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Regulations.

19. The Governor in Council may from time to time make, alter and rescind regulations for the better administration of this Ordinance in any matter not sufficiently provided for.

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## CRIMINAL LAW AMENDMENT.

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Ordinance No. 3 of 1889.

[9th March, 1889.]

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

Short title.

1. This Ordinance may be cited as "The Criminal Law Amendment Ordinance, 1889."

2. Any person who—

Procuration.

(1) Procures or attempts to procure any girl or woman under twenty-one years of age, not being a common prostitute, or of known immoral character, to have carnal connection, either within or without this Colony, with any other person or persons; or

(2) Procures or attempts to procure any woman or girl to become, either within or without this Colony, a common prostitute; or

(3) Procures, or attempts to procure, any woman or girl to leave this Colony with intent that she may become an inmate of a brothel elsewhere; or

(4) Procures, or attempts to procure, any woman or girl to leave her usual place of abode in this Colony (such place not being a brothel) with intent that she may, for the purposes of prostitution, become an inmate of a brothel within or without this Colony,

shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labour :

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness, unless such witness be corroborated in some material particular by evidence implicating the accused.

3. Any person who—

Procuring  
defilement of  
women by  
threats or fraud  
or administer-  
ing drugs.

(1) By threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either within or without this Colony; or

(2) By false pretences or false representations procures any woman or girl, not being a common prostitute, or of known immoral character, to have any unlawful carnal connection either within or without this Colony; or

(3) Applies, administers to or causes to be taken by any woman or girl any drug, matter or thing, with intent to stupify or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

shall be guilty of a misdemeanour, and convicted thereof, shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labour :

Provided that no person shall be convicted of an offence under this section upon the evidence of one person only, unless such witness be corroborated in some material particular by evidence implicating the accused.

Defilement of  
girl under  
thirteen years  
of age.

#### 4. Any person who—

Unlawfully and carnally knows any girl under the age of thirteen years,

shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be kept in penal servitude for life, or for any term not less than five years, or to be imprisoned for any term not exceeding two years with or without hard labour.

Any person who attempts to have unlawful carnal knowledge of any girl under the age of thirteen years shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labour :

Provided that in the case of an offender whose age does not exceed sixteen years the Court may, instead of sentencing him to any term of imprisonment, order him to be whipped, as prescribed by the Act of the Imperial Parliament 25 and 26 Victoria, Cap. 18, intituled "An Act to amend the law as to the whipping of Juvenile and other Offenders," and the said Act shall apply, so far as circumstances admit, as if the offender had been convicted in manner in that Act mentioned.

Where, upon the hearing of a charge under this section, the girl in respect of whom the offence is



charged to have been committed, or any other child of tender years who is tendered as a witness, does not, in the opinion of the Court or Justices, understand the nature of an oath, the evidence of such girl or other child of tender years may be received, though not given upon oath, if, in the opinion of the Court or Justices, as the case may be, such girl or other child of tender years is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth :

Provided that no person shall be liable to be convicted of the offence unless the testimony admitted by virtue of this section, and given on behalf of the prosecution, shall be corroborated by some other material evidence in support thereof implicating the accused :

Provided also, that any witness whose evidence has been admitted under this section shall be liable to indictment and punishment for perjury in all acts as if he or she had been sworn.

Whereas doubts have been entertained whether a person who induces a married woman to permit him to have carnal connection with her by personating her husband is not guilty of rape, it is hereby enacted and enacted that every such offender shall be deemed to be guilty of rape.

5. Any person who—

(1) Unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any girl being of or above the age of thirteen years and under the age of sixteen years; or

(2) Unlawfully or carnally knows, or attempts to have unlawful carnal knowledge of any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile,

shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labour :

Defilement of a girl between thirteen and sixteen years of age.

Provided that it shall be a sufficient defence to any charge under sub-section (1) of this section if it shall be made to appear to the Court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years :

Provided also, that no prosecution shall be commenced for an offence under sub-section (1) of this section more than three months after the commission of the offence.

Householder,  
etc., permitting  
defilement of  
young girl on  
his premises.

6. Any person who being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof—

Induces or knowingly suffers any girl of such age as is in this section mentioned, to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally—

(1) Shall, if such girl is under the age of thirteen years, be guilty of felony, and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life, or for any term not less than five years, or to be imprisoned for any term not exceeding two years with or without hard labour; and

(2) If such girl is of or about the age of thirteen and under the age of sixteen years, shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labour :

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the girl was of and above the age of sixteen years.

7. Any person who—

With intent that any unmarried girl under the age of eighteen years should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally—

Abduction of a girl under eighteen with intent to have carnal knowledge.

Takes or causes to be taken such girl out of the possession and against the will of her father or mother, or any other person having the lawful care or charge of her,

shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labour :

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court or jury that the person so charged had reasonable cause to believe that the girl was of or above the age of eighteen years.

8. Any person who detains any woman or girl against her will—

Unlawful detention with intent to have carnal knowledge.

(1) In or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man, or generally, or

(2) In any brothel, shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labour.

Where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, if with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the direction of such person, such person threatens such woman or girl with legal

proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

Power on indictment for rape to convict of certain misdemeanours.

9. If upon the trial of any indictment for rape, or any offence made felony by Section 4 of this Ordinance, the jury shall be satisfied that the defendant is guilty of an offence under Section 3, 4, or 5 of this Ordinance, or of an indecent assault, but are not satisfied that the defendant is guilty of the felony charged in such indictment, or of an attempt to commit the same, then and in every such case the jury may acquit the defendant of such felony, and find him guilty of such offence as aforesaid, or of an indecent assault, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such offence aforesaid, or for the misdemeanour of indecent assault.

Power of search.

10. If it appears to any Justice of the Peace, on information made before him on oath by any parent, relative, or guardian of any woman or girl, or any other person who, in the opinion of the Justice, is *bona-fide* acting in the interest of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such Justice, such Justice may issue a warrant authorising any person named therein to search for, and when found, to take to and detain in a place of safety such woman or girl until she can be brought before a Justice of the Peace; and the Justice of the Peace before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit or require.

The Justice of the Peace issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before

a Justice, and proceedings to be taken for punishing such person according to law.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being carnally known by any man, whether any particular man or generally, and—

(a) Either is under the age of sixteen years;

or

(b) If of or over the age of sixteen years, and under the age of eighteen years, is so detained against her will, or against the will of her father or mother, or of any person having the lawful care or charge of her; or

(c) If of or above the age of eighteen years is so detained against her will.

Any person authorised by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building, or other place specified in such warrant, and may remove such woman or girl therefrom :

Provided always, that every warrant issued under this section shall be addressed to and executed by some superintendent, inspector, or other officer of police, who shall be accompanied by the parent, relative, or guardian, or other person making the information, if such person so desire, unless the Justice shall otherwise direct.

11. Any male person who in public or private commits, or is a party to the commission of, or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labour.

Outrages on decency.

12. Where on the trial of any offence under this Ordinance it is proved to the satisfaction of the Court that the seduction or prostitution of a girl under the age of sixteen has been caused, encouraged, or favoured by her father, mother, guardian, master, or mistress, it shall be in the power of the Court to divest such father, mother, guardian, master or

Custody of girls under sixteen.

mistress of all authority over her, and to appoint any person or persons willing to take charge of such girl to be her guardian until she has attained the age of twenty-one, or any age below this as the Court may direct, and the Supreme Court shall have the power from time to time to rescind or vary such order by the appointment of any other person or persons as such guardian, or in any other respect.

Saving of liability to other criminal proceedings.

13. This Ordinance shall not exempt any person from any proceeding for an offence which is punishable at common law, or under any Act of Parliament or Ordinance other than this Ordinance, so that a person be not punished twice for the same offence.

Costs.

14. The Court before which any misdemeanour indictable under this Ordinance, or any case of indecent assault, shall be prosecuted or tried may allow the costs of the prosecution, in the same manner as in cases of felony, and may in like manner, on conviction, order payment of such costs by the person convicted; and every order for the allowance or payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid upon the same terms and in the same manner in all respects as in cases of felony.

Repeal of enactments.

15. Section 49, and in Section 52 the words "or any attempt to have carnal knowledge of any girl under twelve years of age," of the Act of the Imperial Parliament 24 and 25 Victoria, Cap. 100, intituled "An Act to consolidate and amend the Statute Law of England and Ireland relating to offences against the person," are hereby repealed and shall cease to have effect in this Colony.

Person charged and his wife to be competent witnesses.

16. Every person charged with an offence under this Ordinance or under Section 48 and Sections 52 to 55, both inclusive, of the Act of the Imperial Parliament 24 and 25 Victoria, Cap. 100, or any of such sections, and the husband or wife of the person so charged, shall be competent but not compellable witnesses on every hearing at every stage of such charge.

MARRIED WOMEN'S PROPERTY.

Ordinance No. 4 of 1889.

[9th March, 1889.]

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

Enacting  
clause.

1. (1) A married woman shall, in accordance with the provisions of this Ordinance, be capable of acquiring, holding, and disposing by will or otherwise, of any real or personal property as her separate property, in the same manner as if she were a *feme-sole*, without the intervention of any trustee.

Married woman  
to be capable of  
holding  
property and  
contracting as  
*feme-sole*.

(2) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued, either in contract or in tort, or otherwise, in all respects as if she were a *feme-sole* and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property; and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property and not otherwise.

(3) Every contract entered into by a married woman shall be deemed to be a contract entered into by her with respect to and to bind her separate property, unless the contrary be shown.

(4) Every contract entered into by a married woman with respect to and to bind her separate property shall bind not only the separate property which she is possessed of or entitled to at the date of the contract, but also all separate property which she may thereafter acquire.

(5) Every married woman carrying on a trade separately from her husband shall, in respect of her separate property, be subject to the Bankruptcy Laws in the same way as if she were a *feme-sole*.

Property of a woman married after the Ordinance to be held by her as a *feme-sole*.

2. Every woman who marries after the commencement of this Ordinance shall be entitled to have and to hold as her separate property, and to dispose of in manner aforesaid all real and personal property which shall belong to her at the time of marriage, or shall be acquired by or devolve upon her after marriage, including any wages, earnings, money, and property, gained or acquired by her in any employment, trade, or occupation, in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary, artistic, or scientific skill.

Loans by wife to husband.

3. Any money or other estate of the wife lent or entrusted by her to her husband for the purpose of any trade or business carried on by him, or otherwise, shall be treated as assets of her husband's estate in case of his bankruptcy, under reservation of the wife's claim to a dividend as a creditor for the amount or value of such money or other estate after, but not before, all claims of the other creditors of the husband for valuable consideration in money or money's worth have been satisfied.

Execution of general power.

4. The execution of a general power by will of a married woman shall have the effect of making the property appointed liable for her debts and other liabilities in the same manner as her separate estate is made liable under this Ordinance.

Property acquired after the Ordinance by a woman married before the Ordinance to be held by her as a *feme-sole*.

5. Every woman married before the commencement of this Ordinance shall be entitled to have and to hold, and to dispose of in manner aforesaid as her separate property all real and personal property, her title to which, whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue after the commencement of this Ordinance, including any wages, earnings, money, and property so gained or acquired by her as aforesaid.



6. All deposits in any savings bank, or in any other bank, all annuities by any person, and all sums forming part of any stocks or funds, which at the commencement of this Ordinance are standing in the sole name of a married woman, and all shares, stock, debentures, debenture stock, or other interests of or in any corporation, company, or public body, municipal, commercial, or otherwise, or of or in any industrial, provident, friendly, benefit, building, or loan society, which at the commencement of this Ordinance are standing in her name, shall be deemed, unless and until the contrary be shown, to be the separate property of such married woman : and the fact that any such deposit, annuity, sum forming part of stocks or funds, share, stock, debenture, debenture stock, or other interest as aforesaid, is standing in the sole name of a married woman, shall be sufficient *prima facie* evidence that she is beneficially entitled thereto for her separate use, so as to authorise and empower her to receive or transfer the same, and to receive the dividends, interest, and profits thereof, without the concurrence of her husband, and to indemnify all directors, managers, and trustees of every such bank, corporation, company, public body, or society as aforesaid, in respect thereof.

7. All shares, stock, debentures, debenture stock, and other interests of or in any corporation, company, public body, or society as aforesaid, which after the commencement of this Ordinance shall be allotted to or placed, registered, or transferred in or into or made to stand in the sole name of any married woman shall be deemed, unless and until the contrary be shown, to be her separate property, in respect of which so far as any liability may be incident thereto her separate estate shall alone be liable, whether the same shall be so expressed in the document whereby her title to the same is created or certified, or in the books or register wherein her title is entered or recorded, or not :

As to stock,  
etc., to be  
transferred,  
etc., to a  
married  
woman.

Provided always, that nothing in this Ordinance shall require or authorise any corporation or joint stock company to admit any married woman to be a holder of any shares or stock therein to which any

liability may be incident, contrary to the provisions of any Ordinance, charter, by-law, articles of association or deed of settlement regulating such corporation or company.

Investments in joint names of married women and others.

8. All the provisions hereinbefore contained as to deposits in any savings bank, or in any other bank, shares, stock, debentures, debenture stock, or other interests of or in any corporation, company, public body, or society as aforesaid respectively, which at the commencement of this Ordinance shall be standing in the sole name of a married woman, or which, after that time, shall be allotted to, or placed, registered, or transferred to or into, or made to stand in, the sole name of a married woman, shall respectively extend and apply, so far as relates to estate, right, title, or interest of the married woman, to any of the particulars aforesaid which, at the commencement of this Ordinance, or at any time afterwards, shall be standing in, or shall be allotted to, placed, registered, or transferred to or into, or made to stand in, the name of any married woman jointly with any person or persons other than her husband.

As to stock, etc., standing in the joint names of a married woman and others.

9. It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any deposit as aforesaid, or any share, stock, debenture, debenture stock, or other benefit, right, claim, or other interest of or in any corporation, company, public body, or society as aforesaid, which is now or shall at any time hereafter be standing in the sole name of any married woman, or in the joint names of such married woman and any person or persons not being her husband.

Fraudulent investments with money of husband.

10. If any investment in any such deposit as aforesaid or in any share, stock, debenture, or debenture stock of any corporation, company, or public body, municipal, commercial, or otherwise, or in any share, debenture, benefit, right, or claim whatsoever, in, to, or upon the funds of any industrial, provident, friendly, benefit, building, or loan society, shall have been made by a married woman by means of moneys of her husband, without his consent, the Court may, upon an application under Section 17 of this

Ordinance, order such investment, and the dividends thereof, or any part thereof, to be transferred and paid respectively to the husband; and nothing in this Ordinance contained shall give validity as against creditors of the husband to any gift, by a husband to his wife, of any property, which, after such gift, shall continue to be in the order and disposition or reputed ownership of the husband, or to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors; but any moneys so deposited or invested may be followed as if this Ordinance had not passed.

11. A married woman may by virtue of the power of making contracts hereinbefore contained effect a policy upon her own life or the life of her husband for her separate use; and the same and all benefit thereof shall enure accordingly.

Moneys payable under policy of assurance not to form part of estate of insured.

A policy of assurance effected by any man on his own life, and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or any of them, or by any woman on her own life, and expressed to be for the benefit of her husband, or of her children, or of her husband and children, or any of them, shall create a trust in favour of the objects therein named, and the moneys payable under any such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the insured, or be subject to his or her debts :

Provided, that if it shall be proved that the policy was effected and the premiums paid with intent to defraud the creditors of the insured, they shall be entitled to receive, out of the moneys payable under the policy, a sum equal to the premiums so paid. The receipt of a trustee or trustees duly appointed, or, in default of any such appointment, or in default of notice to the insurance office, the receipt of the legal representative of the insured shall be a discharge to the office for the sum secured by the policy, or for the value thereof, in whole or in part.

12. Every woman, whether married before or after this Ordinance, shall have in her own name against all persons whomsoever, including her

Remedies of married woman for protection and security of separate property.

husband, the same civil remedies, and also (subject as regards her husband, to the proviso hereinafter contained) the same remedies and redress by way of criminal proceedings, for the protection and security of her own separate property, as if such property belonged to her as a *feme-sole*, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort. In any indictment or other proceeding under this section it shall be sufficient to allege such property to be her property; and in any proceeding under this section a husband or wife shall be competent to give evidence against each other, any statute or rule of law to the contrary notwithstanding :

Provided always, that no criminal proceeding shall be taken by any wife against her husband by virtue of this Ordinance while they are living together, as to or concerning any property claimed by her, nor while they are living apart, as to or concerning any act done by the husband while they were living together, concerning property claimed by the wife, unless such property shall have been wrongfully taken by the husband when leaving or deserting, or about to leave or desert, his wife.

Wife's ante-nuptial debts and liabilities.

13. A woman after marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted, and all contracts entered into or wrongs committed by her before marriage, including any sums for which she may be liable as a contributory, either before or after she has been placed on the list of contributories under and by virtue of the Acts and Ordinances relating to joint stock companies; and she may be sued for any such debt and for any liability in damages or otherwise under any such contract, or in respect of any such wrong; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property; and, as between her and her husband, unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts, or wrongs, and for all damages or costs recovered in respect thereof :

Provided always that nothing in this Ordinance shall operate to increase or diminish the liability of any woman married before the commencement of this Ordinance for any such debt, contract, or wrong, as aforesaid, except as to any separate property to which she may become entitled by virtue of this Ordinance, and to which she would not have been entitled for her separate use if this Ordinance had not passed.

14. A husband shall be liable for the debts of his wife contracted, and for all contracts entered into and wrongs committed by her, before marriage, including any liabilities to which she may be so subject under the Acts and Ordinances relating to joint stock companies as aforesaid, to the extent of all property whatsoever belonging to his wife which he shall have acquired or become entitled to from or through his wife, after deducting therefrom any payments made by him, and any sums for which judgment may have been *bona-fide* recovered against him in any proceeding at law, in respect of any such debts, contracts, or wrongs for or in respect of which his wife was liable before her marriage as aforesaid; and any Court in which a husband shall be sued for any such debt shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount, or value of such property :

Husband liable for his wife's debts contracted before marriage to a certain extent.

Provided always that nothing in this Ordinance contained shall operate to increase or diminish the liability of any husband before the commencement of this Ordinance for or in respect of any such debt or other liability of his wife as aforesaid.

15. A husband and wife may be jointly sued in respect of any such debt or other liability (whether by contract or for any wrong) contracted or incurred by the wife before marriage as aforesaid, if the plaintiff in the action shall seek to establish his claim, either wholly or in part, against both of them; and if in any such action, or in any action brought in respect of any such debt or liability against the husband alone, it is not found that the husband is liable in respect of any property of the wife so

Suits for antenuptial liabilities.

acquired by him or to which he shall have become entitled as aforesaid, he shall have judgment for his costs of defence, whatever may be the result of the action against the wife if jointly sued with him; and in any such action against husband and wife jointly if it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property; and as to the residue, if any, of such debt and damages, the judgment shall be a separate judgment against the wife as to her separate property only.

Act of wife  
liable to  
criminal  
proceedings.

16. A wife doing any act with respect to any property of her husband, which, if done by the husband with respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Ordinance, shall in like manner be liable to criminal proceedings by her husband.

Questions  
between  
husband and  
wife as to  
property to be  
decided in a  
summary way.

17. In any question between husband and wife as to the title to or possession of property, either party, or any such bank, corporation, company, public body, or society as aforesaid in whose books any stocks, funds, or shares of either party are standing, may apply by summons or otherwise in a summary way to the judge of the Supreme Court, and the judge of the Supreme Court may make such order with respect to the property in dispute, and as to the costs of and consequent on the application as he thinks fit, or may direct such application to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he shall think fit:

Provided always, that the judge of the Supreme Court, if either party so require, may hear any such application in his private room:

Provided also that any such bank, corporation, company, public body, or society as aforesaid, shall, in the matter of any such application for the purposes of costs or otherwise, be treated as a stake holder only.

Married woman:  
as an executrix  
or trustee.

18. A married woman who is an executrix or administratrix alone or jointly with any other person

or persons of the estate of any deceased person, or a trustee alone or jointly as aforesaid of property subject to any trust, may sue or be sued, and may transfer or join in transferring any such annuity or deposit as aforesaid, or any sum forming part of any stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock, or other benefit, right, claim, or other interest of or in any such corporation, company, public body, or society in that character, without her husband, as if she were a *feme-sole*.

19. Nothing in this Ordinance contained shall interfere with or affect any settlement or agreement for a settlement made or to be made, whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached to or be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will, or other instrument; but no restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property to be made or entered into by herself shall have any validity against debts contracted by her before marriage, and no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.

Saving of existing settlements and the power to make future settlements.

20. A married woman having separate property shall be subject to all such liability for the maintenance of her children and grandchildren as the husband is now by law subject to for the maintenance of her children and grandchildren:

Married woman to be liable for the maintenance of her children.

Provided always, that nothing in this Ordinance shall relieve her husband from any liability imposed upon him by law to maintain her children and grandchildren.

21. For the purposes of this Ordinance the legal representative of any married woman shall in

Legal representative of married woman.

respect of her separate estate have the same rights and liabilities and be subject to the same jurisdiction as she would be if she were living.

Interpretation  
of terms.

22. The word "contract" in this Ordinance shall include the acceptance of any trust, or of the office of executrix or administratrix, and the provisions of this Ordinance as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by any married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration. The word "property" in this Ordinance includes a thing in action.

Short title.

23. This Ordinance may be cited as "The Married Women's Property Ordinance, 1889."

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## TOBACCO LICENCES.

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### Ordinance No. 10 of 1889.

[18th May, 1889.]

Enacting  
clause.

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

No person to  
sell tobacco  
without  
licence.

1. It shall not be lawful for any person, company, or mercantile firm, to sell tobacco, cigars, or cigarettes, unless such person or persons shall have received a licence from the Colonial Treasurer authorising him to do so.

Colonial  
Treasurer may  
grant licences.

2. It shall be lawful for the Colonial Treasurer to grant licences for the sale of tobacco, cigars, and cigarettes, in the town of Stanley, or anywhere within fifteen miles thereof, by sea or land, on payment to him of the sum of two pounds for every such licence. Any person or persons not being licensed



as aforesaid, who shall directly or indirectly sell, within the limits aforesaid, any tobacco, cigars, or cigarettes, shall be liable for every such offence to a penalty not exceeding ten pounds.

Penalty for selling without licence.

3. It shall be lawful for the Colonial Treasurer to grant licences for the sale of tobacco, cigars, and cigarettes, in any part of the Colony outside the limits hereinbefore defined, on payment to him of the sum of one pound, and any person not so licensed who shall directly or indirectly sell any tobacco, cigars, or cigarettes, shall be liable for every such offence to a penalty not exceeding five pounds.

Treasurer may grant licences outside the limits of Stanley.

Penalty for selling without licence.

4. Every licence granted under the provisions of this Ordinance shall be in force for twelve months from the date thereof and no longer.

Licences to be in force for twelve months only.

5. All penalties incurred under this Ordinance shall be sued for and recovered in like manner as fines are sued for and recovered under the Summary Jurisdiction Ordinance, 1902, and shall be paid to the Colonial Treasurer for the use of the Government.

Recovery of penalties.

6. This Ordinance may be cited as "The Tobacco Licence Ordinance, 1889."

Short title.

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## FOREIGN JURISDICTION ACTS.

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### Ordinance No. 3 of 1890.

[10th May, 1890.]

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

Enacting clause.

1. In this Ordinance the expression " Foreign Jurisdiction Acts " means those Acts which do now or shall hereafter regulate the exercise by the Crown

Meaning of Foreign Jurisdiction Acts.

of the powers and jurisdiction acquired by it, by whatsoever means, in countries out of Her Majesty's dominions.

Expenses of trial under Foreign Jurisdiction Acts of British subjects, natives or residents of the Falkland Islands, chargeable to the Colony.

2. Where a British subject who is a native of or is ordinarily resident in the Colony of the Falkland Islands commits an offence in a foreign country in which Her Majesty exercises jurisdiction over British subjects, and is tried, convicted, or acquitted on the ground of insanity, by any of Her Majesty's Courts exercising jurisdiction over British subjects under the Foreign Jurisdiction Acts in such foreign country, the expenses of or incidental to the apprehension, trial, conviction, or acquittal on the ground of insanity, of such person, or of his removal to the Colony or place in which he is to undergo his sentence or be confined as a criminal lunatic, or of his maintenance during such imprisonment or confinement, so far as they cannot be met out of his effects by any order of the Court by which he was tried, shall be paid out of the general revenues of this Colony by the Colonial Treasurer on the written authority and directions of the Governor.

3. This Ordinance may be cited as "The Foreign Jurisdiction Act (Expenses) Ordinance, 1890."

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## DOGS.

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### Ordinance No. 5 of 1892.

[19th August, 1892.]

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

Governor in Council may issue proclamation to deal with disease.

1. The Governor in Council may from time to time by proclamation make such orders as he may deem necessary for preventing the spreading of contagious or infectious disorders amongst dogs or other animals within the Colony.

2. If the owner of any dog or other animal shall, after the proclamation of any such order, contravene the same, such owner shall be liable for each offence to a penalty not exceeding five pounds to be recovered according to the provisions of the Summary Jurisdiction Ordinance, 1902.

Penal clause.

3. The Governor in Council may revoke the whole or any part of any Order made under this Ordinance by any further Order issued under the authority of this Ordinance.

Governor in Council may revoke Order or any part of Order.

4. Every Order issued under this Ordinance shall as soon as possible be published in the *Government Gazette* and placed on the *Government Gazette* board, and kept thereon for the space of fourteen days.

Order of Governor in Council to be published.

5. This Ordinance may be cited as "The Dogs Ordinance, 1892."

Short title.

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## TRUSTEES OF CHRIST CHURCH, STANLEY.

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### Ordinance No. 4 of 1893.

[27th April, 1893.]

*An Ordinance for Incorporating the Trustees of Christ Church, Stanley, Falkland Islands, as a Body Corporate.*

WHEREAS certain persons have by voluntary subscription built within the town of Stanley, for the public worship of Almighty God, in harmony with the Doctrine and Discipline, the Rites and Ceremonies of the Church of England, a Church known as "Christ Church," and whereas it is expedient for the proper management of the property and concerns of said Church that certain persons nominated under a Deed of Constitution and Consecration dated the 21st day of February, and recorded the 28th day of April, 1892, as Trustees for the holding and management of the property of said Church, should be incorporated as a body corporate.

Preamble.

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

Trustees of  
Christ Church  
incorporated as  
Body  
Corporate.

1. The several persons nominated under Clause 18, or hereafter to be assumed under Clause 19 of said Deed of Constitution and Consecration shall be, and are hereby declared and adjudged to be, one body politic and corporate by the name of "The Trustees of Christ Church, Stanley," and by that name shall and may have perpetual succession, and shall and may sue and be sued in all Courts and before all Magistrates, Justices and others in all manner of actions, suits, complaints, matters and causes whatsoever, and shall and may have a common seal, and the same may vary and alter at their pleasure, and by the name aforesaid shall be in law capable of holding all such estate real or personal as hath already been acquired by them, or of taking and holding for ever hereafter other estate real and personal either by purchase, gift, devise or legacy, for the use of the said Church.

Short title.

2. This Ordinance may be cited as "The Christ Church Ordinance, 1893."

### **VOLUNTEER FORCE.**

#### **Ordinance No. 5 of 1893.**

[12th June, 1893.]

It is hereby enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows :—

#### **PRELIMINARY.**

Short title.

1. This Ordinance may be cited as "The Volunteer Ordinance, 1892."

Interpretation.

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

"Commanding Officer of a Corps" means the officer or other member of the Corps who holds the highest rank in such Corps.

"Officer" means a person holding a commission as officer in a Volunteer Corps.

"Volunteer" means a member of a Volunteer Corps not being an officer.

"Appointments" includes accoutrements and equipments of every kind other than clothing.

## PART I.

### ORGANISATION OF VOLUNTEER CORPS.

3. (1) It shall be lawful for the Governor to accept the services of any persons desiring to be formed under this Ordinance into a Volunteer Corps and offering their services, and on such acceptance being notified in the *Gazette* the proposed corps shall be deemed lawfully formed under this Ordinance.

Governor may accept services of corps.

(2) Any such corps shall be designated by such style as the Governor shall order.

4. (1) The officers of a Volunteer Corps shall be commissioned by the Governor, and such commission shall not be deemed vacated by the death or retirement from office of the Governor by whom the same was issued.

Officers commission to be issued by Governor.

(2) Officers of Volunteer Corps shall rank with officers of Her Majesty's Regular and Militia Forces, but as junior of their respective ranks.

Rank of officers.

5. (1) Subject as hereinafter mentioned, any volunteer may, except when on active service, quit his corps on complying with the following conditions :—

Power of volunteer to quit corps on conditions.

(i) giving to the commanding officer of his corps fourteen days' notice in writing of his intention to quit the corps;

(ii) delivering up in good order (fair wear and tear only excepted) all arms, clothing and appointments being public property or property of his corps issued to him; and

(iii) paying all money due or becoming due by him under the rules of his corps, either before or at the time or by reason of his quitting it, and thereupon he shall be struck out of the muster-roll of the corps by the commanding officer.

(2) If any volunteer gives such notice and the commanding officer refuses to strike him out of the muster-roll and the volunteer considers himself aggrieved thereby, the volunteer may appeal to a Magistrate, who shall hear and determine the appeal and may for the purposes thereof administer oaths and examine any person as a witness, and if it appears to such Magistrate that the arms, clothing and appointments issued to the volunteer, being public property or property of his corps, have been delivered up in good order (fair wear and tear only excepted) and that he has paid or is ready to pay sufficient compensation for any damages that such articles may have sustained, and that all moneys due or becoming due by him under this Ordinance or under the rules of his corps, either before or at the time of or by reason of his quitting it, have been paid, such Magistrate may order the commanding officer forthwith to strike such volunteer out of the muster-roll of his corps, and such determination shall be binding on all persons.

(3) Nothing in this section contained shall authorise any volunteer to obtain his discharge, except with the consent of the Governor, before the expiration of any period of service for which he may have by writing engaged to serve.

Volunteers to  
be under  
command of  
officers of  
regular forces.

6. Whenever any volunteers are on active service or are undergoing drill, exercise or inspection or are voluntarily doing any duty together with Her Majesty's regular forces, they and their officers shall, subject to regulations under this Ordinance, be under the command of the officers of Her Majesty's regular forces, so nevertheless that the volunteers shall, when the circumstances of the service admit, be led by their own officers under such command.

Annual  
inspection.

7. Inspections of every Volunteer Corps may be held by some officer of Her Majesty's regular forces

nominated by the Governor at such times as the Governor may direct, and such inspecting officer shall report to the Governor as to the efficiency or otherwise of the corps.

8. The Governor may by regulations declare what is requisite to entitle a volunteer to be deemed an efficient volunteer by defining for that purpose the extent of attendance at drill to be given by the volunteer, and the course of instruction to be gone through by him, and the degree of proficiency in drill and instruction to be attained by him and his corps, such proficiency to be judged of by the inspecting officer at the annual inspection of the corps or otherwise as prescribed.

Requisites of efficiency to be declared by Governor.

9. The Governor may disband or discontinue the services of any Volunteer Corps or any part thereof whenever it seems to him expedient to do so.

Disbanding of corps.

10. (1) The Governor may at any time assemble a Court of Inquiry composed of members of the Volunteer Corps to inquire into any matter relative to any Volunteer Corps or to any officer or volunteer, and to record the facts and circumstances ascertained on such inquiry and, if required, to report on the same for his information.

Courts of inquiry.

(2) The commanding officer of a Volunteer Corps may at any time assemble a Court of Inquiry, composed either of officers and volunteers belonging to the corps or of such officers or of such volunteers, to inquire into any matter relative to the corps or any volunteer not being an officer, and to record the facts and circumstances ascertained on such inquiry and if required to report on the same for the information and assistance of the commanding officer.

11. The Governor may make regulations respecting anything in this Ordinance directed or authorised to be done or provided by regulation, and also such regulations as may seem fit (not being inconsistent with any of the provisions of this Ordinance) respecting :—

Power of Governor to make regulations for government of Volunteer Force.

(a) The appointment, promotion and rank of officers.

(b) The assembling and proceedings of Courts of Inquiry.

(c) Generally the execution of this Ordinance and the general government and discipline of the Volunteer Force.

## PART II.

### ACTIVE SERVICE.

Governor may call out volunteers for active service in case of national emergency, invasion, etc.

12. (1) In case of great national emergency or in case of actual or apprehended invasion of or attack on the Colony, the Governor may call out any Volunteer Corps for active service.

(2) Every officer and volunteer belonging to every corps so called out shall be bound to assemble at such place and perform such service as may be directed by the Governor.

(3) Every such officer and volunteer from the time of his corps being so called out shall for the purposes of this Ordinance be deemed on active service. If any such officer or volunteer, not incapacitated by infirmity for service, refuses or neglects so to assemble he shall be deemed a deserter.

(4) The period of such service shall continue so long as the Governor shall consider necessary, and shall end only by order of the Governor.

(5) Nothing in this Ordinance shall render any officer or volunteer liable to serve or proceed on duty, without his consent, beyond the limits of the Colony.

Volunteers when called out to be entitled to pay and quarters.

13. All persons enrolled in any Volunteer Corps, when called out on active service by the Governor, shall be entitled to pay and allowances in such manner and after such rates and conditions and to be quartered or billeted in like manner in every respect and under and subject to the same regulations as Her Majesty's other forces, as far as the same shall by the Governor be deemed applicable to the Volunteer Corps.



14. All persons enrolled, and who shall when called out on such active service as aforesaid leave families unable to support themselves, shall during the period of their absence on active service be entitled to relief for their wives and families, and it shall be lawful for the Governor to fix the amount of such relief.

Relief to families of volunteers called out on service.

15. Whenever any person enrolled as aforesaid shall be called out on active service as aforesaid away from his place of residence, he shall be entitled to receive, if willing to do so, his travelling expenses from and to such residence, and it shall be lawful for the Governor to fix the rate and amount of such expenses.

When travelling expenses are payable to volunteers

16. All officers and volunteers who shall have received wounds or injuries when called out on active service as aforesaid and the widows and families of all such officers and volunteers who may have been killed or have died within twelve months after having been wounded of wounds received during such active service, or have died within twelve months from illness directly traceable to fatigue or exposure incident to such active service, shall be entitled to such pensions or gratuities as shall be fixed by the Governor in Council, provided that no pension or gratuity under this section shall exceed the sum of two hundred pounds (£200).

Pensions to officers and volunteers disabled on service and to widows and families of those killed on service.

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### PART III.

#### DISCIPLINE.

17. With respect to the discipline of officers and volunteers while they are not on active service or undergoing drill, exercise, training or inspection together with or voluntarily doing any duty together with Her Majesty's regular forces or any part thereof, the following provisions shall take effect :—

As to discipline while not on active service.

(i) The Commanding Officer of a Volunteer Corps may, subject to such appeal to the

Governor as hereinafter mentioned, discharge from the corps any volunteer and strike him out of the muster-roll, either for disobedience of orders by him while doing any duty with his corps, or for neglect of duty or misconduct by him as a member of the corps or for other sufficient cause, the existence and sufficiency of such causes respectively to be judged of by the Commanding Officer or, in case of appeal, by the Governor.

(ii) The volunteer so discharged shall nevertheless be liable to deliver up in good order (fair wear and tear only excepted) all arms, clothing and appointments, being public property or property of his corps, issued to him, and pay all moneys due or becoming due by him under this Ordinance or under the rules of his corps, either before or at the time or by reason of his discharge, but any volunteer who feels aggrieved by such discharge may appeal to the Governor within a reasonable time after such discharge, and the Governor may cancel or confirm such discharge or give such other directions with reference thereto as to him may seem just and proper, and such determination shall be binding on all persons.

(iii) If any such officer or volunteer as aforesaid while—

(a) on the line of march or on duty with the corps to which he belongs or any part thereof; or

(b) engaged in any exercise or drill with such corps or any part thereof; or

(c) wearing the clothing or accoutrements of such corps and going to or returning from any place of exercise, drill or assembly of such corps, or otherwise on duty disobeys any lawful order of any officer under whose command he then is, or is guilty of misconduct, the officer then in command of the corps or any superior officer under whose command the corps then is may order the offender if an officer into arrest, and if not an officer into the custody

of any volunteer belonging to the corps, provided that the offender be not kept in such arrest or custody longer than during the time of the corps or such portion thereof as aforesaid then remaining on march or duty or continuing engaged in any such exercise or drill as aforesaid or otherwise on duty, and for the purposes of this provision any such officer or volunteer, while going to or returning from any place of exercise, drill or assembly of his corps, shall be deemed to be on duty so long as he continues to wear the clothing or accoutrements of such corps.

(iv) Every such arrest shall be forthwith reported to the commanding officer of the corps or such other officer as may be prescribed.

18. (1) With respect to the discipline of officers and volunteers when on active service or undergoing drill, exercise, training or inspection together with or voluntarily doing any duty together with Her Majesty's regular forces or any part thereof, the following provisions shall take effect :—

As to discipline while on active service.

The provisions of the Imperial Act, 44 and 45 Vict., Cap. 58, and of any other Imperial Act for the time being amending the same shall, so far as the same are applicable to officers and are consistent with the provisions of this Ordinance, apply to all officers and volunteers, with the following modifications only :—

44 and 45 Vict., Cap. 58.

(a) That no officer or volunteer shall for any offence against such Act or Acts be subject to the penalty of death.

(b) That no sentence of a court martial for the trial of an officer or volunteer shall be carried into execution unless confirmed by the Governor.

(2) Nothing in this section contained shall be deemed to limit or derogate from the power given by Section 177 of the said Imperial Act to the General Officer commanding Her Majesty's forces with which the corps is serving of making such exceptions or modifications as in the same section are referred to.

## PART IV.

## RULES AND PROPERTY OF CORPS.

Power for  
corps to make  
rules.

19. (1) The members of a Volunteer Corps may from time to time make rules for the management of the property, finances and civil affairs of the corps, and may alter or repeal any such rules, but any such rules shall not have effect unless and until the commanding officer of the corps thinks fit to transmit the same to the Governor for his approval, and such approval has been notified by the Governor to the commanding officer of the corps, to be by him forthwith communicated to the corps, whereupon the rules so approved shall be binding on all members of the corps and shall be published in the *Government Gazette*.

(2) A copy of the rules in print or writing or partly in print and partly in writing, certified under the hand of the commanding officer as a true copy of the rules whereof such approval has been notified as aforesaid, shall be conclusive evidence of the rules of the corps.

Vesting of  
property of  
corps in com-  
manding officer  
*ex officio*.

20. All moneys subscribed by or to or for the use of a Volunteer Corps and all effects belonging to any such corps or lawfully used by it, not being the property of an individual member of the corps, and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions and other moneys due to the corps, shall vest in the commanding officer of the corps for the time being and his successors in office, with power for him and his successors to sue, to make contracts and conveyances and to do all other lawful things relating thereto, and any civil or criminal proceedings taken by virtue of this section by the commanding officer of a corps shall not be discontinued or abated by his death, resignation or removal from office, but may be carried on by and in the name of his successor in office.

21. If any person fails to deliver up in good order (fair wear and tear excepted) any arms, clothing or appointments which he is liable under this Ordinance or the rules framed thereunder to deliver up, he shall be liable to pay to the commanding officer of the corps the value thereof, as such value shall be determined by a General Committee constituted in accordance with the rules framed under this Ordinance.

Volunteers failing to give up arms, etc., when liable to do so to pay value thereof.

22. If any person belonging or having belonged to a Volunteer Corps neglects or refuses to pay anything subscribed or undertaken to be paid by him towards any of the funds or expenses of such corps or due under the rules of such corps and actually payable by him, or to pay any fine incurred by him under the rules of such corps, such money or fine shall (without prejudice to any other remedy) be recoverable from him, with costs, at any time within eighteen months after the same becomes due and payable in manner hereinafter mentioned, and when recovered shall be applied as part of the general fund of the corps.

Recovery of subscriptions and fines.

## PART V.

### MISCELLANEOUS.

23. Any money or fine recoverable under this Ordinance may be recovered in a summary way in the Police Magistrate's Court, notwithstanding the amount may be in excess of the ordinary jurisdiction of that Court.

Summary recovery of fine.

24. The commanding officer of any Volunteer Corps may be represented in any Police Magistrate's Court or before any Magistrate or Magistrates by any member of the corps authorised by him in writing under his hand.

Appearance in Court of commanding officer.

25. It shall be lawful for the Colonial Treasurer to pay to the commanding officer of every Volunteer

Capitation grant.

Corps for the purposes of the corps such sum in each year as shall be fixed by the Governor in Council, not exceeding two pounds, for every efficient member holding a certificate of proficiency, in accordance with any regulations passed under Section 8, who is certified by the commanding officer to have satisfied the requirements for receiving such certificate of proficiency within the year, but such payment shall not be made except by the sanction of the Governor, to whose satisfaction the state of efficiency of the corps must be certified.

Oath of  
allegiance.

26. Every member of a Volunteer Corps shall, on his admission or as soon afterwards as may be, take the oath set forth in the Schedule to this Ordinance, to be administered by a Justice of the Peace or by an officer of his corps who has taken such oath.

Assaulting or  
resisting mem-  
ber of corps.

27. Whoever assaults or resists or abets any person in assaulting or resisting any member of the corps in the discharge of his duty shall be punishable, on conviction before a Magistrate, with a fine not exceeding twenty pounds or with imprisonment for any term not exceeding six months, or with both.

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## SCHEDULE.

### OATH OF OFFICER AND VOLUNTEER.

I, *A. B.*, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and that I will faithfully serve Her Majesty in the Falkland Islands and their Dependencies for the defence of the same against all Her enemies and opposers whatsoever according to the conditions of my service.

[The name of the successor of Her Majesty Queen Victoria for the time being, with proper words of reference thereto, to be substituted as occasion requires.]

## LUNACY.

### Ordinance No. 4 of 1894.

*As amended by No. 2 of 1895.*

[13th June, 1894.]

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

1. Every officer who has knowledge that any person wandering at large within any district is deemed to be a lunatic shall immediately apprehend and take such person before the Police Magistrate or before a Justice of the Peace, which Justice is hereby empowered to issue all necessary orders for detaining such person in some secure place until he or she can be brought before the Police Magistrate.

Constable to arrest supposed lunatic wandering at large.

2. The Police Magistrate upon an alleged lunatic being brought before him as having been found wandering at large, shall call in and examine upon oath the Colonial Surgeon or any medical practitioner, and shall also examine the alleged lunatic and make such inquiries as may be thought advisable, and if satisfied that the alleged lunatic is a lunatic and a proper person to be detained, may issue his warrant directing such person to be received and detained in the gaol, or in any institution or place which may be approved of by the Governor in Council as a proper place for the care and safe custody of lunatics.

Procedure by Police Magistrate when wandering lunatic is brought before him.

3. Every officer who has knowledge that any person not wandering at large is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative, or other person having the care or charge of such lunatic, shall, as soon as practicable after obtaining such knowledge, give information upon oath, to the Police Magistrate, or a Justice of the Peace, which Justice upon this information being made to him,

Constable to report case of a supposed lunatic not under proper care and control.

shall visit and examine the alleged lunatic, and if satisfied that he is a lunatic, and that further inquiry should be made by the Police Magistrate, shall issue all necessary orders for keeping and detaining the alleged lunatic in some fit and proper place until he or she can be brought before the Police Magistrate.

Procedure of  
Police Magis-  
trate on lunatic  
not under  
proper care  
being brought  
before him.

4. (1) The Police Magistrate upon information being laid before him under Section 3 of this Ordinance, shall visit the alleged lunatic and shall direct the Colonial Surgeon or any medical practitioner to visit and examine the alleged lunatic and to certify an opinion as to his mental state.

(2) The Police Magistrate shall, upon an alleged lunatic being brought before him by order of a Justice of the Peace under Section 3, direct the Colonial Surgeon or any medical practitioner to examine the alleged lunatic and to certify an opinion as to his mental state.

(3) If upon this certificate or after such further inquiry as the Police Magistrate thinks necessary, he is satisfied that the alleged lunatic is a lunatic and is not under proper care and control, or is cruelly treated or neglected by the person having care or charge of him or her, and that the lunatic is a proper person to be taken charge of and detained under care and treatment, the Police Magistrate may, by order, direct the lunatic to be received and detained in the gaol or in any institution or place which may be approved by the Governor in Council as a fit and proper place for the care and custody of lunatics.

Power to  
remand.

5. If during the examination into the lunacy of any person brought before the Police Magistrate, it should be thought proper by the said Magistrate to remand the said person to gaol for the purpose of his being subjected to careful watch and examination, the Police Magistrate is hereby empowered to remand the alleged lunatic by warrant to gaol for a period not exceeding eight days.

Lunatics to be  
confined when  
charged with  
offence triable  
summarily.

6. When it shall appear to the Police Magistrate that a person brought before him charged with any offence punishable summarily is a lunatic he



shall make similar inquiry to that directed by Section 2 of this Ordinance, and if satisfied that the prisoner is a lunatic shall issue his warrant directing that such person shall be received and detained in the public gaol or in any institution which may be approved by the Governor in Council as a proper place for the care and custody of lunatics.

7. (1) If it shall be made to appear to the Police Magistrate that the father, mother, husband, wife, child or children of any lunatic confined in accordance with this Ordinance in any place within this Colony or elsewhere as hereinafter provided for is or are possessed of sufficient means to support or contribute to the support of such lunatic, it shall be lawful for the said Police Magistrate to summon such relative or relatives, and if satisfied by evidence upon oath that he, she or they are able to maintain or assist in the maintenance of the lunatic to issue an order requiring such relative or relatives to pay to the Colonial Treasurer for the maintenance or as contribution to the maintenance of the lunatic such sum of money weekly or otherwise as the said Police Magistrate shall think reasonable according to the circumstances of the parties.

Relatives of lunatics to contribute to their support.

Order of Magistrate thereon.

(2) The Police Magistrate shall have power from time to time to vary his order upon proof that the means of such relative or relatives have become altered in amount since the original order or any subsequent order varying it shall have been made.

Power to vary order.

8. Should the party upon whom such order of maintenance is made fail to obey the same a warrant of distress shall issue by the Police Magistrate for the purpose of levying the amount due under the order and all costs incurred therein, and if return shall be made by the officer executing the warrant of distress that he could find no, or not sufficient, goods and chattels whereon to levy, it shall be lawful for the Police Magistrate to issue his warrant for the commitment of the party making default in payment of the order to gaol, there to be kept with or without hard labour for a period not exceeding twenty days, unless the sum of money ordered to be paid and all costs and charges of levy and commitment and con-

Relatives to be committed to gaol on failure to obey Order of Maintenance after issue of Warrant of Distress without result.

veying of the defendant to gaol (the amount thereof being stated in the commitment) shall be sooner paid.

Governor in Council may order release of lunatics on proper surety being given.

9. It may be lawful for the Governor in Council upon the petition of any relative or friend of a lunatic confined within the Colony under the provisions of any of the preceding sections of this Ordinance, and on the certificate of the Colonial Surgeon that such lunatic is not a dangerous lunatic, to grant an order for the discharge of the lunatic upon such relative or friends entering into recognisances with approved sureties to be taken before the Police Magistrate for the safe custody, due maintenance, proper care, treatment and supervision of such lunatic, as well as for his peaceable behaviour.

Colonial Surgeon to report when person imprisoned has recovered his reason.

10. It shall be the duty of the Colonial Surgeon to report immediately to the Governor whenever, in the opinion of the said surgeon, any person confined in gaol under the provisions of any of the preceding sections of this Ordinance has recovered his reason and may with propriety and safety to the public peace be discharged, and the Governor in Council upon the receipt of such report may order the immediate release of such person from custody.

Governor in Council may order release thereon.

Visiting Justice empowered to allow lunatic when ill to take exercise outside of gaol under proper control.

11. Any Visiting Justice of the gaol shall have authority upon the same being recommended by the Colonial Surgeon as being desirable and necessary to direct and permit any lunatic confined in gaol, when his state of health requires it, to take exercise without the grounds of the gaol under the control of an officer or officers in such manner as the Colonial Surgeon may direct. Lunatics whilst being allowed this privilege shall be deemed to be in custody under the warrant by virtue of which they were originally detained and may be taken back to gaol and there again kept without any further or other authority than the original warrant.

Lunatics when charged with offence in Supreme Court to be committed to safe custody.

12. If upon the trial of any person charged with any offence not punishable summarily it shall appear that such person was a lunatic at the time of the commission of the offence and such person shall be acquitted on that ground, or if, during the trial of any person upon the charge of any offence not punishable summarily it shall be found that such person is

a lunatic, such verdict and finding shall be recorded and the Judge of the Supreme Court shall order such person to be conveyed to the gaol or to any institution which may be approved by the Governor in Council as a proper place for the care and custody of lunatics there to be kept until discharged or removed by order of the Governor in Council.

13. The Judge of the Supreme Court may, whenever he deems it expedient, make inquiries as to the property of any person detained as a lunatic and summon and examine such parties as he may think proper: and require all statements which he may consider necessary, in order to discover particulars of the property of the lunatic, and generally exercise all powers necessary for the proper discovery, application and protection of this property. The Judge of the Supreme Court may also order any property of the lunatic to be sold or dealt with as the Judge thinks most expedient for the purpose of raising or securing money for the payment of or provision for the expenses of the lunatic's future maintenance or for any purpose which, in the opinion of the Judge, is for the benefit and interest of the said lunatic.

Judge of Supreme Court may issue orders for discovery and protection of property of lunatics.

14. Whenever any person shall be confined as a lunatic in the gaol, it may be lawful for the Governor in Council upon being satisfied that adequate arrangements have been made for the safety and care of the lunatic while on board ship and for his reception at the port of landing, in order to secure his or her proper and legal disposal in the care of his friends or in an institution for lunatics in the United Kingdom, to order the said lunatic to be removed from the Colony in a ship bound for a port in the United Kingdom.

Lunatics may be sent to United Kingdom under certain circumstances.

This section shall not apply, however, to criminal lunatics, the removal of whom is regulated by the Colonial Prisoners Removal Act, 1884 (Imperial).

Exception thereto.

15. In all cases when a lunatic is removed from the Colony under this Ordinance a transcript of the proceedings in the matter of the lunacy of such person shall be transmitted by the Governor to Her Majesty's Secretary of State for the Colonies.

Copy of proceedings to be sent to Secretary of State.

Governor in Council to make rules and orders and defray expenses.

16. It shall be lawful for the Governor in Council from time to time to make rules and orders for the purpose of carrying this Ordinance into effect, and it shall also be lawful for the Governor to authorise the payment by warrant in the usual manner from the general revenues of the Colony of all expenses which may be incurred under this Ordinance within the Colony, or which may be incurred for the removal of lunatics under this Ordinance to the United Kingdom and for their maintenance therein; and in all cases when a lunatic has been so removed to the United Kingdom the father, mother, husband, wife, child or children of the said lunatic, if possessed of sufficient means to pay or assist in paying the same, shall be liable to pay or contribute to the payment of the cost of passage of the said lunatic to the United Kingdom and the cost of his or her maintenance in a suitable asylum therein.

Relatives liable to pay or assist in paying expenses.

Proceedings against relatives of lunatics for contribution to expenses.

17. It shall be lawful for the Police Magistrate in such cases to summon such relative or relatives, and if satisfied upon oath that he, she or they are possessed of sufficient means to pay or assist in paying the expenses of passage and maintenance referred to in the preceding section, to make such order requiring the relative or relatives aforesaid to pay to the Colonial Treasurer the whole or such portion of the said expenses as to the said Police Magistrate shall seem reasonable and proper. Should the party or parties upon whom such order is made fail to obey, the same similar proceedings shall be taken as are directed for the enforcement of orders made under Section 8 of this Ordinance.

Right of appeal.

18. All parties to proceedings under the immediately preceding section or under Section 7 of this Ordinance, shall have the right of appeal against any order made by the Police Magistrate to the Supreme Court of the Falkland Islands.

Legalising proceedings and laws.

19. All proceedings, inquiries, warrants and orders which have been at any time begun, made and issued by the officials of this Government for the custody, care and control of lunatics are hereby recognised as good and valid as if begun, made and issued under the authority of this Ordinance.

20. The following words and expressions in this Ordinance shall have the meaning hereby assigned to them unless there be something in the subject or context repugnant thereto:—

Interpretation  
clause.

“Lunatic” shall mean every person of unsound mind and every person being an idiot.

“Gaol” shall mean any place within the walls of the gaol or gaol yard which may be set apart for the custody of lunatics.

“Officer” shall mean any police constable or special constable.

“Medical practitioner” shall mean a medical practitioner duly registered under the Medical Act, 1858, the Acts amending the same and the Medical Act, 1886, of the Imperial Parliament.

“Governor” shall mean the officer administering the Government of the Falkland Islands for the time being.

21. This Ordinance may be cited as “The Lunacy Ordinance, 1894.”

Short title.

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## PUBLIC HEALTH.

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Ordinance No. 5 of 1894.

*As amended by No. 4 of 1897.*

[11th August, 1894.]

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

1. There shall be a Board of Health for the East Falkland Island composed of the following members:—

Constitution of  
Board.

The Colonial Surgeon, who shall be President of the Board; the Colonial Secretary, and

such other members not exceeding five as shall be appointed annually by the Governor in Council, and it shall be lawful for the Governor from time to time to fill up any vacancy or vacancies which may occur during any year on the said Board.

**Meetings.**

2. The Board shall meet from time to time as may be necessary by order of the Governor, or on a summons from the President, or in his absence the senior member present in Stanley.

**Quorum.**

3. At all meetings of the Board four members shall form a quorum for the transaction of business, and in the absence of the President the senior member present shall preside, seniority being determined by the date and order of appointment as published in the *Government Gazette*.

**Minutes of Board.**

4. Minutes of the proceedings of the Board shall be entered in a book kept for the purpose by the President, and a copy of the minutes shall be forwarded as soon as practicable to the Governor of the Colony.

**Powers of Board to prevent injury to health by polluted water.**

5. If it shall be represented to the Board of Health, either by one of their own officers or by any other person, that the water in any well, tank, pump or cistern used or likely to be used for any drinking purposes or for manufacturing drinks, or for domestic purposes, is so polluted as to be injurious to health, it shall be lawful for the Board to cause such water to be tested or analysed, and if necessary to direct the said well, tank, pump or cistern to be temporarily or permanently closed, or the water to be used for certain purposes only, or to make such other order as may appear to them to be requisite to prevent injury to the health of persons drinking the water :

Provided that no public fountain, reservoir or well shall be closed without the sanction of the Governor, to whom the Board shall make such report upon its condition as may be necessary.

6. Any person failing to comply with an order made under the above section shall be liable to a penalty not exceeding five pounds, and should he still fail to comply with the order, it shall be lawful for the Board to do whatever may be necessary for the execution of that order and to recover any expenses incurred in so doing from the person on whom the order was made.

Penalty.

7. The Governor is hereby empowered from time to time to appoint an Inspector or Inspectors of Nuisances to carry out the provisions of this Ordinance at such salary or salaries as may be determined by the Governor in Council, and it shall be the duty of any Inspector so appointed to ascertain what nuisances exist calling for abatement, and any Inspector of Nuisances may and is hereby empowered to enter any building, house, or premises for the purposes of inspection.

Governor to appoint inspectors.

Inspector may enter premises.

8. The following shall for the purpose of this Ordinance be deemed to be nuisances :—

What are nuisances.

Any building, house, yard or premises in or about which any deposit or collection, fluid or otherwise, so foul or in such a state as to be injurious to health, shall be allowed to remain.

Any pool, ditch, gutter, watercourse, pig-stye, stable, cowhouse, sheep or goat pen, fowl-house, poultry yard, privy, urinal, cesspool, drain, ashpit or dung heap, so foul or in such a state as to be injurious to health.

Any animal so kept as to be a nuisance or injurious to health.

Any house so overcrowded with residents as to be injurious to the health of the inmates.

Any accumulation or deposit, fluid or otherwise, so foul or in such a state as to be injurious to health.

Any factory, workshop or other place not kept in a clean and perfectly sanitary condition.

9. It shall be lawful for the Board of Health to make by-laws for regulating the duties of Inspectors of Nuisances in like manner as the by-laws

By-laws for regulating Inspector of Nuisances duties.

hereinafter mentioned, and any person wilfully obstructing any Inspector of Nuisances in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Proceedings by  
Board on com-  
plaint of  
existence of a  
nuisance.

10. On receipt of information from an Inspector of Nuisances or any two inhabitant freeholders of any nuisance, the Board of Health shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance continues, or if such person cannot be found on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time specified in such notice, and to execute such works and do such things as may be necessary for the purpose :

Provided that where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice shall be served on the owner, and where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or occupier of the premises, the Board may themselves abate the same without further order.

Agent con-  
sidered as  
owner for  
service.

11. In the event of the owner of any premises being absent from the Colony, the agent or the person entitled to receive on the owner's behalf the rents for the same shall be considered for all the purposes of this Ordinance as the owner.

Proceedings in  
case of a  
nuisance in  
absence of  
owner or agent.

12. Should any house or building complained of as being unfit for human habitation and a nuisance be unoccupied and the owner be absent from the Colony without leaving any known agent, the Board shall report the matter to a Court of Summary Jurisdiction, and upon satisfactory proof being afforded to the said Court that the removal or demolition of the said premises or any part thereof is necessary, the Court is hereby empowered to issue orders to the Board of Health for the removal or demolition of the said premises or such part thereof as may be necessary, and the Board shall immediately carry such orders into effect.



13. If the person on whom a notice to abate a nuisance has been served makes default in complying with such notice, the Board shall cause a complaint to be made before a Justice of the Peace, and such Justice shall thereupon issue a summons requiring such person to appear before a Court of Summary Jurisdiction.

Proceedings on default in complying with order of Board.

14. If the Court is satisfied that the nuisance exists, it shall make an order on such person requiring him to comply with all or any of the requisitions of the notice or otherwise abate the nuisance within a specified time. The Court may also impose a penalty not exceeding five pounds on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of hearing or making the order. Any person not obeying the order of the Court shall, if he fails to satisfy the Court that he has used all diligence to carry out such order, be liable to a penalty not exceeding five shillings per day during his default, and the Board of Health may abate the nuisance and recover the expenses of so doing from the defaulting party.

Order of Court thereon.

Penalty.

15. Where the nuisance proved to exist is such as to render a house or building in the judgment of the Court unfit for human habitation, the Court may prohibit the using thereof for that purpose until in its judgment the house or building is rendered fit for human habitation, and on the Court being satisfied that it has been rendered fit for that purpose the Court may determine its previous order by another declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

Order of Court when place unfit for habitation.

16. Any Inspector of Nuisances shall have power to enter any market-place, wharf, shop, yard or building used for the sale of butcher's meat, and also to enter into any slaughter-house and examine any animal, carcase, meat or flesh intended for the food of man, and if it shall appear that the same is unfit for food it shall be seized and the matter at once reported to a Justice of the Peace, and if it

Inspector of Nuisances empowered to enter butcher's shop or market and seize unsound meat.

appears to the said Justice that any such animal or any of the said articles are unsound or unfit for the food of man he shall order the same to be destroyed, and the person to whom the same belongs or in whose possession or on whose premises the same was found shall be liable, on conviction before two Justices of the Peace or the Police Magistrate of the Colony, to a penalty not exceeding ten pounds for every such offence.

Powers of Board to order lots in Stanley to be fenced when necessary for preservation of health.

17. The Board of Health shall have power, whenever the Board shall deem it necessary for the preservation of the public health so to do, to require by written notice the owner or agent of the owner of any lot of land in the town of Stanley to properly fence to the satisfaction of the said Board any such lot within a specified time, and if any owner being so required shall refuse or neglect to carry out the requirements of the notice, the Board shall cause a complaint to be made before a Justice of the Peace, who shall thereupon issue a summons requiring the person on whom the notice was served to appear before a Court of Summary Jurisdiction, which Court shall make an order on such person directing him to comply with all or any of the requisitions of the notice within a specified time. The Court may also impose a penalty not exceeding five pounds on the person on whom the order is made, and any person disobeying such order of the Court shall, if he fails to satisfy the Court that he has used all diligence to carry out such order, be liable to a penalty not exceeding five shillings per day during his default. In the case of fences common to the lands of two or more owners, it shall be lawful for the person who erects the fence, under the authority of this section, to recover a moiety of the expense of erection from the adjoining owner or owners.

Powers of Board to make by-laws in certain matters.

18. The Board of Health may make by-laws and from time to time amend or rescind by-laws so made with respect to the following matters :—

(i) The level, width and construction of new streets and the cleaning, drainage or sewerage thereof.

(ii) The structure of new buildings in any town or settlement, and the drainage, water closets, earth closets, urinals, privies, ashpits and cesspools to be provided in the erection of such buildings.

(iii) The protection of water, the cleansing of watercourses, drains, ditches, streets, lanes and roads and the removal of noxious matter therefrom.

(iv) The keeping of animals in or near a dwelling-house so as to prevent their becoming a nuisance or injurious to health.

(v) The checking and preventing the spread of any contagious or infectious disease.

(vi) The carrying on of any offensive trade in any town or settlement so as to prevent or diminish the causes or injurious effects thereof.

(vii) The abatement or removal of nuisances.

(viii) The proper regulation of markets and slaughter-houses.

(ix) The keeping of burial grounds and the proper interment of the dead.

(x) The cleaning and keeping clean of lots of land, whether adjoining dwelling-houses or not.

(xi) The cleansing and disinfecting of houses and buildings.

(xii) The inspection, drainage, accommodation and cleansing of common lodging-houses.

(xiii) The inspection of shipping in the harbour of Stanley and the cleansing and disinfecting of the same.

(xiv) The protection of drains from injuries by cattle or otherwise.

(xv) The removal or demolition of buildings so ruinous as to be dangerous to the public safety.

(xvi) The securing of payment from parties in default of expenses incurred thereby by the Board under this Ordinance.

Board empowered to make by-laws for enforcing all measures necessary for preservation of health.

19. The Board of Health is also empowered to make by-laws for enforcing such other sanitary measures for the prevention and mitigation of disease and for the care and preservation of the public health as the said Board may deem fit and proper, and the Board may, by all by-laws made under this Ordinance, impose upon offenders against the same such reasonable penalties as it may think fit, not exceeding the sum of two pounds for each offence, and in case of a continuing offence a further penalty not exceeding five shillings for each day after written notice of the said offence from the said Board :

Provided that all such by-laws imposing a penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty, and all by-laws made by the Board shall, upon approval by the Governor in Council and publication in the *Government Gazette*, have the same effect as if inserted in this Ordinance.

Mode of recovery of penalties.

20. All fines and penalties under this Ordinance shall be recovered in a Court of Summary Jurisdiction before two Justices of the Peace or the Police Magistrate of the Colony.

Mode of recovery of expenses.

21. All moneys recoverable for expenses incurred by the Board against any person or persons under this Ordinance may be recovered in a summary way, in the name of the President of the Board, before two Justices of the Peace or the Police Magistrate for the Colony, in the same manner as fines and penalties are directed to be recovered by this Ordinance.

Board of Health for West Falklands and appointment of Health Officer.

22. It shall be lawful for the Governor to appoint a Board of Health for the West Falkland Island, and also to appoint an officer to be known as Health Officer, for the West Falkland Island, at such salary as may be fixed by the Governor in Council.

Functions of Board.

23. The Board of Health for the West Falkland Island shall possess and exercise in and throughout the West Falkland Island similar author-

ity as regards the West Falklands as that vested in the Board of Health for the East Falkland Island, with similar powers to make by-laws for the proper enforcement of this Ordinance as far as applicable throughout the West Falkland Island.

24. The Health Officer for the West Falkland Island shall discharge all the duties, and is hereby vested with all the powers and authority as far as applicable to the West Falkland Island, of an Inspector of Nuisances appointed under this Ordinance.

Duties of Health Officer.

25. The Board of Health for the West Falkland Island shall consist of the Health Officer for the West Falkland Island, who shall be Chairman of the Board, the Stipendiary Magistrate of the West Falklands and of such other members, not exceeding two, as shall be appointed annually by the Governor, and it shall be lawful for the Governor from time to time to fill up any vacancy or vacancies which may occur on the said Board.

Constitution of Board

26. At all meetings of the Board of Health for the West Falklands two members shall constitute a quorum, and in the absence of the chairman the senior member present shall preside.

Quorum.

27. This Ordinance may be cited as "The Public Health Ordinance, 1894."

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### UNIFORMS.

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Ordinance No. 7 of 1895.

[27th May, 1895.]

*An Ordinance to regulate and restrict the wearing of Naval and Military Uniforms.*

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

1. It shall not be lawful for any person not serving in Her Majesty's Forces to wear without Her Majesty's permission the uniform of any of those forces or any dress having the appearance or

Uniforms not to be worn without permission.

bearing any of the regimental or other distinctive marks of any such uniform :

Provided that this enactment shall not prevent any person from wearing any uniform or dress in the course of a stage play performed in a place approved by the Governor of the Colony, or in the course of a music hall or circus performance or in the course of any *bona-fide* military representation. If any person contravenes this section he shall be liable on summary conviction to a fine not exceeding five pounds.

Penalty for wearing uniform under circumstances likely to bring upon it contempt.

2. If any person not serving in Her Majesty's Naval or Military Forces wears without Her Majesty's permission the uniform of any of those forces or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, he shall be liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month.

Interpretation.

3. In this Ordinance the expression "Her Majesty's Military Forces" means the Regular Forces, the Reserve Forces and the Auxiliary Forces within the meaning of the Imperial Army Act, other than the Naval Coast Volunteers and Naval Volunteers.

The expression "Her Majesty's Naval Forces" means the Navy, the Naval Coast Volunteers and the Naval Volunteers.

Short title.

4. This Ordinance may be cited as "The Uniforms Ordinance, 1895."

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### CONSPIRACY.

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#### Ordinance No. 2 of 1896.

[10th February, 1896.]

*An Ordinance for regulating the Law relating to Conspiracy and to the protection of property and for other purposes.*

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice

and consent of the Legislative Council thereof, as follows :—

1. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such acts committed by one person would not be punishable as a crime.

Law as to conspiracy in trade dispute.

Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition, or any offence against the State or Sovereign.

A crime for the purposes of this section means an offence punishable on indictment or an offence which is punishable on summary conviction, and for the commission of which the offender is liable, under the Ordinance or Statute making the offence punishable, to be imprisoned either absolutely or, at the discretion of the Court, as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable only on summary conviction and is sentenced to imprisonment, the imprisonment shall not exceed three months or such longer time (if any) as may have been prescribed by the Ordinance or Statute for the punishment of the said act when committed by one person.

2. Where any person wilfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life or cause serious bodily injury or to expose valuable property, whether real or personal, to destruction or serious injury, he shall, on conviction thereof by a Magistrate, be liable either to pay a penalty not exceeding twenty pounds or to be imprisoned for a term not exceeding three months, with or without hard labour.

Breach of contract involving injury to persons or property.

Penalty for neglect by master to provide food, etc., for servant or apprentice.

3. Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall, on conviction before a Magistrate, be liable either to pay a penalty not exceeding twenty pounds or to be imprisoned for a term not exceeding three months, with or without hard labour.

Penalty for intimidation or annoyance by violence or otherwise.

4. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing wrongfully and without legal authority,

(i) Uses violence to or intimidates such other person or his wife or children or injures his property, or

(ii) Persistently follows such other person about from place to place, or

(iii) Hides any tools, clothes or other property owned or used by such other person or deprives him of or hinders him in the use thereof, or

(iv) Watches or besets the house or other place where such other person resides or works or carries on business or happens to be, or the approach to such house or place, or

(v) Follows such other person with two or more other persons in a disorderly manner in or through any street or road,

shall, on conviction thereof before a Magistrate, be liable either to a penalty not exceeding twenty pounds or to be imprisoned for a term not exceeding three months, with or without hard labour :

Provided that attending at or near the house or place where a person resides or works or carries on business or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section.



5. If any party feels aggrieved by any conviction before a Magistrate under this Ordinance, the party so aggrieved may appeal therefrom to the Judge of the Supreme Court of the Colony, upon the appellant entering into a recognisance with or without sureties, conditioned personally, to try such appeal and to abide the judgment of the Court thereon and to pay such costs as may be awarded by the Court.

Right of appeal.

6. Upon the hearing and determination of any case under Sections 2 and 3 of this Ordinance, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses.

Regulations as to evidence.

7. In this Ordinance the word "Magistrate" shall include and mean the Police Magistrate of the Colony or the Stipendiary Magistrate of the West Falklands.

Interpretation clause.

8. This Ordinance may be cited as "The Conspiracy Ordinance, 1896."

Short title.

## STANLEY FIRE BRIGADE.

### Ordinance No. 3 of 1898.

[3rd March, 1898.]

*An Ordinance to provide for the better protection of the town of Stanley against fire, and for the establishment of a Volunteer Fire Brigade.*

Whereas it is expedient to provide for the protection of Stanley against fire, and for the establishment of a Volunteer Fire Brigade,

Preamble.

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

### FORMATION OF BRIGADE.

1. It shall be lawful for the Governor to accept the services of any persons desiring to be formed into a Volunteer Fire Brigade, and upon such acceptance

Formation of Brigade.

being published in the *Gazette*, the proposed Brigade shall be deemed lawfully formed under this Ordinance, and shall be designated "The Stanley Volunteer Fire Brigade."

Appointment  
of officers.

2. The officers shall consist of a Superintendent, appointed by the Governor, and such other officers as may be deemed necessary, who shall be elected by the members, subject to confirmation by the Governor.

Enrolling of  
members.

3. Every member shall before being enrolled take and subscribe to the oath set forth in the Schedule to this Ordinance, such oath to be administered by a Justice or the Superintendent.

Brigade to have  
charge of all  
appliances.

4. The Brigade shall upon its due formation assume and have charge of all fire appliances in Stanley, subject to the same being kept always in a clean serviceable condition, always ready for instant use, and to the same being promptly and efficiently handled when called into action at a fire.

Inventories.

5. The Superintendent shall within seven days after assuming charge of the fire engines cause a complete inventory to be made and kept of all engines and apparatus in charge of and pertaining to the Brigade, and shall post one copy in the fire engine station and send another to the Colonial Secretary. These inventories must be checked by him on the 1st of January and July, or within one week thereafter in each year, and all additions or losses noted and explained.

#### DISCIPLINE.

Power to make  
rules.

6. The Superintendent may make rules relating to attendance at practice and fire drill, the proper and secure maintenance of all appliances in charge of the Brigade, for ensuring method and discipline, and for encouraging smartness and *esprit de corps* among the members, for providing penalties for any breach of the rules, and for any other purpose in connection with this Ordinance, and such rules upon being approved by the Governor shall come into force.

7. Any member may resign, provided that—

Resignation of members.

(1) He has given to the Superintendent fourteen days' notice of his intention.

(2) He has delivered up to the Superintendent or other officer deputed by him, in good order, any uniform or equipment, the property of Government or of the Brigade, which may have been issued to him or be in his charge.

(3) He has paid any money due or becoming due by him to the Brigade under any rule thereof.

8. Any member who fails to deliver up in good order upon demand by the Superintendent any clothing or fire appliances in his charge or use shall be liable to pay to the Superintendent for the benefit of the Brigade the full cost landed in the Colony of any such articles, such payment and cost to be recovered in a summary way before a Magistrate.

Delivering up Brigade property.

9. Any person, or any member who shall by negligence or otherwise wilfully damage any one of the fire appliances, or any part thereof, shall be liable upon summary conviction before a Magistrate to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months, and to pay the cost of the damage.

Wilful damage of appliances.

10. Any member may be called upon by the Superintendent to resign, or, failing to do so, may be dismissed from the Brigade upon the votes of not less than two-thirds of the members.

Dismissal by vote.

11. A member convicted before any Court in its criminal jurisdiction, or who is guilty of conduct to the prejudice of good order and discipline, or to the damage of any of the fire appliances, may be dismissed by the Superintendent, subject to appeal to the Governor.

Dismissal by Superintendent.

#### FISCAL.

12. All moneys subscribed by, or to, or for the use of the Brigade, and all appliances belonging to or lawfully used by the Brigade, being its own or public

Moneys and appliances vest in Superintendent.

property, and the power to sue for and recover moneys due to the Brigade, shall vest in the Superintendent for the time being and his successors in office, and any proceedings, civil or criminal, shall not be abated or discontinued by his ceasing to hold office, but may be carried on by and in the name of his successor.

Mode of  
recovery of  
moneys.

13. If any member or person who has been a member of the Brigade shall neglect or refuse to pay anything subscribed or undertaken to be paid by him to the Brigade, or payable by him under the rules, or to pay any fine incurred by him under the rules, such money shall be recoverable from him with costs any time within twelve months after the same has become due, in a summary way in the Police Magistrate's Court, even though the amount may exceed twenty pounds.

All moneys to be  
paid to  
Secretary.

14. All moneys payable or received under this Ordinance or by virtue of any of its provisions, or of any of the rules made thereunder, shall be paid to the Secretary and credited by him to a fund styled the "Fire Brigade Fund," and no disbursements therefrom shall be made save and except for purposes of *bona-fide* protection against fire, or in the purchase of equipment for the Brigade, or the payment of wages, and no payment whatever shall be made except by approval of the Governor.

Charge to ship-  
ping for use of  
manual engine.

15. It shall be lawful for the Superintendent to charge for the services of the manual engine rendered to shipping a sum not exceeding five pounds, for each day or part of a day during which the engine may be utilised, and all fire insurance companies, now or which may hereafter carry on business in Stanley, shall contribute to the maintenance of the steam fire engine an annual payment equal to one-eighth per cent. of the capital assured.

Insurance  
companies to  
contribute.

#### PREVENTIVE.

No wood roof.

16. From and after the passing of this Ordinance it shall not be lawful to build or erect any house, tenement, shed or warehouse, having a roof of wood, or of any material other than iron or slate, under a penalty on summary conviction before a Magistrate of a fine not exceeding twenty pounds, and imprison-

Penalty.

ment, with or without hard labour, not exceeding six months; and any roof erected in contravention of this Ordinance may be forthwith removed by order of the Court, at the defendant's risk and expense.

17. It shall be lawful for the Police Magistrate upon information being laid before him that any chimney, flue, stove pipe, or other outlet of a fire is from faulty construction, or otherwise, a source of danger, to direct any constable or other person forthwith to enter on such premises and inspect and report thereon; and to summon before him the occupant or owner of the premises to show cause why the danger should not be abated, and to make such order in Court thereafter as may seem to him expedient in the public interest.

Dangerous  
flues.

#### FIRES.

18. Any person who assaults, resists, impedes, or obstructs a member in the discharge of his duty, shall be liable to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any period not exceeding six months. Any person present who when called upon by any member or by any constable to assist either in conveying any engine or fire appliances to a fire, or in extinguishing any outbreak of fire, declines, without reasonable cause, so to assist shall be liable upon conviction to a penalty not exceeding five pounds, or to imprisonment, with or without hard labour, for a term not exceeding fourteen days.

Penalty for  
obstructing at a  
fire.

19. It shall be lawful for any constable or any member working at a fire to break and enter, pull down, cut away, and destroy any building or curtilage which appears calculated to assist the conflagration, doing as little damage as possible, and he may take for use in extinguishing a fire any tanks, water, buckets, ladders, or other article whatsoever that may be at hand and required for service at such fire :

Measures to  
prevent spread  
of fire.

Provided that the owner of any property so damaged, taken or affected shall be entitled upon clear proof thereof to compensation upon the proper assessment of such loss made by two assessors to be appointed for the purpose by the Governor :

Compensation  
for damage.

And provided further that no constable or member shall be personally liable for damage the result of action *bona-fide* taken in the effort to extinguish or to prevent the spreading of a fire, nor unless such action can be proved to have been malicious and wanton and unwarranted by any of the surrounding circumstances.

Value of injury to premises may be recovered from insurance company.

20. The damage to any building resulting from the carrying out of the provisions of this Ordinance shall be deemed to be damage by fire within the meaning of any policy of insurance against fire now or hereafter in force in this Colony, and shall be recoverable in any Court of Law in this Colony as if the said building so insured had been destroyed by fire.

#### GENERAL.

Inspection of Fire Brigade appliances.

21. It shall be lawful for the Governor to depute an officer of the Government from time to time to view and inspect the fire appliances, and to muster the Brigade for the purpose of testing and satisfying himself that proper efficiency is maintained; and in the event of receiving an unfavourable report the Government may withdraw either permanently or for a time the engines and appliances from the charge of the Brigade, and may make such other arrangements as may seem best likely to serve the public interests in the protection of life and property from fire.

Auditors.

22. It shall be lawful for the Governor to appoint an Auditor or Auditors for the purposes of this Ordinance, and by warrant under his hand to authorise the expenditure of such moneys as may from time to time be required in maintaining the fire engines, in replenishing damaged fire stock, and in keeping in proper repair and order all the appliances as well as in the purchase of new articles that may be found necessary; and for carrying into effect measures for increased protection against fire.

Police duties.

23. Nothing in this Ordinance shall be held to relieve or lessen the duties of the Police Force as to supervision over the fire appliances, assisting at fires, and maintaining order and protecting property thereat.

24. The Governor may direct and empower the Coroner or other person to hold, with or without the aid of a jury, an inquiry with or without closed doors into the origin or cause of any fire and in conducting such inquiry such person shall possess and exercise all the powers appertaining to the office of Coroner in the holding of inquests of death; and any expenses attendant upon such inquiry shall be borne by the person applying for the same, or by the Colonial Government as the Governor shall direct.

Inquiry into cause of fire.

25. Whenever any inquiry in terms of the preceding clause is authorised by the Governor on the motion of any private person, such person shall enter into a bond with two sufficient sureties for the payment of all expenses attendant upon such inquiry as the Governor may approve.

Cost of inquiry.

26. The person duly authorised and the jury may, for the holding of any inquiry as aforesaid, enter upon and examine any premises damaged or destroyed by any fire or by any act resulting from the carrying out of the provisions of this Ordinance.

Injured premises may be examined.

27. The Governor in Council may at any time prohibit the importation of any inflammatory, combustible, or explosive article, and may make regulations as to the building, manner and situation in which any such article shall be kept, and as to the quantity that may be kept in any building or place.

Importation, location and quantity of combustibles.

28. Any person convicted of a contravention of any prohibition or regulation made by the Governor under the preceding section shall be liable to a penalty not exceeding fifty pounds.

Penalty.

29. In this Ordinance—

Interpretation.

“Superintendent” shall mean and include the senior officer for the time being of the Fire Brigade.

“Officer” shall mean any member duly appointed as Superintendent, or elected and confirmed as provided for in Section 2.

"Appliances" shall mean and include all engines, hose, carts, reels, axes, ladders, lamps, branch pipes, buckets, and every article which can be used at a fire, and any article which may be purchased for use at fires, and all reservoirs, wells, tanks, or ditches, which may be constructed with the object of being available in case of fire.

"Member" shall mean a member of the Fire Brigade who has been duly enrolled.

Short title.

30. This Ordinance may be cited as "The Stanley Fire Brigade Ordinance, 1898."

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#### SCHEDULE.

##### OATH OF MEMBER OF THE V. F. BRIGADE.

I, \_\_\_\_\_, do hereby make oath and swear that I will be faithful and bear true allegiance to H.M. Queen Victoria, her heirs and successors, and that I will well and faithfully serve and carry out to the best of my skill and ability and for the best interests of my fellow citizens all and every the duties pertaining to or which may be required of me as a member of the Fire Brigade.

So help me God.

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#### GAOLS.

##### Ordinance No. 5 of 1898.

[7th April, 1898.]

Title.

*An Ordinance relating to Gaols.*

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

Common gaols,

1. The building now used as a gaol in Stanley shall be a common gaol, and the Governor may from time to time appoint any place in the Colony to be a "common gaol," and any such gaol may be used for the confinement of any prisoner sentenced by any Court in this Colony, or sent to this Colony, under or by virtue of any Imperial Act of Parliament.



2. The Governor may appoint a gaoler and other officers to execute the duties in connection with any gaol. Officers.
3. Every Justice of the Peace shall be *ex officio* a Visiting Justice, and the Members of Council shall be Official Visitors to all common gaols, and the Visiting Justices resident in Stanley shall by notification have assigned to them by the Governor the period during which any two of them shall act as such. Visiting  
Justices,  
Official Visitors.
4. Any Justice may at any time enter into and examine any gaol or part thereof, and see and receive from any prisoner any representation as to his treatment in such gaol, and inquire and examine into the same, and if he shall discover any abuse he shall report the same in writing to the Colonial Secretary. Complaints.
5. Any person shall be admitted to visit any common gaol or prisoner therein, by order in writing of the Sheriff, or any Visiting Justice, or Official Visitor. Visitors to  
common gaol.
6. Any person sentenced to be kept in penal servitude shall be deemed to have been sentenced to imprisonment with hard labour. Penal servitude.
7. The Governor may commute the sentence of any prisoner for any lesser sentence, and such commuted sentence shall have the like force and effect as the original warrant of commitment. Sentences may  
be commuted.
8. The Governor in Council may make, alter, and revoke rules as to the duties of Visiting Justices and for the Government of any gaol, and for the maintenance of good order therein, and for the discipline of prisoners employed within or without any gaol, and for all matters in connection with any gaol, and by such rules impose any punishment by solitary confinement not exceeding 14 days, or by whipping not exceeding 25 lashes, or other adequate punishment, for any infringement thereof by any prisoner. Rules for  
prisoners.
9. The Governor in Council may also make, alter and revoke rules, defining the duties of all officers attached to any gaol, and by such rules impose any Rules for  
officers.

fine not exceeding one month's pay for any infringement thereof, in lieu of, or in addition to, any other punishment to which such officer may be liable.

Release.

10. Whenever a prisoner's sentence expires on a Sunday, Christmas Day or Good Friday he shall be discharged on the preceding day.

Executions  
within prison  
walls.

11. Judgment of death to be executed on any prisoner sentenced after the passing of this Ordinance shall be carried into effect within the walls of the gaol in which the offender is confined at the time of execution.

Body where  
buried.

12. The body of every offender executed shall be buried in such place as the Governor may, by writing under his hand, appoint.

Regulations as  
to executions.

13. The Governor in Council shall issue such directions as to the regulations to be observed on the execution of judgment of death as may be deemed expedient, as well as of guarding against any abuse in such execution, as also of giving greater solemnity to the same and of making known without the walls the fact that such execution is taking place.

Death and  
inquest.

14. The gaoler shall give immediate notice of the death of any prisoner to a Coroner, and such Coroner shall hold an inquest thereon.

Illness.

15. A prisoner shall be removed from the gaol to the hospital, if there be one available, whenever a certificate signed by the Medical Officer in charge and by the Sheriff stating the nature of the illness from which such prisoner is suffering, and that the removal is necessary for his restoration to health, has been delivered to the gaoler.

Escape.

16. A prisoner who escapes or who is unlawfully absent from gaol, or who escapes from or leaves any officer under whose charge he may be, shall be liable to imprisonment with hard labour for any period not exceeding three years.

Aiding escape.

17. A person who aids any prisoner to escape, or leave any officer, or who harbours, or conceals, or

assists in harbouring or concealing any prisoner, shall be liable to imprisonment with hard labour for any period not exceeding two years.

18. Any officer who shall knowingly and wilfully allow a prisoner to escape shall be liable to imprisonment with hard labour for any period not exceeding seven years.

Allowing  
escape.

19. A person who conveys, or who attempts to convey, to any gaol or prisoner any article whatever not allowed by gaol rules shall be liable to imprisonment for a period not exceeding one month, or to a fine not exceeding five pounds.

Forbidden  
articles.

20. The period during which any prisoner has been unlawfully absent from gaol shall be added to his sentence, and every additional term of imprisonment to which any prisoner, then already undergoing imprisonment, may be sentenced shall commence after he has undergone all previous sentences.

Unlawful  
absence.

21. A person who resists or assaults, or aids or incites any person to resist or assault, any officer in the execution of his duty shall be liable to imprisonment for a period not exceeding three months, or to a fine not exceeding twenty pounds.

Violence,

22. This Ordinance may be cited as "The Gaol Ordinance, 1898."

Short title.

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## CORONERS.

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### Ordinance No. 6 of 1898.

[13th May, 1898.]

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

1. Every Stipendiary Magistrate of this Colony shall be *ex officio* a Coroner, and shall have and may exercise all the powers, and shall perform all the

Coroners.

duties of a Coroner, as known to and recognised by the English law and practice, subject to the provisions hereof.

Information of death.

2. In every case of an apparently not natural death information shall forthwith be given to the Coroner, or to the nearest Justice, by any person who shall have knowledge thereof; and every person wilfully failing to give such information shall on summary conviction be liable to a penalty not exceeding ten pounds.

Inquest by Coroner.

3. Whenever a Coroner shall receive credible information of any such death he shall, if the circumstances seem so to require, proceed to the spot where the body shall be lying and there hold an inquest.

Inquest by Justice of the Peace.

4. Whenever a Justice shall receive credible information of any such death he may, if he cannot inform the Coroner in time, or if in his opinion the Coroner would be unable to act by reason of his being at too great a distance from where the body is lying, or if the Coroner shall so request, hold such inquest in the stead of such Coroner, and every such Justice is hereby authorised to exercise all the powers and perform all the duties of a Coroner in respect of such inquest.

Procedure.

5. All evidence shall be taken in the form of depositions signed by the witnesses, as in the case of an indictable offence, and such depositions with the verdict of the jury, or in the case of an inquiry with a statement by the Coroner of the supposed cause of death, shall forthwith be transmitted to the Registrar of the Supreme Court.

Inquest may be held on Sunday.

6. Whenever it shall appear necessary an inquest may be held on a Sunday.

Inquisition.

7. Every person empowered to hold an inquest under any law may instead thereof hold an inquisition without the aid or intervention of a jury and the procedure with regard thereto, and as to the summoning of witnesses, the taking of evidence, the commitment to prison and the bailing of those

charged shall as nearly as may be accord with the law of England relating to inquests.

8. Any person who buries or performs any funeral or religious service for the burial of the dead body of a person who has apparently died a natural death, as to which no order by a Coroner, or certificate from the Registrar has been obtained, shall, within seven days after the burial, give notice thereof in writing to the Registrar, and if he fails so to do shall be liable to a penalty not exceeding ten pounds :

No burial  
without order.

Provided that the body of a person who has apparently not died a natural death shall not be buried without an order in writing from a Coroner or Justice, and any person burying or assisting to bury any such body without an order as aforesaid shall be liable to a penalty not exceeding fifty pounds.

9. When any qualified medical practitioner not holding any appointment under the Government gives evidence at any inquest by direction of a Coroner he shall receive a fee of one pound, and when he holds a post-mortem examination by direction of a Coroner he shall receive a fee of two pounds.

Medical fees.

10. It shall be lawful for the Governor by warrant under his hand and the Public Seal of the Colony to order the disinterment of any body.

Exhumation.

11. This Ordinance may be cited as "The Coroners Ordinance, 1898."

Short title.

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## COMPANIES.

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### Ordinance No. 8 of 1898.

[16th July, 1898.]

Whereas the "Stanley Assembly Room Company, Limited" has made application to extend its operations and increase its capital, and it is expedient to make general provision for the incorporation, regulation, and winding up of Trading Companies and other Associations.

Preamble.

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

Companies Acts  
in force.

1. Subject to the provisions of this Ordinance all laws, rules and regulations for the time being in force relating to trading companies and other associations in the United Kingdom, shall, so far as the same are applicable, be in force in this Colony, and the Governor may from time to time, by order, provide for all matters relating to the practice, procedure, jurisdiction and fees in this Colony, under the said laws, rules and regulations in cases where the provisions thereof in respect of such matters are deemed by him inapplicable to this Colony.

Registrar.

2. The Registrar-General shall be the Registrar of joint stock companies, and the memorandum of association and the articles of association (if any) of any trading company formed in this Colony under the provisions of this Ordinance shall be registered in the current general deed book.

Qualification of  
Director.

3. The value of the shares which a director must hold shall, unless otherwise prescribed in the regulations of the company, be of the nominal value of not less than ten pounds.

Ministers may  
be Directors.

4. No minister of religion shall, by virtue of his office, be disqualified from being a director of a company registered under this Ordinance.

Assembly Room  
Company  
deemed to be  
registered.

5. The "Stanley Assembly Room Company, Limited," shall be deemed to be a company with limited liabilities, duly registered under the provisions of this Ordinance, and the provisions of the Stanley Assembly Room Ordinance, 1888, notwithstanding the repeal of such Ordinance, shall be deemed to be the memorandum of association and regulations of the said company, and shall remain in force until altered or revoked as hereinafter provided.

Revoking and  
altering con-  
stitution rules.

6. The "Stanley Assembly Room Company, Limited," may alter or revoke their memorandum of association and their regulations by special resolution at a general meeting as provided for in the Companies Acts.

7. A copy of any special resolution that is passed by any company under this Ordinance shall be forwarded to the Registrar-General, but no such special resolution shall be registered until it has been confirmed by the Chief Justice, and every special resolution shall, when registered, be printed, and a copy thereof transmitted to every shareholder of the company.

Special resolution.

8. Ordinance No. 7 of 1888 entitled "The Stanley Assembly Room Ordinance, 1888," shall be, and the same is hereby repealed.

Repeal.

9. This Ordinance may be cited as "The Companies Ordinance, 1898."

Short title.

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## POST OFFICE.

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### Ordinance No. 10 of 1898.

[25th July, 1898.]

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

1. In this Ordinance:—

"Postal Packet" shall mean a letter, post card, reply post card, newspaper, book packet, pattern or sample packet, and every packet or article transmissible by post, and not for the time being prohibited from being sent by post.

Interpretation.

"Port" shall mean the port of Stanley or Fox Bay, and include any place where a collector shall be stationed and any place hereafter declared a port by the Governor in Council.

2. Subject to the provisions of this Ordinance and to any rules made hereunder, all laws and regulations for the time being in force relating to the Post Office of the United Kingdom shall, so far as the same are applicable, be in force in this Colony,

Postal Law of England in force.

and the Governor may, by Order in Council, from time to time provide for all matters relating to the practice, procedure and jurisdiction in this Colony, under the said laws and regulations in cases where the provisions thereof in respect of such matters are deemed by him inapplicable to this Colony.

Rules, rates,  
fees.

3. The Governor in Council may also from time to time by order :—

(a) Fix the rates of postage to be charged on postal packets sent from any place within the Colony to any other place within or without the Colony.

(b) Fix the fees to be paid for registration, insurance and money orders, and in every other case where fees may be deemed necessary.

(c) Make rules as to insurance and compensation, and any other matters connected with the Post Office and the officers and servants thereof.

Vessel depart-  
ing must give  
notice.

4. The Master of any vessel about to depart from any port in the Colony shall, not less than twelve hours before leaving such port, give notice personally or in writing to the Postmaster of his intended departure, and of the names of the places at which he intends to call, and he shall answer all such questions as shall be demanded of him relating to his ship and her intended voyage.

And carry  
mails.

5. A Master shall carry every mail tendered to him on behalf of or addressed to any Postmaster, and such Master shall keep all mails in his charge in some dry and secure place, and the same shall be entered upon the Custom House manifest whenever practicable.

Refusing to  
receive or  
deliver mails.

6. Every Master who shall refuse or wilfully delay to receive any mail or postal packet tendered to him by or on behalf of the Postmaster, or to give a receipt therefor, or who shall refuse or neglect to deliver without delay at the port of destination to the Postmaster or other addressee every mail or postal packet which he has brought, shall be liable to a penalty not exceeding one hundred pounds.

Penalty.



7. The Postmaster shall, on demand, pay to the Master of any ship (not under contract with the Government) 1d. for every letter and  $\frac{1}{4}$ d. for every other postal packet contained in any mail safely carried and delivered.

Payment for carrying mails.

8. Where, according to the rules of the Universal Postal Union, or other agreement, an indemnity in respect of loss is payable, the Governor shall cause the amount thereof to be paid to the sender, or at his request to the addressee, out of the public revenues of this Colony, on account of the country liable to pay such amount or any part thereof.

Indemnity for loss of postal packet.

9. Every postal packet shall, for the purposes of laying any information, be deemed to be the property of the Governor.

In indictments it shall be sufficient to name the Governor.

10. This Ordinance may be cited as "The Post Office Ordinance, 1898."

Short title.

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## SEAL FISHERY.

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Ordinance No. 1 of 1899.

*As amended by No. 8 of 1904.*

[30th March, 1899.]

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

1. In this Ordinance:—

Interpretation.

"Seal" means the "Fur Seal," the "Hair Seal," the "Sea Otter," the "Sea Elephant," the "Sea Leopard," the "Sea Bear," the "Sea Lion," the "Sea Dog," and any animal of the seal kind.

"Skin" means the skin of any seal.

"Sealing Season" means the period from the 1st day of April to the 30th day of September, both inclusive.

“Close Season” means the whole of the year except the “Sealing Season.”

“Seal Reserve” means any portion of land or water set apart by the Governor in Council within the limits of the Colony for the breeding of seals.

Licences—issue  
and bond.

2. The Colonial Secretary, or such other officer as the Governor may appoint, shall issue sealing licences to such persons as may apply for them on payment into the Colonial Treasury of the sum of ten pounds :

Provided that each person so applying shall enter into a bond with the Colonial Government,

(a) To pay into the Colonial Treasury the royalties specified in the schedule hereto.

(b) To render an accurate account of the number of seals taken by him during each sealing season.

Conditions of  
licence.

3. A sealing licence shall entitle the holder thereof to kill or capture seals during the sealing season of the calendar year in which the licence is issued in such manner and subject to such conditions and restrictions as may be therein prescribed or as are laid down in this Ordinance and the rules and regulations made under Section 7 hereof.

Saving of  
existing rights  
to seal.

4. Any person who at the date of the passing of this Ordinance has, by lease from the Crown or otherwise, an existing right to kill or capture seals, shall receive annually while such right continues, a sealing licence under this Ordinance without payment of the sum of ten pounds as aforesaid, and without being required to enter into the bond specified in the proviso to Section 2 hereof.

Offences against  
the Ordinance  
and penalties  
and forfeitures  
consequent  
thereon.

5. Any person who does any of the following acts shall be guilty of an offence against this Ordinance, and shall be liable upon conviction to a penalty not exceeding one hundred pounds for each such offence, and to forfeiture of any seals or skins found in his possession :—

(a) Kills or captures, or attempts to kill or capture any seal, or carries or has in his posses-

sion any club, firearm or other lethal weapon, or any engine, net, trap or other device, with intent to kill or capture any seal without a licence, or contrary to the terms of his licence, or beyond the limits specified in such licence.

(b) Is in or upon any seal reserve with intent to kill or capture any seal therein.

(c) Has in his possession, or in any ship under his command, any seal or skin of which he cannot give a satisfactory account.

(d) Kills or captures, or attempts to kill or capture, any seal during the close season.

(e) Neglects or refuses to bring to, when lawfully required, any ship or vessel of which he may be in charge.

6. The Governor in Council may, by proclamation—

Powers of the Governor in Council to be exercised by proclamation.

(a) Suspend the issue of all licences except such as shall have been granted under Section 4 hereof.

(b) Prohibit the taking in any year of one or more kinds of seals or of the males or females or young of any kind.

(c) Vary in any year the limits of the sealing season for any kind of seal or for the males or females or young of any kind.

(d) Declare any territorial waters or any Crown land, or with the consent of the owner any private land, to be a seal reserve.

7. The Governor in Council may also from time to time make rules—

Further powers of the Governor in Council to make rules.

(a) For fixing the terms and conditions under and upon which sealing licences shall be granted.

(b) For regulating the number of sealing licences to be issued in any year.

(c) For defining or restricting the limits within which any holder of a sealing licence shall be allowed to take seals.

(d) For regulating the number of seals to be taken in any year by any holder of a sealing licence.

(e) For disposing of any skins forfeited under the provisions of this Ordinance by sale or otherwise.

Liability of  
owner and  
master of ship.

8. Any owner or master, or other person in charge of any vessel, or any boat or canoe belonging to such vessel, who shall permit such vessel to be employed in killing or capturing seals, or who shall permit or negligently suffer any person belonging to such vessel to be employed in killing or capturing seals within the limits of this Colony without a licence, or contrary to the terms of his licence, or beyond the limits specified in such licence, or during the close season, or in any seal reserve, shall forfeit any seals so killed or captured and any skins found in his possession, and in addition thereto shall be liable to a penalty not exceeding three hundred pounds for each offence.

Special exemp-  
tion.

9. The Governor and any person duly authorised in writing by him, may kill or capture for scientific or other special purposes any seal, and in so doing shall be exempt from any penalties and forfeitures provided by this Ordinance.

Arrest of vessel  
and person in  
charge.

10. (1) Whenever any vessel is found in colonial waters and there is good cause to suspect that the owner, master or other person in charge of such vessel, or any person belonging thereto has committed any offence under this Ordinance, it shall be lawful for any person duly authorised by the Governor without warrant to seize and apprehend the person in charge of such vessel, and any person belonging thereto, and to arrest and detain such vessel until the master has given security to be approved by the Chief Justice to abide the event of any action, suit or other legal proceeding that may be instituted in respect of such vessel or of any person belonging thereto, and to pay all penalties, costs and damages that may be awarded thereon.

(2) In any legal proceeding under this section the person giving security may be deemed to be the owner of the detained vessel.

(3) No duly authorised person shall be liable for any costs or damages in respect of any vessel detained under this section unless the detention is proved to have been made without reasonable grounds.

11. Every offence under this Ordinance may be prosecuted, and every penalty and forfeiture under this Ordinance may be recovered before the Police Magistrate or any two Justices of the Peace in a summary manner, or by action in the Supreme Court of this Colony, together with full costs of suit :

Prosecution of offences.

Provided that the penalty imposed by the Police Magistrate or two Justices shall not exceed one hundred pounds exclusive of costs.

12. A moiety of any penalty and of the value of any forfeiture recovered under this Ordinance shall be paid to the person who shall prosecute any offender against it, or sue for such penalty, or upon whose information such penalty is imposed :

Reward to informers.

Provided that no one in the employment of the Government shall receive any remuneration under this section.

13. For all purposes of and incidental to the trial and punishment of any person accused of any offence under this Ordinance, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any Court, or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

Venue.

14. Where the owner or master, or other person in charge of a vessel, is adjudged to pay a penalty for an offence under this Ordinance, the Court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said vessel and the tackle thereof.

Vessel may be sold to secure penalty.

15. This Ordinance may be cited as " The Seal Fishery Ordinance, 1899."

Short title.

## SCHEDULE.

	£	s.	d.
Royalty upon every fur seal ... ..	0	4	0
Royalty upon every hair seal ... ..	0	2	0
Royalty upon every other seal ... ..	0	3	0

**WRECKS.****Ordinance No. 3 of 1899.**

[5th October, 1899.]

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

Interpretation.

1. In this Ordinance:—

The expression "Court" means a Magistrate or two Justices.

The expression "Receiver" means a Receiver of Wrecks appointed under Section 11 of this Ordinance.

The expression "Ship" includes every description of vessel not propelled by oars only.

The expression "Wreck" includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.

A "Shipping Casualty" shall be deemed to occur:—

(a) When any ship is lost, abandoned, or materially damaged.

(b) When any ship has been stranded or damaged.

(c) When any ship causes loss or material damage to another ship.

(d) When any loss of life ensues by reason of any casualty happening to or on board any ship.

(e) When any British ship is lost or is supposed to have been lost and any evidence is obtainable in the Colony as to the circumstances under which she proceeded to sea or was last heard of.

INQUIRIES INTO WRECKS.

2. In any of the cases following :—

Receiver to  
make inquiries.

(1) Whenever a shipwreck or casualty occurs to a British ship on or near the coasts of this Colony; or to a British ship in the course of a voyage to a port within this Colony.

(2) Whenever a shipwreck or casualty occurs in any part of the world to a ship registered in this Colony.

(3) Whenever some of the crew of a British ship which has been wrecked or to which a casualty has occurred and who are competent witnesses to the facts are found in this Colony.

(4) Whenever incompetency or misconduct has occurred on board a British ship on or near such coast, or on board a British ship in the course of a voyage to a port within this Colony.

(5) Whenever incompetency or misconduct has occurred on board a ship registered in this Colony.

(6) Whenever the master, mate or engineer of a British ship who is charged with incompetency or misconduct on board such ship is found in this Colony.

It shall be lawful for the Receiver, or for any other person appointed for the purpose by the Governor, to make inquiry respecting such loss, abandonment, damage, casualty, incompetency, or misconduct.

3. Every such Receiver or other duly appointed person shall have the following powers :—

His powers as  
inquiries.

(1) He may go on board any ship and inspect any part thereof, or any of the machinery, boats, equipments or articles on board thereof to which the provisions of the Imperial " Merchant Shipping Acts " apply, not unnecessarily detaining or delaying her from proceeding on any voyage.

(2) He may inspect any premises, the inspection of which appears to him to be requisite for the purpose of the report.

(3) He may by summons under his hand require the attendance of any person he thinks fit to call before him, and examine for such purpose, and may require answers or returns to any inquiries.

(4) He may enforce the production of all books, papers or documents which he considers necessary for such purpose.

(5) He may administer oaths or may require every person examined by him to make and subscribe a declaration of the truth of the statements made by him.

And every witness shall be allowed such expenses as would be paid to any witness attending the Supreme Court, and, in case of any dispute as to the amount of such expenses, the same shall be referred to the Chief Justice, whose decision shall be final.

Interference in  
Receiver's  
duties.

4. Every person who wilfully impedes any Receiver or other person appointed as aforesaid, in the execution of his duty, whether on board any ship or elsewhere, may be seized and detained by such officer or other person, or by any person whom he may call to his assistance, until such offender can be conveniently taken before a Justice.

Formal  
investigation.

5. If it appears that a formal investigation is requisite, or if the Governor so directs, the Receiver shall apply to a Court, to hold the same, and such Court shall have the same powers as in cases of summary procedure or as near thereto as circumstances permit. The Receiver shall superintend the management of the case, and render such assistance to the Court as is in his power, and the Court shall send a full report upon the case, with the evidence, to the Governor who shall transmit it to the Board of Trade.

Constitution of  
Court.

6. The Court holding a formal investigation into a shipping casualty shall hold the same with the assistance (when practicable) of two assessors of



nautical engineering, or other special skill or knowledge, to be appointed by the Governor. Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the Court shall hold the investigation with the assistance of not less than two persons having experience in the merchant service.

Each assessor shall either sign the report made on the investigation, or report to the Governor his reasons for his dissent therefrom :

Provided that the Court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the Court.

7. The certificate of a master, mate, or engineer may be cancelled or suspended by a Court holding a formal investigation into a shipping casualty if they find that the loss or abandonment of or serious damage to any ship, or loss of life has been caused by his wrongful act or default.

Powers of Court  
as to shipping  
casualty.

The Court may make such order with respect to the costs of any such investigation or any part thereof as it may deem just, and the Governor may, if in any case he thinks fit so to do, pay the expense of any such investigation, and may pay to any such assessor as aforesaid such remuneration as he thinks fit, and all such remunerations and expenses, if ordered by the Governor to be paid, shall be paid out of the general revenue of the Colony.

8. The Court may, without the aid of assessors, hold an inquiry into any charge of incompetency or misconduct on the part of a master, mate, or engineer, and if it finds that such master, mate, or engineer is incompetent, or has been guilty of any gross act of misconduct, drunkenness or tyranny, or if in case of collision he has failed to render such assistance or give such information as is required under the Imperial Merchant Shipping Acts, the Court may cancel or suspend his certificate.

Powers of Court  
as to officer's  
conduct.

9. The Court may, if it thinks fit, require any master, mate, or engineer possessing a certificate under any Act of the Imperial Parliament, whose

When certifi-  
cate to be  
delivered to  
Court.

certificate has been cancelled or suspended, to deliver such certificate to the Court, and the Court shall forward the same with the report to the Governor for transmission to the Board of Trade. If a master, mate, or engineer fails to comply with the provisions of this section he shall for each offence be liable to a penalty not exceeding fifty pounds.

Charge to be  
furnished to  
accused prior  
to proceedings.

10. No certificate shall be cancelled or suspended unless a copy of the report or statement of the case upon which such investigation is ordered has been furnished to the owner of the certificate before the commencement of the investigation, and every investigation under Section 6 shall be conducted in such manner that any person whose conduct may be called in question shall have an opportunity of making a defence.

#### APPOINTMENT AND DUTIES OF RECEIVERS OF WRECKS.

Appointment of  
Receivers.

11. The Governor shall throughout the Colony have the general superintendence of all matters relating to wrecks and may appoint any person to be a Receiver of Wrecks in any district, and to perform such duties as are hereinafter mentioned.

Duties of  
Receivers.

12. Whenever any ship is stranded or in distress within the limits of the Colony the Receiver of the district shall forthwith proceed to such place and take the command of all persons present and assign such duties and issue such directions as he may think fit with a view to the preservation of such ship and the lives of the persons belonging thereto, and the cargo and apparel thereof, and if any person wilfully disobeys such directions he shall forfeit a sum not exceeding fifty pounds, but it shall not be lawful for such Receiver to interfere between the master of such ship and his crew in matters relating to the management thereof unless he is requested so to do by such master.

Powers of  
Receiver in case  
of wrecks.

13. The Receiver may, with a view to such preservation as aforesaid, do the following things, that is to say :—

(1) Require such number of men as he thinks necessary to assist him.

(2) Require the master or other person having the charge of any ship or boat near at hand to give such aid with his men, ship, or boat as may be in his power.

(3) Demand the use of any vehicle, or of any horses, mules, asses, or oxen that may be near at hand.

If any person refuses without reasonable cause to comply with any such requisition or demand, such person shall for each refusal be liable to a penalty not exceeding one hundred pounds.

14. All cargo and other articles belonging to such ship as aforesaid that may be washed on shore or otherwise taken from such ship shall be delivered to the Receiver. If any person, whether he is the owner or not, secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the Receiver or to any person authorised by him to demand the same, such person shall for each offence be liable to a penalty not exceeding one hundred pounds.

Disposal of all cargo.

15. Whenever any person plunders, creates disorder, or obstructs the preservation of a ship, boat, lives or cargo, it shall be lawful for the Receiver to cause such person to be apprehended and to use force for the suppression of such plundering, disorder or obstruction as aforesaid, with power to command all Her Majesty's subjects to assist him in the use of such force, and if any person is killed, maimed or hurt, by reason of his resisting the Receiver in the execution of his duties, or any person acting under his orders, such Receiver or other person shall be fully indemnified as well against the Queen's Majesty, as against all persons so killed, maimed or hurt.

Suppression of plunder.

16. During the absence of the Receiver or in places where no Receiver has been appointed the following officers in succession, each in the absence of the other, in the order in which they are named, that is to say, any collector or other principal officer of customs, and also any District Magistrate, Justice,

Who may act in absence, etc., of Receiver.

commissioned officer on full pay in the naval or military service of Her Majesty, may do all matters and things hereby authorised to be done by the Receiver, with this exception, that with respect to any articles belonging to any such ship the delivery up of which to the Receiver is hereinbefore required, any officer so acting shall be considered as the agent of the Receiver, and shall place the same in the custody of the Receiver, and no person so acting as substitute for any Receiver shall be entitled to any fees payable to Receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Power to pass  
over adjoining  
lands.

17. All persons may for the purpose of rendering assistance to a ship or saving lives or cargo or apparel, unless there is some public road equally convenient, pass and repass, either with or without vehicles, over any adjoining lands, without being subject to interruption, provided that they do as little damage as possible, and may also, on the like condition, deposit on such lands any article recovered from such ship, and all damages that may be sustained in consequence of any such passing or repassing or deposit as aforesaid shall be a charge on the ship, or articles in respect of or by which such damage was occasioned, and shall in default of payment be recoverable in the same manner as salvage is recoverable, and the amount payable in respect thereof, if disputed, shall be determined in the same manner as the amount of salvage is determinable.

Examination  
in cases of ships  
in distress

18. Any Receiver, or in his absence any Justice, shall as soon as conveniently may be examine upon oath any person belonging to any ship which may be or may have been in distress within the limits of this Colony, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters, that is to say :—

- (1) The name and description of the ship.
- (2) The names of the master and the owners.
- (3) The names of the owners of the cargo.
- (4) The places from and to which the ship was bound.

- (5) The occasion of the distress of the ship.
- (6) The services rendered.
- (7) Such other matters relating to such ship or to the cargo as seems necessary.

Such examination shall be taken down in writing, and for the purposes of such examination every such Receiver or Justice as aforesaid shall have all the powers given by the third section of this Ordinance to the Receiver.

19. The following rules shall be observed by any person finding or taking possession of any wreck :—

Wreck found to be reported.

(1) If he be the owner he shall as soon as possible give notice to the Receiver of the district, and he shall describe in such notice the marks by which such wreck is distinguished.

(2) If he be not the owner he shall as soon as possible deliver the same to a Receiver.

And any person making default in obeying the provisions of this section shall incur the following penalties :—

(3) If he is the owner he shall incur a penalty not exceeding one hundred pounds.

(4) If he is not the owner he shall forfeit all claim to salvage and shall pay to the owner of such wreck, if the same is claimed, but if the same is unclaimed, then to the person entitled to such unclaimed wreck, double the value of such wreck (such value to be recovered in the same way as a penalty of like amount), and he shall incur a penalty not exceeding one hundred pounds.

20. If any Receiver suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof or has been otherwise improperly dealt with, he may apply to any Justice for a warrant, and such Justice may grant a warrant by virtue whereof it shall be lawful for the Receiver to enter into any house or other place wherever situate and also into any ship or boat, and to search for and to seize and detain any such wreck as aforesaid there found.

Improperly dealing with wreck.

Notice of wreck  
to be published.

21. Every Receiver shall, within one week after taking possession of any wreck, cause to be posted up in the Custom House of the port nearest to the place where such wreck was found or seized a description of the same and of any marks by which it is distinguished.

Immediate sale  
of wreck in  
certain cases.

22. In cases where any wreck in the custody of a Receiver is under the value of five pounds, or is of so perishable a nature or so much damaged that the same cannot, in his opinion, be advantageously kept, or if the value thereof is not sufficient to defray the charge of warehousing, the Receiver may sell the same by auction immediately, and the money raised by such sale shall be held by him for the same purposes as receipts from the sale of wreck under Section 28 of this Ordinance.

Receiver's ex-  
penses and fees.

23. There shall be paid to all Receivers the expenses properly incurred by them in the performance of their duties and also in respect of the several matters specified in the Schedule hereto, such fees, not exceeding the amounts therein mentioned, as may from time to time be directed by the Governor, and the Receiver shall have the same lien and be entitled to the same remedies for the recovery of such expenses and fees as a salvor has or is entitled to in respect of salvage due to him, but, save as aforesaid, no Receiver shall as such be entitled to any remuneration whatsoever.

Disputes as to  
expenses and  
fees.

24. Whenever any dispute arises as to the amount payable to any Receiver in respect of expenses or fees, such dispute shall be determined by the Governor, whose decision shall be final.

25. All fees received by any Receiver and all penalties levied under this Ordinance shall be paid into the Treasury and credited to a Wreck and Casualty Fund, and the Governor may defray out of such fund any expenses duly incurred in carrying into effect the purposes of this Ordinance.

SALVAGE.

26. Whenever any ship or boat is stranded or otherwise in distress within the limits of the Colony and services are rendered by any person—

Salvage of wreck or cargo.

(1) In assisting such ship or boat.

(2) In saving the lives of the persons belonging to such ship or boat.

(3) In saving the cargo or apparel of such ship or boat or any portion thereof,

and whenever any wreck is saved by any person other than a Receiver, there shall be payable by the owners of such ship or boat, cargo, apparel or wreck, to the person by whom such services or any of them are rendered or by whom such wreck is saved, a reasonable amount of salvage, together with all expenses properly incurred by him.

27. Salvage in respect of the preservation of life shall be payable by the owners of the ship in priority to all other claims for salvage, and in cases where such ship is destroyed or where the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage due in respect of any life, the Governor may, in his discretion, award to the salvors of such life, out of the Wreck and Casualty Fund, such sum as he deems fit, in whole or part satisfaction of any amount of salvage so left unpaid.

Salvage of life.

28. Subject to the payment of all incidental expenses, fees and salvage as aforesaid, the owner of any wreck who establishes his claim thereto to the satisfaction of the Receiver, within one year from the date at which such wreck has come into the possession of the Receiver, shall be entitled to have the same delivered up to him.

Disposal of claimed wreck.

UNCLAIMED WRECK.

29. If no owner establishes his claim to any wreck found at any place before the expiration of

Disposal of unclaimed wreck.

a year from the date at which the same has come into the hands of the Receiver, and no person, other than Her Majesty, is proved to be entitled to such wreck, the Receiver shall forthwith sell the same, and after payment of all expenses attending such sale and deducting therefrom his fees and all expenses, if any, incurred by him, and paying to the salvors such amount of salvage as the Governor may in each case or by general rule determine, pay the same into the Public Treasury, and the same shall form part of the general revenues of the Colony.

#### OFFENCES IN RESPECT OF WRECK.

Offences in  
respect of  
wreck.

30. Every person—

(1) Who wrongfully carries away or removes any part of any ship or boat stranded or in danger of being stranded or otherwise in distress, on or near the shore of any sea or tidal water, or any part of the cargo or apparel thereof, or any wreck, or

(2) Who endeavours in any way to impede or hinder the saving of such ship, boat, cargo, apparel or wreck, or

(3) Who secretes any wreck or obliterates or defaces any marks thereon, or

(4) In whose possession or on whose premises any goods, merchandise or other articles belonging to any ship in distress, or wrecked, stranded or cast on shore, shall be found, and who shall not satisfy the Justice before whom he shall be brought that he came lawfully by the same, or that the same was on his premises without his knowledge or assent, or

(5) Who offers or exposes for sale any goods, merchandise or articles which have been unlawfully taken or may reasonably be suspected to have been taken from any ship in distress, or wrecked, stranded or cast on shore, and who shall not satisfy the Justice before whom he shall be brought that he came lawfully by the same,



shall, in addition to any other penalty or punishment he may be subject to under this Ordinance or any other law, for each such offence incur a penalty not exceeding fifty pounds, and every person not being a Receiver or person hereinbefore authorised to take the command in cases of ships being stranded or in distress or not acting under the orders of such Receiver or person, who without the leave of the master endeavours to board any such ship as aforesaid, shall for each offence incur a penalty not exceeding fifty pounds, and it shall be lawful for the master of such ship to repel by force any person so attempting to board the same.

#### MISCELLANEOUS.

31. All wreck, being goods brought or coming into the Colony, shall be subject to the same duties as if the same were imported into the Colony, and if any question arises as to the origin of such goods they shall be deemed to be the produce of such country as the Governor may upon investigation determine.

Duties on  
wrecked goods.

32. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of this Colony, or belonging to or forming part of the cargo thereof, are found on or near such coasts or are brought into any port of this Colony, the Consul of the country to which such ship or, in the case of cargo, to which the owners of such cargo may have belonged, or any consular officer of such country authorised in that behalf by any treaty or arrangement with such country, shall, in the absence of the owner of such ship or articles and of the master or other agents of the owner, be deemed to be the agents of the owner so far as relates to the custody and disposal of such articles.

Claims of  
owners to  
foreign ships.

33. The Governor may permit all goods saved from any ship on its homeward voyage to be forwarded to the port of original destination, and on its outward voyage to be returned to the port at which the same were shipped, but the Governor shall

Disposal of  
goods saved.

take security for the due protection of the revenue in respect of such goods.

War vessels  
exempted from  
provisions of  
Ordinance.

34. This Ordinance shall not apply to any ship belonging to or in the service of Her Majesty or belonging to or in the service of any foreign power or state.

Short title.

35. This Ordinance may be cited as "The Wrecks Ordinance, 1899."

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#### SCHEDULE.

##### FEES AND REMUNERATION.

For every examination on oath instituted by a Receiver with respect to any ship which may be or may have been in distress a fee not exceeding one pound, but so that in no case a larger fee than two pounds be charged for examinations taken in respect of the same ship and the same occurrence, whatever may be the number of the deponents.

For wreck taken by the Receiver into his custody, 5 per cent. of the value thereof, but so that in no case shall the whole amount of percentage so payable exceed twenty pounds.

In cases where any services are rendered by a Receiver in respect of any ship in distress not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of percentage, that is to say:—

If such ship with her cargo equals or exceeds in value £600 the sum of two pounds for the first and the sum of one pound for every subsequent day during which the Receiver is employed on such service, but if such ship with her cargo is less in value than £600, one moiety of the above-mentioned sum.

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#### CUSTOMS.

##### Ordinance No. 1 of 1900.

*As amended by No. 6 of 1900, No. 7 of 1901, No. 4 of 1903, No. 1 of 1912, and No. 5 of 1913.*

[16th January, 1900.]

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

Import duties.

1. From and after the coming into operation of this Ordinance there shall be raised, levied, collected

and paid unto Her Majesty, her heirs and successors, for the use of this Colony, upon goods imported into this Colony, except as hereinafter exempted, the several duties of Customs as the same are respectively inserted, described and set forth in the first Schedule hereto.

2. From and after the coming into operation of this Ordinance there shall be raised, levied, collected and paid, unto Her Majesty, her heirs and successors, for the use of this Colony, upon every seal skin imported into this Colony, for the purpose of transshipment or exportation, such duty as shall be determined from time to time by an order made by the Governor in Council, provided that the rate of duty so determined shall not exceed ten shillings for each skin.

Import duties  
on seal skins.

3. The goods enumerated in the Second Schedule hereto shall and may be imported free of duty.

Exemptions.

4. Goods exempt from duty as being imported for the use of the Governor of the Colony, or Her Majesty's Army or Navy, or for any purpose for which such goods may be imported free of duty, and any other goods the property of the Crown, shall, in case of sale thereof, after importation, become liable to and be charged with the same duties payable on the like goods on their importation for other purposes; and if such duties be not paid such goods shall be forfeited, and may be seized and dealt with accordingly.

Subsequent sale  
of goods exempt  
from duty.

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

Power to remit  
Customs duties.

6. For the better computation of the duties on any bottled spirits and other beverages liable to duty,

Computation  
of duties.

six reputed quart bottles, or twelve reputed pint bottles, shall be taken and considered to be one gallon.

Export duties.

7. From and after the coming into operation of this Ordinance there shall be raised, levied, collected and paid, unto Her Majesty, her heirs and successors, for the use of this Colony, upon the several kinds of produce mentioned in the Third Schedule hereto which shall have been raised in this Colony, and which shall be shipped for places beyond the limits of this Colony the several duties of Customs as the same are respectively inserted, described, and set forth in the said Schedule.

Shipper to make return.

8. It shall be lawful for the Collector of Customs to require and demand from the shipper an account of such produce exported in such form, and containing such particulars as the Governor may from time to time direct.

Contents of return.

9. The weight or quantity of every shipment of such produce exported shall be declared by the shipper, and any person wilfully making any false or inaccurate declaration shall be liable, on summary conviction, to a penalty not exceeding fifty pounds.

Duties to be paid before ship is cleared.

10. Export duties shall be payable by the shipper of such produce to the Collector of Customs at the time of shipment, and no vessel containing any such produce shall receive a clearance until such duties have been paid, or adequate security has been given for their payment.

Duties unpaid, how recoverable.

11. All duties and penalties payable or recoverable under this Ordinance may be sued for and recovered on information in the name of the Collector of Customs before a Magistrate or two Justices.

As to costs and duties in default.

12. When any person is adjudged by such Magistrate or Justices to pay any duty or penalty payable and recoverable under this Ordinance, such Magistrate or Justices shall state in the order or conviction, and also in the commitment of such person, if committed in default of payment, the amount of

costs awarded to be paid by such person, as well as the duty or penalty so adjudged, and shall commit such person until payment of such duty or penalty and costs.

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

Collector of Customs defined.

14. This Ordinance may be cited as "The Tariff Ordinance, 1900."

Short title.

### FIRST SCHEDULE.

#### TARIFF OF IMPORT DUTIES.

	£	s.	d.
Spirits, not exceeding the strength of proof as ascertained by Sikes's hydrometer and in proportion for any greater strength than strength of proof, per gallon ...	0	15	0
Wine in casks, per gallon ...	0	2	0
Wine in reputed quarts, per dozen ...	0	4	6
Wine in reputed pints, per dozen ...	0	2	3
British wines and all other unenumerated and unexempted beverages not liable to spirit duty, in reputed quarts, per dozen ...	0	3	0
Malt liquor, mum, spruce, cider and perry, in casks, per gallon ...	0	0	6
in reputed quarts, per dozen ...	0	1	0
in reputed pints, per dozen ...	0	0	6
Cigars, per lb. ...	0	5	0
Cigarettes, cut and manufactured tobacco and snuff ...	0	3	0
All other unexempted tobacco ...	0	2	0

### SECOND SCHEDULE.

#### EXEMPTIONS.

The following articles shall be exempted from the payment of duty:—

Perfumed spirits and Cologne water, lemonade, ginger ale, ginger beer, soda water, potash and all other mineral waters.

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

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

All articles imported or taken out of bond for the use of the Governor of the Colony and for the use of Her Majesty's Army and Navy.

The Governor, Military and Naval Departments and Messes purchasing any article whatsoever, duty paid, shall be entitled to have the same refunded out of the Public Treasury on the certificate of the Governor or the Officer in command of any Military or Naval Department, or of any of Her Majesty's Ships of War.

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

### THIRD SCHEDULE.

#### EXPORT DUTIES.

Article.	Quantity.	Rate of Duty.
Wool ... ..	Per lb. ... ..	One twentieth of a penny.
Sheep skins ... ..	Each ... ..	One half-penny.
Living sheep ... ..	" ... ..	" " "
Hides ... ..	" ... ..	Three pence.
Whale oil ... ..	Barrel (40 gallons) ... ..	" "

### INTERPRETATION AND GENERAL LAW.

#### Ordinance No. 3 of 1900.

*As amended by No. 5 of 1902, No. 6 of 1906, and  
No. 6 of 1908.*

[22nd May, 1900.]

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

1. The printing at the Government printing office, or by a duly authorised printer of any duly

enacted Ordinance of the Falkland Islands, or of any official document countersigned by the Colonial Secretary, or by any person duly authorised thereunto by the Governor shall be in law a sufficient publication and promulgation of the same.

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

When  
Ordinance  
takes effect.

3. Copies of existing Ordinances and of any Ordinances hereafter enacted printed at the Government printing office, or by any printer duly authorised to print the same, shall be received as evidence of the passing and promulgation thereof in any Court of civil or criminal jurisdiction within this Colony :

What copies  
are legal.

Provided that they are not at variance with the record copies passed under the Seal of the Colony.

4. The draft of every Ordinance shall be published in the *Gazette*, and a copy thereof shall be affixed to the notice board in Stanley for the inspection of the public for one week before its introduction : and copies of every such draft shall be purchasable from the Government printer, or other person duly authorised to sell the same for such sum as the Governor may from time to time direct, not exceeding threepence for each page, and the purchaser of any such draft may, without further payment, demand from the seller so authorised, at any time within six months of such purchase, and so soon as copies of the Ordinance are printed, a true copy of the Ordinance as passed :

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

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

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

Disallowance.

All Ordinances  
may be  
inspected.

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

Rules, etc., to  
be recorded.

7. Two copies of all orders, rules, regulations and by-laws, scales of fees, charges and fines made by the Governor or Governor in Council, shall be signed by the Governor, and one filed in the Supreme Court, and one in the Colonial Secretary's office, and copies of all such orders, rules, regulations, by-laws and scales printed by order of the Government shall be received in evidence.

Repeals do not  
revive.

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

Rules made  
may be revoked.

9. When any person is empowered to make any orders, rules, regulations or by-laws, or to fix any scale of charges, fees or fines, it shall be implied that such person may revoke, alter or vary the same from time to time as occasion may require, unless it shall appear from the terms used, that such power is intended to be exercised finally in the first instance.

When rules  
survive the  
repeal of an  
Ordinance.

10. All orders, rules, regulations, by-laws and scales of fees, charges or fines, made or prescribed under any Act or Ordinance prior to its repeal, shall, if the repealing Ordinance provides for making orders, rules, regulations or by-laws, or prescribing scales of fees, charges or fines, remain in force after such repeal until they are revoked or superseded by orders, rules, regulations, by-laws, or scales of fees, charges or fines made or prescribed under and by virtue of the repealing Ordinance, and they may be read with such verbal alterations as may be required to make them applicable to the requirements of the repealing Ordinance.

Rules, etc., as  
valid as  
Ordinance.

11. All orders, rules, regulations, by-laws made, and all scales of fees, charges or fines prescribed under or by virtue of any Ordinance shall come into force on publication of the same, and shall be bind-



ing in the same manner and to the same extent as if they formed part of such Ordinance, and shall be subject to disallowance by Her Majesty.

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

Who may  
arrest.

13. No order, judgment, warrant, or other proceeding made, or purporting to be made, under or concerning the conviction or committal of any offender shall be quashed or vacated for want of form only.

Want of form  
does not  
invalidate.

14. No process or proceeding shall be set aside on account of any verbal or technical error or mistake only, and it shall be competent for the Court to decide what is a verbal or technical error or mistake in any action or proceeding, and all errors or mistakes which are not calculated to misinform or mislead the opposite party shall in every instance be deemed merely verbal or technical.

Errors do not  
invalidate.

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

Appointments.

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

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

How duties  
imposed by Act  
are performed.

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

Officer acting.

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

Governor may  
fill vacancies  
caused by  
neglect.

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

Dividing Colony  
into districts.

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

Precedence on  
Boards.

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

Violating order  
made by  
Governor.

22. Any person who shall be guilty of any violation of an order made by the Governor, or the Governor in Council under any Ordinance for which no penalty is prescribed by such Ordinance shall be liable to a penalty not exceeding twenty-five pounds.

23. Any person wilfully obstructing the carrying out of the provisions of any Ordinance, or of any order made thereunder shall be liable to a penalty not exceeding five pounds.

*Obstructing.*

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

*Penalty two pounds where none is specified.*

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

*Appeal.*

26. The Governor in Council may, with the approval of the Secretary of State, from time to time declare any place within the Colony to be a town and define the extent, limits, and boundaries of such town, and of its suburbs, and may, with the like approval, vary or alter the extent, limits, and boundaries so defined :

*Township may be defined.*

Provided that in no case shall any portion of the boundary of the town be more than two miles, or of the suburbs more than six miles from the centre of the town.

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

*Appointment of Commission of Inquiry.*

Construction.

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

Meaning of words.

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

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

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

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

"Dues" shall include duties, taxes, and rates.

"Estate" shall include any estate or interest, charge, right, title, claim, demand, lien or encumbrance at law or in equity.

"Folio" shall mean 72 words.

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

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

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

"Harbour" shall mean the landlocked water lying to the west and south-west of a line drawn from Cape Pembroke to William Point, and any port hereafter defined and declared a harbour by the Governor in Council.

"Justice" shall mean Justice of the Peace.

"Lands" shall include messuages, tenements, hereditaments, houses and buildings.

"Law" shall include Act, Ordinance, Order in Council, rule, regulation, by-law or proclamation, in force for the time being.

“Magistrate” shall mean a Stipendiary Magistrate of this Colony or of any district thereof.

“Master” in relation to a ship, shall include any person having charge, control or command of a ship.

“Month” shall mean a calendar month, and “Year” a calendar year.

“Order in Council” shall mean an Order made by the Queen in Council.

“Oath” or “Affidavit” shall include affirmation or declaration in cases where by law an affirmation or declaration may be substituted for an oath or affidavit and “Sworn” shall in like cases include “Affirmed.”

“Owner” shall include the agent, manager or beneficiary occupier.

“Person” shall include any body of persons corporate or unincorporate.

“Property” shall include goods, chattels, money, valuable securities, documents, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

“Police Officer” or “Constable” shall include any one appointed to act as such, or as a special constable, and any one acting in aid or under the direction of any such person.

“Registrar” shall mean Registrar of the Supreme Court.

“The Secretary of State” shall mean Her Majesty’s principal Secretary of State for the Colonies.

“A Secretary of State” shall mean one of Her Majesty’s principal Secretaries of State.

“Summary Conviction” shall mean any conviction obtained under and by virtue of any law for the time being conferring on a Magistrate, or Justice, the power of summary jurisdiction.

“Stanley” shall mean any land, or districts situate on the south side of the harbour and within two miles of the Cathedral, and the land

reserved for naval purposes commonly known as "Navy Point," being all that lot or parcel of land situate on the north side of Stanley Harbour, bounded on the north by Port William, on the south by Stanley Harbour, on the east by the Narrows, and extending westward for a distance of about 81 chains, containing 145 acres.

"Suburban land" or "Suburbs" shall mean (1) the land or districts outside Stanley bounded on the south and east by Port Harriet and the sea, on the west by a line drawn from a point on the Murrel River commonly known as "Furze Bush" to the summit of Mount Harriet and thence along the eastern boundary of No. 1 section to the head of Port Harriet, and on the north by the Murrel River and Port William, and (2) any land or districts outside the limits of any place hereafter declared to be a town, and within the limits of its suburbs as defined by the Governor under Section 26 of this Ordinance.

"Town" shall mean Stanley as defined in this Ordinance, or land within the limits of any place hereafter declared to be a town under Section 26 of this Ordinance.

"Vessel" shall include every description of ship, boat, lighter, or floating water tank.

"Warrant" shall mean warrant under the hand of the person issuing the same.

(b) The imposition of a penalty shall not relieve any person from liability to answer for special damages to a person injured.

(c) When forms are prescribed slight deviations therefrom, not affecting the substance or calculated to mislead, shall not vitiate them.

(d) When no forms are given in any Ordinance, and forms are required, such forms shall be used as the Governor may direct.

(e) Whenever any Court or person shall be authorised by law to hear, inquire into or determine any matter or thing, a power and authority to take evidence and to administer an oath shall be implied, and any person giving false evidence

Penalty no bar  
to suit for  
special  
damages.

Forms.

Perjury.

may be prosecuted for perjury in like manner as if such false evidence had been given in any trial before the Supreme Court.

(f) Whenever any Court or person is authorised by law to hear, inquire into, or determine any matter or thing, a power and authority to call for the production of any paper or document shall be implied.

Documents may be called for.

(g) When the number to constitute a quorum of any Board under any law shall not be prescribed, a majority of the Board shall be a quorum, and the chairman shall only have an equal vote with other members, except where there is an equality of votes, and in such cases he shall have a second or casting vote.

Quorum.

(h) When a power is conferred upon a person by the word "may," or by the words "it shall be lawful," or by the words "it shall or may be lawful," such power may be exercised or not at discretion.

May.

(i) Words in the singular shall include the plural, words in the plural shall include the singular, and words importing the masculine gender shall include females.

Singular includes plural.

(j) Words purporting to give authority to three or more persons shall be construed as giving authority to a majority of such persons.

(k) When authority to make appointments is conferred, it shall include the power to fill up vacancies caused by death, resignation, removal or refusal to act.

Vacancies.

(l) All dues, fees, fines, penalties, or forfeitures, or the proceeds thereof upon sale and all casual revenues of the Crown (other than droits of the Crown and droits of Admiralty), or so much thereof respectively as shall not be otherwise expressly applied and appropriated shall be paid into the Treasury for the public uses of this Colony, and the support of the Government thereof, provided that the Secretary of State may authorise the refund of any fee to any officer.

All fines and fees paid into Treasury.

Distances how  
measured.

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

30. Unless otherwise expressly provided—

Summary  
jurisdiction.

(a) And if any forfeitures, dues, penalties, sums of money, or expenses imposed or made payable under any Ordinance, be not immediately paid, a Justice may issue a warrant for the levying thereof by distress and sale, or in the case of a penalty, may commit the offender to prison, with or without hard labour, for any period not exceeding six months, unless such penalty be sooner paid.

Informations  
must be within  
12 months.

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

Fresh contra-  
vention after  
7 days.

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

Informers.

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

Law of England  
in force.

31. Subject to all local Ordinances and Orders in Council for the time being in force, the common law, the doctrines of equity, and the statutes of general application which were in force in England on the 22nd day of May, 1900, are and shall be in force in this Colony, but so far only as the circumstances of the Colony and its inhabitants and the limits of the Colonial jurisdiction permit, and sub-



ject to such qualifications as local circumstances render necessary.

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

Procedure.

33. This Ordinance may be cited as "The Interpretation and General Law Ordinance, 1900."

Short title.

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## ALIENS.

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### Ordinance No. 5 of 1900.

[27th July, 1900.]

*An Ordinance relating to Aliens, Destitute Immigrants and to the Naturalisation of Foreign Subjects.*

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

1. An alien who has resided in this Colony or who has been in the service of the Crown for a term in either case of not less than three years, and who when naturalised intends to reside in this Colony or to serve under the Crown, may apply to the Governor in Council for a certificate of naturalisation.

Qualifications for naturalisation.

2. The applicant shall support his application (as in the first Schedule hereto) by such evidence as the Governor in Council may require, and the Governor in Council, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may grant or withhold a certificate

Form of application, evidence as to.

Certificate.

of naturalisation as he may think most conducive to the public good. The said certificate shall be in the form set forth in the Second Schedule to this Ordinance, and shall not be issued until it has been registered.

Oath of allegiance to be taken.

3. Before a certificate of naturalisation is granted the applicant shall take the oath of allegiance before the Governor and subscribe his name thereto in the oath book, and when such certificate is granted to him he shall to all intents and purposes whatsoever be entitled, within the limits of this Colony, to all the privileges and shall be subject to all the obligations of a British-born subject of Her Majesty.

Fees.

4. There shall be paid into the Treasury in respect of a certificate of naturalisation the sum of three pounds, and for every certified copy of the same the sum of one pound.

Liability imposed on employers to repay costs to Government.

5. Whenever any person arrives in this Colony under an engagement to serve any person, firm, company, association or body of persons in any capacity, and within a period of six months from the date of such arrival such person becomes chargeable to the Colony, the person, firm, company, association or body of persons with whom such engagement was made shall be liable to repay to the Government all costs and charges incurred by the Colony on his behalf, including hospital costs and charges and the cost of his removal from the Colony.

Liability imposed on ship masters to repay costs to Government.

6. Whenever any seaman is discharged from his ship in this Colony without the sanction of the Colonial Secretary and without reasonable provision having been made as to his subsistence, or (not being a deserter) is wrongfully left behind in this Colony, and within a period of six months from the date of such arrival such seaman becomes chargeable to the Colony the master of the ship from which such seaman has been so discharged, or by whom he has been so left behind shall be liable to repay to the Government all costs and charges incurred by the Colony on his behalf, including hospital costs and charges, and the cost of his removal from the Colony.

7. The master of any ship, British or foreign, which brings into the Colony any person (not having been shipwrecked) who at the time of his landing is destitute of means of subsistence shall be liable to repay to the Government of the Colony all costs and charges incurred by the Colony on behalf of such person, unless such master shall satisfy a Magistrate that he made due inquiry and that he had reason to believe that such person was possessed of means of subsistence when he arrived in the Colony :

Shipmasters bringing destitutes into the Colony liable to repay costs and charges.

Provided that where the person so brought into the Colony came as a stowaway the master shall incur no liability to repay the said costs and charges where such stowaway is promptly handed over to the Police on the arrival of the ship, and no money or compensation in respect of such person's passage is paid or received.

8. In the absence of the master of a vessel, or if such master shall depart from the Colony before repaying such costs and charges as are mentioned in the two preceding sections, the owner, agent and consignee of such vessel at the time the person landed, or in the case of a seaman discharged or left behind at the time of such discharge or of his so being left behind, shall be liable to repay such costs and charges to the Government.

Owner, etc., liable in the absence of shipmaster.

9. Such costs and charges shall be recoverable by suit as if an express agreement to repay them had been entered into with the Colonial Secretary by the person, firm, company, association, body, master, owner, agent or consignee chargeable.

Recovery of costs.

10. Every alien shall, within a week after his landing in this Colony, register his name, occupation, country and last residence at the office of the Stipendiary Magistrate.

Aliens must register names.

11. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born British subject, and a title to real and personal property of every description may be

Rights of aliens.

derived through, from, or in succession to an alien in the same manner in all respects as through, from, or in succession to a natural born British subject :

Provided that—

(1) This section shall not qualify an alien for any office or for any franchise.

(2) This section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given him.

(3) This section shall not affect any estate or interest in real or personal property to which any person has or may become entitled either immediately or immediately in possession or expectancy, in pursuance of any disposition made before the 25th day of April, 1870, or in pursuance of any devolution of law on the death of any person dying before the 25th day of April, 1870.

At present  
naturalised.

12. Each of the persons named in the Third Schedule to this Ordinance shall be, to all intents and purposes whatsoever within the limits of this Colony, deemed and taken to be and to have been from the date specified in the third column to that Schedule a natural-born subject of Her Majesty.

Short title.

13. This Ordinance may be cited as "The Alien Ordinance, 1900."

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## FIRST SCHEDULE.

### APPLICATION TO BE NATURALISED.

I,

a native of

being desirous of obtaining the privileges of a British-born subject of the Colony of the Falkland Islands, hereby make application for the grant of a Certificate

of Naturalisation and submit the following statement in support of this application:—

Age  
Occupation  
Length of residence in Colony  
Reason for application

Dated at Stanley this                      day of                      , 19                      .

\_\_\_\_\_  
*Signature of Applicant.*

We support this application and recommend it for the favourable consideration of the Governor in Council.

\_\_\_\_\_  
*J.P.*

\_\_\_\_\_  
*J.P.*

SECOND SCHEDULE.

CERTIFICATE OF NATURALISATION.

L. S.

\_\_\_\_\_  
*Governor.*

THE FALKLAND ISLANDS.

Know all men by these presents that by virtue of the powers in him vested the Governor in Council has this day been pleased to grant this Certificate of Naturalisation to \_\_\_\_\_  
of \_\_\_\_\_

who has duly taken and subscribed before the Governor the Oath of Allegiance.

Given under the public seal of the Colony this  
day of                      , 19                      .

\_\_\_\_\_  
*Clerk of the Council.*

Registered No.                      this                      day of                      , 19                      .

\_\_\_\_\_  
*Registrar-General.*

£3 Fee paid \_\_\_\_\_

\_\_\_\_\_  
*Treasurer.*

NOTE.—This Certificate shall not be registered until the fee has been paid and shall not be issued until it has been registered.

The cost of a certified copy of this Certificate is £1.

## THIRD SCHEDULE.

Name.	Native of	Date of taking Oath of Allegiance.
Antonina Roxa ...	South America ...	1st January, 1841.
Ieergen Christian Dettleff ...	Hamburg ...	" " "
Thomas Rolon ...	South America ...	" " " 1866.
James Anderson ...	Denmark ...	" " " 1866.
Carlos Guilherme ...	Western Islands...	8th February, 1868.
Manoel Rodrigo ...	" " ...	" " "
Manoel Pereira ...	" " ...	" " "
Francis Rowlands ...	Sweden ...	26th August, 1870.
George Willis ...	U. S. of America...	" " "
Pedro Varela ...	Uruguay ...	29th May, 1871.
Emile Boyer ...	France ...	5th July, 1872.
Gerard Degenhardt ...	Holland ...	" " "
Joseph Alazia ...	France ...	8th " "
Casimiro Pinazo ...	Uruguay ...	6th October, 1873.
Charles Bender... ..	Germany ...	24th April, 1876.
Joseph Lellman ...	" ...	25th September, 1879.
John von Harten ...	" ...	26th " "
Charles Hansen ...	Denmark ...	5th January, 1880.
Andrew Julius Winther ...	" ...	5th February, 1883.
Berndt Herder Hendricksen ...	Sweden ...	22nd " "
Giuseppe Pistori ...	Sicily ...	18th July, 1884.
William Jurgens ...	Germany ...	" " "
Henry Rummell ...	Argentina ...	28th August, 1884.
Lauritz Levæsen Christiansen...	Norway ...	20th April, 1885.
Martin Johnson ...	Germany ..	8th June, 1885.
Johannes Henricksen ...	" ...	" " "
Elisha Newton Smith ...	U. S. of America...	6th July, 1885.
Pedro Casanovas ...	Spain ...	24th September, 1886.
Josef Fiallo Farias ...	Portugal ...	" " "
Estevan Botta ...	Italy ...	" " "
Gustave Adolf Severin Bragg...	Germany ...	16th May, 1892.

## CENSUS.

### Ordinance No. 1 of 1901.

[1st January, 1901.]

*An Ordinance relating to the taking from time to time of a Census of the inhabitants of the Falkland Islands.*

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

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

Date of taking  
Census.

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

Governor to  
appoint  
Supervisor.

3. The Governor in Council may from time to time determine, vary or alter the form of Schedule to be used in the taking of such Census.

Schedule.

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

Schedules to be  
supplied to  
householders,  
etc.

Occupiers to fill  
up Schedules.

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

Enumerators to  
collect and  
correct  
Schedules.

6. An Enumerator shall visit, on the day following the Census night, every house or tenement in a town, and shall collect all Schedules left to be filled up, and shall complete or cause to be completed all Schedules which appear to be defective, and correct all Schedules which appear to be erroneous.

Managers of  
Stations to  
correct  
Schedules.

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

Declaration by  
Enumerators.

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

Return of  
houses  
uninhabited, etc.

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

Penalties.

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



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

Returns of  
persons house-  
less, etc.

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

Short title.

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## ADMINISTRATION OF JUSTICE.

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### Ordinance No. 4 of 1901.

[16th September, 1901.]

*An Ordinance relating to the Administration of Justice.*

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

1. In this Ordinance:—

Interpretation.

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

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

"Judgment" shall include decree, order, sentence, or rule.

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

Constitution.

3. The Chief Justice shall be a member of the Bar of England, Scotland or Ireland or some British possession, and of not less than seven years' standing, or shall have filled the office of Judge of some

Qualifications  
of Chief Justice.

Court in the British Dominions and be nominated by the Secretary of State and appointed by the Governor under the public seal of the Colony and shall hold office during good behaviour :

Provided that whenever the office of Chief Justice is vacant or if the Chief Justice become incapable or be suspended or be absent from the Colony, then the Governor may do and execute or may appoint some officer to do and execute all things that belong to the office of Chief Justice.

Combined  
offices.

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

Appeals when  
offices com-  
bined.

5. Whenever the same person shall hold the offices of Judge and Police Magistrate the Supreme Court shall, for the purpose of hearing appeals from the Police Court, but for no other purpose, be held before the Judge and three Justices and on such appeals all questions shall be determined by a majority of the Court, and in case the votes shall be equal the Judge shall have a casting vote.

Sittings.

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

Justice  
assessors.

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

Sheriff,  
appointment of.

8. It shall be lawful for the Governor if he shall think proper from time to time to appoint a Sheriff either to act in any particular case or for any period, and such Sheriff may duly authorise under his hand

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

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

Jurisdiction.

(1) The Queen's Bench, Common Pleas and Exchequer Division of the High Court of Justice.

(2) The Chancery Division of the High Court of Justice.

(3) The Courts and Justices of Oyer and Terminer and general gaol delivery.

(4) Any Court of Quarter Sessions in England.

(5) The Probate, Divorce, and Admiralty Division of the High Court of Justice in matters of Probate and Admiralty, and in matters of divorce, subject to Her Majesty's Order in Council bearing date the 28th day of November, 1899, and to any Order in Council that may be made, altering or amending such jurisdiction.

10. The Court shall also have and exercise jurisdiction :—

Jurisdiction.

Over all matters of insolvency and bankruptcy.

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

Appeals.

12. The Court shall also have and exercise all other jurisdiction, powers and authorities whatso-

Jurisdiction.

ever, which now are or may be hereafter expressly or impliedly vested in it by any Law.

Escheat.

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

Minors and lunatics.

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

Law and equity concurrent.

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

Assessors to Chief Justice.

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

17. The assessors shall have no voice in the decision of any case, but the name of every assessor who shall dissent from the judgment of the Court, together with a note of the grounds of such dissent, shall be recorded on the proceedings and signed by the assessor so dissenting.

*Their powers.*

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

*Sittings criminal.*

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

*Sittings civil.*

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

*Special Court.*

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

*Jurors at special Court.*

22. The Chief Justice may by summary order remove into the Supreme Court any suit instituted in a lower Court and may also remove from the Supreme Court into a lower Court any suit which shall involve directly or indirectly any claim, demand or question to or respecting property or any civil right amounting to or of the value of not more than fifty pounds, and which can in his opinion be properly tried in such lower Court, and thereupon the Police Magistrate or Judge of the Summary Court, as the case may be, may summarily try the same.

*Removing suits.*

23. Every prosecution in the Supreme Court shall be by information in the name of such officer as

*Informations.*

the Governor may appoint, and the officer prosecuting an information shall not at the same time preside upon the bench.

Jury of 12.

24. Every case in which the prisoner shall be arraigned on a capital charge shall be tried by a jury of twelve men and no verdict shall be recorded unless such verdict be unanimous. Every other case, whether civil or criminal, shall be tried by a jury of seven men :

Jury of 7.

And when a sentence of penal servitude is passed the person so sentenced may be imprisoned with hard labour for any term not exceeding the term of such sentence of penal servitude.

Appeals to  
Supreme Court.

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

No appeal.

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

(a) Where the truth of the accusations or correctness of the claim has been admitted.

(b) Where imprisonment is adjudged for failure to comply with an order for the payment of money for the finding of sureties, for the entering into any recognisance, or for the giving of any security.

(c) Where in a civil case before judgment both parties agree in writing that the judgment of the inferior Court shall be final.

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

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

Witnesses' expenses.

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

Witnesses' expenses.

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

Absconding defendants.

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

Absconding defendants.

31. The expenses incurred for the subsistence in prison of any person arrested under Sections 29 and 30 shall be paid by the plaintiff at the rate of three shillings a day or such other sum as the Court may from time to time direct, and shall be made by monthly payments in advance; and the money so disbursed may be added to the costs of a decree and

Maintenance of defendants.

be recovered by the plaintiff, unless the Court shall otherwise order. The Court may release the person so imprisoned on failure by the plaintiff to pay the subsistence.

Notary public.

32. The Governor may from time to time appoint any person to be a notary public :

Provided that if any notary public duly appointed by the law of England shall be available any appointment under this Ordinance shall determine, and whenever the Governor shall not have appointed any notary under this Ordinance the Chief Justice shall have and may exercise within the Colony all the powers and authorities of a notary public appointed by the law of England and shall use a seal with the inscription "Supreme Court of the Falkland Islands, Notarial Seal."

Rules.

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

Short title.

34. This Ordinance may be cited as "The Administration of Justice Ordinance, 1901."

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## JURORS.

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### Ordinance No. 5 of 1901.

*As amended by No. 5 of 1903.*

[16th September, 1901.]

*An Ordinance relating to Jurors and Trials by Jury.*

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

Who must  
serve.

1. Every man, not being an alien, and except as hereinafter excepted, between the ages of twenty-



one and sixty years, residing in this Colony, and being the owner or occupier of any real estate of the value of not less than ten pounds per annum or being in receipt of an annual salary of sixty pounds and upwards shall be qualified and liable to serve on juries in all civil and criminal proceedings in this Colony :

Provided that no person whose usual place of residence is beyond a radius of six miles of Stanley shall, without the sanction of the Chief Justice, be summoned to serve, save on a Coroner's inquest or at a special court ordered under Section 20 of the Administration of Justice Ordinance, 1901.

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

Exemptions.

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

Not fit.

4. The Police Magistrate or some other person duly authorised by the Governor shall, on or before the 1st day of January in each year, prepare a list of all men liable to serve on juries and shall cause the same to be published in the *Gazette*, and a copy thereof to be affixed to the Court-house or other conspicuous place, and shall subjoin a notice that all objections to the said list will be heard on the third Monday in January at the Police Court.

Lists, annual.

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

Correcting lists.

Corrected list to  
be kept posted.

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

Chief Justice  
may add or  
remove names.

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

General.

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

Number  
summoned.

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

Provided that upon a Coroner's inquest the summons may be made returnable immediately or at such time and place as the Coroner shall specially order.

How.

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

If absent.

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

12. If any person, duly summoned, shall fail to attend as a juror when his name is called, or after appearance shall withdraw himself without the permission of the Court, the Court may in a summary way, either on the same or at any future day, impose a fine not exceeding ten pounds.

Failing to attend.

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

Number on jury.

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

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

Aliens to be tried as subjects.

15. The jury to be empanelled for the trial of any cause shall be ballotted for in the following manner :—Numbered counters corresponding with the numbers opposite the names on the jury list of such persons as have been summoned shall be put into a box in open court and drawn out until a sufficient number of jurors shall be secured, and in case of a sufficient number of jurors not being in attendance the Chief Justice may complete the number from among the bystanders :

Ballot.

Provided no objection to such person be made and allowed, and any such bystander refusing to act may be fined ten pounds or committed for contempt for any term not exceeding thirty days.

Bystanders.

16. In any case where the jury consists of seven, each party shall be allowed three peremptory challenges and no more, and when the jury consists of

Challenge.

twelve each party shall be allowed six peremptory challenges and no more; any further objections made to any juror shall be decided by the Court.

View.

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

Illness.

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

Release on adjournment.

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

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

“ So help me God.”

Refreshment.

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

Pay.

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

and the party requiring the jury shall deposit with the Registrar a sum sufficient for the remuneration to such jurors for one day in advance.

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

Tampering  
with.

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

Grand Jury.

24. This Ordinance may be cited as "The Jury Ordinance, 1901."

Short title.

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## LIVE STOCK.

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Ordinance No. 6 of 1901.

*As amended by No. 1 of 1907.*

[15th October, 1901.]

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

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

1. In this Ordinance—

Interpretation.

"Destroy" shall mean kill and either bury at a depth of not less than two feet under the ground or consume by fire or boil down.

"Sheep" means any ram, ewe, wether or lamb.

"Travelling sheep" means sheep being driven over any road or land not in the occupation of the owner of the sheep.

"Infected sheep" means any sheep infected with scab or other infectious or contagious disease or which within six months have been exposed to infection or contagion.

"Stray sheep" means any sheep upon land which is neither owned nor rented by the owner of the sheep.

"Dipping" means immersing in some scab-destroying preparation approved by the Governor in Council, or, with reference to lice in sheep, means immersing in some lice-destroying preparation.

"Dressing" means applying to a sheep a scab-destroying preparation.

"Imported" means brought from any place beyond the limits of the Colony.

"Inspector" includes the Chief Inspector and Sub-Inspectors.

"Farmer" means the owner of any sheep, and includes the manager, overseer or person in charge of any sheep.

"Owner" includes a lessee from the Crown and the agent or manager of any absentee owner or lessee, and, with reference to the ownership of sheep, includes the manager, overseer or person in charge of any sheep.

"Notice" means a notice in writing or in print, or partly in writing and partly in print, delivered to the person to be affected thereby or left at or affixed to the usual or last known place of abode of such person.

"Station" means the land, enclosures and buildings (but not a dwelling-house) occupied or used by any farmer.

Inspectors to be appointed.

2. For the purpose of carrying out the provisions of this Ordinance the Governor may appoint duly qualified persons to act as Inspectors for such periods, at such salaries and on such terms and conditions as may be thought proper by the Governor in Council. No Inspector shall, either directly or indirectly, be an owner of or dealer in sheep or act

as the agent of any farmer, under a penalty for any such offence not exceeding fifty pounds.

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

May enter and inspect sheep.

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

May employ labour.

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

Must be lodged.

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

May demand information.

7. Whenever a farmer shall become aware or have reasonable grounds to suspect that any of his sheep have become infected, he shall, within forty-eight hours thereafter, give notice thereof in writing to the owners of adjoining stations, and shall, within one week thereafter, give notice thereof in writing

Farmers must notify infection.

to an Inspector. He shall also, within twenty-one days thereafter or on such date as is laid down in any rules or as may be ordered by an Inspector, dip all such sheep and, within fourteen days of the completion of the first dipping, dip all such sheep a second time.

Inspector may  
quarantine.

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

Breach of  
quarantine.

9. No person shall remove into or take out of quarantine any sheep without the permission in writing of an Inspector, and all sheep unlawfully taken in or out of quarantine may be seized by any person and shall be dealt with as an Inspector shall direct.

Dip and  
appliances to be  
always ready.

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

Order to dip  
suspected  
sheep.

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

Clean  
certificate.

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



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

Annual return.

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

Marks.

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

Infected sheep not to be used for food.

#### CLEANING ORDERS AND CLEAN CERTIFICATES.

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

Order to clean sheep.

17. If after the expiration of nine months from the date of a conviction under the preceding section such sheep shall, in the opinion of an Inspector, still be infected sheep, the owner of such sheep shall upon conviction be liable to a further penalty of twopence for every such infected sheep, and so on for every succeeding period of nine months :

Neglect to clean sheep.

Provided that a Magistrate may, upon the application of an Inspector, order the destruction of any sheep which have been infected for more than twenty-one months, and such Inspector shall cause

such sheep to be destroyed and the remains disposed of for the benefit of the owner as such Inspector may direct.

Farmers to  
notify neigh-  
bours when  
gathering.

18. Every farmer who shall gather any flock for the purposes of shearing, dipping, dressing, cutting, tailing or ear marking, or removal from the station or for any other purpose, shall, forty-eight hours at least before gathering the same, give notice in writing to the occupiers of all the adjoining stations of his intention so to do.

#### TRAVELLING SHEEP.

And when  
driving sheep.

19. No person shall drive any sheep upon or across any station without giving notice to the owner of such station in writing not less than twenty-four hours and not more than three days before such driving, of the intention so to do, and of the place whence and whither such sheep are being driven and the point at which the person driving such sheep will enter such station :

Provided that any farmer may give a permit in writing waiving, either absolutely or upon such terms as are stated in the permit, his claim to receive from any other farmer any notice required to be given by this or the preceding section.

Farmers may  
detain infected  
and suspected  
sheep.

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

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

Action on  
detention.

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

Concealing  
cases of  
infection.

23. If any person shall cast any infected sheep into any stream or running water, or leave the carcasses of any such sheep in any stream or running water, he shall be liable to a penalty not exceeding one hundred pounds.

Leaving  
infected sheep  
in stream.

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

Abandoning  
infected sheep  
or leaving  
carcass  
undestroyed.

#### IMPORTING SHEEP.

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

Importation.

Imported sheep  
may be  
destroyed.

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

Imported sheep  
to be  
quarantined.

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

#### LICE IN SHEEP.

Annual dipping  
compulsory.

28. Every owner shall, for the purpose of preventing the spread of lice in sheep, between the 1st day of March and the 30th day of June in every year, dip or cause to be dipped all sheep running on land whereof he is the occupier :

Provided that, on the application of any owner, an Inspector may grant an extension of the time in which such owner shall dip his sheep, but so that such extension shall not exceed sixty days prior to the 31st day of December. For every sheep not so dipped, such owner shall be liable to a fine not exceeding two shillings.

Notice to dip  
sheep affected  
with lice.

29. (1) If any Inspector is satisfied that any sheep are affected with lice, he may give the owner thereof notice requiring him to dip such sheep to the satisfaction of the said Inspector or any other Inspector, within a period to be specified in such notice.

Penalty for  
neglect to dip  
after notice.

(2) Every such owner who refuses, neglects or fails to comply with such notice shall be liable, on conviction, to a penalty not exceeding fifty pounds :

Provided that if, in the opinion of any Inspector, the said sheep are fit for slaughter, either for consumption as the food of man or for boiling down, and shall be slaughtered before the expiration of

the period specified in the said notice within which the said owner was required to dip such sheep, no penalty shall be incurred under this section.

(3) If after the expiration of one month from the date of a conviction under this section the sheep in respect of which such conviction has been obtained shall not have been dipped to the satisfaction of an Inspector, the owner of such sheep shall, upon conviction, be liable to a further penalty of fifty pounds, and so on for every succeeding period of one week :

Provided that if, in the opinion of any Inspector, the said sheep are fit for slaughter, either for consumption as the food of man or for boiling down, and shall be slaughtered within the period of one month from the date of a conviction under this section, no further penalty shall be incurred under this subsection.

30. Every person who by himself, his agent or servant, drives, without the permission of an Inspector, or depastures or suffers to stray, any sheep affected with lice, shall be liable on conviction for every day during which such sheep shall be so driven, depastured or suffered to stray, to a penalty not exceeding five pounds and not less than one pound.

Penalty for driving sheep affected with lice.

31. (1) If any sheep affected with lice shall be found in any pound or in any yard, or on any land or other place at which sheep are offered for sale, the owner of such sheep shall be liable to a penalty not exceeding ten pounds.

Penalty on owner of sheep affected with lice found in any pound, etc.

(2) Any Inspector may order the withdrawal from sale of any sheep affected with lice until such sheep have been dipped to the satisfaction of the said Inspector or any other Inspector, and every owner of such sheep who refuses, neglects or fails to comply with such order shall be liable to a further penalty not exceeding twenty pounds.

32. Notwithstanding anything contained in this Ordinance or any notice given thereunder, it shall not be necessary to dip any ewe affected with lice during such time previous to or after her lambing as an Inspector may appoint; and for such purpose

Ewes not to be dipped during lambing time.

any Inspector may, in respect of ewes, extend any notice to dip for such time as he shall think fit.

#### MISCELLANEOUS.

Expenses  
attending  
destruction of  
sheep.

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

Removing and  
herding  
infected sheep.

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

Sheep must be  
marked.

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

Proof of  
ownership.

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

Offences.

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

Wrongful  
marking.

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

Defacing  
marks.

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

Mutilating.

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

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

Using another's mark.

38. For defraying the cost and expenses of carrying this Ordinance into effect there shall be raised, levied and collected on all land in the Colony, save and except all Town Lands and all unleased Crown Lands reserved for any public purposes, a tax at the rate of one-twelfth of a penny per acre, or such other less rate as the Governor in Council may determine, and as may be notified in the *Gazette*, which tax shall be paid to the Colonial Treasurer by the owners, lessees or managers of such land on or before the 31st day of December in each year, and shall constitute a first charge or lien on the lands in respect of which the same is due.

Scab tax.

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

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

Failure to pay tax.

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

Defraying expenses of this Ordinance.

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

Recovery of penalties.

42. Any statement, certificate, notice or order of an Inspector shall, in every case for the purposes of this Ordinance, be *prima facie* evidence of the

Certificate, etc., of Inspector to be evidence.

truth of the matter contained therein, and shall be considered conclusive unless the contrary be proved.

Rules.

43. The Governor in Council may from time to time make rules—

For determining the powers and duties of Inspectors.

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

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

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

Governor may prohibit importation.

44. The Governor in Council may from time to time by proclamation prohibit the importation or introduction into the Colony or into any particular port thereof of any sheep, cattle, horses or other animals, or of any hay, straw, fodder or other article, either generally or from any places that may be named in such proclamation, for such periods as he may deem necessary for the purpose of preventing the introduction of any infectious and contagious disorder among the sheep, cattle, horses or other animals in this Colony.

Regulations.

45. The Governor in Council may from time to time by proclamation make such regulations for subjecting any sheep, cattle, horses or other animals to quarantine, or for causing the same to be destroyed upon their arrival in the Colony, or for destroying



any hay, straw, fodder or other article, whereby it appears to him that infection or contagion may be conveyed, and generally to make such regulations with respect to the importation of sheep, cattle, horses or other animals as he may consider necessary to prevent the introduction of any contagious or infectious disorder.

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

Penalties for neglect.

47. Any person who shall commit a breach of any of the provisions of this Ordinance, or of any proclamation or rule made hereunder to which a penalty is not attached, shall be liable on conviction to a penalty not exceeding one hundred pounds.

Penalties for breach.

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

False declaration a misdemeanour.

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

Infecting sheep a misdemeanour.

50. The forms set out in the First Schedule to this Ordinance, or such other forms as the Governor may from time to time approve, shall be used in all cases to which such forms are applicable.

Forms.

51. This Ordinance may be cited as "The Live Stock Ordinance, 1901."

Short title.

## FIRST SCHEDULE.

## SCAB NOTICE.

FORM 1. (*Section 8.*)

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

is in quarantine.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*Inspector.*

\* *Here insert exact locality.*

## CLEAN CERTIFICATE.

FORM 2. (*Section 8.*)

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

is released from quarantine.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*Inspector.*

\* *Here insert exact locality.*

## DECLARATION.

FORM 3. (*Section 12.*)

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

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

*Owner.*

Declared before me at \_\_\_\_\_ this \_\_\_\_\_  
 day of \_\_\_\_\_, 19 \_\_\_\_.

*Inspector.*

\* *May be omitted when not required by the Inspector.*

## RELEASE FROM QUARANTINE.

## FORM 4. (Section 27.)

I certify that I have examined the sheep described below imported by \_\_\_\_\_ in the S.S. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, which sheep have been in quarantine for \_\_\_\_\_ days, and I hereby certify that the said sheep are free from any disorder and they are hereby released from quarantine.

Ewes,

Wethers,

Lambs,

Rams.

Inspector.

Date

, 19\_\_\_\_.

## ANNUAL RETURN.

## FORM 5. (Section 13.)

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

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

station on the 1st day of May, 19\_\_\_\_.

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

## SECOND SCHEDULE.

No. of Section.	Name of Section.	Acreage assumed for this Ordinance.	
0	Lafonia ... ..	700,000	
1	Port Harriet ... ..	6,000	
2	Kelp Lagoon ... ..	10,000	
3	Long Island ... ..	6,000	
4	Kidney Cove ... ..	6,000	
5	S. Port Louis ... ..	8,000	
6	Part Howgate ... ..	6,000	
7	Cantera ... ..	11,936	
8	Darwin ... ..	10,122	
9	Rio Pedro ... ..	10,000	
10	Second Corral ... ..	10,000	
11 }	S. of Salvador ... ..	20,655	
12 }			
13	Part Howgate ... ..	6,000	
14	N. Port Louis ... ..	6,000	
15	Fitzroy ... ..	10,000	
16	Swan Inlet ... ..	10,000	
17	Island Harbour ... ..	6,000	
18	Mount Pleasant ... ..	14,000	
19	Shailers Creek ... ..	10,000	
20	S. San Carlos ... ..	6,000	
21	Part Howgate ... ..	6,000	
22	Pt. W. Cove Reserve ... ..	4,460	
22A	" " " " ... ..	1,540	
23	Fanning Head ... ..	6,000	
24	Teal Creek ... ..	6,000	
25	W. Norton Inlet ... ..	10,000	
26	Archers Cove ... ..	6,000	
27	Bluff Creek ... ..	6,000	
28	Port Sussex ... ..	6,000	
28A	" " Reserve ... ..	2,224	
29	N. Swan Inlet ... ..	6,000	
30	McKinnon Creek ... ..	6,000	
31	In Choiseul Sound ... ..	6,000	
32	" " " " ... ..	6,000	
33	Rincon Grande ... ..	6,000	
34	Laguna Isla ... ..	6,000	
35	Bluff Cove ... ..	6,000	As surveyed 15,485 acres.
36	Middle Point ... ..	6,000	
37	N. San Carlos ... ..	6,000	
38	W. Bluff Cove, or ... ..	5,500	As surveyed 16,423 acres.
38	North Fitzroy ... ..	500	
39	S. San Carlos ... ..	6,000	
40	Cape Dolphin ... ..	6,000	
41	Limpet Creek ... ..	6,000	
42	Elephant Creek ... ..	6,000	
43	Cape Carysfort ... ..	6,000	

## SECOND SCHEDULE—continued.

No. of Section.	Name of Section.	Acreage assumed for this Ordinance.	
44	West of 38 ...	6,000	
45	Elephant Creek ...	6,000	
46	Estancia ...	6,000	
47	Part Howgate ...	6,000	
48	" " " " ...	6,000	
49	S. of No. 10 ...	6,000	
50	Johnson's Harbour ...	6,000	
51	" " " " ...	6,000	
52	" " " " ...	6,000	
53	Salt Lagoon ...	6,000	
54	S. W. of 12 ...	6,000	
55	Arroyo Malo ...	6,000	
56	S. of 55 ...	6,000	
57	Sparrow Cove ...	6,000	
57	" " Suburban ...	1,500	
58	Sisters ...	6,000	
59			
60	Berkley Sound ...	15,000	
61			
59			
60	" " Suburban ...	1,228	
61			
62	S. W. of Estancia ...	6,000	
63	W. Cow Bay ...	6,000	
64	" " " " ...	6,000	
65	W. of 64 ...	6,000	
66	McBride's Head ...	6,000	
67	Cape Frehel ...	6,000	
68	Whittington's Rincon ...	13,127	As surveyed 17,777 acres.
69	N. E. of Wickham Hts. ...	21,000	
70	N. " " " ...	21,000	
71	Part Howgate ...	6,000	
71B	" " " " ...	6,000	
72	Cape Bougainville ...	24,000	
73	Third Corral ...	6,000	
74	Bodie Peak ...	37,000	
75	S. of Wickham Heights ...	23,000	
76	Part Cape Frehel ...	6,000	
77	Mullet Creek ...	2,000	As surveyed 4,500 acres.
78	Moody Valley ...	3,000	
79	Peninsula ...	900	

## WEST FALKLAND.

101	White Rock ...	26,000
102	Port Purvis or ) Port Howard ) ...	87,000
103	Roy Cove ...	61,400

## SECOND SCHEDULE---continued.

No. of Section.	Name of Section.	Acreage assumed for this Ordinance.
103A	Hill Cove ... ..	109,720
104	Many Branches ... ..	12,120
104A	Mount Moody ... ..	28,920
105	Chartres ... ..	100,000
106	Dunnose Head ... ..	58,200
107	East Fox Bay ... ..	40,800
108	W. Fox Bay ... ..	76,297
108A	Spring Point ... ..	60,493
109	Port Edgar ... ..	70,640
110	„ Stephens ... ..	90,400
110	„ „ ... ..	21,760

## ISLANDS.

Beaver ... ..	12,000
Bense ... ..	300
Carcass ... ..	3,600
Dunbar ... ..	724
E. Fitzroy ... ..	320
Fanning ... ..	720
Hunmock ... ..	500
Jasons ... ..	6,520
Keppell ... ..	8,320
„ Passage and Dry	800
New ... ..	6,000
Pebble ... ..	25,600
Rabbit ... ..	400
Sedge ... ..	1,120
Split ... ..	480
Saunders ... ..	21,000
West Passage ... ..	6,000
West Point ... ..	3,400
Weddell ... ..	54,000

## PROBATE.

### Ordinance No. 9 of 1901.

[11th December, 1901.]

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

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

#### 1. In this Ordinance—

Interpretation.

“Unrepresented Estate” shall mean—

(1) The estate of every person who shall die intestate and whose widow, husband or next of kin shall be unknown, or shall have refused to take out Letters of Administration, or shall be absent from the Falkland Islands without having an agent therein.

(2) The estate of every person who shall die having made a will, when owing to any cause it shall be necessary to appoint administrators *cum testamento annexo* or *de bonis non* of such estate, and the person entitled to such Letters of Administration shall be unknown or shall refuse to take out such Letters of Administration, or shall be absent from the Falkland Islands without having an agent therein.

(3) Every estate whereof the executors or administrators shall be absent from the Falkland Islands without having an agent therein.

## PART I.

## PROBATE AND LETTERS OF ADMINISTRATION.

Form of will.

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

Duty to be paid and bond given before Probate.

3. No Probate of the will nor Letters of Administration of the estate and effects of any person deceased shall be granted until the applicant has paid to the Colonial Treasurer the estate duty payable under this Ordinance, and has given a bond in such form as the Chief Justice shall approve. Such bond shall be in a penalty of double the amount of the value of the estate as stated in the petition on which the grant is made, or in such other amount as the Chief Justice may direct.

Penalty for taking possession of estate without authority.

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

Petitions.

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

By executor.

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

In intestacy.

(2) In the case of intestacy, the petition must state the death of the intestate, and that he died



without leaving a will, and it must briefly set forth the grounds on which the petitioner has applied for Letters of Administration.

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

To administer.

6. Notice of application for Letters of Administration must be given in the *Gazette* for three weeks before such letters shall be granted, except in cases where the Chief Justice shall be satisfied by affidavit or otherwise of the existence of any urgent necessity that such grant should be made before the expiration of such three weeks, and shall likewise be satisfied that notice of the application has been given to all persons residing within the Colony whose claim to such grant may be prior or preferable to that of the applicant. In every such case the Chief Justice shall have the power to grant to such applicant Letters of Administration, limited or otherwise, as the circumstances of the case shall seem to require within such time before the expiration of such three weeks as to him may seem necessary :

Applications to be published.

Provided always that in no case shall such administration be granted until notice of application therefor shall have been published once at least in the *Gazette*.

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

Value of estate to be estimated.

8. If any executor or administrator at any time within one year after having paid estate duty shall discover that the estate of the deceased person was estimated at too high a value in the account delivered by him, and that the amount of duty paid by him was consequently greater than he was liable to pay, and shall make the same appear to be the case

Refund of excess duty.

to the satisfaction of the Governor in Council, it shall be lawful for the Governor to issue his warrant on the Public Treasury for the return to such executor or administrator of any excess of payment so shown to have been made by him.

Under payment  
of duty.

9. If any executor or administrator shall through mistake or otherwise without fraud have omitted from the account delivered by him any part of the estate situate in this Colony he shall immediately after the discovery of such omission notify the Chief Justice of the same, and within three calendar months thereafter amend his account and pay the additional duty due on the estate of the deceased without being liable to any penalty or forfeiture under this Ordinance.

Enforcing bond.

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

Caveats.

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

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

Hearing *ex parte*.

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

Attendance of witnesses.

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

Proof of will in solemn form.  
By person interested.

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

By executor.

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

When order may be varied.

Administrator  
may be  
substituted for  
absentee.

17. When an executor or administrator to whom Probate or Administration has been or shall be granted shall be absent from this Colony for the period of one year without having appointed an attorney to act for and represent him the Court may, on petition verified by affidavit showing to the satisfaction of the Court that the interests of parties concerned in the estate are or will be prejudiced by the absence of such executor or administrator, appoint an administrator with the will annexed or an administrator *de bonis non* as the case may be, who shall respectively during the absence of such executor or administrator, on giving sufficient security, have, possess, and exercise the same power and authority as the executor or administrator so absent as aforesaid would have had if personally present, and in case of contested proceedings the practice and procedure shall be similar to that provided by Section 11 hereof.

Suits in open  
Court.  
Business in  
chambers.

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

Citation,  
how served.

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

Records,  
how kept.

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

Real estate  
vests in  
administrator.

21. On the grant by the Supreme Court of the Falkland Islands of Probate of the will or Letters of Administration of the estate of a deceased person who dies after this Ordinance has come into operation, the real estate of the deceased person shall vest in the executor or administrator in the same manner as his personal estate, and the executor or adminis-

trator shall have the same power of dealing with such real estate for the purpose of administration as he has of dealing with such personal estate, but nothing herein contained shall affect the beneficial interest in such real estate.

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

Estate duties.

When such estate shall be—

Under the value of £50 ... ..	2s.
Of the value of £50 and under £100	4s.
“ “ £100 “ £200	12s.
“ “ £200 “ £500	£2
“ “ £500 “ £1,000	per cent.
“ “ £1,000 “ £5,000	£2 10s.
“ “ £5,000 and over ... ..	per cent.
	£3
	per cent.
	£4
	per cent.

23. The Probate of any will or Letters of Administration granted by a Court of Probate in the United Kingdom, or in any British possession may, on being produced to the Chief Justice, and a copy thereof deposited in the Supreme Court, be sealed with the seal of the Supreme Court, and thereupon shall be of the like force and effect and have the same operation in the Falkland Islands as if granted by the said Court :

When Probate, granted elsewhere, valid here.

Provided that the Court shall, before sealing a Probate or Letters of Administration under this section, be satisfied—

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

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

## PART II.

## UNREPRESENTED ESTATE.

Creditor may  
not act.

24. Letters of Administration shall not be granted to any person in the character of a creditor, but in every case where but for this Ordinance Letters of Administration of any estate would be granted to a creditor thereof, such estate shall be considered as unrepresented within the meaning of this Ordinance :

Provided that, under special circumstances where it may appear to the Court to be just or expedient, Probate or Administration may be granted to some person other than the person ordinarily or by law entitled to such Probate or Administration.

Official  
Administrator.

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

“I, \_\_\_\_\_, do swear that I will faithfully, honestly and diligently perform the duties of Official Administrator without fear or favour, partiality or affection. So help me God.”

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

When he may  
not act.

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

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

Perpetual  
succession.

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

To petition  
Court for  
order to act.

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

When he may  
act before  
order.

30. If upon the representation of any person claiming to be legally entitled to the administration or management of any estate in respect of which any such order shall have been made as aforesaid, the Court shall be satisfied that the applicant is so entitled, the Court may revoke such order and direct

Order may be  
revoked.

the Official Administrator to desist from interfering with such estate, or may make such other order as to the Court shall seem meet :

Provided always that all matters and things which shall have been *bona-fide* done or performed by the Official Administrator previously to the determination of such order shall be valid and effectual to all intents and purposes whatsoever.

Shall collect  
estate.

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

Shall claim  
interest on  
money detained  
after demand.

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

Shall give  
notice to  
creditors.

33. The Official Administrator shall, immediately after obtaining an order to collect any estate, publish in the *Falkland Islands Gazette*, and shall also affix on the Government notice board in Stanley a notice calling upon the creditors of the estate mentioned in such notice to come in and prove their claims on or before a certain day to be therein named, or in default thereof to be excluded from any benefit arising from such estate, and if so ordered by the Court shall also publish such notice in one or more papers published out of the Colony to be selected by the Court, and shall repeat such notices as often as the Court shall order, and claimants or creditors



residing within the Colony shall be bound to file their claims at the office of the Official Administrator within three months after such notice aforesaid; and claimants or others residing out of the Colony shall be bound to file their claims within six months after the publication of the last notice in such foreign paper as aforesaid, on pain, in default thereof, of being excluded from any benefit arising from such estate.

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

Claims, how made.

35. In the event of any dispute arising as to the validity of any claim, the parties, or on their default or where the Official Administrator himself entertains doubt of the validity of any claim, the Official Administrator shall draw up and settle a statement in writing of the grounds of such dispute, and shall submit the same to the Court, and the Court shall thereupon make such order thereon as the circumstances of the case may require. But no action or suit shall be brought against the Official Administrator in respect of any debt due from an estate under his administration.

Disputed claims.

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

Immediate sale of perishable estate.

37. The Official Administrator shall, within three months after entering into possession of any estate, sell and dispose of all the personal property belonging to such estate by public auction after such public notice thereof as is usual in the case of sales by order of the Court:

Sale of personal estate

Provided that the Court may by any order in that behalf extend the time for such sale, or direct

such personal property to be disposed of by private contract or any portion thereof retained for transmission to the next of kin.

Sale of  
real estate.

38. In case the Court shall be satisfied that the proceeds of the sale of the personal property belonging to any estate are insufficient to discharge the debts and liabilities attaching to such estate, the Court may by its order direct the Official Administrator to sell the whole or such part of the real property belonging to such estate as the Court may deem necessary for the purpose aforesaid, and such sale shall be subject to all the incidents of a sale of real property by order of the Court :

Provided that nothing hereinbefore contained shall be taken or construed to give any purchaser any other or better title to such property than shall have been possessed by the last owner thereof.

Moneys to be  
paid into  
Savings Bank.

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

Distribution  
of estate.

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

(1) He shall reimburse himself of all such costs and charges as he shall reasonably have incurred in administering the estate, such costs and charges having been previously authorised by the Court.

(2) He shall pay into the Treasury  $7\frac{1}{2}$  per centum upon the gross amount of the money arising out of the estate, to be applied as hereinafter mentioned.

(3) He shall pay to the Treasurer the estate duty upon the scale laid down in Section 22 of this Ordinance.

(4) He shall pay the creditors of the estate in the order prescribed by law if sufficient money shall remain for the payment thereof in full.

(5) He shall pay the balance (if any) which shall remain after such payments into the Treasury in trust for the next of kin, heir at law, legatee or devisee of the deceased, as the case may be.

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

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

Remuneration  
of Official  
Administrator.

(1) 5 per centum shall be paid by the Treasurer to the Official Administrator on the production of the certificates required by Section 46 of this Ordinance as a remuneration for the services he is required to perform :

Provided that the Governor may at any time order that the remuneration by this section provided to be paid to the Official Administrator shall be commuted for a fixed salary without reference to the amount at any time produced by such remuneration.

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

Reserve fund.

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

Disposal of  
real estate.

Expenses  
chargeable to  
reserve fund.

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

By order of  
Governor.

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

Chief Justice  
shall audit  
accounts.

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

And give  
certificates.

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

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

“ A. B., Chief Justice.”

Accounts.

47. The Official Administrator shall keep a separate account of and for each estate that he shall

administer under this Ordinance, and shall keep the following books :—

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

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

May be inspected.

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

When Colony entitled to illegitimates' estate.

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

Estate when kin unknown accumulates for 10 years.

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

Moneys vested in Official Administrator.

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

Kin unknown to be advertised for.

when known, of the intestate, the date of his death, and the value of the estate.

Claimants.

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

Short title.

53. This Ordinance may be cited as "The Probate and Unrepresented Estates Ordinance, 1901."

#### SCHEDULE.

(Section 28.)

##### PETITION TO COLLECT AN ESTATE.

To His Honour the Chief Justice of the Falkland Islands.

The petition of the Official Administrator humbly sheweth:

That your petitioner has been informed and believes that *A. B.*, late of \_\_\_\_\_ died on the \_\_\_\_\_ day of \_\_\_\_\_ [intestate and that he has left no widow or next of kin residing in the Falkland Islands or having an agent therein] or [leaving a will but without appointing any executor thereof, and that there is no person residing within the Falkland Islands or having an agent therein entitled to Letters of Administration *cum testamento annexo* of the said *A. B.*] or [that *C. D.*, the executor of the will of *A. B.*, deceased, died on the \_\_\_\_\_ day of \_\_\_\_\_ intestate, leaving a part of the estate of the said *A. B.*, deceased, unadministered, and that there is no person residing in the Falkland Islands or having an agent therein entitled to Letters of Administration *de bonis non* of the estate of the said *A. B.*, deceased] or [that *F. G.*, executor or administrator of the estate of *A. B.*, deceased, is absent from the Falkland Islands without having any agent therein].

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

## PUBLIC LANDS.

### Ordinance No. 1 of 1902.

[23rd January, 1902.]

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

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

Enacting clause.

1. This Ordinance may be cited as "The Public Lands Ordinance, 1902."

Short title.

2. In this Ordinance unless the context otherwise requires—

Interpretation clause.

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

Land.

"Public purpose" includes any military or naval purpose to be carried out at the expense of the Imperial Government, and any purpose which the Governor in Council resolves is in the interest or for the benefit of the public or the Colony.

Public purpose.

### ACQUISITION OF LANDS.

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

Power to enter to survey.

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

Warrant to be  
issued for  
acquiring land.

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

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

Notice on  
owners to be  
served.

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

Parties under  
disability  
enabled to sell  
and convey.

6. It shall be lawful for all parties being seized or possessed of or entitled to any lands that may be required for any public purpose or any estate or interests therein to sell and convey or release the same to the Governor; and particularly it shall be lawful for all or any of the following parties so to sell, convey or release (that is to say) all corporations, tenants in tail or for life, married women seized in their own right or entitled to dower, guardians, committees of lunatics or idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession or subject to any estate in dower or to any lease for life or for



lives and years and for years or any less interest; and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties other than married women entitled to dower or lessees for life or for lives and years or for any less interest not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after them or in defeasance of the estates of such parties; and as to such married women, whether they be of full age or not, as if they were sole and of full age; and as to such guardians on behalf of their wards and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this Ordinance if they had respectively been under no disability; and as to such trustees, executors and administrators, on behalf of their *cestuis que trust*, whether infants, issue unborn, lunatics, *femes covertes* or other persons, and that to the same extent as such *cestuis que trust* respectively could have exercised the same power under the authority of this Ordinance if they had respectively been under no disability:

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

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

Power to enter  
and take land.

8. When the Colonial Secretary shall set out, appropriate and take the land specified in any such warrant, he shall cause such land to be marked out and a notice to be posted in some conspicuous part of such land and such notice shall be in these words, viz.: "Taken for the service of the Colony" and

Land to be  
marked out.

shall be signed by the Colonial Secretary. According as such land is acquired for the purposes of the Colony or for the military and naval purposes of the Imperial Government, it shall, when so set out, appropriated or taken, in pursuance of an order to be made by the Governor at any time in that behalf and published in the *Gazette*, be conveyed to and be vested in the Colonial Secretary and his successors in office or in the Secretary of State for War or in the Lords Commissioners of the Admiralty respectively, as the case may be, in trust for His Majesty the King, his heirs and successors for the public service.

Plan and  
certificate to  
be registered.

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

Registration to  
be conclusive.

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

Land  
injuriously  
affected.

11. If any land be so cut through and divided by the taking and appropriation of part of such land for the service of the Colony as to leave a portion thereof practically useless to the owner for the purpose for which he had been accustomed to use the land it shall be lawful for the owner of such land by notice in writing to be served on the Colonial Secretary at any time before an agreement is come to for the purchase of the land taken as aforesaid or before the assessment of the price to be paid for such land under the provisions of this Ordinance to require the Governor on behalf of His Majesty the King to pur-

chase not only the land actually taken as aforesaid, but also the land rendered useless as aforesaid by reason of the severance aforesaid, and thereupon it shall be lawful for the Governor to purchase the land rendered useless as aforesaid or if he refuse to do so it shall be lawful for the arbitrators or umpires to be appointed as hereinafter mentioned if they shall find as a fact that any portion of the said land has been by the severance rendered useless as aforesaid to adjudge that the Governor shall purchase the same and to determine the price to be paid for the same in the same way as if such land was actually taken for the service of the Colony.

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

Part of house,  
etc., not to be  
taken.

13. If in any case in which according to the provisions of this Ordinance the Colonial Secretary is authorised to enter upon and take any land the owner or occupier of any such land or any other person refuses to give up possession thereof or hinders the Colonial Secretary, his workmen or servants from entering upon or taking possession of the same, it shall be lawful for the Governor to issue his warrant in the Form C in the Schedule hereto, or as near thereto as possible, directed to the Sheriff ordering him to deliver possession of the same to the Colonial Secretary, and upon receipt of such warrant the Sheriff shall deliver possession of any such land accordingly; and the costs accruing by reason of the execution of such warrant shall be paid by the person refusing to give possession or hindering the Colonial Secretary, his workmen or servants as aforesaid, and the amount of such costs shall be deducted from the compensation (if any) payable to such person, and if no compensation be payable to such person, or if the same be less than the amount of such costs, then such

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

costs or the excess thereof beyond such compensation if not paid on demand shall be recovered in the same manner as costs in an action.

#### COMPENSATION.

Compensation  
to be allowed.

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

Compensation  
may be  
agreed on.

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

Cases of  
disputed  
compensation,  
etc.

16. In all cases in which any land has been appropriated, taken or entered upon under the provisions of this Ordinance or has been injuriously affected by the exercise of any of the powers granted by this Ordinance, if within twenty-one days after the publication of the warrant in the *Gazette* directing that such land shall be acquired for the service of the Colony as hereinbefore provided no claim shall have been lodged with the Colonial Secretary in respect of such lands, or if the person who may have lodged any claim and the Governor shall not have agreed as to the amount of compensation to be paid for the interest of any such person, or if any such

person shall not have given satisfactory evidence of his alleged interest, or if separate and conflicting claims are made in respect of the same land the amount of compensation due (if any) and every such disputed or conflicting interest or title shall be settled in accordance with the following provisions :—

17. (i) The owner of any lands so taken and appropriated as aforesaid who shall refuse to accept a sum of money as may be offered for the purchase thereof may claim to have the compensation referred to the decision of two arbitrators, one arbitrator to be appointed by either party, and such compensation shall thereupon be so decided :

Disputed compensation to be settled by arbitration.

Provided that the arbitrators may, in the event of their not agreeing upon the amount of compensation to be awarded, appoint an umpire at any time within the period during which they have power to make an award.

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

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

Time for arbitrators' award.

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

Time for umpire's award.

Proceedings  
on arbitration.

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

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

False evidence  
to be perjury.

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

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

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

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

Items of  
compensation  
to be taken into  
consideration.

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

(1) The market value of the land at the time of awarding compensation.

(2) Any damage sustained by the person interested at the time of awarding compensation by reason of severance.

(3) The damage (if any) sustained by the person interested at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property or his earnings.

(4) If in consequence of the acquisition he is compelled to change his residence, the reasonable expenses (if any) incidental to such change.

But shall not take into consideration the following :—

(5) The degree of urgency or necessity which has led to the acquisition.

(6) Any *pretium dilectionis* or disinclination of the person interested to part with the land acquired.

(7) Any damage sustained by the person interested which, if caused by a private person, would not render such person liable to an action.

(8) Any damage not being in the nature of deprivation of or interference with an easement or legal right which, after the time of awarding compensation, is likely to be caused by or in consequence of the use to which the land acquired will be put.

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

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

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

Items of compensation not to be taken into consideration.

Award to be in writing, and to be published.

25. Nothing in this Ordinance contained shall be construed or deemed to confer upon any person any right to compensation in respect of any land resumed in the name of His Majesty, his heirs or successors as required for roads, railways or other public works in pursuance of any condition, reserva-

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

tion, or power of resumption contained in any other Ordinance, or in any grant or lease of Crown or waste lands.

Postponement  
of payment.

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

Protection of  
persons acting  
under  
Ordinance.

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

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



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

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

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

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#### SCHEDULE.

##### FORM A. (Under Section 4.)

*Warrant that land shall be acquired for the service of the Colony:  
Falkland Islands.*

(L. S.)

By His Excellency

*Governor.*

Whereas on the                      day of                      , 19                      , the Governor in Council by resolution declared that the land hereinafter described, that is to say [*insert description of land*] should be acquired for a public purpose.

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

Dated this                      day of                      , 19                      .

By command,

*Colonial Secretary.*

## NOTICE.

## Form B. (Under Section 5.)

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

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

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

Date

*Colonial Secretary.*

## WARRANT TO THE SHERIFF.

## Form C. (Under Section 13.)

To the Sheriff of the Colony of the Falkland Islands.

Whereas by a warrant dated the                      day of  
19                      , under the hand of the Governor and the Public Seal of the Colony,  
it was directed that the following land [*describe land*] should be acquired for  
the service of the Colony.

And whereas twenty-one days have elapsed since the publication of the  
said Warrant in the *Gazette*.

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

Dated the                      day of                      , 19                      .

By command,

*Colonial Secretary.*

**HARBOURS.****Ordinance No. 2 of 1902.**

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

1. In this Ordinance—

*Interpretation.*

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

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

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

“ Boat ” shall include lighter, barge, hulk, or any open or partly decked vessel.

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

*Regulations.*

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

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

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

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

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

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

Harbour Master  
may be  
appointed.

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

Orders he may  
issue.

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

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

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

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

False declara-  
tion.

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

No person to  
board before  
Harbour  
Master.

6. Any person receiving anything from any vessel, arriving from ports beyond the seas, and any person other than the pilot boarding or leaving, or making fast to any vessel before she has received pratique and hoisted the commercial code letter "N" at the mast head shall be liable to a penalty not exceeding five pounds.

Interfering with  
Harbour  
Master.

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

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

Damaging  
moorings, etc.

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

Impeding legal  
process.

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

Coasting vessels  
to report.

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

Removal of  
wreck.

(a) Take possession of and raise, remove or destroy the whole or any part of the vessel or boat; and

(b) Light or buoy any such vessel or boat or part until the raising, removal or destruction thereof; and

(c) Deliver to the owner on demand and on payment of all expenses incurred, or in the absence of such demand and payment sell, in such manner as he shall think fit, any vessel or boat or part so raised or removed, and also any other property recovered in the exercise of his powers under this section, and out of the proceeds of the sale reimburse himself for the expenses incurred by him in relation thereto, and deposit in the Treasury the surplus (if any) of the proceeds in trust for the persons entitled thereto :

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

Cable, cargo,  
etc., lost to be  
buoyed.

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

Recovery of  
expenses as to.

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

When owner,  
agent, etc.,  
liable.

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

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

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

(a) If such vessel or boat be laden with more than fifty tons of explosives, or if, having more than one ton of explosives on board, she be laden also with coal, petroleum or any such inflammable cargo, he shall not enter the inner harbour of Stanley until such explosives have been deposited in the magazine or otherwise disposed of as the Governor may in writing sanction.

(b) If she be laden with an inflammable cargo and not having more than one ton of explosives, and if she be laden with a properly stowed general cargo and not having more than fifty tons of explosives, he may anchor in the inner harbour to the east of the Narrows.

(c) While taking in or discharging any explosives he shall fly flag "B" of the International Code.

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

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

any such vessel and seize and remove to the proper place any unlawful quantities of explosives found on such vessel, and if necessary use force to execute any such warrant.

Loaded cannon.

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

Sand, as to removal of.

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

Master liable as to rubbish, etc., thrown into harbour.

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

Other persons liable ditto.

22. Any person who throws into a harbour or on the beach thereof any dead animal, ballast, damaged goods, rubbish, night soil or other material shall be liable to a penalty not exceeding five pounds :

Provided that nothing herein contained shall prevent the deposit of rubbish at any spot where an official notice shall be posted sanctioning such deposit, and subject to the conditions laid down in such notice.

Regulations, penalty for breach of.

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

Short title.

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



## SUMMARY JURISDICTION.

Ordinance No. 5 of 1902.

*As amended by No. 2 of 1909.*

[30th September, 1902.]

Be it enacted by the Administrator of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

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

*Definitions.*

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

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

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

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

*Limits of Stanley.*

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

*Appointment of Stipendiary Magistrates and Justices.*

Jurisdiction  
when no  
Magistrate.

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

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

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

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

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

Powers of  
Magistrate  
sitting alone.

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

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

(2) To hear, try and determine all complaints cognisable on Summary Judication and to adjudicate upon any information in case of non-payment of any sum of money upon any recognisance taken before any Court of Justice and afterwards forfeited.

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

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

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

Appeal to Supreme Court.

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

(2) In respect of an indictable offence.

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

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

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

Assessors to Magistrate.

8. One Justice may issue any summons, and any warrant of arrest, distress or commitment, even in cases where the complaint must be heard by two or more Justices :

One Justice may issue summons, etc.

Provided that when two or more Justices are required to hear any case they must be present and acting together during the whole of the hearing and determination of the case.

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

Information must be laid within 12 months.

Appointment of  
constable.

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

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

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

Oath.

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

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

Constables to  
have powers of  
parish con-  
stables.

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

Penalty for  
neglect of duty.

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

Powers of con-  
stables.

13. Any constable may apprehend any loose, idle or disorderly person, whom he shall find disturbing the public peace, or any person whom he shall have

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

May search  
boats, etc.

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

Constables may  
search vessel on  
suspicion of  
felony.

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

Persons apprehended to be  
taken to the  
lock-up.

#### PROCEDURE BEFORE HEARING.

16. Whenever an information is laid before a Justice that any person has, or is suspected to have committed any act for which he is liable by law to be imprisoned or fined or otherwise punished, and also in cases where a Summary Court has authority by law to make any order for the payment of money or

Summonses and  
warrants.

otherwise such Justice may issue a summons or warrant as hereinafter provided, and every such summons or warrant shall be under the hand and seal of the Justice issuing the same.

Summons how served.

17. A summons shall state shortly the matter of the complaint, and shall name a day and hour for the defendant to appear at the Court, and such summons shall be served by delivery to the person to whom it is directed or by leaving it at his usual place of abode, or in such other special manner as the Justice may direct :

Provided that nothing herein shall oblige any Justice to issue any summons in any case where the application for an order is to be made *ex parte*.

Proof of service.

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

When warrant of arrest may issue.

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

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

(2) Where any person fails to appear at the time and place mentioned in any summons, and due proof of the service of such summons is given, and that such service has allowed a reasonable time for the defendant to appear, and that the case cannot or should not be heard in the absence of the defendant or his representative :

Provided that the Court may, instead of issuing a warrant, proceed *ex parte* to hear the complaint and adjudicate thereon as fully and effectually as if such party had personally appeared.

(3) Where any witness shall neglect or refuse to attend and no just excuse shall be offered for such neglect or refusal, and proof has been given that the witness was summoned and that a reasonable sum was tendered to him for his expense in that behalf :

Provided that instead of committing such witness to prison the Court may in a summary way impose a fine not exceeding ten pounds.

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

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

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

Aiders and  
abettors.

21. If any information shall be given upon oath to any Justice that there is reasonable cause to suspect that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, ship, or other place, it shall be lawful for such Justice by warrant under his hand directed to any constable to cause any such dwelling-house, ship, or other place to be entered and searched at any time of the day or by night (if power for that purpose be given by such warrant), and the said Justice, if it shall appear to him necessary, may empower such constable, with

Search war-  
rant.

such assistance as may be found necessary (such constable having previously made known such his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such thing shall be found, then to convey the same before a Justice, or otherwise dispose thereof in some place of safety, and to take into custody and carry before a Justice any person found in such house, ship, or place, who shall appear to have been privy to the deposit of any such thing knowing or having reasonable cause to suspect the same to be stolen or otherwise unlawfully obtained.

#### PROCEEDINGS ON HEARING.

Complaints to  
be heard in  
open Court.

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

Procedure on  
hearing.

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

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

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

(3) The Court shall then proceed to hear the complainant and such witnesses as he may examine and then the defendant and such witnesses as he may examine and then such wit-



nesses as the complainant may examine in reply if the defendant has examined any witness or given any evidence other than as to his the defendant's general character, but the complainant shall not be entitled to make any observations in reply upon the evidence given by the defendant, nor shall the defendant be entitled to make any observations in reply upon the evidence given by the complainant in reply as aforesaid.

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

Power of Court to sit with closed doors.

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

Deposition.

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

Charge.

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

Adjournment.

- (1) Suffer the defendant to go at large, or
- (2) Commit him to prison or a place of security, or

(3) Discharge him on his entering into a recognisance with or without sureties conditioned for his appearance at the time and place to which such hearing shall be so adjourned.

Judgment.

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

Costs.

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

First conviction.

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

Commitment to prison.

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

(1) Whenever the law under which the case is heard—

(a) Imposes the penalty of imprisonment.

(b) Imposes the penalty of a fine or, in default, imprisonment, and such fine and any costs ordered by the Court to be paid be not paid at once or at the time named in any order made in regard thereto.

(c) Empowers a warrant of distress to be issued for the satisfaction of a penalty or sum in the nature of a penalty and no sufficient goods and chattels to levy the sum directed can be found.

(d) Empowers the Court to make an order for the payment of a sum of money, in the nature of a penalty, or the doing of any act or the refraining from doing any act, and the order so made is not complied with :

Provided that the person so imprisoned shall be discharged as soon as the order made has been complied with.

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

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

(4) Where any person shall refuse to be examined as a witness upon oath or to answer such questions concerning the matter before the Court as shall then be put to him, without offering any just excuse, he may be imprisoned for any time not exceeding seven days, unless he shall in the meantime consent to be examined.

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

Warrants of distress.

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

When executed.

Exemptions.

34. In all cases where any person shall tender to the constable having execution of a warrant of distress the sum therein mentioned, together with

To lapse on payment.

the expenses of such distress up to the time of such tender, such constable, on receipt of the money, shall cease to execute the same.

Mode of enforcing fines.

35. In any case where the imposition of a fine is authorised, the Court may, instead of so doing, order that the person shall be imprisoned, with or without hard labour, for any term not exceeding the period specified in the following scale :—

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

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

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

Rewards to informers.

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

Common informers.

38. In order to discourage corrupt practices by common informers, it shall be lawful for the Court, although any part of a penalty shall be directed by any law to be paid to the informer, to adjudge that

no part or some part only of the penalty shall be paid to the informer.

39. Any fine, penalty, forfeiture, sum of money, duty or costs imposed under the provisions of this or any Ordinance containing no provisions to the contrary, or any sum of money upon any recognisance taken before any Court of Justice and afterwards forfeited in case of non-payment thereof, shall be sued for and recovered upon information in a summary way before the Court, and it shall be lawful for the Court to hear and determine (either on the oath of one or more credible witnesses or on the confession of the person against whom the information shall be laid) any information relating to any offence, claim or other matter under any of the provisions of the said Ordinances, and to order such fine, penalty, forfeiture, imprisonment, compensation, expenses and sums, or to make such other order relating to each offence or other matter as such person shall be liable to under the said provisions, and all proceedings as to compelling the appearance of any such person or of any witness, and as to the hearing and determination of such information, and as to the making and executing such orders shall, so far as is consistent with the provisions of this Ordinance, and so far as the said provisions can be applied, be carried on in the manner directed by and be subject in all respects to the provisions of the Statutes which regulate summary prosecutions before Justices of the Peace in England.

Recovery of  
fines, etc.

40. If a verdict of murder or accessory before the fact shall be found by a jury upon any information or Coroner's inquisition against any person, the Coroner holding the inquest and the Court, the Sheriff and his deputy, or if there be no Sheriff the Chief Constable and his deputy duly appointed, the gaoler and all other officers, shall have and be deemed to have had the same powers respectively for the commitment, trial and execution of the person so charged and convicted as by law is possessed in England by the Coroner or the Justices of oyer and terminer and gaol delivery, the Sheriff and his deputy, the gaoler and other officers, with regard to

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

the commitment, trial and execution of the sentence upon any person in England convicted of either of the said offences upon any indictment or Coroner's inquisition.

#### PENALTIES (CRIMINAL).

Perjury.

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

Provided that the powers hereinbefore given shall be in full force and operation, notwithstanding any irregularity or want of form in the administration of the oath, declaration or affirmation.

False declarations.

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

Damage to property.

43. Any person who shall unlawfully and wilfully commit any damage to or upon any real or personal property whatever, either of a public or

private nature, for which offence no punishment is already otherwise provided (the injury done being under the value of fifty pounds), shall pay to the party aggrieved such reasonable amount of compensation for the injury done as the Magistrate shall see fit; and shall also be liable to a fine not exceeding the sum of forty shillings.

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

(a) Robbing any goods, chattels, money, or valuable security from the person of another, or stealing or obtaining goods, chattels, money, or valuable security under any false pretence, or receiving the same, knowing the same to have been robbed, stolen or unlawfully obtained :

Robbery.

Provided that it be proved by the evidence that the value of such goods, chattels, money, or valuable security charged to have been robbed, stolen or falsely or fraudulently obtained or received does not exceed the sum of five pounds.

(b) Unlawfully and maliciously wounding or inflicting any bodily harm upon any person :

Wounding.

Provided that it be proved by the evidence of a medical officer, if one was called in, and if not by other evidence, that such wound was not serious or likely to disable.

And any person convicted of any of the foregoing offences may be imprisoned with hard labour for a period not exceeding six months :

Provided that the Court may if it think fit abstain from adjudicating upon any charge under this section, and deal with the case in all respects as if it had no authority finally to hear and determine the same.

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

(a) If he shall have had possession of anything, and shall have had reasonable cause to

Unlawful possession.

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

Receiving  
stolen goods.

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

horses  
or con-

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

or  
by

(c) If he shall obtain any sum of money or other reward from any person by threatening, directly or indirectly, to lodge any information or make any complaint before any Justice, or as an inducement for forbearing to lay such information or to make such complaint.

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

Causing bodily  
hurt.

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

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



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

Supplying  
liquor to His  
Majesty's ships  
without con-  
sent.

(2) For the purposes of this section—

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

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

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

48. If any goods shall be stolen or unlawfully obtained, or being lawfully obtained shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint shall be made to a Justice that such goods are in the possession of any person who shall have advanced money upon the credit of such goods, it shall be lawful for the Justice to issue a summons or warrant for the appearance of such person and for the production of such goods, and to order such goods to be delivered to the owner thereof, either without payment or upon payment of such sum, and at such time as the Justice shall think fit, and any person so

Restoration of  
stolen goods  
may be ordered.

ordered who shall refuse or neglect to deliver up the goods, or who shall dispose of or make away with the same, after notice that such goods were stolen or unlawfully obtained, shall forfeit to the owner of the goods twice the value thereof, to be determined by the Justice.

Offences in  
towns. Fine 40s.

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

Furious riding.

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

Profane  
language.

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

Threats.

(c) Who shall use any threatening, abusive or insulting words or behaviour with intention to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

Throwing  
stones.

(d) Who shall throw or discharge any stone or other missile to the damage or danger of any person or property, or make any bonfire or throw or set fire to any firework without the permission of the Colonial Secretary.

Discharging  
fire-arms.

(e) Who shall discharge any fire-arms loaded with shot, slugs or ball without lawful cause, or any gun loaded with ball from the harbour or from the land on the opposite side of the harbour towards the town, or shall discharge any gun to the common danger of the inhabitants or passengers.

Persons under  
14 debarred  
from possessing  
fire-arms.

Or who, being of the age of fourteen years or under, shall have in his possession any fire-arms or ammunition whatever :

Provided that in such case it shall be lawful for the convicting Justice to direct that the offender be privately whipped in addition to or in lieu of fine; and the said Justice may order some fit and proper person to inflict such punishment of whipping when ordered to be inflicted out of prison.

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

Putting out  
lamps and ring-  
ing bells.

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

Rubbish on  
public places.

(h) Who shall place any filth or rubbish or shall leave the carcass of any animal belonging to him unburied so as to become a nuisance.

Filth or carcass  
of animal.

(i) Who, being the owner or occupier of a house, tenement or land, shall not keep sufficiently swept and cleansed all public footpaths, drains and watercourses adjoining his premises.

Footpaths,  
drains, etc.

(j) Who shall suffer to be at large any dangerous dog not effectually muzzled, or set on or urge any dog to attack, worry or put in fear any person or animal; and it shall be lawful for any Justice to issue a warrant to any constable directing him to seize or kill any such dangerous dog which shall have been so at large contrary to the provisions of this Ordinance; and any constable may accordingly seize or kill any such dog.

Dangerous  
dogs.

(k) Who, being the owner or keeper of any bitch, shall suffer her when on heat to be off the chain or not shut up in some secure place.

Bitches on  
heat.

(l) Who wilfully sets or causes to be set on fire any chimney :

Setting chim-  
ney on fire.

Provided that nothing herein contained shall exempt such person from liability to be indicted for felony.

Chimneys  
accidentally on  
fire.

(m) Who occupies or uses premises in which any chimney accidentally catch or be on fire :

Provided that such penalty shall not be incurred if such person shall prove to the satisfaction of the Court that such fire was in no wise owing to omission, neglect or carelessness of himself or servant.

Offences in  
towns.  
Fine £5.

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

Slaughtering  
cattle.

(a) Who shall slaughter any cattle save in a slaughter-house licensed by the Government.

Turf-houses.

(b) Who shall erect or cause to be erected any building for human habitation constructed wholly or in part of turf.

Privies.

(c) Who shall build any dwelling-house and permit the same to be occupied without a sufficient earth or water closet or privy.

Keeper of  
coffee houses,  
etc., permitting  
drunkenness.

(d) Who shall keep any house, shop, room or place of public resort wherein provisions, liquor, coffee or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere), who shall wilfully or knowingly permit drunkenness or other disorderly conduct therein, or permit any unlawful games or permit any gaming whatsoever therein; and it shall be lawful for any Justice or constable to enter and search any part of such premises at any hour, and any person who shall obstruct or use any abusive language or conduct to any such Justice or constable may be arrested.

Drunkenness.

51. If any person shall be drunk in Stanley he shall pay upon conviction, for the first offence, five shillings; upon the second conviction, a sum not

exceeding twenty shillings; and upon any subsequent conviction, a sum not exceeding two pounds.

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

Injuries to  
roads and  
jetties.

(a) Who, without the authority of the Governor, shall deepen, widen or fill up any public ditch or drain more than may be necessary for the cleaning thereof, or who shall build any wall or make any ditch, drain or watercourse, or dig any pit or hollow on or otherwise break up the surface of any public road, shall pay a fine not exceeding forty shillings.

Deepening  
ditches, break-  
ing up roads,  
etc.

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

Obstructing  
roads or jetties.

(c) Who shall throw any dirt, ashes, litter, broken glass, delf, bottles or other sharp substances, carrion, fish, birds, offal, filth or rubbish, or permit any offensive matter to run from his premises on any public road or jetty or into any public drain, well, watercourse, or reservoir, shall pay a fine not exceeding five pounds.

Throwing  
rubbish.

(d) Who shall not carefully sweep or clean any public road or place in which any night soil or other offensive matter shall have been slopped or spilled by him, shall pay a fine not exceeding forty shillings.

Removing night  
soil.

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

Games or slides.

(f) Who shall have been required by any Justice or by direction of the Governor to remove any obstruction caused by him to or material placed by him contrary to the provisions of any Ordinance upon any public road, jetty or other place, or in any public well, watercourse or reservoir, in addition to any fine he may be liable to, shall also pay a further fine not exceeding forty shillings for every twelve hours the same

Fine for leaving  
material on  
road after  
notice to  
remove.

shall be allowed to remain there after being required to remove the same.

Removal of  
nuisances.

53. It shall be lawful for any person, duly authorised by the Governor or any constable duly authorised in writing by any Justice, to remove any of the objects specified in the preceding section, subsection (f), which may be left, contrary to the provisions of this or any Ordinance, on any public road, jetty or other place, or in any public well, water-course or reservoir, at the expense of the offender; and it shall be lawful for any Justice, upon complaint of such person or constable, as the case may be, and, upon proof of the expense incurred, to issue a warrant for the levying of such expenses by distress and sale of the goods and chattels of the offender.

Roads under  
repair.

54. It shall be lawful for the Governor to forbid any person from passing on, riding or driving any kind of beast or carriage on any new road or any road whilst under repair, for such space of time as to him shall appear necessary, not exceeding six months; and any person who shall wilfully disobey such order (the same being duly notified by a notice affixed to a board erected upon such road) shall pay a fine not exceeding forty shillings, unless otherwise expressly provided in any regulations made under Section 27 of the Stanley Fire Brigade Ordinance, 1898.

Gunpowder,  
penalty for  
keeping unlaw-  
ful quantity.

55. Any person being a dealer in gunpowder, who shall keep in Stanley at any one time more than twenty-five pounds of gunpowder, and not being a dealer more than five pounds in or upon his premises or elsewhere (except in any building approved of by the Governor for keeping unlimited quantities of gunpowder), shall pay a fine of one hundred pounds; and all beyond the quantity hereby allowed to be kept, and the barrels in which the same shall be, shall be forfeited; and any Justice (upon reasonable cause assigned upon oath) may issue his warrant for searching in the daytime any place in which gunpowder, so suspected to be kept contrary to this section, and all such gunpowder together with the barrels, shall be seized by the searcher, who shall with all convenient speed remove the same to such authorised place as

aforesaid, and may detain there such gunpowder and barrels till it shall be adjudged, on the hearing of the case, whether the same shall be forfeited :

Provided that this section shall not extend to any gunpowder belonging to His Majesty.

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

Smoking in boat loaded with gunpowder.

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

Taking boat without leave.

58. Any person who shall unlawfully and wilfully prevent or assault or threaten to prevent or assault or unlawfully obstruct any person employed by authority of the Governor in surveying or measuring for the Crown, or who shall wilfully destroy, pull up, deface or injure any instruments or implements used in any such survey, or who shall wilfully break, deface, pull down, or take away any marks or posts or stones out of any battlement, wall, mound, fence, or out of any bridge, pipe, arch, or gullet, or from any land belonging to the Crown, shall for any such offence pay a fine not exceeding ten pounds.

Obstructing surveyor.

59. Any unauthorised person who shall tear or deface any notice placed on the *Gazette* board may, upon conviction, be imprisoned and kept to hard labour for a term not exceeding ten days, or if a boy under fourteen years of age, he shall be liable to be once privately whipped instead of such imprisonment, and the convicting Justice may order some fit and proper person to inflict such punishment of whipping when ordered to be inflicted out of prison.

Defacing notice on *Gazette* board.

60. Any person who shall wilfully or negligently set on fire any grass or other herbage on land not in his own possession, and if on Crown land, without the consent of the Governor for the time being, if on

Setting fire to grass.

land in the possession of any other party without his authority, shall pay a fine not exceeding twenty pounds.

Cutting peat on  
Crown lands.

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

Penalty for  
assaulting con-  
stable.

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

Weights and  
measures.

63. Such of the provisions of the Statutes relating to weights and measures as are applicable to and in force in England shall be applied to and be in force in the Falkland Islands, so far as the same can be applied, from and after the appointment of an Inspector of Weights and Measures, and when there shall be provided one complete set of the imperial standard weights and measures, verified and stamped at the Exchequer, together with the proper beams, scales and stamps, the Justices resident in Stanley assembled at a meeting, or at any adjournment thereof, to be called from time to time by the Magistrate are hereby empowered from time to time to appoint an Inspector of Weights and Measures, and to dismiss any Inspector so appointed as occasion may require; and the Inspector so appointed shall possess and exercise all the powers and authorities within the Falkland Islands, and be subject to the like penalties for any neglect or offences in the discharge of his duty which any Inspector may possess or exercise, or be liable to by virtue of the said Statutes; and the weights, measures, scales and stamps so provided shall be kept by the Inspector for the time being, unless the Justices shall otherwise order, and shall be considered to all intents the same for all purposes as if they had been provided under the authority of the said Statutes and the fees



authorised to be levied in England by the said Statutes shall be leviable in the Falkland Islands and shall be paid into the Treasury.

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

False weights and measures, penalty for using.

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

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

66. Any person with whom such domestic servant, artificer, labourer, or other person shall have so contracted may maintain an action on the case against any person who shall employ, retain, har-

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

bour, or conceal any such domestic servant, artificer, labourer, or other person during the existence of such contract, knowing that he was under such contract.

Claims to  
tenements.

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

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

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

68. If the master of any vessel lying in Stanley Harbour shall apply to have any members of his crew lodged in gaol, he shall, on the conviction, first pay towards the prison maintenance of such persons the sum of one shilling and sixpence per diem for each man, to be deducted from their several wages according to the provisions of the Merchant Shipping Act, 1894, and shall take a receipt for the same from the Court :

Payment by  
master of vessel  
for prison main-  
tenance of crew.

Provided that if any master shall obtain the release of any of his crew thus imprisoned before the expiration of their confinement, he shall receive the balance of the sum paid for their support, which sum shall be endorsed on the receipt given at the previous conviction.

69. The provisions of the Merchant Shipping Act, 1894, prescribing the punishment for any offence committed by any seaman or apprentice belonging to a British vessel shall extend and apply to any seaman or apprentice on board any foreign vessel, prosecuted by the master for any such offence committed within this Colony :

Merchant Ship-  
ping Acts as to  
offences com-  
mitted by sea-  
men extended  
to foreign  
vessels.

Provided that it shall not be necessary to prove an entry in the log of an offence upon any such prosecution, and provided also that on the prosecution of any seaman or apprentice for desertion, after the departure of the vessel from which he shall have deserted, it shall be sufficient to prove that the fact of the desertion was endorsed on the agreement.

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

Rules.

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

Short title.

**PILOTS.****Ordinance No. 6 of 1902.***As amended by No. 7 of 1904.*

[11th December, 1902.]

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

**Definitions**

1. In this Ordinance :—

“ Pilot ” means a pilot holding a valid licence.

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

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

“ Stanley Harbour ” shall mean the land-locked water lying to the west and south-west of a line drawn from Cape Pembroke to William Point.

**PART I.****THE LICENSING OF PILOTS.****Government  
pilot, appoint-  
ment of.**

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

**Application or  
licence.**

3. Every application for a pilot's licence shall be made to the Colonial Secretary, and the applicant

shall state therein the names of two persons willing to be his sureties and shall transmit therewith the sum of two guineas, which fee shall be paid to the two persons appointed by the Governor to examine the applicant in terms of Section 4 of this Ordinance.

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

Qualifications  
required.

(1) That he is upwards of twenty-one years of age.

(2) That he has for two years at least served in the coasting trade of this Colony, or as a pilot or is otherwise specially qualified.

(3) That he has a sufficient knowledge of the channels, tides, soundings and secure anchorages and the bearings and distances of the several shoals, rocks, bars and points of land proper to be observed in connection with the locality for which the licence is sought.

(4) That he has sufficient knowledge of the rules of the road for ships and the lights required to be carried by them and of the regulations relating thereto.

(5) That he is of good character and temperate habits and of sufficient skill and ability to act as a pilot.

(6) That he can read and write with reasonable ease and accuracy, that he can readily distinguish colours and that he is otherwise mentally and physically competent to discharge the duties of a pilot.

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

Regulations as  
to pilots'  
licences.

(1) The name of every pilot licensed and the limits within which he is licensed to act shall be published in the *Gazette*.

(2) Every pilot shall, on his appointment, execute a bond for fifty pounds, conditioned for the due observance on his part of the provisions of this Ordinance and the rules made hereunder, and such bond shall be free from stamp duty and from every other charge except the actual expense of preparing the same.

(3) A licence granted to a pilot shall continue in force for one year from the date of issue, and may be renewed from year to year or for any less period, by endorsement under the hand of the Colonial Secretary.

Pilot's liability  
limited.

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

Power to revoke  
and suspend  
licences.

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

## PART II.

### THE DUTIES OF PILOTS.

Pilot flag.

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

Pilot's light.

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

Anchoring  
ships.

10. It shall be the duty of every pilot in charge of an inward bound ship to anchor such ship in such

anchorage as the master shall require in Port William, and to remain on board for such reasonable time as such master shall require.

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

Pilot to produce licence.

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

Production and return of licence.

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

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

### PART III.

#### THE RIGHTS OF PILOTS.

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

Pilot's dues.

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

Pilot's dues in case of detention.

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

15. A pilot who shall, at the request of the master, owner, consignee or agent of an outward

Pilot's dues in case of delay.

bound ship, attend for the purpose of piloting such ship to sea, shall, if such ship shall not proceed to sea within three hours after the time appointed for the sailing of such ship, be entitled to receive the sum of twelve shillings for every day or part of a day such pilot shall remain in attendance on such ship until she is under weigh.

Pilot's dues if taken out of his locality.

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

Second pilot.

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

## PART IV.

### PILOTAGE DUES.

Pilotage dues.

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

Master, etc., of ship liable.

19. The master, owner, and consignee of a ship and the agent reporting, entering or clearing such



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

## PART V.

### UNQUALIFIED PERSONS ACTING AS PILOTS.

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

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

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

Person other than pilot to resign charge to pilot.

Payment for services in cases of danger or distress.

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

Penalty on fraudulent use of licence.

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

Penalties as to employment of unqualified pilot.

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

## PART VI.

## OFFENCES BY PILOTS.

Inquiry into  
charges against  
pilots.

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

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

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

Penalty for  
leaving ship.

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

Defaults of  
pilots.

27. Any pilot who does any of the following acts shall be liable to a penalty not exceeding twenty pounds.

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

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

(c) Does not if practicable board a ship in distress signalling for a pilot.

(d) Fails to permit the master of any ship he is piloting to inspect and peruse his licence.

(e) Wilfully fails when able to do so to warn a ship running into danger.

(f) Hoists or displays any flag or signal for the purpose of obtaining any undue advantage over any other pilot.

(g) Causes a ship of which he is in charge to run aground, or to strike on any rock, or to cause injury to any other ship.

(h) Destroys, damages or injures any ship of which he is in charge, or the tackle or furniture thereof or the goods laden therein.

(i) Leads or pilots a ship into danger.

(j) Through negligence or carelessness causes a ship of which he is in charge to run into or against any buoy or beacon fixed for the purpose of facilitating pilotage.

(k) Anchors any ship so that her moorings foul the moorings of another ship.

(l) Wilfully or improperly obstructs the passage of any ship.

(m) Makes any false statement or wilful misrepresentation to obtain the charge of a ship.

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

Penalty on pilot  
endangering  
ship, life or  
limb.

(a) Does any act tending to the immediate loss, destruction or serious damage of the ship, or tending immediately to endanger the life or limb of any person on board the ship : or

(b) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb :

that pilot shall in respect of each offence be guilty of a misdemeanour, and shall also be liable to suspension or dismissal by the Governor.

Offences of  
pilots.

29. (1) If a pilot—

(a) Himself keeps, or is interested in keeping by any agent, servant or other person, any public-house or place of public entertainment, or sells or is interested in selling any wine, beer or other intoxicating liquors or tobacco.

(b) Commits any fraud or offence against the revenues of Customs or against the Excise or the laws relating thereto.

(c) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels.

(d) Lends his licence.

(e) Acts as pilot when in a state of intoxication.

(f) Employs or causes to be employed on board any ship of which he has charge any boat, anchor, cable or other store, matter or thing beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person.

(g) Unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship.

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

that pilot shall for each offence, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds.

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

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

## PART VII.

### MISCELLANEOUS.

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

*Inquiries into charges against pilots with assessors.*

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

*Power to make rules.*

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

*Ordinance may be extended to other ports.*

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

*Government not responsible for acts of pilot.*

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

*Employment of pilot not compulsory.*

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

Holders of valid  
licences to  
continue to be  
pilots.

35. Notwithstanding anything contained in this Ordinance, all persons who, at the time of the coming into operation hereof, hold valid licences as pilots shall lawfully continue to be pilots as if appointed under this Ordinance.

Short title.

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

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## MARRIAGE.

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### Ordinance No. 8 of 1902.

[31st December, 1902.]

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

#### 1. In this Ordinance—

Definitions

"Registrar-General" shall mean the person holding that office under the Registration Ordinance, No. 12 of 1853.

"Minor" shall mean a person who is under the age of twenty-one years and who is not a widower or a widow.

"Minister" shall mean a minister registered under this Ordinance as a minister for celebrating marriages.

Registrars how  
appointed.

2. The Registrar-General may appoint in writing under his hand such Registrars as he may deem necessary for the purposes of this Ordinance, and all appointments so made by the Registrar-General shall be subject to the approval of the Governor and shall be during pleasure only.

Valid  
marriages.

3. Every marriage which by the law of England would be valid, and every marriage celebrated in this Colony prior to the passing of this Ordinance by any minister of religion or by a Registrar shall be deemed

a perfectly legal and valid marriage to all intents and purposes :

Provided that nothing herein contained shall legalise any marriage—

(a) Declared or made invalid by any law of the Colony at the time of its celebration.

(b) Declared or made (or which shall hereafter be declared or made) invalid by any competent Court.

4. Every marriage hereafter celebrated by a Registrar in conformity with the provisions of this Ordinance shall be a legal and valid marriage to all intents and purposes, and no other marriages except as hereinafter provided, celebrated in this Colony, shall be valid for any purpose :

Valid marriages.

Provided that no marriage in fact shall be avoided by reason only of the same having been celebrated by a person not being empowered under this Ordinance to celebrate marriages if either of the parties to the marriage shall at the time *bona-fide* have believed that such person officiating was so empowered :

Provided also, that nothing herein shall legalise any marriage which, by reason of relationship or of fraud, or of incapacity to contract marriage, or by the law of England for the time being, would be void.

5. Any person who shall wilfully and knowingly celebrate any marriage contrary to the provisions of this Ordinance or where the provisions of this Ordinance have not been complied with shall be guilty of a misdemeanour and be liable to a fine not exceeding five hundred pounds, either alone or with imprisonment with hard labour not exceeding two years, but such marriage shall not necessarily be invalid or illegal.

Wrongful celebration.

6. Every minister of religion ordinarily officiating as such in this Colony at the time of the passing of this Ordinance shall be deemed to be a minister registered for celebrating marriages, and any minister of religion, or the head of any religious denomination, may apply hereafter to the Colonial

Registered ministers.

Secretary to be registered as a minister for celebrating marriages, and the Governor may grant a certificate of registration under the Seal of the Colony to any person so applying :

Provided that it shall be lawful for the Governor to refuse any application for registration, and also to remove from the register the name of any person, and the Governor shall forthwith report any such refusal or removal to the Secretary of State; and there shall annually be published in the *Gazette* a list of all persons then entitled to celebrate marriages.

Conditions as to  
marriages.

7. No person shall solemnise any marriage—

(a) Until a marriage licence has been issued or banns published as hereinafter provided.

(b) After the expiration of three months from the date of the marriage licence or publication of banns.

(c) Save in a place registered for the celebration of marriages or in the office of a Registrar, or in the house of a Justice, or in such place as any special licence shall specify.

(d) Save in the presence of two witnesses who shall sign the certificate of marriage.

(e) In any building with closed doors or before 8 o'clock in the morning or after 6 o'clock in the evening.

8. Anything in this Ordinance to the contrary notwithstanding, a marriage by Governor's special licence may be celebrated by a minister or a Registrar at any time and in any place therein stated, and such special licence may be issued at any time after the declaration prescribed by Section 12 has been made :

Provided that, if any caveat or protest against the issue of a marriage licence stating the ground of objection has been presented by any person to the Governor against the grant of any such licence, which caveat or protest shall be signed by himself or by the person on whose behalf he presents the same, no such licence shall issue until the Chief Justice



shall have inquired into and determined the case in a summary way.

9. Christ Church Cathedral, the Roman Catholic Church and the Baptist Tabernacle, all situate in Stanley, shall be deemed to be places registered for celebrating marriages, and it shall be lawful for the Governor to grant under the Seal of the Colony a certificate of registration in relation to any other place hereafter commonly used for religious purposes.

Places registered for the celebration of marriages.

10. Any minister may at any time within three months after the declaration hereinafter required has been made and signed and the banns have been published on three consecutive Sundays, or the Registrar-General has issued his licence as in Form 2 in the First Schedule hereto, or the Governor has issued a special licence, solemnise a marriage between the parties named in such declaration and in accordance with the provisions of this Ordinance :

How, when, and where a marriage may be solemnised by minister.

Provided that—

(a) A marriage by banns shall be solemnised in a place registered for celebrating marriages.

(b) A marriage by licence other than the Governor's special licence shall be solemnised in a place registered for celebrating marriages, or in the house of a Justice.

11. A Registrar may, at any time within three months from the date of the issue of the licence by the Registrar-General, solemnise a marriage in his office between the parties named in such licence.

Marriage by Registrar.

12. One of the parties to the intended marriage shall make and sign before a Registrar or a Justice a solemn declaration as in Form 1 in the First Schedule hereto.

Declaration of intended marriage.

13. The Registrar-General shall, upon receiving or taking any such declaration, post the same in his office for twenty-one days, and such declaration shall constitute a notice of an intended marriage, and shall be open, without fee, during office hours, for inspection by any person.

Notice of marriage to be publicly posted.

Marriage  
licence.

14. At any time, but not less than twenty-one days nor more than three months after the posting of the notice of marriage as aforesaid, a marriage licence may be issued by the Registrar-General as in Form 2 in the First Schedule hereto, and upon the issue of such licence he shall file the notice of marriage in his office.

Consent of  
parents, etc., in  
case of minors.

15. The father, if living, of any minor or, if the father be dead, the guardian of such minor, or, in case there shall be no guardian, the person who shall be authorised in that behalf by the Chief Justice, shall have authority to give consent to the marriage of a minor, and the Registrar-General shall not enter any notice of marriage, when either party is a minor, without such consent having been first obtained :

Provided that either of the parties intending marriage may petition the Supreme Court to inquire into the grounds upon which the consent was refused, and such petition shall be dealt with as provided in Section 17.

Forbidding  
marriages.

16. Any person may enter a caveat against the issue of a marriage licence by writing upon the notice of marriage the word "forbidden" and signing his name :

Provided that at the same time he serves upon the Registrar-General a notice in writing stating the grounds of objection to the intended marriage, which notice shall be signed by himself or by the person on whose behalf he presents the same; and no marriage licence shall in any such case be issued without the consent in writing of the Chief Justice.

Caveat and  
inquiry.

17. When a petition with reference to a refusal to give consent to a marriage has been made, or when a caveat against the issue of a marriage licence has been entered, the Chief Justice shall inquire into and determine the case in a summary manner, and the Registrar-General shall proceed in accordance with the decision of the Supreme Court, anything hereinbefore contained notwithstanding.

Frivolous  
caveat.

18. Any person who shall enter a caveat against the issue of a licence, on grounds which the Chief Justice shall declare to be frivolous, shall be liable

for the cost of the proceedings and for damages to be recovered in a special action on the case by either of the persons against whose marriage such caveat shall have been entered.

19. In every case of solemnisation of marriage each of the parties shall, in some part of or immediately before the ceremony, and in the presence of the officiating Minister or Registrar and of the witnesses, say to the other—

Form of words  
at marriage.

*"I take thee to be my wedded [wife or husband]."*

20. The person celebrating a marriage, the parties thereto and the two witnesses of such marriage shall sign in triplicate a certificate as in Form 3 in the First Schedule hereto, and one copy of such certificate shall be forthwith transmitted to the Registrar-General in Stanley, one copy shall be given to the husband and one shall be recorded in a book by the person celebrating the marriage.

Certificates.

The certificates shall be numbered consecutively, and all certificates referring to one marriage shall have the same number.

21. The Registrar-General shall forthwith cause every certificate of marriage to be entered into the marriage register book, and certify the accuracy of the entry and file and index the certificate of marriage.

Marriages to be  
registered.

22. No marriage shall be deemed to have been unduly celebrated by reason only of any mere defect or error in the declaration made respecting the same, where the identity of the parties to the marriage shall not be in question. Nor shall it be necessary, in support of any marriage, to give proof of the consent of any person whose consent thereto is required by law, nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

Defects.

23. A copy of the certificate of any marriage registered by a minister or a Registrar under his hand shall be deemed *prima facie* evidence in all

Proof of  
marriage.

proceedings of the fact of such marriage having been duly celebrated, until the contrary is shown.

False  
declaration.

24. Any person who shall knowingly and wilfully make any false declaration, or sign any false notice or certificate required by this Ordinance, for the purpose of procuring any marriage, and any person who shall forbid the issue of any certificate by representing himself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall be guilty of a misdemeanour; and the forfeiture of all estate or interest in any property accruing to any person procuring a marriage by means of any such false declaration, notice or certificate may be sued for by any person duly appointed for that purpose by the Governor, and the proceedings thereon and consequences thereof shall be the same as are provided in the like case by the law of England.

Registration  
Ordinance, 1853  
incorporated.

25. The provisions and penalties of the Registration Ordinance, 1853, so far as the same are applicable to the registration of marriages and to the issue of marriage licences and certificates and certified copies thereof, shall be deemed and taken to be a part of this Ordinance as fully and effectually as if incorporated herein.

Neglect.

26. Any person who shall offend against or fail to comply with any of the provisions of this Ordinance, for the breach of which no penalty is provided, shall be liable on summary conviction to a penalty not exceeding fifty pounds.

Fees.

27. The fees specified in the Second Schedule hereto shall be levied and collected for the services therein specified, and every minister of religion shall allow any register in his custody to be searched and shall grant a certified copy of any marriage certificate upon payment to him of the fees therein set forth.

Short title.

28. This Ordinance may be cited as "The Marriage Ordinance, 1902."

FIRST SCHEDULE.  
Form 1. (Section 12.)  
*NOTICE OF MARRIAGE.*

No.	Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition: Bachelor, Spinster, Widower or Widow.	Rank or Profession	Residence.	Father's Christian and Surnames in full. (If either party be under the age of 21, the father or guardian must write here "I Consent" and sign his name).	Father's Profession

I do solemnly and sincerely declare that I believe the foregoing particulars to be true in every respect and that there is no impediment or lawful objection by reason of any kindred, relationship, or alliance or any former marriage or want of consent of parents or guardians or any other lawful cause to the marriage of the parties above named.

Signed and declared to before me by \_\_\_\_\_  
Signature \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_  
Signature \_\_\_\_\_ Registrar or J.P.

I certify that the above declaration was duly received by me on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.  
Signature \_\_\_\_\_ Registrar-General.

N.B.—If marriage is to be in Camp or by Special Licence say where.

FORM 2. (Section 14.)  
*MARRIAGE LICENCE.*

I hereby certify that the persons named and described below have given notice of their intended marriage and made the declaration required by law and that I know of no lawful objection to the proposed marriage: These are therefore to license any registered minister of religion or any Registrar to marry the said persons according to the provisions of the Marriage Ordinance, 1902, on any day before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition: Bachelor, Spinster, Widower or Widow.	Rank or Profession.	Residence.	Father's Christian and Surnames in full.	Father's Profession.

Date \_\_\_\_\_

\_\_\_\_\_  
Registrar-General.

## FALKLAND ISLANDS.

No. \_\_\_\_\_ in Registrar-General's Office.

FORM 3. (Section 20.)  
MARRIAGE CERTIFICATE.

No.	When Married.	Christian and Surnames in full.	"Under" or "above" the age of 21.	Condition.	Rank or Profession and Country.	Father's Christian and Surnames in full.	Father's Rank or Profession.	Where Married.

This Marriage was solemnised between us

In the presence of us

\_\_\_\_\_  
Witness.\_\_\_\_\_  
Witness.

Married by me

Signature \_\_\_\_\_

Title \_\_\_\_\_

Three copies of this Certificate shall be signed by all the parties: One shall be given to the Bridegroom, one sent to the Registrar-General, and one entered in the book kept by the person solemnising the Marriage.

## SECOND SCHEDULE.

## TABLE OF FEES.

To whom payable.	For what Duty.	Amount.
		£ s. d.
The Governor	Special Licence (section 8) ... ..	3 0 0
The Minister	Marriage by Governor's Licence ... ..	2 0 0
The Clerk ...	The same... ..	0 10 0
The Minister	Marriage after banns or on Registrar-General's Licence ... ..	0 10 0
The Clerk ...	The same... ..	0 5 0
The Minister	Publication of banns of marriage ... ..	0 2 6
Do.	Who performs a marriage elsewhere than in Stanley for travelling expenses for every mile beyond Stanley ... ..	0 3 6
The Treasury	Entry of notice of marriage (section 12) ... ..	0 2 6
Do.	Registrar-General's Licence (section 14) ... ..	0 5 0
Do.	Entering caveat (section 16) ... ..	0 5 0
The Registrar	Marriage by Registrar ... ..	0 10 0
The Treasury	Copy of registry of marriage certified by Registrar-General ... ..	0 2 6
Do.	Searching the Marriage Register Books: each name within ten years ... ..	0 1 0
or Minister	Every year beyond in addition... ..	0 0 6
Do.	Copy certified by Minister of entry in registry kept by Minister ... ..	0 2 6
The Minister		

**PATENTS.**

**Ordinance No. 2 of 1903.**

[25th February, 1903.]

*An Ordinance relating to Patents for Inventions,  
Registration of Designs, and of Trade Marks.*

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

1. Letters patent for any invention may be granted in this Colony to any person holding in the United Kingdom a valid patent for such invention or to any person to whom all interest in such patent in respect of this Colony has been assigned.

To whom letters patent may be granted.

2. A certificate of registration of any new and original design or of any trade mark may be granted in this Colony to any person who, in the United Kingdom, is the registered proprietor of such design or trade mark or to any person to whom all interest in such design or trade mark in respect of this Colony has been assigned.

To whom certificates of registration may be granted.

3. Every application for the grant of letters patent or for the registration of a design or trade mark under this Ordinance shall be addressed to the Colonial Secretary, and there shall be transmitted with such application—

Procedure.

(1) Two copies of the letters patent or certificate of registration granted in the United Kingdom.

(2) Two copies of the complete specification in relation to any patent.

(3) Two copies of any drawing in relation to the patent, design or trade mark.

(4) Two exact representations or specimens of the design.

(5) An affidavit that the applicant is the lawful owner of the invention, design or trade mark for which protection is asked or the assignee of the lawful owner in respect of this Colony.

(6) A fee of five pounds.

All applications  
to be filed and  
recorded.

4. The Colonial Secretary shall file every such application and the enclosures thereto and cause to be entered in the books of record of the Registrar-General a note of the nature of the invention, design or trade mark and of the filing of the application and of the enclosures thereto.

Issue of letters  
patent and  
certificates of  
registration.

5. A certificate of the note as entered in the records shall thereupon be issued under the hand of the Governor and of the Colonial Secretary and under the seal of the Colony, and such certificate shall be the grant of letters patent or certificate of the registration of the design or trade mark, as the case may be, and shall confer upon the lawful holder within the limits of this Colony every right, title and advantage which the holder of the letters patent or of a certificate of the registration of a design or trade mark has in the United Kingdom in respect of such invention, design or trade mark :

Provided that such certificate shall be null and void whenever the patent or certificate to which it refers shall finally cease to have effect in the United Kingdom.

Supreme Court  
to afford all  
relief.

6. The Supreme Court shall have power, subject to the Patents, Designs, and Trade Marks Acts for the time being in force in the United Kingdom, to grant, either absolutely or on such terms and conditions as shall seem just, all such remedies as either party may appear to be entitled to in respect of either claim to or defence of any right, title or interest in relation to any letters patent or registration in force in this Colony under a certificate granted under this Ordinance.

Short title.

7. This Ordinance may be cited as "The Patents Ordinance, 1903."



# CUSTOMS.

## Ordinance No. 6 of 1903.

[26th October, 1903.]

### *An Ordinance relating to Customs.*

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

#### 1. In this Ordinance—

Interpretation.

“Collector” shall mean the Collector of Customs, and include any Deputy Collector.

“Officer” shall mean any person, temporarily or otherwise an officer of Customs, duly appointed in writing by the Governor or Collector, and shall include all police constables.

“Vessel” shall mean every description of ship or vessel used in navigation not ordinarily propelled by oars.

“Hulk” shall mean any vessel which has been condemned or dismantled.

“Warehouse” shall mean any place covered or otherwise, or any hulk, now or hereafter to be constituted as such by the Governor, where goods may be placed while in the custody of the Government.

“Port” and “Port of entry” shall mean the port of Stanley or Fox Bay, and include any place where a collector shall be stationed and any place hereafter declared a port by the Governor in Council by notice published in the *Gazette*.

“Place” shall (unless such meaning shall be repugnant to the context) mean any bay or other part of the Colony which shall not be a “Port of entry” as defined above.

Master to report  
within 24 hours.

2. The master of every vessel, whether laden or in ballast, shall, within twenty-four hours after arrival from parts beyond the seas at any port, make due report of such vessel to the Collector in the Form I set out in the First Schedule hereto; provided that if any suspicion arise as to the character of such vessel, such report and the lodging of the ship's papers may be required forthwith. Such reports shall be made before bulk be broken or any goods whatever, except personal luggage passed by an officer, shall be removed, landed or waterborne from any such vessel. If the master shall fail to make due report, or if the particulars or any of them contained in such report be false, he shall forfeit the sum of fifty pounds :

Provided that the Collector may forego the prosecution where no wilful error has in his opinion been made, and subject the master to a fine not exceeding five pounds.

Master to  
answer  
questions.

Bulk not to be  
broken within  
four leagues.

Penalty.

Forfeiture if  
fraud intended.

3. The master of every such vessel shall, at the time of making report, answer all such questions relating to the vessel, cargo, crew and voyage as shall be put to him by the Collector or officer, and if such master does not answer the questions demanded of him or does not answer truly, or if, after the arrival within four leagues of the port for which the vessel is bound, bulk shall be broken or any alteration made in the stowage of the cargo of such vessel, or if any part be staved, destroyed or thrown overboard, or any package opened, unless cause be shown to the satisfaction of the Collector, in every such case the master shall be liable to a penalty not exceeding one hundred pounds, and in case the said master shall fail to pay the amount of the penalties incurred under this section and all costs of recovering the same, the Collector or officer shall have full power and authority to detain such vessel until such amount and all expenses attendant thereon have been duly paid; and in case any goods be not reported, such goods shall be forfeited unless it appear that there was no fraudulent intention, in which case the master shall be allowed to amend his report, and the goods may in the meantime be removed to a warehouse.

4. If a master arriving from parts beyond the seas brings any vessel to anchor at or has any communication with any part of the Colony other than a port (hereinafter called a place) before making due report inwards or without authority as hereinafter provided for, he shall be liable to a penalty not exceeding one hundred pounds, and such vessel shall be liable to forfeiture :

Vessel may only anchor in a port,

Provided that if any vessel is driven into any place by stress of weather or being disabled, on proof thereof no such penalty or forfeiture shall be incurred :

Provided also that nothing herein contained shall prevent the Collector, upon being applied to by the agent of the owner or of the master of a vessel expected to arrive within the Colony, from issuing, if he thinks advisable, a permit for such vessel to enter any place, upon the said agent agreeing to pay the expenses of an officer or officers to be dispatched to await the arrival of the vessel at such place.

unless by permit.

5. The master of every vessel arriving from any port out of the Colony at any port of the Colony other than Stanley, for the purpose of landing or receiving cargo, shall, upon being admitted to entry inwards, pay to the officer at such port a duty of one shilling per ton on the registered tonnage of such vessel :

Tonnage dues.

Provided that no vessel shall be liable to a payment of a larger amount than ten pounds in respect of the aforesaid duty on each entry, and no vessel shall be suffered to clear out until the said duty has been paid, and the same and other duties collected by such officer shall be transmitted with all convenient speed by such officer to the Treasurer at Stanley. All vessels liable to the payment of tonnage duties shall be liable to the same only for the first two voyages after the 1st day of January in any one year, and, after payment of tonnage duties on such two voyages, shall be exempt from any further duties during the remainder of such year.

Limit of tonnage dues.

Only on two voyages in one year.

Officer to  
remain on  
board.

6. On the arrival of any vessel from any port out of the Colony at any port in the Colony, it shall be lawful for the Collector to send one or more officers on board of such vessel, to remain on board at the discretion of the Collector till all goods are landed from such vessel and the duties (if any) shall have been paid or otherwise accounted for to the satisfaction of the Collector, and there shall be paid for the services of every officer so proceeding or remaining on board as aforesaid, by the master or consignee of such vessel to the Treasurer for the purposes of general revenue, the sum of ten shillings for every day or part of a day during which such officer shall be so employed; and further it shall be lawful for the Collector and other officers to go on board any vessel at any time and rummage and search all parts of such vessel in order to ascertain the quantity of articles liable to duty which the vessel may contain.

Pay 10s. a day.

May search  
vessel.

Officer must be  
fed and housed.

7. The master of any vessel on board of which any officer may be placed by the Collector under the powers given by the preceding section shall provide food for and sufficient room and accommodation under the deck for the bed or hammock of every such officer, for which a sum of three shillings per diem for each officer shall be allowed to the master.

His return  
passage.

8. The master of every vessel on board of which an officer may have been placed shall, at the discretion of the Collector, either give an undertaking for payment or make a deposit of such sum as, in the opinion of the Collector, shall be sufficient, on the termination of the duties of such officer to pay his return passage and other expenses (if any).

Master's report  
on return to  
a port.

9. In case of any vessel returning to any port from any other port or place without having left the Colony the master shall, within twenty-four hours after her arrival and before any goods be unladen, deliver a report to the Collector or officer in the Form 2 set out in the First Schedule hereto, and the said Collector or officer shall note thereon the date of delivery; and if any of the goods on board such vessel be subject to any Customs' duty, the same shall not be unladen without the authority and permission

of the Collector or officer; and if any goods shall be unladen contrary hereto, the master shall be liable to a penalty not exceeding fifty pounds.

# REGULATIONS AS TO UNLADING.

10. Cargo shall not be unshipped from any vessel arriving from any port out of the Colony without the special permission in writing of the Collector, and such cargo shall be landed at the landing place for which a sufferance has been granted in the presence of the proper officer and any goods unshipped or landed without permission shall be liable to forfeiture.

Permit to unload cargo must be obtained.

11. No goods (except passengers' luggage, which may be delivered as hereinafter provided for by Section 52) shall be waterborne or landed from any vessel arriving from any port out of the Colony except in the daytime and within the usual working hours, according to the season of the year, unless special permission be given in writing by the Collector, and any goods so waterborne or landed contrary to this section shall be liable to forfeiture.

Passengers' luggage.

12. The unshipping, carrying, and landing of all goods and bringing them to the proper place for examination shall be performed by the importer, and the expenses attending the weighing, putting them into the scales, opening, unpacking, repacking, bulking, sorting, lotting, marking and numbering (where such operations respectively are considered necessary by the Collector or officer), removing to and placing them in the proper place of deposit until duly delivered shall be defrayed by the importer.

Handling goods to be at importer's expense.

13. The importer of any dutiable goods intended for home use shall, before the unshipment thereof, make in duplicate perfect entry of such goods by delivering to the Collector a bill of entry thereof in duplicate in the Form 3 set out in the First Schedule hereto, and shall produce to the Collector, if required by him, the invoice, bills of lading and other documents relating to the goods.

Entry of dutiable goods.

Invoices.

Dues to be paid  
on entry.

14. The importer or his agent shall, immediately upon the entry of any dutiable goods for home use, pay all duties, and such entry, when signed by the Collector, shall be transmitted to the proper officer and be his warrant for the landing and delivery of such goods.

Bill of sight  
when contents  
unknown.

15. If the importer of any goods, or his agent, shall make and subscribe a declaration in writing that he cannot for the want of full information, or contents being unknown, make perfect entry thereof, he shall make in duplicate an entry by bill of sight of such goods by the best description which can be given in the Form 4 set out in the First Schedule hereto, and such entry when signed by the Collector shall be the warrant for landing such goods, and such goods shall be opened and examined in the presence of an officer and within seven days after the goods have been landed the importer or his agent shall make a perfect entry thereof and pay all duties, and in default of such entry or payment such goods shall be conveyed to a warehouse, and if the duties upon the same be not paid within three months after such seven days shall have expired, together with all charges for removal, warehouse rent, or charges for guarding the same, if such shall not be bonded, the Collector or officer shall cause such goods to be publicly sold to the best bidder, after giving not less than seven days' public notice in the *Gazette* or otherwise, of the time and place appointed for the sale; and the money arising from the sale thereof shall be applied in the first place in payment of duties, warehouse rent, or other charges, and the expenses occasioned by the sale, and the surplus (if any) shall be paid to the owner of the goods or other person authorised to receive the same.

Perfect entry  
within seven  
days.

Penalty.

When contents  
unknown  
package to be  
examined.

16. If the contents of any package in any vessel shall be reported by the master as being unknown to him any officer duly authorised by the Collector shall open and examine such package on board such vessel, or cause the same to be brought to the warehouse for examination at the expense of the owner of such package.

17. When the importer of any goods fails to make entry or to land or take delivery thereof, the consignee or master of the vessel may make entry of and land or unship and warehouse the said goods in the manner directed by the Collector.

Master to enter goods if importer fails.

18. If the importer of any goods or the consignee or master of the vessel shall not within fourteen days after the arrival of the importing vessel make perfect entry or entry by bill of sight, or if having made such entry he shall not land such goods within fourteen days it may be lawful for the Collector to order such goods to be warehoused.

Goods not landed within 14 days to be warehoused.

19. The importer of any goods not liable to duties of Customs, or his agent, shall deliver to the Collector or officer an entry in duplicate of such goods in the Form 5 set out in the First Schedule hereto, and shall produce to the Collector or officer, required, the invoice, bills of lading and other documents relating to the goods. Should such entry be incorrect in any particular, the importer or his agent shall within fourteen days after the landing of the goods deliver to the Collector a full and accurate account thereof. The bill of entry, when signed by the Collector, shall be transmitted to the proper officer and be his warrant for the delivery of goods mentioned therein.

Entry of non-dutiable goods.

Invoices.

#### WAREHOUSING.

20. The importer of any goods to be warehoused or his agent shall deliver to the Collector a bill of entry in duplicate of such goods, and such entry in the Form 3 set out in the First Schedule hereto, when signed by the Collector, shall be the warrant for the due warehousing of such goods in a warehouse appointed for that purpose without payment of duty on the first entry thereof subject to the restrictions herein contained, and to such regulations as may be made under Section 63 of this Ordinance, and the importer or proprietor shall pay in respect of every package so warehoused rent according to such scale as the Governor in Council shall from time to time fix.

Entry of goods to be warehoused.

Bond for duty.

21. Upon the entry of any goods to be warehoused the importer shall give a general bond with two sureties approved by the Collector in a sum to be approved by the Governor, with the condition for the safe depositing of such goods in the warehouse mentioned in such entry and for the payment of all duties due on such goods, according to the first account taken of such goods upon the landing of the same and with the further conditions that no part thereof shall be taken out of such warehouse until cleared upon due entry and payment of duty, or upon due entry for exportation and that the whole of such goods shall be cleared and the duties paid within two years from the date of the first entry thereof, and such general bond shall cover all imports and exports for twelve months and shall not be discharged until the goods shall have been accounted for to the satisfaction of the Collector nor until the full duties due upon any deficiency of such goods not so accounted for shall have been paid :

How discharged.

Double duties for breach of bond.

Provided that no greater sum shall be recovered than the double amount of the duties payable on the goods in respect of which a breach of the said bond shall be made.

Export of warehoused goods.

22. Before any warehoused goods shall be exported, the exporter shall give security by bond in double the amount of duty payable on such goods with two sureties that such goods shall be duly shipped and exported to some port out of the Colony and shall be landed at the port for which they are entered outwards within such time as the collector may deem reasonable or be otherwise accounted for to his satisfaction :

Provided that the collector may accept a general bond with such security in such amount and under such conditions as he may require in lieu of a separate bond for each exportation.

Goods to be warehoused not deposited, or cleared and not shipped, forfeited.

23. If any goods entered to be warehoused shall not be duly deposited in the warehouse, or having been deposited for home consumption shall afterwards be taken out of the warehouse without due entry and payment of duty, or having been entered



and cleared for exportation shall not be duly shipped or shall afterwards be relanded, except with the permission of the Collector, such goods shall be forfeited and the party offending shall be liable to a penalty not exceeding one hundred pounds or treble the value of the goods at the option of the Collector.

24. Upon the landing of goods to be warehoused the officer shall take a particular account of the same and shall mark each package or lot with distinguishing marks or numbers, and shall enter the same in a book to be kept for that purpose, and whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be made out of the quantity upon which the duties have been paid and of the quantity exported and of the quantity (to be then ascertained) of the packages of goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages (if any) which may have been abandoned for duties; and if upon such account there shall in either case appear to be a deficiency of the original quantity the duty payable upon the amount of such deficiency shall then be paid.

Warehouse  
ledger.

Duty on  
deficiencies.

25. No goods shall be warehoused unless the duties thereon amount to twenty shillings, nor shall any goods be taken out of bond unless the duties thereon amount to ten shillings, nor for exportation unless the duties thereon would, if entered for home consumption, have amounted to ten shillings:

Small  
quantities.

Provided that the foregoing restrictions shall not apply to remainders of warehoused goods; and it shall be lawful for the Collector under such regulations as he shall think fit to permit moderate samples to be taken of any goods so warehoused without entry and without payment of duty except as the same shall eventually become payable as on a deficiency of the original quantity.

Samples.

26. It shall be lawful for the Collector under such regulations as he shall think fit to permit the proprietor or other person having control over goods

Sorting and  
separating.

warehoused to sort, separate, pack and repack any such goods, and to make such lawful alterations thereto or arrangements, or assortments thereof, as may be necessary for the preservation of such goods or in order to further the sale, shipment, or legal disposal of the same, and also to permit any parts of such goods so separated to be destroyed, but without prejudice to claim for duty upon the original quantity of such goods. It shall be lawful, however, for any person having first paid warehouse rent and other charges to abandon any whole packages to the Collector for the duties without being liable for any duty upon the same.

May be  
abandoned  
for duty.

Warehousing,  
limit of time  
two years.

27. If any bonded goods shall not have been cleared within two years from the date of their entry, the Collector may cause the same to be sold, and the proceeds applied first to the payment of the duties (if any), next of warehouse rent and other charges, and the surplus (if any) shall be paid to the proprietor or other person authorised to receive the same :

Provided that it may be lawful for the Collector to grant further time for any such goods to remain warehoused if he shall see fit to do so.

Warehousing  
ports and  
places.

28. It shall be lawful for the Governor in Council from time to time to appoint the ports which shall be warehousing ports, and the Governor shall provide from time to time all necessary warehouses for bonding goods.

Hulk  
warehouses.

29. In all cases where it may be expedient to constitute a hulk a warehouse such hulk shall be fitted with a secure store room, and the key of such store room shall be in the custody of an officer, who shall keep a correct account of all dutiable goods removed from the importing vessel and placed therein, but no goods shall be kept on board any such hulk for a longer period than seven days, unless by special permission in writing of the Collector, and any such goods received on board any hulk without being placed in such secure store room as aforesaid, shall be liable to forfeiture, and the owner of such hulk shall be liable to a penalty not exceeding fifty

pounds for each offence. The removal of any such goods to and from such hulk shall be carried out in the presence of one or more officers, and there shall be paid by the owner of such hulk the sum of ten shillings per day for the services of each officer so employed, and the Collector may send one or more officers on board such hulk there to remain during the time any dutiable goods shall be on board, and the owner of such hulk shall pay for the service of each officer at the above mentioned rate.

### EXPORTING.

30. The Collector may allow all goods brought into any port and reported for exportation to be transhipped under the care and superintendence of one or more officers on due entry inward and outward being previously passed for such goods, and in the case of dutiable goods upon bond being entered into for due exportation of the same in like manner as if they had been landed.

Export of  
imports.

31. The exporter of any goods shall before clearance outwards of the exporting vessel, or at such other period as the Collector may allow, either by himself or his agent, deliver to the Collector an export entry in the Form 6 set out in the First Schedule hereto, and shall if required produce the bills of lading or other documents relating to the goods; and on failure to comply with any of the foregoing requirements shall be liable to a penalty not exceeding five pounds for each day's default.

Export entry.

### WRECKAGE, SALVAGE, ETC.

32. Goods liable to duty landed from vessels in distress and partially or considerably damaged may be removed to a warehouse for the purpose of being rendered merchantable, either for home consumption or exportation, under such directions as may be issued by the Collector.

Wrecked  
dutiable goods.

33. The master of every vessel which shall arrive at any port or place with goods on board

All wrecked  
goods to be  
reported and  
entered by  
master.

stranded, wrecked, derelict or unladed from any other vessel, whether such goods were got within or without the limits of the Colony, shall report and enter the quantity and particulars of the said goods in like manner and as nearly as can be ascertained as goods regularly imported, and no such goods shall on any pretence whatsoever be landed at any place within the Colony from any such vessel until such report and entry shall have been made and a permit for that purpose granted by the Collector. For any contravention of this section the master of the vessel shall be liable to a penalty not exceeding one hundred pounds, and such vessel may be liable to forfeiture.

#### REGULATIONS OUTWARDS.

Clearance of  
vessel for port  
out of the  
Colony.

34. Before any vessel, whether laden or in ballast, lying at any port or place and about to sail thence for any port out of the Colony, shall be cleared outwards, the master shall attend before the Collector or officer and shall answer all such questions as shall be required of him concerning the vessel, the cargo and the destination, and shall deliver to the said Collector or officer a content of such vessel in the Form 7 set out in the First Schedule hereto, and for any contravention of this section the master shall be liable to a penalty not exceeding one hundred pounds.

Clearance  
for port in  
Colony.

35. In the case of vessels sailing from any port in the Colony for any other port or place and not bound for any port out of the Colony, an account, with a duplicate thereof in the Form 8 set out in the First Schedule hereto, shall be delivered by the master to the Collector or officer, who shall retain the duplicate and return the original, dated and signed by him; and such account shall be the clearance of the vessel for the voyage and the transire or pass for the goods expressed therein; and if the master fail to deliver a correct account, he shall be liable to a penalty not exceeding twenty pounds.

#### POWER OF OFFICERS.

Samples of  
goods may be  
taken by  
officer and  
returned.

36. Any officer may on the entry of any goods or at any time afterwards open and, if he desires,

take samples of such goods for examination, or for ascertaining the duties payable on such goods, or for such other purposes as the Collector or officer may deem necessary, and such samples shall be returned after due examination unless the Collector shall direct such samples to be otherwise disposed of.

37. It shall be lawful for the Collector or officer, within a reasonable time from their removal from off the vessel, to search, weigh, gauge or measure all and any spirits, wines, tobacco, beer and other articles subject to duty, in order to arrive at the exact amount of duty payable on such articles, even if a warrant for landing them has been duly given.

Spirits, etc., may be measured, gauged, weighed.

38. When any vessel has been entered, on board of which there shall be any goods on which any duty has been paid or which are liable to duty, and the said goods shall have been injured during the voyage or shall thereafter be lost or destroyed before the same shall be landed from such vessel or from any vessel or boat employed to land the same, then, on proof being made to the satisfaction of the Collector that such goods or any part thereof have been so lost or destroyed before landing of the same, the duties on the whole or the part thereof so proved to be lost or destroyed shall be remitted, or if the same shall have been paid be returned to the owner by the Treasurer on certificate to that effect from the Collector or officer, and on security being given to the satisfaction of the Collector that if such goods be subsequently found the remission or rebate of duty will be repaid by the owner.

Remission of duties on goods lost or destroyed.

39. It shall be lawful for the Collector or officer to search any person on landing, and to examine and open all and any goods, wares or packages which he may suspect to contain tobacco, spirits or other articles liable to duty, of which no proper entry has been made, upon the same being landed, and it shall be lawful for such officer to seize any articles liable to duty which he may find upon any person or amongst such goods or packages.

Person landing may be searched and any package opened.

Vessel may  
be rummaged.

40. Any officer, acting under authority from the Collector, may go on board any vessel, hulk or boat which shall be within the limits of the Colony and rummage and search all parts thereof for prohibited or uncustomed goods, and remain on board so long as the Collector may deem necessary, and every such officer shall have free access to every part of the said vessel, hulk or boat, with power to fasten down the hatchways and to lock up, seal, mark or otherwise secure any goods on board such vessel, hulk or boat.

Search  
warrant.

41. Any Justice may, upon information upon oath of an officer, issue a search warrant under his hand and seal for the discovery and seizure of any goods illegally imported into the Colony, and it shall be lawful, upon the authority of such warrant, for any officer to enter any building or other place at any time and search for and seize and secure any spirits, wine, beer, tobacco, cigars, cigarettes or other articles liable to forfeiture under this Ordinance.

When vessels  
may be  
detained and  
vessels and  
goods seized.

42. The Collector and officers are hereby invested with full power and authority to detain all persons committing any breach of this Ordinance and to make seizures of all vessels or goods liable to forfeiture hereunder, and otherwise to carry out the law of the Colony.

Special permits  
to meet  
special cases.

43. The Collector may permit the entry and landing of goods and the loading and clearance of ships at such place in such manner and under such conditions as he may direct to meet the exigencies of any case to which this Ordinance or the regulations made thereunder may not be applicable.

All "officers"  
are excise  
officers.

44. All officers are hereby constituted Excise officers, and also shall have and exercise all the powers of officers appointed under any Quarantine Ordinance.

#### PROCEDURE AND JURISDICTION.

Summary  
jurisdiction.  
£50.

45. All articles of whatsoever nature liable to forfeiture under this Ordinance shall, when the value thereof exceeds fifty pounds, be proceeded against

and condemned in the Supreme Court of the Colony, and when the value aforesaid shall not exceed the sum of fifty pounds, such condemnation shall take place before a Magistrate.

46. The value of articles seized as aforesaid shall, for the purpose of the preceding section, be ascertained by two appraisers to be appointed for that purpose by the Collector.

Value of seizures to be appraised.

47. No claim to anything seized under this Ordinance shall be admitted unless such claim be made on behalf of and entered in the name of the owner of the same.

Claims to be in name of owner.

48. It shall be lawful for the Governor in Council, if he shall deem it advisable so to do, to direct that all articles of whatsoever nature seized under this Ordinance be delivered to the owner thereof, whether condemnation shall have taken place or not, and also to mitigate or remit any penalty or fine incurred under this law, or to release from confinement any person committed under this Ordinance, on such terms and conditions as to the Governor in Council shall appear to be proper :

Governor may restore seizures and reduce penalties.

Provided that no person shall be entitled to the benefit of any order for such delivery, mitigation, remission or release unless such terms and conditions are fully and effectually complied with, and if the owner of the same shall accept the terms and conditions prescribed by the Governor in Council, he shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the person making such seizure shall not proceed in any manner for condemnation.

49. If in any prosecution, instituted in respect of any goods seized any question arises as to whether the import duties have been paid or whether such goods have been lawfully imported or lawfully laden, unladen, or exported, then and in every such case the proof thereof shall be on the defendant.

Defendant must prove he has not committed an offence.

50. (i) No proceeding shall be taken against any officer or person acting under the authority of this Ordinance for anything done in the execution or

Action against officer must be commenced within six months.

by reason of his office, unless such proceeding be commenced within six months after the cause of action has arisen : and no such proceeding shall be commenced until one month has elapsed after notice in writing has been delivered to such officer or person, or left at his usual place of abode by the agent of the plaintiff.

Cause of  
action to  
be stated.

(ii) In such notice there shall be clearly stated the cause of action and the name and place of abode of the plaintiff, and no evidence of the cause of such action shall be produced except of such as is contained in the notice.

Officer may  
tender amends.

51. It shall be lawful for any officer or other person to whom such notice is given at any time before the commencement of the action to tender amends to the plaintiff, and in case such tender is not accepted to plead the same :

Provided that such defendant may by leave of the Court where such action is brought at any time before issue joined pay money into Court by way of amends :

Provided also that in any such action if the Court before which such action is tried shall certify upon the record that the defendant acted upon reasonable and probable cause the plaintiff shall not be entitled to more than one shilling damages nor to any costs of suit.

#### PENALTIES.

Goods concealed  
or delivered  
without entry,  
forfeited.

52. If any goods liable to duty shall be found concealed in any way or packed in any package or parcel to deceive any officer, such package and all the contents thereof shall be forfeited; and if any goods be taken or delivered out of any vessel not having been duly entered the same shall be forfeited :

Passengers'  
luggage.

Provided that no entry shall be required in respect of the luggage of passengers, which may be landed, examined, and delivered under such regulations as the Collector may direct; but if any goods liable to duty shall be concealed therein, either before or after landing, the same shall be liable to forfeiture, together with everything packed therewith.

Fraudulent  
entries and  
concealments.

53. If any person shall import, or cause to be imported, goods of one denomination concealed in



packages of goods of any other denomination, or any package containing goods not corresponding with the entry thereof, or shall directly or indirectly import or cause to be imported or entered, any package of goods as one denomination which shall afterwards be discovered, either before or after delivery thereof, to contain other goods subject to a higher rate or other amount of duty than those of the denomination by which such package or the goods in such package were entered, such package and the goods therein shall be forfeited, and such person shall for every such offence be liable to a penalty not exceeding one hundred pounds, or treble the value of the goods contained in such package together with the duty payable thereon.

Penalty.

54. If any vessel or boat shall be found within the limits of the Colony with cargo on board and such vessel shall afterwards be found light or in ballast, and the master is unable to give a due account of the port or place where such vessel shall have legally discharged her cargo, such vessel or boat, with all gear and appurtenances belonging to her, shall be forfeited.

When deficient cargo not accounted for, vessel may be forfeited.

55. All vessels, boats, carts, wagons and other means of conveyance, together with all horses and other animals made use of in the unlawful removal, carriage or conveyance of any goods liable to forfeiture under this Ordinance, shall be liable to forfeiture.

Means of conveyance in unlawful removals may be forfeited.

56. All vessels, boats, carts, wagons and other means of conveyance, together with all horses or other animals, and all goods and articles whatsoever seized under the authority of this Ordinance shall as soon as possible be delivered into the care of the Collector or proper officer who shall secure the same, and if condemned the Collector shall cause the same to be sold by public auction to the highest bidder in accordance with such order as shall be made by the Court before which such articles shall be condemned.

All seizures and forfeitures to be sold by auction.

57. Every person who shall knowingly harbour, keep, or conceal, or knowingly permit or suffer, or

Evasion of duties.

cause or procure to be harboured, kept or concealed, any goods liable to Customs duties which shall have been illegally imported, or shall knowingly acquire possession of any such goods, or shall be in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any such goods with intent to defraud His Majesty of any duties due thereon, or shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any duties or of any Customs law, shall for each such offence be liable to a penalty not exceeding one hundred pounds or treble the value of the goods including the duty payable thereon, at the option of the Collector.

Evasion of seizures and rescuing person arrested.

58. Every person who shall rescue, or endeavour to rescue, any goods seized, or before or after seizure shall stave, break or destroy or attempt to stave, break or destroy any goods to prevent the seizure or the securing thereof, or shall rescue or attempt to rescue any person apprehended for any offence punishable by fine or imprisonment under this Ordinance, or prevent or attempt to prevent his apprehension, or shall assault or obstruct any person duly employed for the prevention of smuggling in the execution of his duty, or in seizing any goods liable to forfeiture under this Ordinance, or shall aid, abet, or assist in committing any of the foregoing offences, shall for each such offence be liable to a penalty not exceeding one hundred pounds, or such person may be imprisoned and kept to hard labour for any term not exceeding twelve months without the option of a penalty.

Bribes.

59. Any officer who shall take or accept any fee, gratuity, reward or perquisite, directly or indirectly, for the neglect or non-performance of his duty, and any person who shall promise, give, or offer, or procure to be given, to an officer any such fee, gratuity, reward or perquisite, shall be liable to a penalty not exceeding one hundred pounds.

Injuring seals and fastenings.

60. Any person who shall knowingly and wilfully tamper with, alter, break or injure any lock, seal or fastening on any vessel, hulk, boat, store room or warehouse, placed thereon in the due execution of

his duty by any duly authorised officer, shall be liable to a penalty not exceeding one hundred pounds.

61. All penalties and forfeitures incurred under this Ordinance shall be paid to the Treasurer, and apportioned by him as follows, that is to say : After deducting the charges of prosecution from the proceeds thereof, one moiety to the person who shall have given the information, and the other moiety to His Majesty for the use of the Colony.

Half penalties to Crown, half to informers.

62. All Collectors and Officers of Customs at present holding office shall continue to hold such offices as if appointed hereunder.

Existing officers confirmed.

63. The Governor in Council may prohibit the importation of any article and from time to time to fix the charges to be paid for officers' services and to be levied for the warehousing of any goods, and vary or alter any of the forms hereto annexed, and make rules for regulating the mode of proceeding in all cases of seizure and generally for carrying out the provisions of this Ordinance in all matters not otherwise specially provided for.

Rules, fees, rents, forms.

64. (i) The Governor may, by proclamation, from time to time prohibit the carrying coastwise or the exportation to any country or place therein named of all or any of the following articles, namely :—

Power to prohibit exportation of material of war to any country.

Arms, ammunition, military and naval stores, and any article which in the opinion of the Governor is capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores.

(ii) Such proclamation may be made whenever in the opinion of the Governor it is expedient in order to prevent the articles specified therein being used against His Majesty's subjects or forces, or against any forces engaged or which may be engaged in military or naval operations in co-operation with His Majesty's forces.

(iii) Without in any way limiting the nature or description of the articles which may be specified

in any such proclamation, the articles set forth in the Second Schedule hereto may be so specified.

(iv) Proceedings under this section shall be taken and heard before a Magistrate.

Short title.

65. This Ordinance may be cited as "The Customs Ordinance, 1903."

# FIRST SCHEDULE.

FORM 1. (*Section 2.*)

## SHIP'S MANIFEST.

Official Number.

Number of Register.

Date of Registry.

If Sailing Vessel or Steamer.

Port of

Falkland Islands.

### Report.

Ship's Name.	Tonnage.	British or Foreign ? If British, Port of Registry ; if Foreign, Country to which she belongs.	Number of Crew.		Name of Master and whether a British or Foreign Subject	Port or Place from whence arrived.
			British Seamen.	Foreign Seamen.		

### Cargo.

Name or Names of Places where laden in order of time.	Marks.	Nos.	Packages and Descriptions of Goods. Particulars of goods stowed loose, and general denomination of contents of each package of Tobacco, Cigars, Cigarettes or Snuff, intended to be imported at this Port.	Particulars of packages and goods (if any) for any other Port.	Goods (if any) to be transhipped or remain on board for exportation.	Name of Consignee.
<i>If in ballast, state in "Ballast only."</i>						
If any wreck fallen in with or picked up to be stated.						

Stores.

Surplus Stores remaining on board, viz.:—

I declare that the above is a just report of my vessel and of her lading, and that the particulars therein inserted are true to the best of my knowledge, and that I have not broken bulk or delivered any goods out of my said vessel since her departure from the last foreign place of loading [except, if so, at ] [stating where].

Master.

Signed and declared before me this                      day of  
19                      ,

Collector.

FORM 2. (Section 9.)

LOCAL REPORT.

Port of

Ship's Name.	Tonnage.	Port of Registry.	Master's Name.	Where from.
Foreign Goods.	Colonial Goods.	Goods liable to Customs Duty.	Here state "Sundry other Goods," or "No other Goods," as the case may be.	

Master.

Entered before me this                      day of                      , 19                      .

Collector.

## FORM 3. (Sections 13 and 20.)

## ENTRY DUTIABLE.

Port of \_\_\_\_\_, Falkland Islands.  
 Ship " \_\_\_\_\_ " arrived on \_\_\_\_\_  
 Importer \_\_\_\_\_

Marks and Numbers.	No. of Packages.	Description.	CONTENTS AND VALUE.				Quantities and Country of origin.	Duty.		
			Value to include invoice cost (less trade discount); freight; insurance; cost of packages.	£	s.	d.		£	s.	d.

I solemnly declare that I have set forth and made due entry of every package imported by me in above-named ship, and that the foregoing particulars are accurate, and that not one of the packages enumerated in this entry contains any article prohibited to be imported or any article liable to duty, except as above described.

Date \_\_\_\_\_, 19 \_\_\_\_ Importer. \_\_\_\_\_

## FORM 4. (Section 15.)

## PROVISIONAL ENTRY.

Port of \_\_\_\_\_ Importer's Name. \_\_\_\_\_

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence arrived.
Marks.	Numbers.	Number of Packages with the best description the Importer is able to give.	

I, \_\_\_\_\_, the importer [or the agent of the importer] of the goods above mentioned, hereby declare [if importer] that I have not or [if agent] that to the best of my knowledge he has not received sufficient invoice, bill of lading or other advice from whence the quality, quantity or value of the goods above mentioned can be ascertained.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
 Importer or Agent. \_\_\_\_\_

Collector or Officer of Customs.

FORM 5. (Section 19.)

ENTRY FREE.

Port of \_\_\_\_\_, Falkland Islands.  
 Ship " \_\_\_\_\_ " arrived on \_\_\_\_\_  
 Importer \_\_\_\_\_

Marks and Numbers.	Number of Packages.	Description.	CONTENTS AND VALUE.				Quantities and Country of origin.
			Value to include invoice cost (less trade discount) : freight : insurance ; cost of packages.	£	s.	d.	

I solemnly declare that I have set forth and made due entry of every package imported by me in above-named ship, and that the foregoing particulars are accurate and that not one of the packages enumerated in this entry contains any article prohibited to be imported or any article liable to duty.

Date \_\_\_\_\_, 19 \_\_\_\_

Importer.

FORM 6. (Section 31.)

DUTIABLE GOODS.

Export.

Ship's name and date of departure.  
 Port or place to which consigned.  
 Exporter's name.  
 Port of export.

Exporter.	Description of Export.	Quantity.	Duty.			Value.		
			£	s.	d.	£	s.	d.

I solemnly declare that the foregoing particulars are to the best of my knowledge accurate, and that I have herein fully described and set forth all goods liable to duty on export.

Date \_\_\_\_\_, 19 \_\_\_\_

Importer or Agent.

FORM 7. (*Section 34.*)

## OUTWARD MANIFEST.

*Content.*

Ship's Name and Destination.	Number of Tons.	Number of Boats.	If British, Port of Registry; if Foreign, the Country.	Number of Crew.	Master's Name.	With or without passengers or troops.

  

Marks and Numbers of Packages.	Shippers.	Quantity and Description of Goods.	Consignee.

I declare that the above content is a true account of all goods shipped or intended to be shipped on board the above-named vessel.

Signed and declared before me this                      day of  
19                      .

*Master.**Collector.*FORM 8. (*Section 35.*)

## TRANSIRE.

*Coasting Vessels.*

## Port of

Ship's Name.	No. of Crew.	Tonnage.	Port of Registry.	Master's Name.	Whither bound.

  

Foreign Goods.	Colonial Goods.	Goods liable to Customs Duty.	Here state "Sundry other Goods," or "No other Goods," as the case may be.

Cleared before me this

day of

, 19                      .

*Master.**Collector.*



## SECOND SCHEDULE.

Guns and arms of all kinds and the machinery for manufacturing them.

Ammunition and explosives of all kinds, the ingredients used in their manufacture and the machinery for manufacturing them.

Military stores of all kinds, including—

Clothing, equipments, accoutrements, harness, saddlery, implements and tools, wire, chemicals used in the manufacturing of explosives.

Signalling and searchlight equipment, telegraphic and electric light plant suitable for field use, limelight apparatus, heliographs, optical instruments used in military operations.

Naval stores of all kinds, including—

Materials used in ship construction, such as rivet-iron, angle-iron, round bars, rivets, sheet-plate iron, forgings and armour-plates; machinery used in constructing ships and torpedo-boats; marine engines and the component parts thereof, including screw propellers, paddle-wheels, cylinders, cranks, shafts, boilers, tubes for boilers, boiler-plates, fire-bars.

Every article whatsoever which is, can, or may become applicable for the manufacture of marine machinery:—

Anchors, chain cables, wire hawsers, capstans, windlasses, steam winches, masts, derricks, davits.

Torpedoes and their component parts and machinery for manufacturing them.

All apparatus for projecting inflammable materials or firing torpedoes.

Steam and other boats suitable for use for warlike purposes.

Submarine cables.

Submarine mines and apparatus appertaining to them.

Marconi apparatus.

Electrical fittings used on board ship.

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**LAND.**


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Ordinance No. 9 of 1903.

*As amended by No. 7 of 1906.*

[18th December, 1903.]

*An Ordinance relating to Land.*

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

1. In this Ordinance, and in the construction of any lease or Crown grant— Interpretation.

“Land” includes islands, country, suburban and town land.

"Crown Lands" means any land not already granted in fee simple, and includes any land which has been or may hereafter become escheated or otherwise acquired by the Crown.

"Waste Land" means land in the possession of the Crown or land let on a lease which is within one year of expiring.

"Lot" means town land.

"Block" means 160 acres.

"Station" means the whole extent of land occupied in one lease.

"Inspector" means an Inspector appointed under the Live Stock Ordinance, 1901.

"Stock" means any horse, cow, pig, goat, sheep or their young.

"Boundary" means the line of junction of the land of one owner with the land of another owner or with Crown land.

"Sufficient Fence" means such fence as shall be prescribed in respect of country land, suburban land and town land respectively by any rules and regulations made or hereafter to be made under this Ordinance.

"Owner" includes a lessee from the Crown and the agent or manager of any absentee owner or lessee.

"Improvement" shall include buildings, drains, wells, tanks, dams, cultivation, fencing, filling up, laying down grass, and any beneficial work done upon any land, not being a reserve, to increase its value, productiveness, or power of carrying stock.

"Country" means land more than six miles from the Cathedral, or from the centre of any town.

"Suburban" means "Suburban Land" or "Suburbs" as defined in Section 28 of the Interpretation and General Law Ordinance, 1900.

"Town" means Stanley, or "Town" as defined in Section 28 of the Interpretation and General Law Ordinance, 1900.

"Reserve" means the land specified in Section 7 of this Ordinance, and any land declared a reserve under that section.

"Renewal" means the renewal of any lease granted under the provisions of this Ordinance.

2. The King's Majesty shall not at any time commence any action, suit, or other legal proceedings against any person for or in anywise concerning any lands, tenements, rents or hereditaments whatsoever (other than liberties or franchises) by reason of any right or title which hath not first accrued and grown or shall not hereafter first accrue and grow within the space of sixty years next before the commencement of such action, suit, or other legal proceedings.

Limitation of  
the Crown's  
right to sue for  
land.

3. In the construction of the preceding section the right or title of the King's Majesty to any lands, tenements, or hereditaments which are now or shall at any time hereafter be subject to or comprised in any demise or lease for any term of years granted by or on behalf of His Majesty, or any of His Royal predecessors or successors, shall not be deemed to have first accrued or grown until the expiration or determination of such demise or lease as against any person whose possession, holding or enjoyment of such lands, tenements or hereditaments, or whose receipt of the rents, issues or profits thereof shall have commenced during the term of such demise or lease, or who shall claim from, by, or under any person whose possession, holding or enjoyment of such lands, tenements, or hereditaments or whose receipt of the rents, issues, or profits thereof shall have so commenced as aforesaid.

Reserving right  
to reversionary  
interest.

4. Crown lands shall not, save as hereinafter excepted, be dealt with or disposed of, without the special sanction of the Secretary of State, otherwise than in the manner hereinafter prescribed, and except as hereinafter mentioned, the waste lands of the Crown shall be sold in fee simple and by public auction only.

Crown lands,  
how dealt with.

5. Any person who without the permission of the Governor in writing shall without lawful cause drive, hunt, wound, capture, decoy or destroy any wild cattle or wild stock on waste lands, and, if on lands in the lawful occupation of any other person,

Wild cattle.

without his authority, shall for each animal so killed, wounded, captured, decoyed or destroyed be liable to a fine not exceeding fifty pounds, and any person who shall receive any animal, or any part thereof, knowing the same to have been unlawfully captured and destroyed as aforesaid, shall be liable to a fine not exceeding five pounds. Any constable may stop, search and detain any boat in or upon which there shall be reason to suspect that such animal, or any part thereof, so unlawfully obtained may be found and, if upon search thereupon made, such animal or any portion thereof shall be found, then may convey the same before a Justice, and without a warrant may take into custody and carry before a Justice any person reasonably suspected of having committed any offence contrary to this section.

Reserving land  
for public  
purpose.

6. Nothing herein contained shall prevent the Governor in Council from reserving to His Majesty the right of disposing in such a manner as for the public interest may seem best of such lands as may be required for any purposes of public defence, safety, utility, convenience, or enjoyment, or for facilitating the improvement and settlement of the Colony or for any special purpose, and the Governor in Council is hereby empowered to refuse a lessee of any Crown lands the right of purchasing the freehold of any land which there is reason to believe may be required for the extension of Stanley, or for the establishment of another town.

Reserves.

7. The following lands which prior to the passing of this Ordinance have been "reserved" shall continue to be "reserves," that is to say:—

In Lafonia, near Bull Point	...	...	1,280	acres
In Section 8, Darwin Harbour	...	...	3,000	"
In Port Sussex (situate to the south of Port Sussex)	...	...	2,224	"
In Section 22A, West Cove	...	...	1,540	"
In Pebble Island, Elephant Bay	...	...	160	"
In Keppel Island, Bold Point	...	...	160	"
In New Island, Tigre Harbour	...	...	160	"
In Stanley Harbour, Navy Point	...	...	145	"

and the Governor in Council may, by publication in the *Gazette* and by giving notice to the occupier (if

any), at any time declare any Crown land a reserve, and such declaration shall show, in general terms, the nature of the purpose for which such land is declared a reserve and, if the land or any portion thereof so declared shall be comprised in any lease, the lease in so far as it relates to the land so reserved shall be determined at the expiration of three years from the date of the publication in the *Gazette* of such declaration, provided that, in cases where any leaseholder is deprived of the use of such reserved part of his holding, the Governor in Council may grant a corresponding abatement of rent to such leaseholder, and provided that it shall be lawful for the Governor in Council with the approval of the Secretary of State to declare any "reserve" no longer reserved and, upon the publication of such declaration in the *Gazette*, such land shall cease to be a reserve and may be dealt with as other lands of the Crown.

8. Any land reserved under the preceding section or prior to the passing of this Ordinance may be leased for any term not exceeding three years, provided that any such reserve shall not be leased without the sanction of the Secretary of State to any person whose land does not adjoin such reserve, unless the former lessee shall have refused to accept and upon his refusal all the other owners of land adjoining such reserve shall have refused to accept a lease thereof upon the terms prescribed by the Governor in Council, and if all the holders of land adjoining such reserve have refused to accept a lease as aforesaid then the lease of such reserve shall be put up to auction as provided for in Sections 9 and 10 in the case of other waste lands.

May be let.

9. The Governor may at any time cause, subject to the provisions of Section 15, a lease of any waste lands of the Crown to be put up to auction upon such terms and subject to such reservations, conditions and restrictions as may seem expedient to the Governor in Council and as shall be notified in the *Gazette*, and the Governor, with the approval of the Secretary of State, may, upon the application of the occupant of any land whose lease has expired or will

Leases.

Renewal of.

expire within two years, grant to him either a renewal of such lease or a new lease upon such terms and subject to such reservations, conditions and restrictions as may seem expedient to the Governor in Council, but such renewal shall not, and such new lease shall not, unless otherwise therein expressly provided, have effect until the determination of the then current lease and shall not—

Term.

Country,  
21 years.

In the case of country land (not being a reserve), exceed the term of twenty-one years.

Suburban,  
3 years.

In the case of suburban land or a reserve, exceed the term of three years.

Town, 60 years.

In the case of town lands, exceed the term of 60 years,

and whenever the Governor shall decline to renew any lease, and whenever the former lessee shall decline to accept a new lease on the terms offered by the Government, there shall be paid by the Government to the outgoing tenant the value of all improvements assessed as hereinafter prescribed, provided that no compensation shall be paid for any improvement in respect of land when the former lessee declines to accept the renewal of his lease or when such improvements are in respect of land held upon a lease which has become null and void.

Improvements  
to be paid for.Not to be paid  
for.Land reverting  
to Government,  
how dealt with.

10. (1) Whenever the holder of any lease which expires or is within one year of expiring after the passing of this Ordinance shall decline to accept a renewal of such lease; or, if the Government has refused to renew such lease, shall decline to accept a new lease of such land upon the terms approved by the Governor in Council with reference to such lease, and—

(2) Whenever any lease shall become null and void, or shall be so declared under Section 13.

The Governor shall cause a new lease of the land thus lapsing to the Crown to be put up to public auction unless the Governor in Council shall direct that such land be sold by auction as provided for in Section 15 of this Ordinance.

If Government  
deprives owner  
of one lease he  
may throw up  
all.

11. Whenever the Governor has refused to renew the lease of any station the lessee of such station may by application to the Colonial Secretary in writing elect that all the leases of Crown land held

by him shall expire upon the same day as the lease of the station which the Governor has refused to renew, and such leases shall thereupon be determined on that day, and in every such case the whole of the Crown land held by such lessee shall to all intents and for all purposes under this Ordinance be deemed to be leases which the Government has refused to renew.

12. The sum to be paid on account of improvements shall be determined by some one or more fit and proper persons appointed by the Governor or, should the lessee so request in writing, by two assessors, one of whom shall be appointed by the Governor and one by the lessee. Such assessors shall certify that every improvement of which they have assessed the value is to the best of their knowledge and belief suitable and appropriate to the station or lot or was authorised by the Governor in Council as witnessed by writing under the hand of the Governor, provided that the assessed value of such improvements shall never exceed the actual cost thereof. In the event of the assessors not being able to agree as to the amount to be paid, either of them may appeal to the Chief Justice, and the Chief Justice having heard the case and considered the evidence (if any) shall determine the amount at which the improvements shall be assessed.

Improvements,  
how value to be  
assessed.

13. Whenever any lessee shall fail to perform or observe any of the conditions of any lease held by him, or to pay any rent due to the Government in respect of any lease within three months after it has become due, every lease held by such lessee from the Crown shall be null and void, and whenever a lessee shall decline to accept a renewal of any lease held by him it shall be lawful for the Governor in Council to declare every lease held by such lessee from the Crown null and void.

When lease null  
and void.

14. The holder of any country land may, at any time not less than one year before the termination of his lease (or soonest-to-expire lease if he have more than one), purchase the whole of the land rented by him in accordance with the acreage set forth in his

Lessee may  
purchase all his  
land, 10 per  
cent. down,  
balance in 30  
years at 3 per  
cent.

leases at the rate of three shillings an acre, and, if no acreage be specified in one or more of such leases, then in respect of the number of acres computed by the Governor as the acreage of any such leases, and ten per cent. of the purchase money in respect of any land dealt with under this section shall be paid at the time the lessee receives notice from the Government that his application to purchase has been registered, and upon each of the first thirty anniversaries of the day of the payment of such ten per cent. there shall be paid to the Government a sum at the rate of \*£4. 11s. 10d. in respect of every £100 of the whole of the purchase money, and no rent shall be payable in respect of such land from the date on which the first instalment of the purchase money shall be paid :

Provided that if any purchaser under this section shall fail to pay any instalment of the purchase money on the day on which such instalment becomes payable, or within twenty-one days thereafter, the Governor may and if such default shall continue for three months from the day on which such instalment becomes payable the Governor shall declare every lease held by such purchaser determined, and upon such declaration all such leases shall be null and void, and all the instalments which such purchaser has already paid shall be forfeited to the Crown :

Provided always that with the approval of the Governor in Council a lessee may pay the whole of the moneys to be paid in respect of an application to purchase under this section as soon as he has received notice that his application has been registered or after payment of ten per cent. of the moneys to be paid in respect of such application may pay the balance in such annual instalments less than thirty, as may be approved by the Governor in Council on terms and conditions corresponding with those provided in this section for the payment of such balance in thirty annual instalments.

Sales and leases  
by auction.

15. The Governor may at any time sell by auction any waste land not being a reserve, and lease by auction any waste land in such size or lot as

\* Or stated otherwise £4. 11s. 10d. per year in respect of every 666 $\frac{2}{3}$  acres.



to the Governor in Council may seem expedient, and the upset price in the case of a sale shall not be lower than at the rate per acre of one hundred pounds for town land and two pounds for suburban land and three shillings for country land, and in the case of a lease the rent per acre per annum shall not be lower than at the rate of four pounds for town land, two-pence for suburban land, and one penny for country land, save when the Secretary of State shall authorise any specified land to be put up at a lower rate :

Upset price.

Provided that it shall be lawful for the Governor, if he shall deem it expedient, to dispose by private contract of any frontage or other lot of land in Stanley or any other town to the owner of the adjacent land at a price to be fixed by the Governor in Council, which price shall in no case be lower than at the rate of one hundred pounds per acre.

Frontage may be sold or let privately.

16. Every auction held under this Ordinance shall have been publicly advertised for not less than three months before the date of such auction, and such advertisement shall show as fully as may be—

Auctions to be advertised.

(1) The special reservations, restrictions and conditions which will be imposed in respect of the land to be put up to sale or to lease by auction, or that the land will be sold or leased subject to the reservations, restrictions and conditions set forth in the Land Ordinance, 1903.

(2) The situation, boundaries and acreage of the land and whether the acreage is the assessed number of acres or has been ascertained and determined by survey, and the names of the owners or lessees of the adjoining lands.

(3) If a town lot, the length of the boundary line between the lot and every adjoining lot.

(4) The mode in which the purchase money of the land or lease shall be paid and the price at which the land will be upset.

(5) In the case of sale, the date when possession will be given, which if the land be held on lease shall not be until the termination of the current lease.

(6) The value of the improvements as assessed and ascertained under Section 12.

(7) Whether the land has been surveyed or not, and when any land has been surveyed, that a copy of the plan is open to inspection at the Government offices, and stating the length of the boundary line between the property advertised and the land of each adjoining owner.

If not disposed  
of at auction.

17. It shall be lawful for the Governor to lease or sell privately at not less than the upset price, any land not let or sold when put up to auction or to renew the lease of the former lessee, subject to the provisions of Section 9 of this Ordinance as to the renewal of leases.

Sales by auc-  
tion, provisions  
as to.

18. The following provisions shall have effect with respect to any land put up to sale by auction :—

Plan.

(1) A copy of the plan of the land (if surveyed) shall be exhibited at the sale by the auctioneer and given to the purchaser.

Purchase  
money.

(2) The purchase money shall be payable by such number (not exceeding 15) of equal yearly instalments as the Governor in Council shall determine, and as shall be notified in the *Gazette* before the sale. The first instalment shall be paid at the conclusion of the sale and each subsequent instalment, together with interest at the rate of  $2\frac{1}{2}$  per centum per annum on the unpaid balance of the purchase money for the time being from the date of payment of the last previous instalment, shall be paid at the expiration of one year from the day on which the last previous instalment was payable. But the purchaser may at any time pay the whole of the purchase money remaining unpaid with the interest thereon which has accrued since the date of the last previous payment of an instalment.

Highest bidder.

(3) The highest or only bidder at or above the upset price shall be the purchaser.

Agreement to be  
signed.

Immediately upon the conclusion of the sale the purchaser shall sign an agreement to complete the purchase and to fulfil the conditions of sale. If any purchaser, whether the original

purchaser or a purchaser substituted under this sub-section, shall fail to pay the first instalment or to sign the said agreement, the sale to him shall be void and the next highest bidder (if any) at or above the upset price shall be the purchaser.

(4) If any purchaser shall fail to pay the second or any subsequent instalment of purchase money or any interest for the time being payable by him on the day on which such instalment or interest becomes payable, or within twenty-one days thereafter, the Governor may and, if such default shall continue for three months from the day on which such instalment or interest becomes payable, shall cause the land purchased by such purchaser to be again put up for sale by public auction at the same upset price and on the same conditions as at the previous sale.

If broken.

(5) If any land shall be again put up for sale as aforesaid, the previous sale thereof shall henceforth become void and the purchaser at the previous sale shall give up possession thereof and shall have no further right or interest in or lien upon such land.

Second auction.

(6) If, after payment in full of the purchase money and interest payable by the purchaser at the second sale, the Government shall have received in respect of such purchase money and interest an amount exceeding the purchase money and interest which would have been received from the purchaser at the previous sale if he had complied with the conditions of sale, then out of such excess, after deducting therefrom the expenses of the second sale, the Government shall repay to the purchaser at the previous sale the amount of the instalments of purchase money and interest which he shall have actually paid, or so much thereof as such excess shall suffice to repay, but in no other event shall a purchaser have any claim for repayment of instalments of purchase money or interest paid by him.

When bidder at first auction may obtain a refund.

Possession,  
when given.

(7) Every purchaser whether at a first or second sale shall be let into possession of the land purchased by him upon the date advertised in the conditions of sale and upon payment of the first instalment of purchase money and upon his signing the above-mentioned agreement, but no grant of the land shall be issued to him until he shall have paid the whole of the purchase money and all interest payable under the conditions of sale.

Improvements  
to be paid for.

(8) The sum of money (if any) payable by the purchaser of any land put up for sale as the value of improvements thereon under Sections 9 and 12 shall be paid by the purchaser to the Government within thirty days from the date of the sale. If the purchaser at a first sale shall not pay the said sum of money within the said thirty days the land shall be again put up for sale by auction in the same manner, and with the same consequences as if such purchaser had made default for three months in payment of an instalment of purchase money.

Leasing by  
auction.

19. The following provisions shall have effect with respect to any Crown land put up to lease by auction :—

Highest bidder.

(1) The highest or only bidder for every lease at or above the upset price shall be the lessee. Immediately upon the conclusion of the auction the lessee shall pay one-half of the amount bid for the lease and one-half of the value of the improvements as assessed and advertised, and where there are no improvements then one year's rent, and shall sign an agreement to fulfil the conditions as advertised for the letting of the land, and to pay the second moiety of the amount bid for the lease and the second half of the value of the improvements (if any) at the expiration of two months from the date of the first payment. If any lessee at the auction, whether the highest bidder or a bidder substituted under this sub-section, shall fail to pay the amount due at the close of the auction or to sign the said agreement, the lease

to him shall be void, and the next highest bidder (if any) at or above the upset price shall be the lessee.

(2) Every lessee at auction shall be let into possession of the land upon the date advertised in the conditions of sale and on completion of the payments specified in the preceding subsection and on payment of one year's rent.

Possession,  
when given.

(3) If any lessee shall fail to pay the second moiety of the purchase money of the lease and of the value of the improvements on the day on which such payment becomes due the Governor may and, if such default shall continue for 60 days from the date on which such payment becomes due, the Governor shall cause the land leased to be again put up to public auction at the same upset price and on the same conditions as at the previous auction; and if the land shall be again put up for lease by auction as aforesaid the previous lease thereof shall become void and the lessee at the previous sale shall have no right, title, or interest in or lien upon the land leased.

Second auction.

(4) The Governor, whenever he is satisfied that the Government, after defraying the expenses of the subsequent auction and any other costs incurred, has received more money by reason of the default of a lessee than would have been received had no default been made, may cause to be refunded to the original lessee at auction so much of the sums paid by him to the Government as such surplus may suffice to repay, but in no other event shall any lessee at auction have any claim for repayment of any sums paid by him.

When bidder at  
first auction  
may obtain a  
refund.

20. The Governor is hereby authorised, on behalf of His Majesty, to sign and execute from time to time any instruments to give effect to the provisions of this Ordinance.

Governor may  
execute  
instruments.

21. The Governor in Council may insert in any lease granted by him on behalf of the Crown such reservations, conditions and restrictions as may be

Reservations,  
conditions and  
restrictions as  
to Crown grants  
and leases.

deemed expedient and the following reservations, conditions and restrictions, unless expressly excluded in whole or in part and subject to such other reservations, conditions and restrictions as may be set forth therein and so far as they are appropriate and not repugnant to any of the reservations, conditions and restrictions inserted in any Crown grant or lease of Crown lands, shall be binding in the same manner and to the same extent as if they formed part of such Crown grant or lease and had been fully set forth therein—

Disputed  
boundaries.

(a) Every dispute as to the boundaries of any block, section, or station shall be settled by arbitration in the usual way at the expense of the parties interested, and due notice of any adjustment signed by the parties interested shall be given within three months to the Colonial Secretary for recording, and if such notice be not given the award of the arbitration shall be null and void.

Transfers.

(b) Any lease may with the approval of the Governor be transferred by the lessee or his attorney writing, dating, and signing thereon in the presence of two witnesses the following words :—

“I hereby transfer to  
all right, title and interest in this lease.”

Provided that every such transfer shall be sent to the Colonial Secretary to be registered within four months of such transfer.

Renewals.

(c) Any lease may be renewed by the Governor writing, dating, and signing thereon the following words :—

“I hereby renew this lease until the  
day of \_\_\_\_\_, 19\_\_.”

Purposes.

(d) Country and suburban lands shall be used for pastoral purposes only.

Land may be  
taken for any  
purpose of  
public utility.

(e) The Governor shall have power at any time to proclaim a public road through any station or part thereof, and to resume and enter upon any part of the lands which it may be deemed necessary to resume for making any work

of public utility or convenience without making to the lessee or owner any compensation in respect thereof, so nevertheless that the lands so to be resumed shall not exceed one-twentieth part of the whole of the station and that no such resumption as aforesaid shall be made under this section of any lands upon which any buildings shall have been erected, or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings :

Provided that a proportionate abatement of rent shall be granted to the tenant of such resumed land, except where the resumption is for public roads of which such tenant will enjoy the benefit with others.

(f) The Governor and any one acting under his authority may search, dig for, and take away any stones or other materials which may be required for any purpose of public convenience or utility.

Government  
may take  
stones, etc.

(g) All diamonds and all mines of gold, silver and other metals and all mines of coal are reserved to the Government of the Falkland Islands with full liberty at all times either by themselves or by any person authorised by the Governor to search and dig for and carry away the same and for that purpose to enter upon the land or any part thereof.

Mines, etc.,  
reserved.

(h) The right to kill and take seals is reserved to the Government of the Falkland Islands, and such persons as are duly licensed by the Government.

Seals reserved

(i) Rent shall be paid yearly and in advance.

Rent.

(j) The owner or lessee shall be entitled to kill and appropriate to his own use any wild cattle or wild stock that may be on the land.

Wild cattle.

(k) Any person authorised by the Governor shall be entitled to enter upon any land for the purpose of surveying or for inspecting fences, or for any other special purpose which the Governor shall specify in writing.

Surveying.

(l) The owner shall pay all rates, taxes, and assessments whatsoever.

Rates, owner to  
pay.

Fences.

22. The following provisions shall have effect with respect to fences and fencing :—

Owners must  
join in making.

(1) Where there shall be no sufficient natural boundary or no boundary fence to any part of any land or where any boundary fence is not a sufficient fence, any owner may by notice in writing call on the owner of the adjoining land to come to an agreement as to the extent or nature of the fence to be erected, or the repairs or work to be done to the existing fence, and such owners may agree, in writing, that such dividing fence shall not exactly follow the boundary of their lands when the physical features of the ground render a deviation necessary, and such owners may, without resorting to proceedings, arrange with each other for the erection of a dividing fence upon the basis of a claim for the improvements proportionate to the outlay incurred, and the lessee who pays the whole or more than half the cost shall stand in the place of the other as regards compensation on the determination of the lease of the other in proportion to so much of the amount so paid by him in excess of his own share as shall not then have been repaid to him.

Failing to agree.

(2) If the parties shall fail within fourteen days after the giving of such notice to come to such agreement as aforesaid, it shall be lawful for the party who gave the notice to apply to an Inspector to view the boundaries and to report upon the necessity for a fence, the line of such fence or what repairs or additions to the existing fence are necessary to make it sufficient, provided that, where an Inspector is called in, his reasonable expenses shall be borne by the parties.

And where an agreement has been made under the sub-section last preceding and one of the parties fails to complete his part thereof, the other party shall have power to call in an Inspector in the same manner as if the said parties had failed to come to an agreement.

Inspector to  
report.

(3) The Inspector shall, when so applied to, carefully view and inspect the land and report



in writing upon the extent of fence that it is necessary to erect, or what repairs or improvements are necessary to make the existing fence sufficient, which report shall be delivered as soon as practicable to a Magistrate.

(4) Upon the receipt of the report, the Magistrate shall require the attendance of the parties interested, and in a summary way hear and determine the question at issue, and, if satisfied that an existing fence should be repaired or that a new fence is necessary, he shall issue an order to the owners of such land for the repair or erection of such fence within such period as shall be shown to the satisfaction of the Magistrate to be sufficient for the proper completion of the work.

Magistrate to  
issue order.

(5) Any owner of land who shall wilfully neglect to complete his share of the work of repairing or erecting a dividing fence within the time named in an order issued under the preceding sub-section shall be liable to a penalty not less than ten pounds, and not more than twenty pounds for every month he shall remain in default.

Owner neglect-  
ing to comply.

(6) In the event of its being proved to the satisfaction of the Magistrate before whom an inquiry is held that the owner of land who shall have failed to agree to fence has not the means to immediately pay his proportion of the cost of the work of repairing or erecting a dividing fence, then the Magistrate, upon the application of the other owner, may grant such other owner leave to erect or repair the whole of such dividing fence, and on a certificate of the Inspector that the work has been properly done, the owner who has done the work shall be entitled to recover from the other owner one-half of the cost of the work so done.

When owner too  
poor to meet  
expenses.

(7) The Magistrate hearing any action brought under the foregoing sub-section may, upon being satisfied that the defendant is unable from want of capital to immediately pay his

Time may be  
granted.

proportion of the cost of the work, issue an order granting the defendant time, upon good and sufficient security being given to the satisfaction of the said Magistrate for the payment of the amount with interest at the rate of four pounds per centum per annum at such periods and by such instalments as shall be ordered by the Magistrate :

Provided, however, that it shall not be lawful to extend the time for payment in such cases beyond a period of three years from the date on which the work of repairing or erecting the dividing fence shall have been completed.

Default.

(8) If a defendant to whom time has been granted under the preceding sub-section shall fail to comply with the terms of the order made by the Magistrate, either by the non-payment of an instalment when due or otherwise, the plaintiff in the action shall be entitled to at once issue execution under the judgment for the full amount of the principal and interest which may at that time remain unpaid, and in the event of the Sheriff or other officer appointed to levy making a return after levy upon and sale of the defendant's property that this was not sufficient to satisfy the claim, the plaintiff shall be entitled to at once take proceedings to recover payment of the balance due against any surety or sureties who may have entered into bond before the Magistrate as security for the payment of the judgment debt by the defendant.

Real and  
personal estate  
bound by  
judgment.

(9) The judgment in any action under the preceding sub-sections shall bind and affect all real and personal property of the defendant as to and against all subsequent purchasers, mortgagees or creditors, and when a bond shall have been entered into by sureties as security for the satisfaction of the judgment by the defendant at the period and time allowed by the Magistrate, such bond, when recorded, shall constitute a preferable lien on all property of such sureties, and shall not be in anywise extinguished by any subsequent sale, mortgage or other encumbrance whatsoever of such property.

(10) When any damage shall be done to a dividing fence which is a sufficient fence by any stock which is suffered by the owner of the land to be thereon, such owner shall bear the entire cost of repairing such fence, and if he refuses or neglects so to repair the said fence, the adjoining owner may at once proceed to repair the same, and shall be entitled upon completion of the work immediately to recover the cost thereof from the owner of the land on which the stock was suffered to remain in an action or suit before a Magistrate.

Person causing damage to repair.

(11) Any person who shall wilfully break down, injure or leave open any gate on any land, or break down or injure any fence erected thereon, shall be liable on conviction to imprisonment, with or without hard labour, for a period not exceeding six months, in addition to a fine not exceeding ten pounds.

Wilful damage or leaving gates open.

(12) In the case of Crown land occupied by Government or let by Government for any period not exceeding one year, the Chief of the Police shall be deemed to be the owner for the purposes of this section.

Chief of Police "owner" of Government land.

23. The owner of any town land shall erect and keep in repair, on the boundary line separating any such land from any Crown waste land or any public road, a sufficient fence or such other form of fence as the Governor in Council may approve and as shall be notified under the hand of the Colonial Secretary, and the Chief of Police is hereby authorised, empowered and required to act on behalf of and represent the Government in respect of such waste land or public road, and to take such steps as may be necessary to secure the erection or restoration of any such fence, and the procedure in respect of compelling the owner to erect or repair such fence shall be as nearly as may be that laid down in the preceding section, save that the whole cost of the erection of such fence shall be borne by the owner :

Fencing of town land.

Provided, however, that should any fence so erected be a sufficient fence and thereafter become the boundary fence between any two private owners,

the owner who paid for the erection of the fence shall be entitled to recover from the adjoining new owner one-half of the value of such boundary fence, such value to be ascertained at the time the new owner takes possession of his land, and if such owners cannot agree as to the value of such fence the value thereof shall be assessed as in the case of an improvement under this Ordinance :

Relief from.

Provided that whenever it shall be made to appear to the Governor in Council that it would be of public advantage or that there are other good and sufficient reasons to allow any lot to remain unfenced, and whenever the owner of any land intimates in writing to the Colonial Secretary that he desires to leave his lot an open space and will keep it free from rubbish, the Governor may grant the owner thereof a permit to leave such property unfenced wherever it abuts on waste land or any public road, and such permit shall be produced upon demand by the Colonial Secretary and shall continue in force until revoked by the Governor in Council.

Ownerless land  
may be  
forfeited.

24. Whenever, for the purposes of the two preceding sections, no owner to a property can be found in the Colony, and whenever any owner intimates in writing to the Colonial Secretary that he abandons all claim to any property, it shall be lawful for any Magistrate, upon proof, to declare such property provisionally escheated to the Crown, and such provisional forfeiture may be made absolute by the Supreme Court two years after notice of such provisional forfeiture shall have appeared in the *Gazette* or in every local paper :

Provided that no notice of appeal shall have been sooner given, and that a notice of such provisional forfeiture was affixed to the property affected and a copy thereof sent to the last known address (if any) of the owner not less than six months before application is made to the Supreme Court to make absolute such provisional forfeiture.

Government may  
occupy owner-  
less land.

25. The Government may take immediate possession of any property provisionally forfeited, and anyone appealing against such forfeiture shall repay

to the Government any necessary expenses incurred by the Government in respect of such property before he can obtain restitution thereof.

26. The Governor in Council may make rules and regulations with reference (amongst other things) to the forms of leases and Crown grants, the characteristics of a "sufficient fence," and generally with reference to any other matters incident to the carrying out of the provisions of this Ordinance.

Rules, forms.

27. This Ordinance may be cited as "The Land Ordinance, 1903."

Short title.

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### FLOGGING.

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#### Ordinance No. 1 of 1904.

[28th January, 1904.]

*An Ordinance to regulate the law relating to sentences of Flogging.*

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

1. When a person is convicted of any offence legally punishable by flogging, the sentence awarded by the Court for such offence shall not, anything to the contrary in any law of the Colony notwithstanding, exceed the number of twenty-four strokes in the case of adults and twelve strokes in the case of juvenile offenders.

Twenty-four strokes the maximum for an offence.

2. When a person is convicted at one trial of any two or more distinct offences, any two or more of which are legally punishable by flogging, the combined sentences awarded by the Court for any such offences shall not, anything to the contrary in any law present or future of the Colony notwithstanding,

Twenty-four strokes the maximum for combined offences.

exceed a total number of twenty-four strokes in the case of adults and twelve strokes in the case of juvenile offenders.

Twenty-four strokes the maximum for breach of prison or other regulations.

3. When any sentence of flogging shall be passed by the lawful authority upon any prisoner for breach of any prison or other regulation or regulations, the total number of strokes to be inflicted under such sentence shall not exceed twenty-four in the case of adults and twelve in the case of juvenile offenders; and no prisoner shall be liable to more than one such sentence in respect of the act or acts or omission or omissions in respect of which he shall have been sentenced as aforesaid.

The instrument to be used.

4. No sentence of flogging shall be carried out except with an instrument approved by the Governor.

Females not to be flogged.

5. In no case shall a sentence of flogging be passed upon a female, either by the Courts or in the prisons of the Colony.

Short title.

6. This Ordinance may be cited as "The Flogging Regulation Ordinance, 1904."

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### **TRESPASS.**

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#### **Ordinance No. 5 of 1904.**

[6th June, 1904.]

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

Interpretation.

1. In this Ordinance—

“Animal” shall include mare, horse, foal, mule, bull, cow, calf, swine, sheep, goat.

"Lawful Occupier" shall include owner, tenant, or caretaker, and any one acting by order of the Government in or upon any Crown land, and any one acting with the written authority of the lawful occupier.

"Stanley" shall mean the town of Stanley bounded on the south, east and west by the common fence.

"Common" shall mean the fenced Crown land bounding Stanley on the south, east and west.

"Fenced Land" shall mean land surrounded by a "sufficient fence," in terms of the Land Ordinance, 1903.

"Owner" shall, unless such construction is repugnant to the context, include the person having the charge or custody of an animal.

2. Any animal found straying in Stanley, or upon any Crown waste land or trespassing on any private fenced land, or tethered on any Crown waste land without a licence, or tethered otherwise than in the manner and place specified in such licence, or so tethered that it can trespass upon road, path or drain, may be impounded in a public pound, and the poundkeeper shall, unless he shall have given notice to the owner, place upon the notice board a description of such animal within twenty-four hours of such impounding :

Animal straying or trespassing may be impounded.

Provided that no penalty shall be imposed in respect of any animal found trespassing upon land having a gate opening on to the common unless the Court shall be satisfied that such gate cannot be opened by an animal and was not left open.

3. The poundkeeper shall provide any impounded animal with a sufficiency of food and water under a penalty for neglect of any sum not exceeding five pounds.

Food and water to be supplied.

4. The owner of any impounded animal shall previously to such animal being released pay to the poundkeeper three shillings in respect of the first twenty-four hours or part thereof, and one shilling in respect of every subsequent similar period that such animal shall remain in the pound.

Pound fees.

Rescuing  
animal.

5. Any person rescuing or unlawfully releasing any animal which has been lawfully seized and detained shall be liable to a penalty not exceeding two pounds.

Sale of un-  
claimed animal.

6. Any animal that shall have been in the pound for six days may on the application of the pound-keeper and by order of any Justice be sold by public auction, and the proceeds of such sale, after paying the pound and trespass fees (if any) and any expenses incurred, shall be paid to the owner, if known, or disposed of in such manner as the Governor may direct :

Provided that two days' notice of the intended sale shall be given to the owner, if known, and if the owner be not known a particular description of the animal shall be posted up in some public place at least three days before such sale.

Owner tres-  
passing to  
remove stock.

7. Any person trespassing on any land for the purpose of driving off any animal being thereon shall be liable to a penalty not exceeding five pounds; unless he shall previously have obtained permission from the lawful occupier.

Certain animals  
trespassing may  
be killed.

8. The lawful occupier of any fenced town land may destroy any swine, sheep, or goat found trespassing thereon, and may remove the carcass to the boundary of his land without being responsible to the owner of the said animal or liable to an action at law or other process whatever.

Liquidated  
damages for  
trespass.

9. The lawful occupier of any fenced land may demand from the owner of any animal trespassing thereon the sum of two shillings for every animal so trespassing :

Provided that such payment shall be a bar to all further or other proceedings for the same cause.

Fees for  
common.

10. Whenever any animal is found on the common and the fees set forth in the Schedule hereto have not been paid in advance in respect of such animal the owner thereof shall be liable to a penalty not exceeding ten pounds.

Neglect and  
cruelty to,  
unlawful  
driving of, and  
dogs worrying  
animals.

11. Any person shall be liable to a penalty not exceeding five pounds who commits any of the following offences, that is to say :—



Who by negligence or ill-usage in driving any animal shall cause any mischief.

Who wantonly pelts, hurts or drives any animal.

Who is the owner of any dog which kills, worries, wounds or unlawfully drives any animal;

and the Court may award to the party aggrieved such portion of any fine imposed under this section as the Magistrate shall see fit.

12. Any person who shall wilfully, negligently or maliciously leave open any gate leading to or from the common shall be liable to a penalty not exceeding ten pounds.

Penalty for leaving common gate open.

13. The Governor may by notice in the *Gazette* constitute such public pounds as may be necessary, and from time to time appoint any persons to be the poundkeepers thereof, and whenever the Governor shall not have appointed a keeper of the pound in Stanley the Chief Constable shall *ex officio* be the keeper thereof, and a poundkeeper and any informer may receive such sum not exceeding one-half of any fees or fines imposed under this Ordinance as the Governor may approve.

Public pounds and keepers thereof.

14. The Governor in Council may from time to time make rules with reference to any matter, in connection with this Ordinance, not otherwise provided for.

Rules.

15. This Ordinance may be cited as "The Trespass Ordinance, 1904."

Short title.

#### SCHEDULE.

Commonage in respect of	For any period not exceeding one month.	For one year.
Any Sheep, Goat or Swine ... ..	5/-	£3
Any Calf or Foal not exceeding one year ...	—	Free.
Ditto, over one and under two years...	1/-	5/-
Any Horse, Mule or Cow ... ..	1/6	10/-
Any Bull ... ..	—	£6
Ditto, with sanction of Governor ... ..	—	Free.

## CONVEYANCING.

### Ordinance No. 6 of 1904.

[8th June, 1904.]

#### *An Ordinance to simplify Conveyancing and Titles to Land.*

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

Interpretation.

1. In this Ordinance—

“ Deed ” shall mean an instrument affecting land in this Colony.

“ Land ” shall include messuages, tenements, hereditaments, houses, buildings and easements, and any estate or interest whatever in real property.

Simplifying deeds.

2. A deed made in one of the Forms 1, 2, 3 and 4 set forth in the First Schedule hereto shall, without being sealed, have effect as a conveyance in fee simple, a mortgage in fee simple, or a lease, as the case may be, of the land described therein, or as a transfer of the mortgage on which it is written or to which it is annexed, and shall be taken to express :—

Conveyance.

(a) In the case of Form 1, that the grantor, for himself, his heirs, executors and administrators, covenants with the grantee, his heirs and assigns for the right to convey the land free from encumbrances (except as therein described), for quiet enjoyment, and for further assurance.

Mortgage.

(b) In the case of Form 2, that the mortgagor for himself, his heirs, executors and administrators, covenants with the mortgagee, his heirs, executors, administrators and assigns for the right to convey the land free from encumbrances (except as therein described), and for further assurance, that the mortgagee shall have a power of foreclosure of the mortgage in

case of default of payment, either of principal or interest, but that, until such default, the mortgagor shall quietly enjoy the land.

(c) In the case of Form 3, that the mortgagee absolutely conveys and transfers to the transferee, his heirs, executors, administrators and assigns the benefit of the mortgage and all rights and powers thereunder.

Transfer.

A transfer of mortgage in Form 3 shall be written on or annexed to the mortgage deed.

(d) In the case of Form 4, that the lessee for himself, his heirs, executors and administrators, covenants with the lessor, his heirs, executors, administrators and assigns to pay rent and taxes and to repair and leave in good repair and not assign without leave; that upon non-payment of rent, it shall be lawful for the lessor to re-enter; but that, until such default, the lessee shall have quiet enjoyment.

Lease.

3. Every deed other than a Crown grant or lease, or agreement for a lease or assignment of a lease shall be registered in words at length in the Registrar-General's office; and if registered within sixty days of the execution thereof when the parties are resident in the Colony, or within one year when either party is not resident, the fees set forth in Section 13 shall be paid, but if registered after the times above stated double those fees shall be paid, and any deed not registered as aforesaid shall be deemed void against any subsequent purchaser or mortgagee for valuable consideration unless such deed shall be registered before the registering of the deed under which such subsequent purchaser or mortgagee shall claim.

Registration.

4. At any time within two years from the passing of this Ordinance it shall be lawful for the Chief Justice to grant, either absolutely or upon such terms as shall seem just, leave to register any deed executed prior to the passing of this Ordinance, and the Registrar-General shall forthwith register any such deed and the fiat thereon, which fiat shall be written on the deed and signed by the Chief Justice :

Revives deeds voided under Ordinance 12 of 1853.

Provided that any deed registered under this section shall be void as against a previous purchaser

or mortgagee whose deed shall be registered under this section, and as against a subsequent purchaser or mortgagee for valuable consideration who shall have duly registered any deed according to law prior to the passing of this Ordinance, and any grant or part of a grant which shall fail to take effect by virtue of this Ordinance shall nevertheless be taken and construed to be a deed or indenture, and be as valid and effectual, and shall bind the parties thereto, so far as the rules of law and equity will permit.

Witness to deed.

5. There need not be more than one witness to each signature to a deed and the same witness may witness every signature.

Declaration to deed.

6. A witness to the signature of a grantor, mortgagor or transferor shall sign a declaration written on the deed in these words—"I solemnly declare that this deed was executed by \_\_\_\_\_ in my presence," which declaration the Registrar-General or any Justice, and, if in a foreign country, any notary public, is hereby empowered to administer, and any person lawfully convicted of making any false declaration shall be deemed guilty of perjury. No conveyance, mortgage or transfer shall be registered unless it has the declaration of the witness written on it.

Copy of deed valid.

7. A copy certified by the Registrar-General of any registered deed shall be accepted in all cases as sufficient evidence of such deed.

Satisfaction of mortgage.

8. An acknowledgment upon the mortgage deed of the receipt either of the debt in full or of any less sum in satisfaction thereof shall upon being registered operate as a full discharge of the mortgage debt, and whenever the mortgagee fails to give such acknowledgment the Chief Justice may order the Registrar-General to cancel the mortgage upon proof of the satisfaction thereof.

Fresh title.

9. Any person, lawfully entitled, may petition to be registered as the owner in fee simple of any land, and such petition shall be published in such manner as the Court may direct not less than three months before it is heard, and copies of such petition

shall be given to all persons whom the Court may think interested in opposing it, and the Chief Justice, after hearing the case and on being satisfied as to the claim of such petitioner, may, notwithstanding the opposition (if any) thereto, make a decree *nisi* for the issue of a title.

10. A decree *nisi* shall not be made absolute until after the expiration of one year from the pronouncing thereof.

Probationary  
for one year.

11. At any time after a decree *nisi* for the issue of a title, and before such decree shall have been made absolute, any person may show cause why it should not be made absolute.

Cause may be  
shown against  
issue of fresh  
title.

12. The Registrar-General, after a decree *nisi* for the issue of a title has been made absolute, shall prepare a deed in the Form 5 in the Schedule to this Ordinance, and as soon as the Chief Justice has countersigned such deed and the copy thereof in the deed book, such title shall be deemed indefeasible.

Fresh title,  
how confirmed.

13. The following fees shall be taken and paid into the Treasury :—

Fees.

	£	s.	d.
For filling up a printed form of deed	0	10	0
For placing a diagram of town lot on deed	0	5	0
For registering a printed deed	0	10	0
For recording diagram on any deed	0	5	0
Issue of title, including registration	2	0	0
Registering deed after prescribed time, double fees.			
Registering plans, according to cost of work.			

14. Nothing in this Ordinance shall be deemed to preclude the use of any form of deed which might have been used if this Ordinance had not been passed.

Other forms of  
deeds valid.

15. This Ordinance may be cited as "The Titles to Land Ordinance, 1904."

Short title.

NOTE.—For further scale of Registrar's fees, see Schedule E of Ordinance 12 of 1853.

For full instructions as to the interpretation, custody, etc., of Deeds, see Sections 6, 7, 9, 26 to 29 and 49 to 64 of "The Conveyancing and Law of Property Act, 1881," Cap. 41 of 44, 45, Vic.



TRANSFER OF MORTGAGE.

FORM 3.

In consideration of the sum of \_\_\_\_\_ now paid by  
*E. F.* to *C. D.*, the receipt whereof is hereby acknowledged, *C. D.* transfers  
to *E. F.* the benefit of this mortgage numbered \_\_\_\_\_

In witness of this we hereto sign our names this \_\_\_\_\_ day of \_\_\_\_\_  
one thousand nine hundred and \_\_\_\_\_

*C. D.*  
*E. F.*

Witness

LEASE.

FORM 4.

The Falklands

19 \_\_\_\_\_

*A. B.* hereby lets unto *C. D.* and *C. D.* hereby hires for the term of  
\_\_\_\_\_ years from the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,  
at the rent of £ \_\_\_\_\_ payable [quarterly or monthly, *as the case may be*].  
The first payment to be made on the \_\_\_\_\_ day of \_\_\_\_\_  
[*describe land*].

In witness of this we hereto sign our names this \_\_\_\_\_ day of \_\_\_\_\_  
one thousand nine hundred and \_\_\_\_\_

*A. B.*  
*C. D.*

Witness

DECLARATION OF TITLE.

FORM 5.

To

The Falklands

19 \_\_\_\_\_

By a decree of the Chief Justice made absolute in open Court on the  
day of \_\_\_\_\_, 19 \_\_\_\_\_, *A. B.*, of \_\_\_\_\_,  
was declared to be lawfully entitled in fee simple to all [*here describe the land*  
*or say last conveyed by C. D. to E. F. and registered in book \_\_\_\_\_ page \_\_\_\_\_*  
*or registered and numbered \_\_\_\_\_ and dated \_\_\_\_\_*  
*and state if subject to any mortgage, life rent or other charge*].

Confirmed

*Chief Justice.*

Date

, 19 \_\_\_\_\_

*Registrar-General.*

**RATING OF STANLEY.****Ordinance No. 4 of 1905.**

[4th November, 1905.]

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

Interpretation  
of rateable  
property.

1. In this Ordinance the word "house" shall mean and include every erection or structure of whatever nature capable of being utilised for habitation, shelter, trade, work, storage, or for housing horses, cattle, stock, poultry, or any live bird or animal.

Rate on pro-  
perty.

2. For all house property in the town of Stanley there shall be charged yearly in respect thereof for every twenty shillings of its annual value the sum of ninepence, or such further sum not exceeding in the aggregate one shilling and threepence, as may be sanctioned annually by the Legislative Council, such value to be assessed in open Court in the first fortnight in January in every year by the Justices of the Peace resident in Stanley whose decision shall be final. All rates shall be paid to the Colonial Treasurer before the 31st day of March in each year.

Owners  
responsible  
for rate.

3. The owners of all house property shall be responsible for the due payment of the rates, and should such rates remain unpaid for a period of four weeks after they become due they shall be recoverable by civil process in the Magistrates' Court.

Exemptions.

4. No rate whatever shall be levied upon any of the following descriptions of property :—

Property belonging to the Government, unless the same be let or hired to a private individual.

Any church or place of public worship.

Any hospital, asylum or building used exclusively for charitable purposes, or any public school, public library, museum or mechanics' institute.

Short title.

5. This Ordinance may be cited as "The Stanley Rating Ordinance, 1905."



## PENSIONS.

### Ordinance No. 5 of 1906.

*As amended by No. 3 of 1907 and No. 6 of 1913.*

[30th November, 1906.]

*An Ordinance to declare the law regulating pensions, gratuities, and other allowances to be granted in respect of officers held in the public service of the Falkland Islands.*

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

1. This Ordinance may be cited as “The Pensions Ordinance, 1906.”

Short title.

2. Nothing in this Ordinance shall either diminish the rights acquired by any persons before the passing of the Ordinance or affect pensions already granted. Otherwise the provisions of this Ordinance shall apply to all public officers now or hereafter serving in the Colony, and to those who having so served have been transferred to public service elsewhere.

Extent.

3. There shall be charged on and paid out of the revenues of the Colony all such sums of money as may, with the sanction of the Secretary of State for the Colonies, from time to time be granted by way of pension, gratuity or other allowance, in accordance with this Ordinance and with any regulations made thereunder, to persons who have been in the service of the Colony.

Pensions to be charged on revenues of the Falkland Islands.

4. It shall be lawful for the Governor in Council, with the sanction of the Secretary of State for the Colonies, from time to time, to make, and when made, to vary and revoke, regulations for the granting of pensions, gratuities, and other allow-

Governor in Council may make pension regulations.

ances to persons who have been in the service of the Colony :

Provided that until any such regulations shall be made, the regulations contained in the Schedule to this Ordinance shall be in force.

Age from which  
pension may be  
earned.

5. No public officer hereafter appointed shall be entitled to a retiring allowance in respect to any service while under the age of twenty years.

Age at which  
pension may be  
granted. Certi-  
ficates required  
as to conduct,  
etc.

6. Except in cases of abolition or re-organisation of office, no pension, gratuity, or other allowance shall be granted to any public officer who has not attained the age of sixty years, unless on medical evidence to the satisfaction of the Governor in Council or the Secretary of State for the Colonies that he is incapable, by reason of some infirmity of mind or body, of discharging the duties of his office, and that such infirmity is likely to be permanent; nor in any case without a certificate from the Governor that he has discharged the duties of his office with such diligence and fidelity as to justify the grant to him of a pension :

Provided that, if a public officer, though not suffering from any particular illness or infirmity of mind or body likely to be permanent, becomes unfit in the opinion of the Governor in Council for the discharge of the duties of the office to which he has been appointed, and such unfitness is not attributable to misconduct or gross negligence, and when the Governor in Council considers that the special circumstances of the case justify the grant to him of a pension, he may be pensioned at the rate not exceeding that for which he would be qualified if he were suffering from an illness or infirmity likely to be permanent :

Provided further, that if an officer is transferred to other public service as defined in the regulations under this Ordinance, and ultimately retires at an age less than sixty years, at which he is permitted by the laws or regulations of that service to retire with a pension, the pension which may be granted to him from the revenues of the Colony under this Ordinance and the regulations thereunder shall be payable from

the date of retirement of such officer notwithstanding that he shall not be sixty years of age.

7. No pension granted under this Ordinance shall exceed two-thirds of the highest salary drawn by an officer at any time in the course of his service, except in cases when the retirement has been necessitated by injuries received in the discharge of duty.

Maximum pension grantable.

8. Where an officer eligible for a pension under this Ordinance is also eligible for a pension from Imperial Funds, or from the funds of some other Colonial or Protectorate Government, the maximum pension which may be granted under this Ordinance shall in ordinary cases be such as, when added to such other pension, does not exceed two-thirds of the highest salary drawn by such officer at any time in the course of his service.

Maximum pension where officer entitled to pension from another source.

9. It shall be lawful for the Governor in Council, subject to the approval of the Secretary of State, to require any public officer to retire from the public service of the Colony at any time after he attains the age of sixty years, and retirement shall be compulsory for every officer on attaining the age of sixty-five years except that, in special cases where the Secretary of State is satisfied that the retirement of an officer at sixty-five would be detrimental to the interests of the public service, his employment may be extended for a further specified period.

Age for compulsory retirement.

10. No officer shall have an absolute right to compensation for past services, or to any pension, gratuity, or other allowance under this Ordinance or under any regulations made thereunder; nor shall anything herein or in such regulations contained, limit the right of the Crown to dismiss any officer without compensation.

Pensions not of right.

11. No pension granted under this Ordinance, or under any regulations made thereunder, shall be assignable or transferable, or liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatsoever.

Pensions not to be assignable.

Pensions to  
cease on con-  
viction.

12. If any person to whom a pension has been granted under this Ordinance, or under any regulations made thereunder, is convicted before any Court in his Majesty's Dominions of any crime or offence for which he is sentenced to death or penal servitude or transportation, or any term of imprisonment with hard labour or exceeding twelve months, and does not within two months after such conviction receive His Majesty's free pardon, then in every such case such pension shall forthwith cease :

Provided always, that the Governor in Council, with the consent of the Secretary of State, may, if he thinks fit, restore the pension in the case of a person who, after conviction as above described, receives His Majesty's free pardon at any time.

Pensions to  
cease on bank-  
ruptcy.

13. If any person to whom a pension has been granted under this Ordinance becomes a bankrupt, then such pension shall forthwith cease :

Provided always, that in any case where a pension ceases by reason of the bankruptcy of the pensioner it shall be lawful for the Secretary of State for the Colonies, or, if such pensioner is resident in the Colony, then for the Governor in Council, from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as the Secretary of State or Governor in Council shall think fit, to pay all or any part of the moneys to which such pensioner would have been entitled by way of pension had he not become a bankrupt to, or apply the same for the maintenance and personal support or benefit of, all or any, exclusive of the other or others, of the following persons, namely, such pensioner and any wife, child or children of his, in such proportions and manner as the Secretary of State or Governor in Council thinks proper.

Conditions  
under which a  
retired officer  
may accept the  
directorship,  
etc., of a Com-  
pany operating  
in the Colony.

14. If any person to whom a pension has been granted under this Ordinance becomes, on his final retirement from the service of the Colony, either a Director of any Company the principal part of whose business is in any way directly concerned with the Colony, or an officer or a servant employed in the

Colony by any such Company, without in every such case the permission of the Governor in writing first had and obtained, then in every such case it shall be lawful for the Governor, with the approval of the Secretary of State, to direct that such pension shall forthwith cease :

Penalty.

Provided always, that it shall be lawful for the Secretary of State, on being satisfied that the person in respect of whose pension any such direction shall have been given has ceased to be a Director of such Company or to be employed as an officer or servant of such Company in the Colony, as the case may be, to give directions for the restoration of such pension, with retrospective effect, if he shall see fit, to such a date as he shall specify.

Conditions under which pension may be restored.

15. This Ordinance shall come into operation on the 1st day of January, 1907.

Date of operation.

#### SCHEDULE.

*Regulations for the granting of Pensions, Gratuities and other Allowances to persons who have been in the Service of the Falkland Islands.*

1. In these regulations the term " pensionable office " means an office which has been declared by the Governor, with the sanction of the Secretary of State, by publication in the official *Gazette*, to be pensionable :

Definitions.

Provided that any office declared to be pensionable under this section may be declared at any time by the Governor, with the sanction of the Secretary of State, by publication in manner aforesaid, to be no longer pensionable, due regard being had to existing rights.

The term " salary " includes personal allowance, house allowance or the estimated value of free quarters, and fuel allowance or the estimated value of free fuel :

Provided that the amount to be allowed for house rent or the estimated value of free quarters, together with the amount to be allowed for fuel or the estimated value of free fuel, shall not exceed one-sixth of the actual salary of the office.

The term " other public service " includes service in a British Colony or Protectorate or under the Imperial Government or the Government of India, and such other service as the Secretary of State may determine to be " other public service " within the meaning of these regulations.

Pensions to whom and at what rates to be granted.

2. Subject to the provisions of "The Pensions Ordinance, 1906," and of these regulations, every public officer holding a pensionable office in the Colony, who has been in the service of the Colony for ten years or upwards, may be granted on his retirement a pension at the rate of ten-sixtieths of his salary, with an addition of one-sixtieth in respect of each complete year of such service in excess of ten until forty years' service is reached, when a pension of two-thirds of such salary may be granted.

Gratuities.

3. Every officer, otherwise qualified for a pension, who has not completed the minimum period of service qualifying for a pension may be granted a gratuity, which will be at the rate of half a month's salary for each complete six months of service.

Abolition of office.

4. If any person holding a pensionable office retire or be removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belongs, by which greater efficiency and economy can be effected, he may be granted a temporary pension, subject to the condition that he shall hold himself ready to be recalled to service:

Provided that if such person is not qualified for other employment, or if there is no reason, in the opinion of the Governor, to expect that he can be shortly re-employed, a pension may be granted to him free from the above-mentioned condition.

Rates of pension when offices are abolished.

5. In the case of an officer whose office is abolished, his pension may be increased by the addition of a certain number of fortieths of his salary in the case of a Judge, and of sixtieths in the case of a holder of another pensionable office, that is to say:—

- (a) In the case of an officer who has served twenty years 7
- (b) In the case of an officer who has served less than twenty years, but not less than fifteen years ... 5
- (c) In the case of an officer who has served less than fifteen years, but not less than ten years ... 3

No addition shall be made under this section so as to entitle an officer to a higher pension than the maximum of two-thirds, or to a higher pension than that to which he would have been entitled by length of service on reaching the age of sixty years.

Rate of gratuity on abolition when service less than 10 years.

6. In the case of an officer whose office is abolished and whose length of service is not such as to entitle him to a pension, a special gratuity not exceeding one and a half month's salary for every year of service may be granted.

Officers retiring on account of injuries.

7. Where a public officer, whether holding a pensionable or a non-pensionable office, has been permanently injured—

- (a) In the actual discharge of his duty, and
- (b) Without his own default, and
- (c) By some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or materially accelerated, he may receive, in addition to the pension, if any, granted to him under these regulations, an annual allowance in proportion to the extent of his injury, as follows:—

When his capacity to contribute to his support is—

Slightly impaired ... ..	Five-sixtieths.
Impaired ... ..	Ten-sixtieths.
Materially impaired ... ..	Fifteen-sixtieths.
Totally destroyed ... ..	Twenty-sixtieths.

Provided that in the case of a pensionable officer no such allowance shall, together with the pension, exceed fifty-sixtieths of his salary at the date of the injury. The allowance shall be less than the above-mentioned maximum by such amount as the Governor in Council shall think reasonable in the following cases:—

(a) Where the injured man has continued to serve for not less than one year after the injury in respect of which he retires;

(b) Where the injured man is fifty years of age and upwards at the date of the injury;

(c) Where the injury is not the sole cause of retirement, *i.e.*, the retirement is caused partly by age or infirmity.

8. When the public officer so injured is a pensionable officer, but has less than ten years' service and he is not entitled to an ordinary pension, he may receive in lieu of a gratuity an annual allowance of so many sixtieths as the years he has actually served, in addition to the number of sixtieths that may be awarded to him under Section 7.

9. For the purpose of computing pensions and gratuities, the salary of the permanent office held by the officer at the date of retirement will be taken if he has held such office, or an office with the same salary, for a period of three years immediately preceding such date; otherwise the average amount of the salary of the permanent offices held by the officer during the three years immediately preceding his retirement will be taken.

How salary to be computed for pension purposes.

10. The service in respect of which pensions or gratuities will be granted must be unbroken, except in cases where the service has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct or voluntary resignation.

Service to be unbroken.

11. No service other than service in a pensionable office, on full or half salary, will be taken into account in computing pensions or gratuities, except that where the service in a pensionable office has been immediately preceded by an unbroken period of service in an appointment other than a pensionable office, or of service paid for out of an open vote, or of both such services, such period or any part of such period may be taken into account:

Non-pensionable service followed by pensionable service.

Provided always that of the period of service paid for out of an open vote, only two-thirds shall be counted for the purposes of these regulations (whether appointed before or after the passing of "The Pensions Ordinance, 1906").

Leave of absence with half salary.

12. The periods during which an officer shall hereafter be absent on leave with half salary shall, for the purpose of computing the amount of his pension, be counted at the rate of one month for every two months of such absence, but the period during which an officer has been absent on leave with full salary shall, under all circumstances, be counted at the full rate.

Leave of absence without salary.

13. Any periods during which an officer has been absent on leave without salary shall not be counted as service, unless such leave has been granted on grounds of public policy, in which case a period not exceeding one year may be counted, for the purpose of these regulations, as service on full salary.

Commencement of pensionable service.

14. Subject to the provisions of Section 5 of "The Pensions Ordinance, 1906," service will be deemed to commence, for pension purposes, at the date on which officers commence to draw salary or half salary.

Acting service.

15. Acting service in a pensionable office will, when continuous with permanent employment, be allowed to reckon as service for pension, provided that the period of such acting service has not been taken into account as part of the service of the previous holder of the office or as part of the officer's other public service.

Service on probation.

16. Every officer who has been appointed provisionally and subject to probation to a pensionable office, and whose appointment shall be afterwards confirmed, shall be entitled to have counted as service for the purpose of computing his pension the period during which he served provisionally and subject to probation.

Professional officers who are allowed private practice not entitled.

17. Except in cases where a claim to pension is sanctioned by the Secretary of State, officers whose whole time is not given to the public service, and professional officers who are allowed the private practice of their professions, shall not be entitled to pensions under these regulations.

Pensions to abate on pensioner obtaining other public employment.

18. If any pensioner under these regulations is appointed to another office in the public service of the Colony or in any other public service, then during his tenure of such office so much only (if any) of his pension shall be paid to him as together with any pension received by him from any other Government, and with the salary of such office makes up an amount equal to the salary of the office which he held at the date of the grant of his pension.



19. Every public officer who, having held a pensionable office in the Colony for a period of at least twelve calendar months, leaves the service of the Colony for any other public service, and whose aggregate service would have entitled him, had it been wholly in the Colony, to a pension under these regulations, shall, on his ultimate retirement from service, be entitled to a pension at the rate of one seven hundred and twentieth ( $\frac{1}{200}$ ) of the amount of his annual salary at the date of his leaving the service of the Colony as aforesaid for each calendar month of his service in the Colony:

Rights of officers transferred from the Falkland Islands to any public service.

Provided that his total pension shall in no case be greater than the maximum of two-thirds of the highest salary drawn by him at any time in the course of his service.

20. Every public officer who, having been in any other public service, is transferred from such service to a pensionable office in the Colony, and whose aggregate service would have entitled him, had it been wholly in the Colony, to a pension under these regulations, shall, on his retirement from service and if he has served for a period of at least twelve months in the Colony, be entitled to a pension at the rate of one seven hundred and twentieth of the amount of his annual salary at the date of such retirement for each calendar month of his service in the Colony, and in every such case there may be added, at the discretion of the Governor, in computing the period of the retiring officer's service in the Colony, a number of months not exceeding (a) one-third of the aggregate of his service elsewhere than in the Colony, nor (b) two-thirds of his service in the Colony, nor (c) in any case sixty months.

Rights of officers transferred to the Falkland Islands from any other public service.

21. (i) Pensions, gratuities and allowances, computed at the rates before mentioned, shall only be granted in cases of decidedly faithful and meritorious service.

Good conduct required.

(ii) Where the fidelity and diligence of the officer fall short of the first degree of merit, the computation may be made at lower rates.

(iii) Where the officer has been guilty of gross negligence, irregularity or misconduct, the grant of pension, gratuity or other allowance may be altogether withheld.

22. Every pension granted under these regulations on the ground of ill-health shall be subject to the condition that, should the officer's health be re-established, he will be bound to accept, in lieu of his pension, any office, not inferior in value to that from which he retired, which the Secretary of State may think proper to confer on him, due regard being had to circumstances of climate, and if a pensioner so called upon declines to accept the office for which he may have been selected, the payment of his pension may be suspended until he has attained the age of sixty years.

Regulations as to ill-health.

**GUN LICENCES.****Ordinance No. 2 of 1908.**

[14th March, 1908.]

*An Ordinance to provide for the granting of  
Licences to use Guns.*

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

Definition  
of gun.

1. In this Ordinance the term "gun" includes a fire-arm of any description from which any shot, bullet or other missile can be discharged.

Commence-  
ment of  
Ordinance.

2. After the 1st day of July, 1908, it shall not be lawful for any person without a licence under this Ordinance, except as herein provided, to use or carry a gun in the Falkland Islands.

Officers by  
whom licences  
may be issued.

3. Licences under this Ordinance shall be issued by the Colonial Treasurer in Stanley or by the Deputy Collector of Customs at Fox Bay, and shall be in the form in the Schedule hereto annexed.

Duration of  
licence and  
fee chargeable.

4. Every licence granted under this Ordinance shall be deemed to date from the 1st day of January and shall expire on the 31st day of December of the year in respect of which it has been issued, and for such licence there shall be paid the sum of ten shillings.

Licence to be  
produced  
on demand.

5. Every person who shall have taken out a licence under this Ordinance who shall neglect or refuse to produce and deliver such licence for examination by any officer of Customs or any constable, within a reasonable time after such officer of Customs or constable shall have required of him the production thereof, shall be liable to a penalty not exceeding one pound.

Penalty for  
using or  
carrying a gun  
without  
a licence.

6. Every person who shall use or carry a gun elsewhere than in a dwelling-house or the curtilage thereof without having in force a licence duly granted to him under this Ordinance shall be liable on conviction to a penalty not exceeding the sum of five pounds:

Provided always that the said penalty shall not be incurred by the following persons, namely :—

(1) By any person in the naval, military or volunteer service of His Majesty, or in the service of the Colonial Government, using or carrying any gun in the performance of his duty, or when engaged in target practice.

(2) By any person carrying a gun belonging to a person having in force a licence under this Ordinance, and by order and for the use of such licensed person only, if the person carrying the gun shall, upon the request of any officer of Customs, or any constable, owner or occupier of the land on which such gun shall be used or carried, give his true name and address and also the true name and address of his employer.

(3) By any person carrying a gun in the ordinary course of his trade or business as a common carrier.

In any information for the prosecution of an offence under this section, it shall be sufficient to allege that the defendant used or carried a gun without having a licence in force under this Ordinance, and it shall lie upon the defendant to prove that he is a person not incurring the penalty by virtue of the proviso contained in this section.

7. Offences under this Ordinance may be prosecuted before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner.

### Prosecution of offences.

8. The provisions of this Ordinance shall not apply to the Dependencies of the Falkland Islands.

**Extent of Ordinance.**

9. This Ordinance may be cited as “ The Gun  
Licence Ordinance, 1908.”

Short title.

### SCHEDULE.

GUN LICENCE ORDINANCE, 1908.

A. B., of  
is hereby licensed to use or carry a gun in the Falkland Islands during the  
year ending on the 31st day of December, one thousand nine hundred and

Given at                      this                      day of                      , 19

Colonial Treasurer [or]  
Deputy Collector of Customs, Fox Bay.

**WHALE FISHERY.****Ordinance No. 5 of 1908.***As amended by No. 5 of 1912.*

[8th August, 1908.]

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

Unlawful  
to take whales  
without  
a licence.

1. It shall be not lawful for any person to kill, take or hunt, or attempt to kill or take any whale in Colonial waters unless he shall first have been duly licensed.

Granting  
of whaling  
licences.

2. (1) The Colonial Secretary, or such other officer as the Governor may appoint for the purpose, may grant whaling licences, that is to say, licences to take whales, to such persons as may apply for them, for such periods, and on such terms and conditions in respect of the number and tonnage of vessels to be employed in taking whales, and the limits of the Colonial waters within which whales may be taken, under such licences, as may be approved by the Governor, subject to any regulations which may be made by the Governor in Council under Section 3 of this Ordinance fixing such periods, terms, and conditions; and any person to whom a whaling licence shall be granted shall have for the purpose of such licence the use of the harbours of any or all of the Dependencies of the Falkland Islands as may be specified therein.

(2) There shall be paid into the Colonial Treasury for and in respect of each whaling licence granted under this Ordinance the sum of one hundred pounds :

Provided that a whaling licence under this Ordinance may, with the approval of the Secretary of State, be granted to any person without payment of the sum of one hundred pounds as aforesaid.

(3) The Colonial Secretary or such other officer as the Governor may appoint for the purpose, may grant floating factory licences, that is to say, licences to fench, render, boil down, treat or manufacture whale carcasses or any part thereof by means of a floating factory, on such terms and conditions and on payment of a fee of not less than one hundred pounds and not more than two hundred pounds, as the Governor in Council may approve.

Power to grant floating factory licences.

3. The Governor in Council may from time to time make regulations—

The Governor in Council may make regulations.

(a) For fixing the terms and conditions on which whaling licences may be granted;

(b) For regulating the number of whaling licences to be granted in any year;

(c) For defining the limits within which any holder of a whaling licence shall be allowed to take whales;

(d) For regulating the number of whales to be taken in any year by any holder of a whaling licence;

(e) For disposing by sale or otherwise of any whales, whale-oil, or whale-bone forfeited under the provisions of this Ordinance; and

(f) Generally for carrying out the provisions of this Ordinance, and the intent and object thereof.

And the Governor in Council may impose penalties not exceeding ten pounds for the breach of such regulations.

4. All regulations made in pursuance of this Ordinance shall be published in the *Gazette*, and shall come into force on such day as the Governor may direct by notice in that behalf published in the *Gazette*.

Regulations to be published in the *Gazette*.

5. Any owner or master or other person in charge of any vessel, who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in killing or taking whales, or who shall permit or negligently suffer any person belonging

Liability of an owner or master of a vessel.

to such vessel to be employed in killing or taking whales, in Colonial waters, without a licence under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any licence granted to him under this Ordinance, shall forfeit any whales so killed or taken, and any whale-oil or whale-bone found in his possession, and in addition thereto shall be liable to a penalty not exceeding three hundred pounds for each offence.

Offences and  
penalties and  
forfeitures  
consequent  
thereon.

6. Any person who does any of the following acts shall be guilty of an offence against this Ordinance, and shall be liable on conviction to a penalty not exceeding one hundred pounds for each such offence, and to forfeit any whales, whale-oil or whale-bone found in his possession :—

(a) Kills, takes or hunts, or attempts to kill or take any whale without a licence under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any licence granted to him under this Ordinance.

(b) Has in his possession, or in any vessel under his command, any whale-oil or whale-bone, for the lawful possession of which he cannot account satisfactorily.

(c) Employs any vessel or floating factory for the purpose of flenching, rendering, boiling down, treating or manufacturing the blubber or any part of the carcass of any whale in Colonial waters, unless he shall have been expressly authorised to do so by a licence under this Ordinance or by the lease of a site on land for whaling purposes.

(d) Employs any vessel for the purpose of towing the body of any whale in Colonial waters, unless he shall have been expressly authorised by licence or otherwise to do so.

Prosecution  
of offences.

7. Offences under this Ordinance, or under any regulation made thereunder, may be prosecuted, and penalties and forfeitures under this Ordinance, or any regulations thereunder, may be recovered before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner, or by action in the

Supreme Court of the Colony, together with full costs of suit :

Provided that any penalty imposed by a Stipendiary Magistrate or two Justices of the Peace shall not exceed one hundred pounds, exclusive of costs.

8. For all purposes of and incidental to the trial and punishment of any person accused of any offence under this Ordinance, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any Court, or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

Venue.

9. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and her tackle, apparel and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Recovery of penalties.

10. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any vessel to which he may belong, with the person being or appearing to be in command or charge of such vessel.

Service of summons.

11. The Governor, and any person duly authorised by him in writing, may kill or take for a scientific or any other special purpose, any whale, and in so doing shall be exempt from any penalties and forfeiture under this Ordinance.

Special exemption.

12. Notwithstanding anything in this Ordinance contained, the owner or lessee of any land, or the agent of such owner or lessee, may take posses-

Derelict whales.

sion of any derelict whale found on such land, or on the coast or shore adjacent thereto, but such whale, or any part thereof, may not be appropriated by such owner or lessee, or agent, as aforesaid, except with the permission of, and on such special terms and conditions in respect of royalty and otherwise as may be approved by, the Governor in Council.

Penalty for appropriating any derelict whale without authority.

13. Any person who appropriates any derelict whale, or any part thereof, in contravention of Section 12 of this Ordinance shall be liable to a penalty not exceeding one hundred pounds.

Short title.

14. This Ordinance may be cited as "The Whale Fishery Ordinance, 1908."

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## QUARANTINE.

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### Ordinance No. 7 of 1908.

[3rd October, 1908.]

*An Ordinance to amend the law relating to Quarantine.*

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

Communication with the shore.

1. Whenever in this Ordinance or in any regulation made thereunder any term is used having reference to communication with the shore, such term shall be held to mean not only direct communication with the shore, but also indirect communication therewith through or by means of communication with any ship or in any other way whatever.

Powers of Colonial Surgeon.

2. The Colonial Surgeon shall have full power to superintend and enforce the carrying out of the provisions of this Ordinance, and the regulations for the time being in force relating to quarantine.



3. The Colonial Surgeon may, with the approval of the Governor, delegate in writing to some other person or persons all or any such powers as may be vested in him under this Ordinance and the regulations made thereunder.

Delegation of powers by Colonial Surgeon.

4. The Governor may appoint such officers as may be necessary to enforce and carry out the provisions of this Ordinance, and the regulations made thereunder; and all such officers shall be subject to the direction and control of the Colonial Surgeon.

Appointment of officers.

5. The Governor may, whenever it appears necessary or expedient, provide one or more ships or buildings and cause such ships or buildings to be fitted up as observation stations and isolation hospitals for the purpose of observation and isolation of the sick.

Observation stations and isolation hospitals.

6. The Governor may appoint suitable places for quarantine grounds and shall have power from time to time to change such places. Notice of every such appointment shall be published in the *Gazette*.

Quarantine grounds.

7. (1) The Governor in Council may from time to time make regulations—

Regulations.

(a) For preventing the introduction of infectious or contagious diseases into the Colony.

(b) For the control and management of observation and isolation stations.

(c) For the prevention of illegal communication with or escapes from such stations and from ships not admitted to pratique.

(d) For the prevention or mitigation of diseases at such stations.

(e) For supplies to persons placed there at the rates payable for such supplies.

(f) For the inspection of ships and persons leaving the ports of the Colony for places beyond the Colony, and for the prevention of the embarkation of any person suffering from any infectious or contagious disease.

(g) For the disinfection of any such ships, the crews and all persons, effects and clothes on board or to be embarked on board such ships.

(h) For the detention of any person found suffering or suspected to be suffering from any infectious or contagious disease and the prohibition of embarkation of any article likely to convey infectious or contagious disease which cannot be disinfected.

(i) And generally such other regulations as may be necessary to carry out the provisions of this Ordinance.

Such regulations may further provide for the infliction of a fine not exceeding fifty pounds and imprisonment not exceeding three months for any breach or contravention thereof, and also for the seizure or destruction of any articles shipped or conveyed or attempted to be shipped or conveyed on board such ships in contravention of the said regulations.

(2) Until the Governor in Council makes regulations under this section, the regulations in the Schedule to this Ordinance shall be in force and shall be deemed for all purposes to be regulations made by the Governor in Council under this section.

Prohibition  
as to boarding  
vessels on  
arrival.

8. On the arrival of any ship at any port of the Colony from a place beyond the Colony, no person whatever except the Pilot, Health Officer, Harbour Master or other person authorised by the Health Officer shall leave or go on board or come into actual contact with the ship until she has been admitted to pratique. Any person transgressing this provision shall be liable to a fine not exceeding fifty pounds.

Offences.

9. If any person without lawful authority or excuse (proof whereof shall lie on him) does or omits to do anything which under the provisions of this Ordinance or of any regulations made thereunder he ought not to do or omit, or if he obstructs or impedes or assists in obstructing or impeding any Inspector or other officer appointed under this Ordinance, or any police officer in the execution of this Ordinance or of any regulations made thereunder, he shall be guilty of an offence against this Ordinance.

Offences may  
be prosecuted  
in a summary  
manner.

10. Every offence against this Ordinance or against any regulations made thereunder may be

prosecuted before a Magistrate or any two Justices of the Peace in a summary manner.

11. (1) If any person is guilty of an offence against this Ordinance or against any regulations made thereunder for which no penalty is prescribed, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

Penalty for offences.

(2) A person convicted of any offence against this Ordinance or against any regulations made thereunder who is within a period of twelve calendar months convicted for a second or subsequent offence against this Ordinance or any such regulations, shall be liable at the discretion of the Court to imprisonment for any term not exceeding two calendar months either in addition to or in lieu of a fine.

(3) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable at common law or under any enactment other than this Ordinance, but so that a person shall not be punished twice for the same offence.

12. (1) When a person is seen or found committing or is reasonably suspected of being engaged in committing an offence against this Ordinance or against any regulations made thereunder, any Inspector or other officer appointed under this Ordinance, or any police officer may, without warrant, stop and detain him, and if his name and address are not known may without warrant apprehend him.

Apprehension of offender.

(2) If any person obstructs or impedes an Inspector or other officer appointed under this Ordinance, or any police officer in the execution of this Ordinance or of any regulations made thereunder, or assists in any such obstructing or impeding, he may be apprehended by such Inspector or other officer or police officer without warrant.

(3) A person apprehended under this section shall be taken with all practicable speed before a Court of Summary Jurisdiction.

(4) Nothing in this section shall take away or abridge any power or authority that a police officer would have had if this section had not been enacted.

No  
indemnifica-  
tion.

13. No person shall be entitled to claim from the Government or from any of its officers any damages or indemnity on account of any acts lawfully done in accordance with any of the provisions of this Ordinance, or any regulations made thereunder.

Misconduct of  
quarantine  
officers.

14. Any officer or person appointed to enforce the performance of quarantine under this Ordinance who shall desert from duty or who shall infringe or knowingly suffer or permit any person to infringe any of the provisions of this Ordinance, or any regulations made thereunder, shall be liable on conviction to a penalty of not less than five pounds and not exceeding twenty-five pounds, and to immediate dismissal.

Ship may put  
to sea instead of  
going into  
quarantine.

15. Notwithstanding anything in this Ordinance contained it shall be lawful for any ship ordered to a quarantine ground under the provisions of this Ordinance or any regulations made thereunder to put to sea again and enter the same port of the Colony instead of going into quarantine.

Payment of  
expenses.

16. It shall be lawful for the Governor to direct the payment from the public revenues of the Colony of all expenses incidental to the execution of this Ordinance, and of any regulations made thereunder.

Ordinance  
to apply to  
men-of-war.

17. His Majesty's ships, and ships of war belonging to other nations, are subject to this Ordinance and the regulations made thereunder in the same way as merchant ships.

Commencement  
and short title.

18. This Ordinance shall come into operation on the 1st day of January, 1909, and may be cited as "The Quarantine Ordinance, 1908."

## SCHEDULE.

## THE QUARANTINE REGULATIONS, 1908.

1. These Regulations may be cited as "The Quarantine Regulations, 1908."

2. In these Regulations—

"Health Officer" means the Colonial Surgeon, or the Assistant Colonial Surgeon, and includes any person appointed by the Governor to act for or assist those officers in the execution of these Regulations.

"Ship" includes vessel, lighter, boat or other floating craft.

"Master" means the master, officer or other person for the time being in charge of any ship.

"Infectious or contagious disease" means cholera, plague, yellow fever and small-pox, and shall not include typhus fever, enteric fever, cerebro-spinal fever, scarlet fever, diphtheria, measles, whooping cough, chicken-pox or dengue.

"Place" means any clearly defined portion of territory, such as an island, a port, a district, a parish, a town or a village.

"Infected place," subject to the provision of Regulation 3, means a place where any infectious or contagious disease exists.

"Infected ship" means a ship on board of which a case or cases of infectious or contagious disease is or are present or has or have occurred—

(1) In the case of plague and cholera within a period of seven days previous to the date of the arrival of the ship;

(2) In the case of small-pox within a period of twelve days previous to such arrival; and

(3) In the case of yellow fever within a period of eighteen days previous to such arrival.

"Suspected ship" means a ship on board of which a case or cases of infectious or contagious disease has or have occurred during the voyage, or during the stay of such ship in the port of departure, but on board of which no fresh case has occurred—

(1) In the case of plague and cholera within a period of seven days previous to the date of the arrival of the ship;

(2) In the case of small-pox within a period of twelve days previous to such arrival; and

(3) In the case of yellow fever within a period of eighteen days previous to such arrival.

"Healthy ship" means a ship which although having come from an infected place has had on board no death from, nor any case of, infectious or contagious disease, either before leaving the port of departure or during the voyage or on arrival.

"Observation" means isolation of passengers, either in a proper station provided for that purpose or on board ship prior to their obtaining free pratique. In the case of yellow fever the sick or those under observation who develop a temperature exceeding 99.2° Fahrenheit must be effectively screened from mosquitoes.

"Surveillance" means that passengers are not isolated. They receive free pratique at once and are allowed to proceed to their place of destination (the proper authority of which must be informed of their arrival) there to undergo medical supervision.

" Medical supervision " means that all persons under surveillance shall present themselves at such places and at such times for examination as the Health Officer may direct.

3. A place shall not be regarded as infected because of the existence thereof of imported cases of any infectious or contagious disease or because of the occurrence of a single non-imported case.

In determining whether a place is infected or not under the definition of " infected place " the second non-imported case necessary to render a place infected must occur within the respective periods mentioned in Regulation 4.

4. A place shall cease to be regarded as infected if the Health Officer is satisfied that—

(a) There has been no fresh case of plague or cholera within five days, of yellow fever within eighteen days, of small-pox within twelve days, of the isolation or of the death or recovery of the last case;

(b) Infected things have been disinfected or destroyed, and that in the case of plague measures have been taken with a view to the destruction of rats in the infected locality, and in the case of yellow fever of mosquitoes on and near the infected premises.

The words " infected premises " in this Regulation mean—

(i) Any premises in which the patient was residing during any of the six days preceding the date on which he was taken ill;

(ii) The premises on which he was taken ill; and

(iii) Any premises occupied by him from the time he was taken ill until effective screening from mosquitoes took place.

5. With a view to restricting the range of application of these Regulations the measures therein specified shall be applied to arrivals not from all ports of clearance of a country, but only to arrivals from such ports of clearance, if any, as, having regard to the nature and progress of the disease and to the extent and means of communication with the infected place, are likely in the opinion of the Health Officer to transmit the infectious or contagious disease with which such place is infected.

This limitation shall apply only if the Health Officer is satisfied that the country in which the infected place is situate takes the measures necessary to prevent the export of rags, clothing and bedding referred to in Regulation 26 from that place unless they shall have been previously disinfected, and also takes measures necessary to check the spread of the disease.

6. The Health Officer may board any ship arriving in the waters of this Colony and inspect every person in the ship.

7. Every infected, suspected or healthy ship shall be inspected as soon as possible after arrival by the Health Officer.

8. The Health Officer may, if he think proper, call for inspection of the ship's books and papers, and he shall use every lawful means which may seem to him expedient for ascertaining the health of the persons on board and the sanitary condition of the ship.

9. The master of any ship, or any other person, shall answer truly, and if required in writing all such questions put to him by and give all such information to the Health Officer or Harbour Master as may be necessary for any purpose of these Regulations. Any master or other person who refuses or

neglects to answer, or answers evasively or falsely, any such questions, or who conceals from the Harbour Master or Health Officer the true state of the health of the crew or passengers or other persons on board of any ship, or who refuses or fails to produce such books and papers as the Health Officer may demand, shall be liable to a fine not exceeding twenty pounds.

10. Every " Infected," " Suspected " and " Healthy " ship arriving in the waters of this Colony shall fly the usual quarantine or yellow flag.

11. If he be ordered to do so by the Harbour Master or Health Officer, it shall be the duty of the master or person in charge of any infected or suspected ship to cause such ship to be taken at once to such place as may be pointed out to him as the quarantine ground, there to remain until released under the provisions of these Regulations.

12. All ships in quarantine shall fly by day the usual quarantine or yellow flag at the foremast head; by night at the foremast a red light over a green light.

13. All guard boats shall by day fly a similar yellow flag; by night they shall fly a red light at bow and stern.

14. No person except those authorised by the Health Officer shall communicate with any ship in quarantine, and the persons on board shall not communicate with the shore except with the permission of the Health Officer.

15. Any person found on board any ship which has not been granted pratique without the permission of the Health Officer shall be detained in such manner and for such time as the Health Officer may direct, and shall be liable to a penalty for a breach of these Regulations.

16. *Infected ships* shall be dealt with as follows:—

(a) The sick shall, as soon as possible, be removed from the ship and isolated.

(b) The other persons on board shall be permitted to land and be kept under observation or subjected to surveillance for periods not to exceed the following:—

(i) Plague, five days; if the person is under surveillance the period may be extended to ten days.

(ii) Cholera, five days.

(iii) Yellow fever, six days.

(iv) Small-pox, twelve days.

In applying these measures the date of the last case and the condition of the ship shall be taken into account.

(c) Clothing and articles belonging to the passengers or crew which, in the opinion of the Health Officer, are infected shall be disinfected or destroyed.

(d) Those parts of the ship that have been occupied by the sick shall be disinfected, and also such other parts of the ship as the Health Officer may regard as infected.

(e) In the case of plague measures shall be taken either before or after discharge of cargo to secure the destruction of rats on board. This operation shall be commenced as soon as possible, and its duration shall not in any case exceed forty-eight hours.

(f) In the case of yellow fever measures shall be taken to secure the destruction of mosquitoes and their larvæ on board.

(g) In the case of cholera the bilge water after preliminary disinfection shall be pumped out and the drinking water on board may be replaced by a fresh supply of wholesome water.

When such measures as the Health Officer may have deemed necessary in accordance with the provisions of this Regulation have been carried out, such ships shall immediately thereupon be admitted to free pratique.

17. Passengers arriving by an infected ship shall be entitled to a certificate from the Health Officer indicating the date of their arrival and the measures to which they and their baggage have been subjected.

18. *Suspected ships* shall be dealt with as follows:—

(a) The passengers and crew may be subjected to surveillance for periods not to exceed the following:—

- (i) Plague, five days.
- (ii) Cholera, five days.
- (iii) Yellow fever, six days.
- (iv) Small-pox, twelve days.

The period of surveillance shall date from the arrival of the ship.

(b) Paragraphs (c), (d) and (g) of Regulation 16 shall apply to suspected ships, and paragraphs (e) and (f) thereof may be applied. When such measures as the Health Officer may have deemed necessary in accordance with the provisions of this Regulation have been carried out, such ships shall immediately thereupon be admitted to free pratique.

19. *Healthy ships* shall be admitted to free pratique immediately on arrival irrespective of the nature of their bill of health. They may, however, at the discretion of the Health Officer be subjected to the measures specified in paragraphs (c), (e), (f) and (g) of Regulation 16, and the passengers and crew may be subjected to surveillance which shall not exceed the following periods:—

- (i) Plague, five days.
- (ii) Cholera, five days.
- (iii) Yellow fever, six days.
- (iv) Small-pox, twelve days.

The period of surveillance shall date from the departure of the ship from the infected place. The application of the measures specified in paragraph (c) or (e) of Regulation 16 shall only be resorted to when, in the opinion of the Health Officer, special reasons exist which require them. Where the provisions of paragraph (e) are applied the operation shall not in any case exceed twenty-four hours and shall not interfere with the free circulation of passengers and crew between ship and shore.

20. If in a healthy ship the rats on board are found to be suffering from plague the Health Officer shall visit the ship and measures shall be taken as in paragraphs (c) and (e) of Regulation 16. The parts of the ship that the Health Officer may consider infected shall be disinfected, and the passengers and crew may be subjected to surveillance which shall not exceed a period of five days after arrival, unless in exceptional cases when such period may be extended to ten days. If unusual mortality has been observed among the rats on a healthy ship the Health Officer shall visit the ship and a bacteriological examination of the rats shall, when practicable, be made as quickly as possible.



If it is thought necessary to resort to measures of rat destruction these shall be carried out as specified in paragraph (e) of Regulation 16. Until all suspicion of plague is removed the passengers and crew may be subjected to surveillance during the time specified in this Regulation in respect of ships on board of which rats are found to be suffering from plague.

21. Whenever means for the destruction of rats have been taken and the master, the shipowner or the shipowner's agent shall so demand, the Health Officer of the port shall furnish him with a certificate that such measures have been applied and specifying the reasons why.

22. If, in the opinion of the Health Officer of the port of arrival, ships from an infected place have been disinfected effectively they shall not again be subjected to sanitary measures unless a fresh case of infectious or contagious disease has occurred on board since disinfection or unless they have again called at an infected place.

23. A ship shall not be regarded as having called at a place if it has merely disembarked passengers and their baggage or mails without having been in communication with the shore.

24. Where a ship has passengers on board who are in a filthy or otherwise unwholesome condition, or is overcrowded with passengers, emigrants or otherwise, the Health Officer may if, in his opinion, it is desirable with a view of preventing the introduction of any infectious or contagious disease subject persons on board to observation or surveillance for such period as he may direct not exceeding the following:—

- (a) Plague, five days; if the person is under surveillance the period may be extended to ten days.
- (b) Cholera, five days.
- (c) Yellow fever, six days.
- (d) Small-pox, twelve days.

Where measures of observation or surveillance are prescribed the Health Officer may exempt from their application any person who, in his opinion, is immune from the infectious or contagious disease on account of which these measures are applied.

25. Where these Regulations provide that a person may be permitted to proceed to his place of destination subject to surveillance, the Health Officer, before granting such permission, must be satisfied that it is reasonably probable that the person to whom it is granted will duly comply with the conditions of surveillance, and permission if granted shall be upon the following conditions:—

(a) He shall satisfy the Health Officer as to his name, intended place of destination, and his place of residence thereat.

(b) He shall agree to present himself and shall present himself for medical supervision during the prescribed period, and he may be required by the Health Officer to deposit a sum not exceeding two pounds, which may be forfeited if he fail to so present himself.

The Agreement shall be in accordance with Form 1 of these Regulations.

(c) The place must, in the opinion of the Health Officer, be conveniently situated for the medical supervision.

If the Health Officer is not satisfied as herein required, or if the person fails to comply with paragraphs (a) and (b) hereof, the Health Officer may detain him under observation or direct him to proceed to a specified place and there remain under medical supervision during the prescribed period. In the latter case the provisions of paragraph (b) hereof may, at the discretion of the Health Officer, be applied to such person.

(d) In the case of small-pox a person may be required to produce to the Health Officer satisfactory evidence of having been successfully vaccinated or re-vaccinated within the ten years immediately preceding, or of his being otherwise immune from the disease, and that such person may in the absence of such evidence be detained under observation for the prescribed period. But when the ship is a healthy ship this measure shall not apply to passengers who have not embarked or gone ashore at the infected place, and it shall not be applied to those passengers who embarked or went ashore at the infected place if the circumstances of their stay there afford reasonable evidence of non-infection.

Any person acting in contravention of any of the provisions of this Regulation shall be liable to a penalty not exceeding the sum of ten pounds.

26. (1) Merchandise shall be disinfected only when, in the opinion of the Health Officer, it is infected, except in the case of yellow fever when it shall under no circumstances be liable to disinfection or prohibition. In the case of plague, cholera and small-pox, clothing and bedding which have been used, and rags, may, when imported from an infected place as merchandise, be subjected to disinfection even in the absence of evidence that they are infected, or their introduction into the Colony may be prohibited, except that in the case of cholera, rags compressed in bales, if, in the opinion of the Health Officer, they are free from infection, shall not be subjected to the provisions of this Regulation.

(2) The measures specified in this Regulation are the only measures that can be applied in respect of merchandise.

27. The entry of live stock into the Colony shall not be prohibited because of the existence of an infectious or contagious disease in the place from whence they have come or on board the ship in which they were conveyed.

28. When merchandise has been subjected to disinfection in pursuance of provisions in these Regulations, the owner or his agent shall be entitled to a certificate from the Health Officer indicating the measures that have been taken.

29. Nothing in these Regulations shall render liable to detention, disinfection or destruction, any article forming part of any mail (other than a parcel mail) conveyed under the authority of the postal administration of any Government, or shall prejudicially affect the delivery in due course of any such mail (other than a parcel mail) to the Post Office.

30. The only measures which parcel mails may be subjected to shall be disinfection or destruction of articles which are, in the opinion of the Health Officer, infected.

31. When any port within the Colony is an infected place:—

(1) Every person taking passage on a ship leaving such port shall be examined by the Health Officer immediately before departure of the ship; such examination implies the use of the clinical thermometer, and shall, as far as practicable, be made by day and on shore, and no person suffering from any infectious or contagious disease shall be permitted to embark.

(2) Measures shall be taken:—

(a) To prevent the exportation of merchandise or articles which the Health Officer may consider infected, unless such merchandise or articles shall in the first instance have been disinfected on shore under his supervision.

(b) In the case of plague to prevent rats from gaining access to ships.

(c) In the case of yellow fever to prevent mosquitoes from gaining access to the ships, but when this is impossible then measures should be taken immediately before the departure of the ship to destroy those on board.

(d) In the case of cholera, the Health Officer shall see that the drinking water taken on board is wholesome.

(3) The Health Officer shall give to the master of the ship a certificate stating in detail the measures taken.

The master, owner or agent of any ship conveying from an infected port a passenger not previously examined, or merchandise or articles liable to disinfection not previously disinfected, shall be liable to a fine not exceeding twenty pounds; and any passenger, in the opinion of the Health Officer, suffering from any infectious or contagious disease who embarks on board of a vessel shall be liable to a fine not exceeding five pounds.

32. When, in the case of a healthy ship from a port which is an infected place, the Health Officer of the port of arrival is satisfied that the measures specified in Regulation 31 have been efficiently carried out at such infected place, such ship shall be exempted from the measures specified in Regulation 19:

Provided always that if the period specified in that Regulation and dating from the departure of the ship from the infected place shall not have been completed, the passengers and crew may be subjected to surveillance for such duration as may be necessary to complete the period.

33. (1) No measures shall be taken against any ship arriving in the waters of this Colony because it has come from or called at any place where any of the following diseases exists:—

Typhus fever,  
Enteric fever,  
Cerebro-spinal fever,  
Scarlet fever,  
Diphtheria,  
Measles,  
Whooping cough,  
Chicken-pox,  
Dengue.

(2) If a case or cases of any of the above diseases has or have occurred on board either before leaving the port of departure, during the voyage, or on arrival, the following measures may be applied at the discretion of the Health Officer:—

(a) Isolation of the sick.

(b) Disinfection of the infected clothing, bedding and effects, and of the compartment of the ship occupied by the sick.

(c) Surveillance of those who have been in contact with the sick.

34. If any ship in the waters of this Colony is known to have any case of infectious or contagious disease on board, the Health Officer may order such ship to be placed in quarantine until she has been dealt with as an infected ship.

35. In the case of a death from any infectious or contagious disease on board any ship, the body shall be disposed of in such a manner as the Health Officer may direct and at the expense of the ship.

36. If any person conveys or attempts to convey any article to or from any ship in contravention of these Regulations, such article shall be forfeited.

37. (1) The master or surgeon, when there is one of any ship, shall, if the facts warrant his so doing, on arriving in the waters of this Colony, sign and deliver to the Harbour Master the certificate in accordance with Form 2 appended to these Regulations.

(2) In the event of any master or surgeon not signing and delivering the certificates marked (a) and (b), the Harbour Master shall place such ship in quarantine pending the visit of the Health Officer, who shall decide whether such ship shall be granted pratique or treated as an infected, suspected or healthy ship.

(3) In the event of any master or surgeon not signing and delivering the certificates marked (c) and (d), the Harbour Master shall grant pratique, but the passengers and crew shall not be permitted to land until they have been seen and dealt with in accordance with these Regulations by the Health Officer.

(4) The surgeon or master of any ship who shall sign any such certificate as aforesaid containing any false statement shall be deemed guilty of a breach of these Regulations, and may be proceeded against and punished accordingly.

38. The owner, master or agents of the ship shall pay the Government on demand any costs and expenses incurred in the removal of any person from the ship to any observation station, or connected with the cleansing and disinfection of any ship or of the cargo or merchandise of any ship or any part of such ship, cargo or merchandise, or of the destruction of rats or mosquitoes on board, including the hire of any necessary labour, ships, premises on shore and disinfecting appliances, or of removing from any ship any article or thing and disinfecting the same.

39. (1) All costs and expenses charged or incurred by the Government for the maintenance of any person under observation or isolation, and for the disinfection and cleansing of passengers' baggage, shall be paid on demand to the Government by the person concerned, except in the case of the master, officers or crew of any ship, when such expenses shall be paid by the owner, master or agent of the ship.

(2) The Government shall have a lien on all baggage and other property belonging to a person placed in an observation or isolation station to secure payment of any sums due to the Government for the maintenance of such person or that of other persons for whom he may be or may have rendered himself liable.

(3) Such property may be kept and detained at the Custom House, and in default of payment within eight days from the termination of the quarantine of any sums due to the Government by the owner of such property in respect of maintenance, the Collector of Customs may cause such property to be sold by auction.

(4) Provided that after deduction from the sale price of such property of the claim of the Government and costs, the balance, if any, shall be paid to the owner of the property.

40. No ship shall be permitted to clear outwards from any port of this Colony until all fees and expenses payable by the owner, master or agents thereof in respect of such ship under the Quarantine Ordinance, 1908, or of these Regulations may have been first duly paid.

41. No person under surveillance shall be required to pay a fee to any Health Officer for the services of medical supervision:

Provided always that this provision shall not apply to any such person who receives at his or her request medical attendance.

42. Where any breach of the above Regulations is committed, all persons assisting in any way in the commission of such breach, and the master or other person having the control of any ship on board of which such breach has been committed or who has been in any way concerned in the commission of such breach, shall be severally answerable for such breach and shall be deemed guilty of the same.

## FORM 1.

Regulation 25.

## ORIGINAL.

*(To be retained by the Health Officer issuing the pass.)*

- (1) No. of pass
- (2) Residence
- (3) Station of issue
- (4) Date of arrival
- (5) Name of person (in full)
- (6) Father's name (*a*)
- (7) Occupation
- (8) Age
- (9) Sex
- (10) Whence coming (give town and locality)
- (11) Destination and residence during next (*b*) days (give town and locality)
- (12) To whom the triplicate copy of the pass sent and when

I declare the information set forth above under headings (5) to (11) to be correct and I do hereby bind myself to appear for inspection daily, for the next            days at the office or residence of Dr.            at the hour of            or such other place or hour as the Examining Officer may direct; and to report to the said officer my residence before departure any change in residence of the above-mentioned person within the said period of            days; and to deliver to the said officer this pass on the expiration of the said period.

Signature or mark of traveller or  
person in charge of him.

Declared and signed before me.

Signature and designation of officer  
issuing the pass.

(*a*) May be omitted when clearly not required for identification.

(*b*) The number of days to be inserted in accordance with the infectious or contagious disease for which the person is placed under surveillance.

*Instructions to the Health Officer issuing the pass.*

1. The pass should be prepared in triplicate. The original should be retained for record, the duplicate delivered to the traveller and the triplicate sent without delay to the officer who has to examine him for the prescribed number of days. The full designation and address of this officer should be entered under heading (12). One pass form should not be used for more than one individual.

2. The Pass-issuing Officer should explain to the traveller or his guardian the terms of the pass, and warn him that any breach of its terms will entail forfeiture of any deposit made by him, and also prosecution and punishment, with fine not exceeding ten pounds.

## FORM 1.

## DUPLICATE.

*(To be issued to the person under surveillance.)*

- (1) No. of pass
- (2) Residence
- (3) Station of issue
- (4) Date of arrival
- (5) Name of person (in full)
- (6) Father's name (*a*)
- (7) Occupation
- (8) Age
- (9) Sex
- (10) Whence coming (give town and locality)
- (11) Destination and residence during next (*b*) days (give town and locality)
- (12) To whom the triplicate copy of the pass sent and when

I declare the information set forth above under headings (5) to (11) to be correct and I do hereby bind myself \_\_\_\_\_ to appear for inspection daily, for the \_\_\_\_\_ days at the office or residence of Dr. \_\_\_\_\_ at the hour of \_\_\_\_\_ or such other place or hour as the Examining Officer may direct; and to report to the said officer before departure any change in \_\_\_\_\_ my residence within the said period of \_\_\_\_\_ residence of the above-mentioned person days; and to deliver to the said officer this pass on the expiry of the said period.

Signature or mark of traveller or  
person in charge of him.

Declared and signed before me.

Signature and designation of officer  
issuing the pass.

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(*a*) May be omitted when clearly not required for identification.  
(*b*) The number of days to be inserted in accordance with the infectious or contagious disease for which the person is placed under surveillance.

## FORM 1.

## TRIPLICATE.

*(To be forwarded without delay to the officer appointed to conduct the days' inspection.)*

- (1) No. of pass
- (2) Residence
- (3) Station of issue
- (4) Date of arrival
- (5) Name of person (in full)
- (6) Father's name (a)
- (7) Occupation
- (8) Age
- (9) Sex
- (10) Whence coming (give town and locality)
- (11) Destination and residence during next (b) days (give town and locality)
- (12) To whom the triplicate copy of the pass sent and when

I declare the information set forth above under headings (5) to (11) to be correct and I do hereby bind myself to appear for inspection daily, for the next                      days at the office or residence of Dr.                      at the hour of                      or such other place or hour as the Examining Officer may direct; and to report to the said officer before departure any change in my residence residence of the above-mentioned person within the said period of                      days; and to deliver to the said officer this pass on the expiry of the said period.

Signature or mark of traveller or  
person in charge of him.

Declared and signed before me.

Signature and designation of officer  
issuing the pass.

*Instructions to the officer appointed to conduct the                      days' inspection.*

The Examining Officer should satisfy himself that the person presenting the pass is the person described therein. He should ascertain from the traveller whether there is any sickness or death in his house. If the traveller exhibits any symptoms of plague, cholera, yellow fever, small-pox, or if any sickness or death is reported in his house, or if he fails to appear for inspection, the said officer should take immediate steps for detaining him or for making the necessary inquiries as to the cause of sickness, death or absence, and report with the quickest dispatch to the Colonial Surgeon.

(a) May be omitted when clearly not required for identification.

(b) The number of days to be inserted in accordance with the infectious or contagious disease for which the person is placed under surveillance.

Endorsement of the Examining Officer:—

	Date.	Signature.
First day ... ..		
Second day ... ..		
Third day ... ..		
Fourth day ... ..		
Fifth day ... ..		
Sixth day ... ..		
Seventh day ... ..		
Eighth day ... ..		
Ninth day ... ..		
Tenth day ... ..		
Eleventh day ... ..		
Twelfth day ... ..		

Forwarded to the Colonial Surgeon, the passenger having been daily observed for the prescribed period.

Signature and designation of  
Examining Officer.

Date

1. The pass-holder must, unless exempted by a written order endorsed on the pass, appear daily for the prescribed number of days on his pass, with his pass, before the Examining Officer, and obtain that officer's signature on the reverse of his pass in token of inspection.

2. The pass-holder is not obliged to remain at a place for the prescribed number of days by reason of his pass, but should he desire to change his residence within that period he must give due intimation to the Examining Officer and get the entries under headings (11) and (12) altered before departure. On the expiration of his term of surveillance he shall deliver his pass to the Examining Officer.

3. The pass-holder is warned that any breach of the terms of the pass will entail forfeiture of any deposit made by him, and also prosecution and punishment, with fine not exceeding ten pounds.



**Regulation 37.**

FORM 2.

(a) I hereby certify that there is not and has not been on board the \_\_\_\_\_ during the voyage from \_\_\_\_\_ or during the stay of the ship in that port, or in any other port in the course of the voyage, any case or suspected case of plague, cholera, yellow fever or small-pox.

Signature of Master or Surgeon.

Ship

Date \_\_\_\_\_

(b) I certify that to the best of my knowledge and belief the ship has not come from or touched at any place where there were any cases of plague, cholera, yellow fever or small-pox, and that there is no person on board who has within twelve days of embarkation been in any place where there were any cases of these diseases.

Signature of Master or Surgeon.

Ship

Date \_\_\_\_\_

(c) I certify that there is not and has not been on board the \_\_\_\_\_ during the voyage from \_\_\_\_\_ or during the stay of the ship in that port, or in any other port in the course of the voyage, any case or suspected case of the following diseases:—

Typhus fever,  
Enteric fever,  
Cerebro-spinal fever,  
Scarlet fever,  
Diphtheria,  
Measles,  
Whooping cough,  
Chicken-pox,  
Dengue.

Signature of Master or Surgeon.

## Ship

Date \_\_\_\_\_

(d) I certify that there has been no death from any cause on board during the voyage.

Signature of Master or Surgeon.

## Ship

Date \_\_\_\_\_

**DEPENDENCIES.****Ordinance No. 9 of 1908.**

[24th December, 1908.]

*An Ordinance to regulate the legal position of the Dependencies of the Colony of the Falkland Islands.*

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

**Interpretation.**

1. In this Ordinance, and in all Ordinances passed after the commencement of this Ordinance, unless the contrary intention appears, the expression "Dependencies" shall mean the groups of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the territory known as Graham's Land, situated in the South Atlantic Ocean to the south of the fiftieth parallel of south latitude, and lying between the twentieth and the eightieth degrees of west longitude.

**Extent of the law of England in force in the Dependencies.**

2. Subject to all local Ordinances and Orders in Council for the time being in force, the common law, the doctrines of equity, and the statutes of general application which were in force in England on the 22nd day of May, 1900, are and shall be in force in the Dependencies, but so far only as the circumstances of the Dependencies and their inhabitants and the limits of the Colonial jurisdiction permit

and subject to such qualifications as local circumstances render necessary.

3. It shall be lawful for the Governor in Council from time to time to declare by notification in the *Gazette* any Ordinance or part of any Ordinance of the Colony, whether passed before or after the commencement of this Ordinance, to be in force in the Dependencies, and thereupon such Ordinance or part as aforesaid, and any rules, regulations, or by-laws made thereunder, unless it is expressly declared that such rules, regulations, or by-laws shall not be in force in the Dependencies, shall be in force therein, and it shall be lawful for the Governor in Council by notification in the *Gazette* to revoke and declare to be no longer in force any such notification as aforesaid.

Procedure for bringing the law of the Colony into force in the Dependencies.

4. Except as provided in this Ordinance, no Ordinance of the Colony passed before the commencement of this Ordinance, nor any Ordinance of the Colony passed hereafter which shall not be expressly declared to be in force in the Dependencies as well as in the Colony, shall be in force in the Dependencies.

General law of the Colony not in force in the Dependencies.

5. Any Ordinance or part of any Ordinance of the Colony which shall be in force in the Dependencies shall be in force therein so far only as the circumstances of the Dependencies and their inhabitants permit, and subject to such qualifications as local circumstances render necessary.

Extent to which the law of the Colony applied to the Dependencies shall be in force.

6. Whenever any Ordinance or part of any Ordinance of the Colony shall be in force in the Dependencies, and rules, regulations, or by-laws may be made thereunder for carrying out the provisions thereof, the Governor in Council may from time to time make under such Ordinance or part as aforesaid rules, regulations, or by-laws, as the case may be, which shall be specially applicable to any or all of the Dependencies and be in force therein.

Power of the Governor in Council to make rules, regulations, and by-laws specially applicable to the Dependencies.

7. All the jurisdiction, powers, and authorities vested in the Supreme Court of the Colony under the

Jurisdiction of the Supreme Court extended to the Dependencies.

provisions of the Administration of Justice Ordinance, 1901, shall extend to the Dependencies.

Power of the Governor to appoint Stipendiary Magistrates and Justices of the Peace.

8. The Governor may for any period he may think fit appoint from time to time such Stipendiary Magistrates and Justices of the Peace for the Dependencies as he may deem necessary.

Jurisdiction of Stipendiary Magistrates and Justices of the Peace.

9. Every Stipendiary Magistrate or Justice of the Peace appointed under this Ordinance shall have and may exercise over and within the district defined and specified in his warrant of appointment all the jurisdiction, powers, and authorities in civil and criminal cases as are conferred on and exercised by Stipendiary Magistrates and Justices respectively appointed under the provisions of the Summary Jurisdiction Ordinance, 1902, and if no limits be defined or specified in such warrant of appointment, then he shall have and may exercise the said jurisdiction, powers, and authorities throughout the Dependencies.

Power of the Governor to appoint constables.

10. The Governor may for any period he may think fit appoint from time to time any person to be a constable for the Dependencies, and any constable so appointed shall have, exercise, and enjoy all the powers, authorities, advantages, and immunities, and be liable to all the duties and responsibilities, which attach to any constable duly appointed under the provisions of the Summary Jurisdiction Ordinance, 1902.

Power of the Governor to appoint officers.

11. The Governor may for any period he may think fit appoint from time to time such officers as may be necessary to enforce and carry out the provisions of any Ordinance or part of any Ordinance, and any regulations made thereunder, which shall be in force in the Dependencies.

Short title.

12. This Ordinance may be cited as "The Dependencies Ordinance, 1908."

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**DECEASED WIFE'S SISTER'S MARRIAGE.**

Ordinance No. 3 of 1909.

[2nd August, 1909.]

*An Ordinance to extend to the Colony and Dependencies thereof the Deceased Wife's Sister's Marriage Act, 1907, of the Imperial Parliament.*

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

1. From and after the passing of this Ordinance the provisions of the Act of the Imperial Parliament, 7 Edward VII., Cap. 47 (the Deceased Wife's Sister's Marriage Act, 1907), shall apply *mutatis mutandis* to this Colony and to the Dependencies thereof.

Deceased Wife's Sister's Marriage Act, 1907 (Imperial), extended to the Colony and to the Dependencies.

2. This Ordinance may be cited as "The Deceased Wife's Sister's Marriage Ordinance, 1909."

Short title.

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**APPEALS.**

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Ordinance No. 5 of 1909.

[2nd August, 1909.]

*An Ordinance to regulate the practice and procedure in the Falkland Islands in Appeals to His Majesty in Council.*

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

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

Definitions.

"Appeal" means appeal to His Majesty in Council.

"His Majesty" includes His Majesty's heirs and successors.

"Judgment" includes decree, order, sentence, rule or decision.

"Court" means the Supreme Court of the Falkland Islands.

"Record" means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before His Majesty in Council on the hearing of the appeal.

"Registrar" means the Registrar or other proper officer having the custody of the records in the Supreme Court of the Falkland Islands.

"Month" means calendar month.

Words in the singular include the plural, and words in the plural include the singular.

Subject to the provisions of this Ordinance, it shall lie—

(a) As of right, from any final judgment of the Court, where the matter in dispute on the appeal amounts to or is of the value of five hundred pounds sterling or upwards, or where the appeal involves, directly or indirectly, some question to or respecting property or civil right amounting to or of the value of five hundred pounds sterling or upwards; and

(b) At the discretion of the Court, from any other judgment of the Court, whether final or interlocutory, if, in the opinion of the Court, the question involved in the appeal is one which, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council for decision.

Cases in which final judgment may be entered *pro forma* for purposes of appeal.

3. Where in any action or other proceeding no final judgment can be duly given in consequence of a difference of opinion between the Judges, the final judgment may be entered *pro forma* on the application of any party to such action or other proceeding according to the opinion of the Chief Justice, or, in

his absence, of the senior puisne Judge of the Court, but such judgment shall only be deemed final for purposes of an appeal therefrom, and not for any other purpose.

4. Applications to the Court for leave to appeal shall be made by motion or petition within twenty-one days from the date of the judgment to be appealed from, and the applicant shall give the opposite party notice of his intended application.

Procedure on applications for leave to appeal.

5. Leave to appeal under Section 2 shall only be granted by the Court in the first instance—

Conditions upon which leave to appeal shall be granted.

(a) Upon condition of the appellant, within a period to be fixed by the Court, but not exceeding three months from the date of the hearing of the application for leave to appeal, entering into good and sufficient security, to the satisfaction of the Court, in a sum not exceeding five hundred pounds, for the due prosecution of the appeal, and the payment of all such costs as may become payable to the respondent in the event of the appellant not obtaining an order granting him final leave to appeal, or of the appeal being dismissed for non-prosecution, or of His Majesty in Council ordering the appellant to pay the respondent's costs of the appeal (as the case may be); and

(b) Upon such other conditions (if any) as to the time or times within which the appellant shall take the necessary steps for the purpose of procuring the preparation of the record and the dispatch thereof to England as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.

6. Where the judgment appealed from requires the appellant to pay money or perform a duty, the Court shall have power, when granting leave to appeal, either to direct that the said judgment shall be carried into execution or that the execution thereof shall be suspended pending the appeal, as to the Court shall seem just, and in case the Court shall

Power of the Court when granting leave to appeal.

direct the said judgment to be carried into execution, the person in whose favour it was given shall, before the execution thereof, enter into good and sufficient security, to the satisfaction of the Court, for the due performance of such order as His Majesty in Council shall think fit to make thereon.

Preparation of  
the record.

7. The preparation of the record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

Irrelevant  
documents to be  
excluded from  
the record.

8. The Registrar, as well as the parties and their legal agents, shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the appeal, and, generally, to reduce the bulk of the record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the record.

Cases in which  
there is a con-  
flict between  
parties as to the  
relevancy of a  
document.

9. Where in the course of the preparation of a record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included, the record, as finally printed (whether in the Falkland Islands or in England), shall, with a view to the subsequent adjustments of the costs of and incidental to such document, indicate in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

The record  
to be printed.

10. The record shall be printed in accordance with the rules set forth in the Schedule hereto. It may be so printed either in the Falkland Islands or in England.

Duty of the  
Registrar when  
the record is  
printed in the  
Colony.

11. Where the record is printed in the Falkland Islands, the Registrar shall, at the expense of the



appellant, transmit to the Registrar of the Privy Council forty copies of such record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal of the Court.

12. Where the record is to be printed in England, the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council one certified copy of such record, together with an index of all the papers and exhibits in the case. No other certified copies of the record shall be transmitted to the agents in England by or on behalf of the parties to the appeal.

*Duty of the Registrar when the record is to be printed in England.*

13. Where part of the record is printed in the Falkland Islands and part is to be printed in England, Sections 11 and 12 of this Ordinance shall, as far as practicable, apply to such parts as are printed in the Falkland Islands and such as are to be printed in England respectively.

*Duty of the Registrar when part of the record is printed in the Colony and part is to be printed in England.*

14. The reasons given by the Judge, or any of the Judges, for or against any judgment pronounced in the course of the proceedings out of which the appeal arises shall by such Judge or Judges be communicated in writing to the Registrar, and shall by him be transmitted to the Registrar of the Privy Council at the same time when the record is transmitted.

*Reasons given by Judges for judgments to be transmitted with the record.*

15. Where there are two or more applications for leave to appeal arising out of the same matter, and the Court is of opinion that it would be for the convenience of the Lords of the Judicial Committee and all parties concerned that the appeals should be consolidated, the Court may direct the appeals to be consolidated and grant leave to appeal by a single order.

*Cases in which the Court may direct appeals to be consolidated.*

16. An appellant who has obtained an order granting him conditional leave to appeal may at any time prior to the making of an order granting him final leave to appeal withdraw his appeal on such terms as to costs and otherwise as the Court may direct.

*Withdrawal of an appeal prior to order granting final leave to appeal.*

Cases in which an order granting conditional leave to appeal may be rescinded.

17. Where an appellant, having obtained an order granting him conditional leave to appeal, and having complied with the conditions imposed on him by such order, fails thereafter to apply with due diligence to the Court for an order granting him final leave to appeal, the Court may, on an application in that behalf made by the respondent, rescind the order granting conditional leave to appeal, notwithstanding the appellant's compliance with the conditions imposed by such order, and may give such directions as to the costs of the appeal and the security entered into by the appellant as the Court shall think fit, or make such further or other order in the premises as, in the opinion of the Court, the justice of the case requires.

Cases in which the Court may defer granting final leave to appeal.

18. On an application for final leave to appeal, the Court may inquire whether notice, or sufficient notice, of the application has been given by the appellant to all parties concerned, and, if not satisfied as to the notices given, may defer the granting of the final leave to appeal, or may give such other directions in the matter as, in the opinion of the Court, the justice of the case requires.

Prosecution of an appeal.

19. An appellant who has obtained final leave to appeal shall prosecute his appeal in accordance with the rules for the time being regulating the general practice and procedure in appeals to His Majesty in Council.

Withdrawal of an appeal after final leave to appeal has been obtained, and prior to the dispatch of the record to England.

20. Where an appellant, having obtained final leave to appeal, desires, prior to the dispatch of the record to England, to withdraw his appeal, the Court may, upon an application in that behalf made by the appellant, grant him a certificate to the effect that the appeal has been withdrawn, and the appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without express order of His Majesty in Council, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court may think fit to direct.

Cases in which, after final leave to appeal has been obtained, the appeal shall be deemed to stand dismissed for non-prosecution.

21. Where an appellant, having obtained final leave to appeal, fails to show due diligence in taking all necessary steps for the purpose of procuring the dispatch of the record to England, the respondent

may, after giving the appellant due notice of his intended application, apply to the Court for a certificate that the appeal has not been effectually prosecuted by the appellant, and if the Court sees fit to grant such a certificate, the appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express order of His Majesty in Council, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court may think fit to direct.

22. Where at any time between the order granting final leave to appeal and the dispatch of the record to England the record becomes defective by reason of the death, or change of status, of a party to the appeal, the Court may, notwithstanding the order granting final leave to appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted or entered on the record in place of, or in addition to, the party who has died or undergone a change of status, and the name of such person shall thereupon be deemed to be so substituted or entered on the record as aforesaid without express order of His Majesty in Council.

Substitution,  
etc., of parties  
to the appeal,  
prior to the  
dispatch of  
the record to  
England.

23. Where the record subsequently to its dispatch to England becomes defective by reason of the death, or change or status, of a party to the appeal, the Court shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Privy Council showing who, in the opinion of the Court, is the proper person to be substituted, or entered, on the record, in place of, or in addition to, the party who has died or undergone a change of status.

Substitution,  
etc., of parties  
to the appeal,  
after the  
dispatch of  
the record to  
England.

24. The case of each party to the appeal may be printed either in the Falkland Islands or in England and shall, in either event, be printed in accordance with the rules set forth in the Schedule hereto, every tenth line thereof being numbered in the margin, and shall be signed by at least one of the counsel who attends at the hearing of the appeal, or by the party himself if he conducts his appeal in person.

Case of each  
party to the  
appeal to be  
printed in  
accordance  
with the rules  
set forth in  
the Schedule.

Preparation of  
the case.

25. The case shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the appeal arises, the contentions to be urged by the party lodging the same, and the reasons of appeal. References by page and line to the relevant portions of the record as printed shall, as far as practicable, be printed in the margin, and care shall be taken to avoid, as far as possible, the reprinting in the case of long extracts from the record. The taxing officer, in taxing the costs of the appeal, shall, either of his own motion, or at the instance of the opposite party, inquire into any unnecessary prolixity in the case, and shall disallow the costs occasioned thereby.

Taxation of  
costs.

26. Where the Judicial Committee directs a party to bear the costs of an appeal incurred in the Falkland Islands, such costs shall be taxed by the proper officer of the Court in accordance with the rules for the time being regulating taxation in the Court.

Execution by  
the Court of  
an order of  
His Majesty  
in Council  
on an appeal.

27. The Court shall conform with and execute any order which His Majesty in Council may think fit to make on an appeal from a judgment of the Court in like manner as any original judgment of the Court should or might have been executed.

Right of  
His Majesty  
to admit an  
appeal from  
any judgment  
reserved.

28. Nothing in this Ordinance contained shall be deemed to interfere with the right of His Majesty upon the humble petition of any person aggrieved by any judgment of the Court to admit his appeal therefrom upon such conditions as His Majesty in Council shall think fit to impose.

Short title.

29. This Ordinance may be cited as "The Privy Council Appeals Ordinance, 1909."

#### SCHEDULE.

1. Records and cases in appeals to His Majesty in Council shall be printed in the form known as demy quarto (*i.e.*, 54 ems in length and 42 in width).
2. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 ins. in height and  $8\frac{1}{2}$  ins. in width.
3. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter and notes.
4. The number of lines in each page of Pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

**SEAL FISHERY IN DEPENDENCIES.**

**Ordinance No. 6 of 1909.**

[20th October, 1909.]

*An Ordinance to regulate the Seal Fishery in the Dependencies.*

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

1. In this Ordinance—

“ Seal ” means the fur seal, the hair seal, the sea otter, the sea elephant, the sea leopard, the sea bear, the sea lion, the sea dog and any animal of the seal kind.

“ Skin ” means the skin of any seal.

“ Seal reserve ” means any portion of land or water set apart by the Governor in Council within the limits of the Dependencies for the breeding of seals.

2. It shall not be lawful for any person to kill, take or hunt, or attempt to kill or take any seal in the Dependencies or the Colonial waters thereof, unless he shall first have been duly licensed.

Interpretation.

Unlawful to take seal in the Dependencies without a licence.

3. (1) The Colonial Secretary, or such other officer as the Governor may appoint for the purpose, may grant licences to take seals in the Dependencies and Colonial waters thereof to such persons as may apply for them for such periods and on such terms and conditions in respect of the number and description of seals to be taken, and the territorial and marine limits within which they may be taken under such licences as may be approved by the Governor.

Granting of sealing licences.

(2) There shall be paid into the Colonial Treasury for and in respect of each licence to take seals granted under this Ordinance the sum of fifty pounds.

Governor in  
Council may  
make  
regulations.

4. The Governor in Council may from time to time make regulations for carrying out the provisions of this Ordinance and the intent and object thereof, and may impose penalties not exceeding ten pounds for the breach of such regulations.

Regulations  
to be published  
in the *Gazette*.

5. All regulations made in pursuance of this Ordinance shall be published in the *Gazette*, and shall come into force on such day as the Governor may direct by notice in that behalf published in the *Gazette*.

Seal reserves.

6. (1) It shall be lawful for the Governor in Council from time to time to declare by notification in the *Gazette* any Crown land, Colonial waters or, with the consent of the owner or lessee, any private land in the Dependencies to be a seal reserve, and by notification in the *Gazette* to revoke and declare to be no longer in force any such notification as aforesaid.

(2) No licence shall be granted under this Ordinance in respect of any seal reserve.

Liability of an  
owner or master  
of a vessel.

7. Any owner or master or other person in charge of any vessel who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in killing or taking seals, or who shall permit or negligently suffer any person belonging to such vessel to be employed in killing or taking seals in the Dependencies or the Colonial waters thereof without a licence under this Ordinance, or contrary to the terms of or beyond the limits specified in any licence granted to him under this Ordinance, shall forfeit any seals so killed or taken, and any seals, seal-oil or skins found in his possession, and in addition thereto shall be liable to a penalty not exceeding three hundred pounds for each offence.

Offences and  
penalties and  
forfeitures  
consequent  
thereon.

8. Any person who does any of the following acts shall be guilty of an offence against this Ordinance, and shall be liable on conviction to a penalty not exceeding one hundred pounds for each such

offence, and to forfeit any seals, seal-oil, or skins found in his possession :—

(a) Kills, takes, or hunts, or attempts to kill or take, any seal in the Dependencies or the Colonial waters thereof without a licence under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any licence granted to him under this Ordinance.

(b) Has in his possession, or in any vessel under his command, any seal, seal-oil, or skins, for the lawful possession of which he cannot account satisfactorily.

9. Whenever any vessel is found in Colonial waters in the Colony or in the Dependencies, and there is good cause to suspect that the owner, master, or other person in charge of such vessel, or any person belonging thereto, has committed any offence against this Ordinance, it shall be lawful for any person duly authorised by the Governor, without warrant, to seize and apprehend the person in charge of such vessel, and any person belonging thereto, and to arrest and detain such vessel until the master has given security to be approved by the Chief Justice to abide the event of any action, suit or other legal proceeding that may be instituted in respect of such vessel or of any person belonging thereto and to pay all penalties, costs and damages that may be awarded thereon.

Arrest of vessel  
and person in  
charge.

10. In any legal proceeding under the next preceding section the person giving security may be deemed to be the owner of the detained vessel.

Security.

11. No duly authorised person shall be liable for any costs or damages in respect of any vessel detained under this Ordinance, unless the detention is proved to have been made without reasonable grounds.

No authorised  
person liable  
for detention  
of vessel.

12. Offences under this Ordinance, or under any regulation made thereunder, may be prosecuted, and penalties and forfeitures under this Ordinance, or any regulations thereunder, may be recovered before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner, or by action in the

Prosecution of  
offences.

Supreme Court of the Colony, together with full costs of suit :

Provided that any penalty imposed by a Stipendiary Magistrate or two Justices of the Peace shall not exceed one hundred pounds, exclusive of costs.

Venue.

13. For all purposes of and incidental to the trial and punishment of any person accused of any offence under this Ordinance and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any Court, or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

Recovery of penalties.

14. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Service of summons.

15. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any vessel to which he may belong with the person being or appearing to be in command or charge of such vessel.

Special exemption.

16. The Governor and any person duly authorised by him in writing, may kill or take, for a scientific or any other special purpose, any seal in the Dependencies or Colonial waters thereof, and in so doing shall be exempt from any penalties and forfeitures under this Ordinance.

Short title and commencement.

17. This Ordinance may be cited as "The Seal Fishery (Dependencies) Ordinance, 1909," and shall come into operation on the 1st day of January, 1910.



## PENGUINS PRESERVATION.

Ordinance No. 7 of 1909.

[20th October, 1909.]

*An Ordinance to provide for the preservation of Penguins in the Dependencies.*

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

1. It shall not be lawful for any person to kill or take penguins in the Dependencies unless he shall first have been duly licensed.

Unlawful to take penguins without a licence.

2. The Colonial Secretary, or such other officer as the Governor may appoint for the purpose, may grant licences to take penguins in the Dependencies to such persons as may apply for them for such periods, and on such terms and conditions in respect of the number and description of penguins to be taken, the territorial limits within which they may be taken, under such licences, and the payment to be made in respect thereof, as may be approved by the Governor.

Granting of licences.

3. The Governor in Council may, from time to time, make regulations for carrying out the provisions of this Ordinance, and the intent and object thereof, and may impose penalties not exceeding ten pounds for the breach of such regulations.

Governor in Council may make regulations.

4. All regulations made in pursuance of this Ordinance shall be published in the *Gazette*, and shall come into force on such days as the Governor may direct by notice in that behalf published in the *Gazette*.

Regulations to be published in the *Gazette*.

5. Any person who shall, after the coming into operation of this Ordinance, without a licence or contrary to the terms and conditions of any licence

Penalty for taking penguins without a licence.

which may have been granted to him under this Ordinance kill or take, or caused to be killed or taken any penguin in the Dependencies, shall be liable to a penalty not exceeding thirty pounds.

Liability of an owner or master of a vessel.

6. Any owner or master or other person in charge of any vessel, who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in killing or taking penguins, or who shall permit or negligently suffer any person belonging to such vessel to be employed in killing or taking penguins, contrary to the provisions of this Ordinance, shall forfeit any penguins so killed or taken, and any penguins or penguin-oil found in his possession, and in addition thereto shall be liable to a penalty not exceeding one hundred pounds for each offence.

Prosecution of offences.

7. Offences under this Ordinance, or under any regulations made thereunder, may be prosecuted, and any penalties and forfeitures under this Ordinance, or any regulations thereunder, may be recovered before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner.

Venue.

8. For all purposes of and incidental to the trial and punishment of any person accused of any offence under this Ordinance, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any Court, or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

Recovery of penalties.

9. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and her tackle, apparel and furniture, and any property on board thereof or belonging thereto, or any part thereof.

10. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any vessel to which he may belong, with the person being or appearing to be in command or charge of such vessel.

Service of  
summons.

11. The Governor, and any person duly authorised by him in writing, may kill or take for a scientific or any other special purpose, any penguin, and in so doing shall be exempt from any penalties and forfeitures under this Ordinance

Special  
exemption.

12. This Ordinance may be cited as "The Penguin (Dependencies) Ordinance, 1909," and shall come into operation on the 1st day of January, 1910.

Short title and  
commencement.

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## EDUCATION.

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### Ordinance No. 8 of 1909.

[16th December, 1909.]

#### *An Ordinance to provide for Public Education.*

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

Enacting  
clause.

1. The parents or guardians of all children residing in Stanley of not less than five and not more than fourteen years of age are hereby required to cause such children to attend school unless there be some reasonable excuse as hereinafter mentioned shown to the satisfaction of the Stipendiary Magistrate:

Parents and  
guardians  
to send  
children to  
school.

Provided always that at any time before the 1st day of July, 1910, it shall be lawful for the parents or guardians of any child to withdraw such child from school on attaining the age of thirteen years.

Any of the following reasons shall be a reasonable excuse :—

Excuse for  
not doing so.

(a) That the child is under efficient instruction in some other manner.

(b) That the child has been prevented from attending school by illness or any other unavoidable cause.

Penalty.

Any parent or guardian acting in contravention of this section shall be liable to a penalty not exceeding five shillings :

Provided always that a complaint for continued non-attendance shall not be repeated at any less interval than two weeks.

Chief Constable  
to prosecute  
complaints.

2. It shall be the duty of the Chief Constable to prepare, keep and from time to time revise, add to and correct, a list in the Form A in the Schedule hereto annexed, of all children between the ages of five and fourteen years residing in Stanley, and it shall be the further duty of the said Chief Constable, as hereinafter provided, to lodge a complaint before the Stipendiary Magistrate against the parent or guardian of any of such children who shall fail and omit to send them regularly to school.

Teachers  
to warn  
parents and  
guardians of  
non-attendance  
of children.

3. It shall be the duty of the head master of the Government School and the teachers of all schools receiving a grant from the Government in aid of their schools in Stanley—

(a) To send once a fortnight to the parents or guardians of all children who do not make eight attendances out of ten in one week, or sixteen attendances out of twenty in two consecutive weeks, due warning of such non-attendance in the Form B in the Schedule hereto annexed.

(b) To furnish the Chief Constable once in every two weeks with a list, in the Form C in the Schedule hereto annexed, of the children on the register of such schools who have, without reasonable excuse, and after due warning being given to the parents or guardians in the Form B, failed to make the requisite number of attendances in any two weeks under this section. The production of the counterfoil of any such list shall be evidence before the Stipendiary Magis-

trate of the absence from school of the child or children named therein on the dates mentioned.

4. The Governor in Council may from time to time make regulations for the inspection and control:—

Power of Governor in Council to make regulations.

(a) Of all Government schools;

(b) Of all schools receiving a Government grant;

(c) Of all schools established in any other township of the Colony than Stanley;

and may impose penalties not exceeding five shillings for any breach of same.

Such regulations shall upon publication in the *Government Gazette* have the same effect as if inserted in this Ordinance.

5. All penalties under this Ordinance, or under the regulations framed hereunder, shall be recoverable in a summary manner in Stanley before a Stipendiary Magistrate on the complaint of the Chief Constable, and in any other place than Stanley before a Justice of the Peace on the prosecution of any person named or appointed by the Governor.

Mode of recovery of penalties.

6. The Governor of the Colony may remit the whole or any part of the school fees of any child attending a Government school upon being satisfied that the parent or guardian of such child is unable because of indigent circumstances to pay the same.

Remission of fees in case of poverty.

7. The parents or guardians of all children residing outside Stanley shall have such children, being not less than five and not more than fourteen years of age, taught by the various Government itinerant or resident schoolmasters, unless there be some reasonable excuse to the contrary, as mentioned in Section 1 (a) and (b).

Instruction of children residing outside Stanley.

8. It shall be competent for the head master of the Government School, and for teachers of other schools receiving a Government grant, to appoint such number of pupil teachers as may be approved and sanctioned by the Governor, to assist the teachers in the aforementioned schools, to the extent of one

Appointment of pupil teachers.

pupil teacher for every fifty scholars in average attendance up to one hundred, and one pupil teacher for every twenty scholars in average attendance over one hundred. Such pupil teachers must, before being appointed, be certified as having passed the sixth standard, or class equivalent to this, and must also be certified by the Government Medical Officer to be of sound constitution and physically fit to undertake the work of teaching.

Terms of  
engagement of  
pupil teachers.

9. The person appointed to be a pupil teacher as above shall be not less than fourteen years of age, and will be on probation during the first year of his or her engagement, after which the pupil teacher must enter into an agreement to serve for a further period of three years.

Salary of  
pupil teacher.

10. Each pupil teacher appointed to a Government school shall receive a salary at the rate of twenty-four pounds per annum, to be increased by three pounds per annum for each subsequent year, on passing the prescribed annual examination.

Pupil teacher  
to receive  
special  
instruction  
and be  
examined.

11. During his or her term of engagement the pupil teacher shall be allowed two afternoons in every school week for the purpose of study in the school under supervision, and while the school is not being held shall receive special instruction from a certificated teacher of the school in which the pupil teacher is engaged during at least five hours per week (except during school holidays), of which not more than two shall be part of the same day. Such special instruction given to the pupil teacher shall be in the subjects specified for each year as shown in the Form D in the Schedule hereto annexed, and the pupil teacher will be examined in each year of his or her engagement in those subjects.

Pupil teacher  
may be  
employed as  
assistant  
teacher  
and receive  
certificate.

12. A pupil teacher who has successfully passed the final examination in the prescribed subjects at the termination of the fourth year of his or her agreement may be employed as an assistant teacher in the Colony, or as an itinerant schoolmaster, and shall receive a certificate stating the educational requirements attained and his or her ability as a teacher.

13. Once a year at least, and on such other occasion as the Governor may direct, the Government Medical Officer shall make an examination of the children attending the Government schools, or other schools receiving a Government grant, and shall make a report to the Government of any children suffering from malnutrition, defective eyesight, defective teeth, want of cleanliness of person, or from any skin disease.

Inspection of school children by Government Medical Officer.

14. The Government Medical Officer shall keep a list of the names of the scholars suffering from one or more of the defects mentioned in Section 13, and a notice shall be sent to the parents or guardians of such children intimating that the children are so suffering, and advising the parents or guardians to adopt remedial measures.

Government Medical Officer to keep list of school children suffering from any defect, and parents to be advised to remedy such.

15. The head master of the Government School or teacher of other schools receiving a Government grant shall, when possible, receive at least two days' notice of any visit from a Government Medical Officer, under Section 13, in order that preparation may be made for such visit with as little disturbance to school routine as possible.

Government Medical Officer to give two days' notice of visit to school.

16. This Ordinance shall be cited as "The Public Education Ordinance, 1909," and shall come into operation on the 1st day of January, 1910.

Short title and commencement.

## REGULATIONS FOR GOVERNMENT SCHOOLS.

### ATTENDANCE.

1. The hours of attendance shall be defined in the time table of the school, which must be prepared by the schoolmaster and submitted for the approval and sanction of the Governor in Council. Any alterations which may from time to time be suggested by the schoolmaster must be submitted in like manner.

2. The regular school holidays shall be as follows:—

Good Friday and Easter week. The week following the next Friday after the 21st of September. Four weeks commencing with the week in which Christmas Day falls.

In addition to the above, the schools will be closed on every Saturday and on every day kept as a public holiday, or on which the public offices shall be closed by order of the Governor, and no other holidays shall be given without the sanction of the Governor.

3. The attendance of the scholars shall be registered every morning and every afternoon at not later than 10 o'clock in the forenoon and not later than 2.10 o'clock in the afternoon.

4. The schools may at any time be temporarily closed by order of the Governor on account of epidemic disease or other sufficient cause.

#### WORK OF THE SCHOOLS.

5. (a) Time tables and schemes of work must be prepared annually by the schoolmaster and thereafter submitted to the Governor in Council for his approval and sanction.

(b) Evening continuation classes on advanced subjects may be instituted with the approval of the Governor.

#### DUTIES OF THE SCHOOLMASTER, SCHOOLMISTRESS AND ASSISTANT TEACHERS.

6. During school hours the schoolmaster, schoolmistress, assistant teachers and pupil teachers shall confine themselves strictly to the tuition of the scholars, and shall not during such time be engaged in any other work or in the preparation of reports or accounts, all of which shall be done out of school hours.

7. It is the duty of the schoolmaster, in the month of November in each year, to prepare requisitions for all necessary books, stationery, etc., required for the ensuing year and forward them to the Colonial Secretary.

8. All books and other requisites necessary for the scholars shall be supplied to them by the schoolmaster at prices which will be only the actual cost of the articles, to be paid for on or before delivery to the scholars.

9. A duplicate list of all school furniture, maps and other articles, being the property of the Government used in the school, must be made out annually by the schoolmaster, one copy to be sent to the Colonial Secretary and the other to be kept in the school.

10. The schoolmaster shall make an entry in the School Log Book each day, specifying progress and other facts connected with the school and the teachers.

11. No entry once made in the Log Book may be removed or altered otherwise than by a subsequent entry.

12. The teachers must be at school at least five minutes before the time for opening.

13. The school shall be opened punctually at the times fixed by the time tables.

14. The teachers must not be absent from their duties during school hours. If any absence is unavoidable, it must be entered in the Log Book, with the cause and duration of absence.

15. The school shall be opened by the children repeating the Lord's Prayer and by the singing of songs or by some simple physical exercises.



16. The school accounts shall be kept in the manner and form appointed by the Governor in Council, and in books or forms supplied for that purpose.

17. The Governor in Council may from time to time appoint a Government Inspector of Schools, who, under such terms and conditions as may be approved, will periodically inspect—

(a) All Government schools,

(b) All schools receiving Government grants,

(c) All camp schools in charge of a Government schoolmaster,

and perform such other educational work as the Government may desire. All reports made by the Government Inspector of Schools shall be forwarded to the Colonial Secretary.

18. The parent or guardian of any child attending a Government school shall pay to the Government schoolmaster the undermentioned fees:—

(a) In the case of children in Standards II. and upwards, a fee of 6d. each weekly.

(b) In the case of children in the Infant Class and Standard I., a fee of 3d. each weekly.

All fees received by the Government schoolmaster shall be paid monthly to the Colonial Treasurer.

### SCHEDULE.

#### FORM A.

Name of Child.	Date of Birth.	Name of Parent or Guardian.	With whom residing.

#### FORM B.

##### *Warning to Parent or Guardian.*

I beg to inform the parent  
the guardian of  
 that has been absent from school on  
 and you are hereby notified and warned of such irregularity of attendance  
 in terms of Section 3 of the Public Education Ordinance, 1909.

Government Schoolmaster or Teacher in Charge  
 School

## FORM C.

Name of Child.	Age.	Parent or Guardian.	Days when absent from School.	Explanation (if any) of absence or remarks of Teacher.

Government Schoolmaster or Teacher of

School.

## FORM D.

## SUBJECTS OF EXAMINATION FOR PUPIL TEACHERS.

*(To be approved hereafter by the Governor in Council.)***MERCHANT SHIPPING.****Ordinance No. 9 of 1909.**

[17th December, 1909.]

*An Ordinance to extend to the Colony certain provisions of the Merchant Shipping Acts of the Imperial Parliament.*

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

Part II. of the Merchant Shipping Act, 1894, applied to the Colony.

1. From and after the passing of this Ordinance, the provisions of Part II. of the Act of the Imperial Parliament, 57 & 58 Victoria, Cap. 60 (the Merchant Shipping Act, 1894), as amended by the Act of the Imperial Parliament, 6 Edward VII., Cap. 48 (the Merchant Shipping Act, 1906) relating to British ships registered in the United Kingdom, and to the owners, masters, and crews of those ships, shall apply to British ships registered in the Colony and to the owners, masters and crews of those ships when within the jurisdiction of the Colony.

Short title.

2. This Ordinance may be cited as "The Merchant Shipping Ordinance, 1909."

# GOVERNMENT WHARVES.

Ordinance No. 1 of 1911.

[18th February, 1911.]

*An Ordinance respecting the use of Government Wharves.*

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

1. In this Ordinance—

Interpretation.

“Government wharf” shall mean any wharf the property of the Crown which shall be declared to be such by the Governor in Council and published in the *Gazette*.

“Vessel” shall mean every description of ship, lighter, or floating water tank.

“Boat” shall mean any small open or partly decked vessel, ordinarily propelled by oars.

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

“Officer of Customs” shall mean any person duly appointed in writing as such, and shall include the Collector of Customs, and any Deputy Collector of Customs, and all police constables.

2. No vessel shall be taken alongside of or made fast to any Government wharf except with the permission of the Harbour Master. Any vessel alongside of or made fast to any such wharf must at any time at the request of the Harbour Master be removed therefrom or shifted from alongside of such wharf. The master or person in charge of any vessel who shall offend against any of the provisions of this section shall on conviction be liable for every such offence to a penalty not exceeding ten pounds.

Vessels not to be taken alongside without consent of Harbour Master.

3. When any vessel of a measurement of not less than two tons shall be placed alongside a Government

Wharfage charges.

wharf for the purpose of discharging or taking in cargo or landing or embarking passengers thereat or for any other purpose there shall be paid in respect of such vessel the wharfage charges specified in the Schedule to this Ordinance. Such wharfage shall be paid or secured to the satisfaction of the Harbour Master before such vessel is removed from alongside of such Government wharf. Any person or persons removing any vessel from alongside of any Government wharf without such wharfage being paid or secured as aforesaid shall be liable on conviction to a penalty not exceeding ten pounds.

Tonnage of  
vessels.

4. The measurement of any vessel shall be deemed to be that specified in the register, and in the case of unregistered vessels the Harbour Master shall be the person to determine the tonnage of same.

Wharfage  
charges may be  
commuted.

5. The Governor in Council in the case of any vessel or vessels owned by the same firm or person within the Colony may, on application being made in writing, permit the wharfage charges payable in respect of such vessel or vessels for any period not exceeding one year to be commuted by the payment in advance of such sum as he may determine subject to such conditions as he may deem expedient.

Exemptions  
from additional  
wharfage.

6. Any vessel employed trading to or within the Colony that has paid the wharfage charge aforesaid at one Government wharf for any one day may for any portion of such day be placed alongside any other Government wharf free of wharfage.

Exclusion of  
persons from  
wharves.

7. Whenever it shall appear necessary to the Harbour Master or any Officer of Customs it shall be lawful for them to prevent any person from coming upon any Government wharf and also to order any person already there to leave the same and any person neglecting or refusing to leave such wharf when requested to do so may be taken into custody without a warrant, and shall upon conviction be liable to a fine not exceeding ten pounds.

8. The owner or master of any vessel or boat shall be liable for any damage done to any Government wharf, or penalty incurred by such vessel or boat, and such vessel or boat may be detained by order of the Governor until such penalty or damage has been paid.

Liability for damage.

9. The master or owner of any vessel or boat from which any ashes, ballast, damaged goods, or dead animals are landed on any Government wharf without permission shall be liable to a penalty not exceeding fifty pounds.

Penalty for landing ashes, etc., without permission.

10. Any person who leaves or causes to be left on any Government wharf any dead animal, ballast, damaged goods, rubbish, nightsoil, or any other material without the permission of the Harbour Master or an Officer of Customs shall be liable to a penalty not exceeding five pounds.

Penalty for leaving dead animals, etc., on wharf.

11. (1) The Governor in Council may from time to time make, alter, or revoke regulations appertaining to and for the general good management and control of any Government wharf, and such regulations may provide that any infraction thereof may be punished by fine not exceeding ten pounds.

Power of Governor to make regulations.

(2) Until the Governor in Council makes regulations under this section, the regulations in the Schedule to this Ordinance shall be in force, and shall be deemed for all purposes to be regulations made by the Governor in Council under this section.

12. This Ordinance may be cited as "The Wharfage Ordinance, 1911."

Short title.

#### SCHEDULE.

##### THE WHARFAGE REGULATIONS, 1911.

1. These regulations may be cited as "The Wharfage Regulations, 1911."

2. The master or owner of every vessel of a registered measurement of two tons and over shall pay wharfage to the Harbour Master in accordance with the subjoined scale of charges:—

*Wharfage duty for one day or any part thereof.*

Vessels of 2 tons but under 10 tons	5/-
„ 10 „ 20	7/6
„ 20 „ 50	10/-
„ 50 „ 60	11/-
„ 60 „ 70	12/-
„ 70 „ 80	13/-
„ 80 „ 90	14/-
„ 90 „ 150	15/-
„ 150 tons and upwards	20/-

3. The Government wharf at the north end of Philomel Street, in the town of Stanley, shall, after the hour of sunset and before the hour of sunrise, be the only calling-place for all boats plying to or from vessels in the harbour, and it shall not be lawful for any boat to call at any other wharf or place, or to proceed from any other wharf or place on the shore of the harbour after the hour of sunset or before the hour of sunrise, without the permission of the Harbour Master or an Officer of Customs.

4. No vessel is to be anchored or moored within twenty yards of the two mooring buoys situated to the north-west and north-east respectively of the Government wharf at the north end of Philomel Street, without the permission of the Harbour Master, or within twenty yards of a straight line drawn between the two mooring buoys.

5. Any vessel while under mail contract with the Government will be exempt from wharfage charges.

6. Any person failing to comply with or offending against these regulations shall be liable to a penalty not exceeding the sum of two pounds for each offence.

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### COUNCIL'S VALIDITY.

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#### Ordinance No. 4 of 1911.

[7th July, 1911.]

*An Ordinance to validate certain proceedings of the  
Legislative Council.*

Whereas doubt has arisen as to whether Montague Cecil Craigie-Halkett was a legally appointed member of the Legislative Council during the period from 10th February to 30th May, 1911.

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

1. All Ordinances and resolutions passed, and all votes granted, by the Legislative Council during

the period from 10th February to 30th May, 1911, inclusive, shall be as valid as if the Legislative Council had been legally constituted.

2. Montague Cecil Craigie-Halkett shall be relieved of all penalties to which he may have rendered himself liable for having sat and voted during the above-mentioned period in the Legislative Council.

Relief from penalties.

3. This Ordinance may be cited as "The Council's Validity Ordinance, 1911."

Short title.

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## LICENSING (SOUTH GEORGIA).

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### Ordinance No. 5 of 1911.

[27th November, 1911.]

#### *An Ordinance to Regulate the Sale of Intoxicating Liquors in South Georgia.*

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

1. No person shall sell or expose for sale in the Dependency of South Georgia any intoxicating liquor without being licensed to sell the same, and any person who shall sell or expose any liquor for sale without holding a licence shall for the first offence be liable to a penalty of not less than thirty pounds, and for any subsequent offence such person shall forfeit the sum of fifty pounds. Upon any conviction under this section the offender shall forfeit all liquors in his possession with the vessels containing the same to the use of His Majesty, and the

Sale of liquor prohibited without a licence.

same may be sold by order of the Stipendiary Magistrate and the proceeds of the sale shall be paid into general revenue.

Licence, how obtained.

2. In order to enable any person lawfully to sell intoxicating liquor he must obtain a licence from the Stipendiary Magistrate.

Power of Magistrate to issue licence when approved by Governor in Council.

3. The Stipendiary Magistrate may issue licences for the sale of intoxicating liquor on the premises specified in the licence and on payment of the fees specified in Section 5 of this Ordinance, but no licence may be issued without the approval of the Governor in Council who shall likewise decide the place where and the hours during which such liquor may be sold.

Duration of licence.

4. Licences issued under this Ordinance shall be in force for six months from the date of issue, or for such period less than six months, as may be specified in the licence.

Fees:

5. The fees payable for licences issued under this Ordinance shall be as follows :—

For 3 months or less £10

For over 3 months ... £20

Supply of liquor to intoxicated persons.

6. If the holder of any licence or his servant supplies intoxicating liquor to any person who is at the time in a state of intoxication, such holder shall be liable to a penalty of not less than two pounds or more than five pounds, and for any subsequent offence to a penalty of not less than five pounds or more than ten pounds.

Revocation of licence.

7. Any licence issued under this Ordinance may be revoked at any time by the Stipendiary Magistrate, but the reasons for such revocation shall be reported in writing to the Governor.

Short title.

8. This Ordinance may be cited as "The Licensing Ordinance (South Georgia), 1911."



## REVISION OF ORDINANCES.

### Ordinance No. 7 of 1911.

[23rd December, 1911.]

*An Ordinance to make provision for the preparation and publication of a new and revised edition of the Ordinances of this Colony.*

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

1. In this Ordinance “The New Edition” means the new and revised edition of the Ordinances of the Colony to be prepared under the authority of this Ordinance.

Interpretation.

2. The Right Honourable the Secretary of State for the Colonies shall appoint a Commissioner for the purpose of preparing a new and revised edition of the Ordinances of this Colony. Should the Commissioner selected be unable from any cause to fully discharge his commission under this Ordinance the Right Honourable the Secretary of State for the Colonies may appoint some other fit and proper person to be a Commissioner in his stead.

Appointment of Commissioner for the new edition.

3. In the preparation of the new edition the Commissioner shall have the following powers (that is to say) :—

Powers of revision as to form vested in the Commissioner.

(1) To omit—

(a) All Ordinances or parts of Ordinances which have been expressly or specifically repealed or which have expired or have become spent or have had their effect;

(b) All repealing enactments contained in Ordinances and also all tables or lists of repealed enactments, whether contained in Schedules or otherwise.

(c) All preambles to Ordinances where such omission can in the opinion of the Commissioner be conveniently made.

(d) All introductory words of enactment.

(e) All enactments prescribing the date when an Ordinance or part of an Ordinance is to come into force where such omission can in the opinion of the Commissioner be conveniently made; and

(f) All amending Ordinances or parts of Ordinances where the amendments affected by such Ordinances or parts of Ordinances have been embodied by the Commissioner in the Ordinances to which they relate.

(2) To consolidate into one Ordinance any two or more Ordinances in *pari materia* making the alterations thereby rendered necessary in the consolidated Ordinance, and affixing such date thereto as may seem most convenient.

(3) To alter the order of sections in any Ordinance and in all cases where it is necessary to do so to renumber the sections of any Ordinance.

(4) To alter the form or arrangement of any section of an Ordinance either by combining it in whole or in part with another section or other sections, or by dividing it into two or more sub-sections.

(5) To divide any Ordinance, whether consolidated or not, into parts or other divisions.

(6) To add a short title to any Ordinance which may require it, and if necessary to alter the short title of any Ordinance; and

(7) To do all other things relating to form and method which may be necessary for the perfecting of the new edition.

4. There shall be attached to each Ordinance contained in the new edition a number showing its place among the Ordinances of the year to which it belongs.

5. (1) The powers conferred upon the Commissioner in Section 3 shall not be taken to imply any power in him to make any alteration or amendment in the matter or substance of any Ordinance or part of an Ordinance.

Mode of dealing with alterations of substance.

(2) Subject to the provision of Sub-section 4 of this section in every case where any such alteration or amendment is in the opinion of the Commissioner desirable the Commissioner shall draft a Bill setting forth such alterations and amendments and authorising them to be made in the said new and revised edition, and every such Bill shall, subject to the sanction of the Governor, be submitted to the Legislative Council and be dealt with in the ordinary way.

(3) Any such Bill may have reference to more Ordinances than one, although such Ordinances may not be in *pari materia*.

(4) In any case where an Ordinance, whether consolidated or not, requires such considerable alterations and amendments as to involve its entire recasting, the Commissioner shall draft a Bill accordingly, and such Bill shall be submitted to the Legislative Council and be dealt with in the ordinary way.

6. (1) On the copies of the new edition being printed the Governor shall cause each of the said copies to be impressed on the title-page thereof with the public seal.

Bringing into force of the new edition.

(2) On some convenient day thereafter the Governor shall, by a proclamation to be published in the *Gazette*, notify that the copies of the new edition have been duly impressed as aforesaid and are ready for issue at the Colonial Secretary's office in Stanley.

7. At the expiration of three months after the publication of the said proclamation the new edition shall be laid before the Legislative Council for approval, and after such approval shall be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all other purposes whatsoever the sole and only proper Ordinance Book

Approval of the Legislative Council and validity.

of the Colony up to the date of the latest of the Ordinances contained therein :

Provided that nothing in this section shall affect the operation of any Ordinance which may be passed before such approval by the Legislative Council for the repeal, alteration or amendment of any earlier Ordinance after such Ordinance has been already printed in the new edition.

Reference to  
repealed  
enactment,  
how construed.

8. Where in any enactment or in any document of whatsoever kind reference is made to any enactment repealed or otherwise affected by or under the operation of this Ordinance such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding enactment in the new edition.

Short title.

9. This Ordinance may be cited as "The New Edition of the Ordinances Ordinance, 1911."

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## WIRELESS TELEGRAPHY.

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### Ordinance No. 3 of 1912.

[15th March, 1912.]

#### *An Ordinance relating to Wireless Telegraphy.*

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

Licences for  
wireless  
telegraphy.

1. No person shall establish any wireless telegraph station or install or work any apparatus for wireless telegraphy in any place or on board any British ship registered in the Colony except under and in accordance with a licence granted in that behalf by the Governor in Council.

Regulations  
made by Gover-  
nor in Council.

2. No person shall work any apparatus for wireless telegraphy installed on any merchant ship (whether British or foreign) whilst that ship is in the territorial waters of the Colony, otherwise than

in accordance with regulations made in that behalf by the Governor in Council, and the Governor in Council may, by any such regulations, impose penalties, recoverable before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner, for the breach of any such regulations, not exceeding twenty pounds for each offence, and may provide for the forfeiture on any such breach of any apparatus for wireless telegraphy installed or worked on such ship.

3. If any person establishes a wireless telegraph station without a licence in that behalf or installs or works any apparatus for wireless telegraphy without a licence in that behalf he shall be guilty of a misdemeanour and be liable on summary conviction thereof to a penalty not exceeding twenty pounds or to imprisonment not exceeding three months and, on conviction in the Supreme Court, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding twelve months, and in either case be liable to forfeit any apparatus for wireless telegraphy installed or worked without a licence.

Penalties.

4. If a Justice of the Peace is satisfied by information on oath that there is reasonable ground for supposing that a wireless telegraph station has been established without a licence in that behalf, or that any apparatus for wireless telegraphy has been installed or worked in any place or on board any merchant ship within his jurisdiction without a licence in that behalf or contrary to the provisions of the regulations made under this Ordinance, he may grant a search warrant to any constable or to any officer appointed in that behalf by the Governor and named in the warrant, and a warrant so granted shall authorise the officer named therein to enter and inspect the station, place or ship, and to seize any apparatus which appears to him to be used or intended to be used for wireless telegraphy therein.

Power to issue search warrant.

5. The expression "wireless telegraphy" means any communication by telegraph without the aid of any wire connecting the points from and at which the messages or other communications are sent and received :

Definition.

Proviso.

Provided that nothing in this Ordinance shall prevent any person from making or using electrical apparatus for actuating machinery or for any purpose other than the transmission of messages.

Short title.

6. This Ordinance may be cited as "The Wireless Telegraphy Ordinance, 1912."

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## CINEMATOGRAPH EXHIBITIONS.

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### Ordinance No. 4 of 1912.

[11th April, 1912.]

*An Ordinance to regulate Cinematograph and similar Exhibitions.*

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

Cinematograph  
exhibitions  
subject to  
conditions.

1. (1) It shall not be lawful for any person to advertise, present or carry on any cinematograph or other similar exhibition, unless a description of every scene intended to be presented or produced at such exhibition has been first furnished to the Colonial Secretary, nor without the written permission of the Governor granted under his hand or under the hand of the Colonial Secretary.

(2) The Governor may refuse to grant such permission or grant it subject to such special conditions and restrictions, to be specified in the permission as to him may seem fit; and any such permission may be revoked by the Governor at any time.

Supervision to  
ensure safety  
from fire.

2. Where the Governor grants any such permission as aforesaid upon condition that the exhibition be conducted under the superintendence of some person designated in the permission, then it shall be lawful, at any time, for the person so designated to order such exhibition to cease or to give any other

direction he may think necessary for ensuring the safety from fire of the premises at which the exhibition takes place and of the people attending the exhibition.

3. Any person who conducts or in any way assists in conducting any such exhibition as aforesaid in contravention of the provisions of this Ordinance, or the rules made thereunder, or of any condition or restriction specified in a permission granted under this Ordinance, shall be guilty of an offence against this Ordinance.

Penalty.

4. (1) It shall be the duty of the occupier or the person who manages or receives the rent of any premises at which it may be proposed to conduct any such exhibition as aforesaid to ascertain whether the requisite permission shall have been obtained and, if so, the terms of such permission; and it shall also be the duty of such occupier or person to give notice to the Chief Constable, or to the officer in charge of the Police Station, if and so soon as he has reason to believe that there is an intention to proceed with the exhibition either without the Governor's permission, or with such permission, but without having everything done, which may be required by such permission to be done, previous to the exhibition taking place.

Duty of occupier, etc., of premises.

(2) Any occupier or person referred to in this section who fails to comply with the provisions of this section shall be guilty of an offence against this Ordinance.

Penalty.

5. A constable or any other officer appointed for the purpose by the Governor may at all reasonable times enter any premises in which he has reason to believe that such an exhibition as aforesaid is being or about to be given, with a view to seeing whether the provisions of this Ordinance or any rules made thereunder, and the conditions of any permission granted under this Ordinance, have been complied with; and if any person prevents or obstructs the entry of any constable or officer appointed as aforesaid, he shall be guilty of an offence against this Ordinance.

Power of entry.

Rules.

6. The Governor in Council may make and thereafter may, from time to time, vary, amend or rescind, such rules as he may deem expedient for regulating and controlling cinematograph and other similar exhibitions.

General penal clause.

7. Any person guilty of an offence against this Ordinance, or against any provision of the rules made thereunder, shall be liable on summary conviction to a fine not exceeding twenty pounds.

Burden of proof.

8. In any prosecution under this Ordinance, the onus of proving that he had complied with the law shall lie on the defendant.

Ordinance not applicable to private exhibitions.

9. This Ordinance shall not apply to an exhibition given in private premises to which the public are not admitted, whether on payment or otherwise.

Short title.

10. This Ordinance may be cited as "The Cinematograph Ordinance, 1912."

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## CHILDREN.

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### Ordinance No. 10 of 1912.

[30th September, 1912.]

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

Definitions.

1. In this Ordinance—

The expression "child" means a person who, in the opinion of the Court, is under the age of fourteen years.

The expression "young person" means a person who, in the opinion of the Court, is fourteen years of age or upwards and under the age of sixteen years.



2. Sentence of death shall not be pronounced on or recorded against a child or young person, but in lieu thereof the Court shall sentence the child or young person to be detained during His Majesty's pleasure, and, if so sentenced, he shall be liable to be detained in such place and under such conditions as the Governor in Council may direct, and whilst so detained shall be deemed to be in legal custody.

Sentence of death on child or young person not to be passed.

3. This Ordinance may be cited as "The Children Ordinance, 1912."

Short title.

## **PRESERVATION OF WILD ANIMALS AND BIRDS.**

### **Ordinance No. 1 of 1913.**

[22nd March, 1913.]

*An Ordinance to amend the law with regard to the preservation of wild animals and birds.*

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

1. This Ordinance may be cited as "The Wild Animals and Birds Protection (Amendment) Ordinance, 1913," and shall apply throughout the Colony of the Falkland Islands and its Dependencies, and shall come into force on such date as the Governor shall appoint by proclamation in the *Government Gazette*.

Short title and commencement of Ordinance.

2. Any person who, after the commencement of this Ordinance, within the limits of the Colony of the Falkland Islands or its Dependencies—

Offences with regard to wild animals and birds mentioned in Schedule 1.

(a) knowingly kills or attempts to kill, or wounds or takes any wild animal or bird specified in the First Schedule to this Ordinance; or

(b) uses any lime, trap, net, snare or other instrument for the purpose of killing or taking any such wild animal or bird; or

(c) has in his control or possession or exposes or offers for sale or exports or attempts to export from the Colony or its Dependencies any such wild animal or bird, killed or taken after the commencement of this Ordinance, or any part of any such wild animal or bird, so killed or taken,

shall be guilty of an offence and shall, on conviction, be liable to a penalty not exceeding ten pounds for every such wild animal or part of an animal, and to a penalty not exceeding two pounds for any bird or part of a bird in respect of which an offence has been committed.

Offences with regard to wild animals or birds mentioned in Schedule II.

3. Any person who, during the period between the first day of October in any year and the last day of February in the following year, both days included (which period is hereinafter called the close season)—

(a) knowingly kills or attempts to kill, or wounds or takes any wild animal or bird specified in the Second Schedule to this Ordinance; or

(b) uses any lime, trap, net, snare or other instrument for the purpose of killing or taking any such wild animal or bird; or

(c) has in his control or possession or exposes or offers for sale, or exports or attempts to export any such wild animal or bird, or any part of any such wild animal or bird, killed or taken during the close season,

shall be guilty of an offence and shall be liable, on conviction, to a penalty not exceeding one pound for every wild animal or bird or part of a wild animal or bird in respect of which an offence has been committed.

Burden of proof in certain cases.

4. Whenever, in any proceedings under Sections 3 or 4 of this Ordinance, it is alleged that the wild animal or bird in respect to which or to any part of which the charge is laid was killed or taken without the limits of the Colony and its Dependencies, or before the commencement of this Ordin

ance, or at a time when such bird might lawfully be killed or taken, the proof of such circumstance shall lie on the person alleging the same.

5. Notwithstanding anything contained in this Ordinance, the Governor, by writing under his hand, may, for such time and subject to such conditions as he thinks fit, authorise any person to kill or take any wild animal or bird specified in the Schedules and to export such animal or bird.

Power of Governor to grant licences.

6. The Stipendiary Magistrate in any Dependency may authorise the killing or taking in that Dependency of any wild animal or bird specified in the Schedules, and the export from that Dependency of any such animal or bird.

Power of Stipendiary Magistrate to grant licence.

7. (a) The Governor in Council may from time to time, by order published in the *Government Gazette*, declare that the name or names of any wild animal or bird shall be added to or expunged from the list of animals and birds contained in Schedules I. and II. to this Ordinance, and thereupon and while such order remains in force this Ordinance shall be read and shall have effect as if the name of the animal or bird so added had been inserted or as if the name of the animal or bird so expunged had not been specified in the Schedule mentioned in such order.

Power of Governor in Council to alter Schedules.

(b) Such order may apply either to the whole of the Colony and its Dependencies or to any part of such whole.

8. (a) The Governor in Council may, by proclamation published in the *Government Gazette*, vary the close season established by Section 4 of this Ordinance, or by any such proclamation, with regard to any or all of the wild animals or birds named in the Second Schedule to this Ordinance, and while any such proclamation remains in force this Ordinance shall be read subject to the variation made by such proclamation.

Power of Governor in Council to vary the close season.

(b) Such proclamation may apply either to the whole of the Colony and its Dependencies or to any part of such whole.

Prosecution of offences.

9. Every offence under this Ordinance may be prosecuted before a Stipendiary Magistrate or two Justices of the Peace in a summary manner.

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#### SCHEDULE I.

Reindeer.	Scoresby's Gull ( <i>Larus Scoresbyi</i> ).
Kelp Goose ( <i>Bernicla antarctica</i> ).	Kelp Pigeon ( <i>Chionis alba</i> ).
Thrush ( <i>Turdus falklandicus</i> ).	Red-breasted Starling ( <i>Trupialis falklandicus</i> ).
Wren ( <i>Troglodytes Cobbi</i> ).	Cinclodes ( <i>Cinclodes antarcticus</i> ).

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#### SCHEDULE II.

Blacknecked Swan.	White or Coscoroba Swan.
Widgeon.	Pintail Duck.
Grey Duck.	Mallard ( <i>Anas boschas</i> ).
Teal.	Grebe.
Giant Petrel.	Snipe.
Double-ringed Plover ( <i>Ægialitis falklandicus</i> ).	King-Shag ( <i>Phalacrocorax alriceps</i> ).

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#### OPIUM.

#### Ordinance No. 3 of 1913.

[8th April, 1913.]

*An Ordinance to give effect to the measures decided upon in the International Opium Convention signed at The Hague on the 23rd day of January, 1912, and to regulate the importation into and the storage and disposal of Opium, Morphine, Cocaine and similar drugs in the Colony of the Falkland Islands.*

Whereas the Government of the Colony of the Falkland Islands hath agreed to be bound by the International Opium Convention signed at The Hague on the 23rd of January, 1912 :

And whereas it is expedient to regulate the importation and the storage and disposal of opium, morphine, cocaine and similar drugs :

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

1. This Ordinance may be cited as “ The Opium Ordinance, 1913.” Short title.

2. In this Ordinance the term—

Signification  
of terms.

“Raw opium” means the spontaneously coagulated juice obtained from the capsules of the *papaver somniferum* which has only been submitted to the necessary manipulations for packing and transport.

“Prepared opium” means the product of raw opium, obtained by a series of special operations, especially by dissolving, boiling, roasting, and fermentation, designed to transform it into an extract suitable for consumption, and includes dross and all other residues remaining when opium has been smoked.

“Medicinal opium” means raw opium which has been heated to 60° centigrade, and contains not less than 10 per cent. of morphine, whether or not it be powdered or granulated or mixed with indifferent materials.

“Morphine” means the principal alkaloid of opium, having the chemical formula  $C_{17}H_{19}NO_3$ .

“Heroin” means the diacetyl morphine, having the formula  $C_{21}H_{23}NO_5$ .

“Cocaine” means the principal alkaloid of the leaves of *Erythroxylon Coca*, having the formula  $C_{17}H_{21}NO_4$ .

“Similar drugs” include—

(a) All preparations whether officinal or non-officinal as well as the so-called anti-opium remedies, which contain more than 0·2 per cent. of morphine, or more than 0·1 per cent. of cocaine.

(b) Heroine, its salts and preparations containing more than 0.1 per cent. of heroine.

(c) All new derivatives of morphine, of cocaine, or of their respective salts, and every other alkaloid of opium which has been demonstrated by scientific research to be liable to similar abuse, and in its abuse productive of like ill-effects.

"Opium," when used without any qualifying epithet, shall be taken to include "raw opium," "medicinal opium," "morphine," "heroine," "cocaine," and "similar drugs."

"Store" means any place appointed by the Governor for the storage of opium on its arrival at any port in the Colony.

Cultivation of  
of opium  
poppy  
prohibited.

3. It shall not be lawful to cultivate in this Colony the opium poppy (*papaver somniferum*).

Importation of  
prepared opium  
unlawful.

4. It shall not be lawful to import into the Colony any prepared opium.

Opium to be  
deposited in  
store.

5. All opium imported into the Colony shall be deposited, at the cost, risk, and peril of the person or persons importing the same, in such store as shall be appointed by the Governor for that purpose.

Opium with-  
drawn on  
Colonial  
Surgeon's  
authority.

6. No opium shall be delivered or withdrawn from a store except on the written authority of the Colonial Surgeon or medical officer authorised by him as hereinafter provided.

Colonial  
Surgeon may  
delegate  
authority.

7. The Colonial Surgeon may authorise in writing any medical officer at any port in the Colony to sign the authority required by this Ordinance for the withdrawal of opium.

Withdrawals  
only by  
registered  
medical  
practitioners,  
etc.

8. It shall not be lawful to authorise any withdrawal of opium from a store except to registered medical practitioners and dentists and to licensed druggists.

9. Where any opium imported into the Colony is, without the proper authority, found in the possession of any person or kept in a place other than a store, such person or the occupier of such place unless he can prove that the same was deposited there without his knowledge or consent, and also the owner of, or other person guilty of keeping the opium, shall be guilty of an offence.

Opium not to be kept in a place other than a store without authority.

10. Any person contravening the provisions of any of the preceding sections shall, on summary conviction before a Magistrate, be liable to a penalty not exceeding one hundred pounds or to imprisonment, with or without hard labour, for any period not exceeding twelve months, and the Magistrate may order any prepared opium, or opium unlawfully imported or withdrawn from the store, to be forfeited to His Majesty.

Penalty for contravention.

11. It shall be lawful for a Magistrate, if satisfied by information on oath that any opium, or prepared opium, is being unlawfully kept, conveyed, landed or sold in contravention of this Ordinance at any place, whether a building or not, or in any ship, not being or having the status of a ship of war, or vehicle, to grant a warrant to enter at any time, and if needs be by force, on Sundays as well as on any other days, the place, ship or vehicle named in such warrant, and every part thereof, and to examine the same, and to search for any opium or prepared opium unlawfully kept therein, and to demand from the owner or occupier thereof the production of the authority for being in possession of the same.

Search warrant.

When the officer or other person executing such warrant has reasonable cause to believe that any prepared opium or opium found by him in any such place, ship or vehicle, is being kept, conveyed, landed or sold in contravention of this Ordinance, he may seize and detain the same until the Magistrate has decided whether the same is liable to be forfeited or not.

Seizure of prepared opium or opium.

Proceedings in a Magistrate's Court shall be commenced as soon as possible after the seizure.

Procedure.

Protection of  
officers from  
actions.

12. Any person acting under the aforementioned warrant shall not be liable to any suit for seizing or detaining any prepared opium or opium.

Accomplices.

13. Whoever attempts to commit or aids or abets in the commission of any offence against this Ordinance may be dealt with in the same way, and shall be liable in the same penalty, as if he were charged with the actual offence.

Governor in  
Council may  
make rules.

14. It shall be lawful for the Governor in Council to make such rules as he may consider expedient for the regulation of the importation, landing, storage, withdrawal or conveyance of any opium imported into this Colony, and any person contravening the same shall, on summary conviction before a Magistrate, be liable for every offence to a penalty not exceeding five pounds, or to imprisonment, with or without hard labour, for a period not exceeding one month.

Recovery of  
penalties.

15. All penalties incurred under this Ordinance may be recovered before a Magistrate, for which purpose every Magistrate shall have jurisdiction to the extent of the said penalties.

Date of  
commencement  
of Ordinance.

16. This Ordinance shall not come into force until such date as the Governor may fix by proclamation after His Majesty's non-disallowance thereof has been communicated to him.



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