

O1#1

ORDINANCES 1867



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

In the year 1867.—No. 1.

By His Excellency WILLIAM CLEAVER FRANCIS ROBINSON, Esquire,  
Governor and Commander-in-chief of the Falkland Islands and  
their Dependencies, with the advice and consent of the Legis-  
lative Council thereof. Be it enacted :—

Repeals former  
Ordinances.

1. The following Ordinances shall be, and the same are here-  
by, repealed :—

No. 2 of 1864 ; No. 1 of 1866.

Governor may grant  
licences to kill  
Penguins on Crown  
lands.

2. It shall be lawful for the Governor to grant to any person  
a licence, in writing, under his hand, to kill Penguins on the un-  
occupied lands of the Crown on the East Falkland Islands 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.

Duration of licence.  
revocation.

3. Each licence shall be for twelve months only. 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.

Governor may grant  
licences to kill Pen-  
guins on private  
lands.

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

Names of licences to  
be published

5. A statement of the names of all persons licenced under this  
Ordinance shall be placed on the 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.

6. 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.

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

Recovery of penal-  
ties.

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

Commencement of  
Ordinance.

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

(Signed.)

WILLIAM ROBINSON, *Governor*.

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

(Signed.)

H. BYNG, *Clerk to the Council*.

O1#2

ORDINANCES 1868



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

In the Year 1868.—No. 3.

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

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

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

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

Commencement of Ordinance.

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

(Signed) WILLIAM ROBINSON, *Governor.*

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

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



ORDINANCES 1870

# AN ORDINANCE

to

Amend that Portion of the Administration of Justice Ordinance which relates to Juries.

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In the year 1870.

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No. 1.

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Clause.

1. Repeal of Ordinance No. 1. of 1859. & 35 Clause of Administration Ordinance No. 10. of 1853.
  2. Qualification of jury men.
  3. Jury List.
  4. Stipendiary Magistrate to alter present Jury List.
  5. That this Ordinance to be part of the Administration of Justice Ordinance, No. 10. 1853.
  6. Commencement of Ordinance.
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By His Excellency Colonel George D'Arcy, Lieutenant Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof with the advice and consent of the Legislative Council thereof.

Recital.

Whereas it is expedient to extend the Jury List to all Her Majesty's Subjects residing in the Falkland Islands and the Dependencies thereof:—

Be it enacted:—

- Repeal of Ordinance No. 1. of 1859, and 35th. Clause of Administration Ordinance No. 10. of 1853.      1. That the Ordinance No. 1. of 1859. and the 35th. clause of the Administration of Justice Ordinance No. 10. of 1853. be and the same are hereby repealed.
- Qualification of Jury men.      2. That in the place of the said Ordinance and Clause hereby repealed be it enacted that every man not being an alien, between the ages of 21 or 60 years who shall reside in the Falkland Islands or the Dependencies thereof except all Members of the Executive and Legislative Councils, the Clerk of the said Councils, Justices of the Peace, all Ministers of Religion, all Officers and men of Her Majesty's Land and Sea Forces on Full Pay, Practising Surgeons, Physicians, and Apothecaries, or any person who has at any time been convicted of Felony shall be liable and qualified to serve as a Juror in the Magistrates Police or Coroner's Court wherever such Courts shall be held within the Colony of the Falkland Islands.
- Jury List.      3. That on or before the first day of May in every year the Stipendiary Magistrate shall prepare a list in alphabetical order of all men who shall be liable to serve on Juries, and shall cause a copy thereof to be affixed upon the door of the Police office and upon the Gazette Board, and to such copy

shall subjoin a notice that all objections thereto shall be heard and determined by him at any time before the First day of June then next; that the list for the past year shall continue to be used until the Tenth day of June 1871 in every respect the same as if it had been prepared in pursuance of this Ordinance.

Stipendiary  
Magistrate to  
alter present  
Jury List.

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

This Ordinance  
to be part of  
Justice Ordinance No. 10.  
of 1853.

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

Commencement  
of Ordinance.

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

( L. S. )

( Signed, )

G. D'Arcy,

Colonel &

Lieutenant Governor.

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

H. BYNG,  
Clerk to the Councils.

# AN ORDINANCE.

to

Repeal the Alien Ordinance No. 7. of 1835. and to regulate the Admission of Aliens under certain proviso into the Colony of the Falkland Islands.

In the year 1870.

No. 2.

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

&c.

&c.

&c.

Repeal of Alien Ordinance.

1. Be it enacted that the Alien Ordinance Number Seven of One thousand eight hundred and fifty three be, and the same is hereby repealed.

Aliens on arrival to report themselves to Consul.

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

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

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

Aliens to register themselves within a week after landing.

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

Commencement of Ordinance.

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

G. D'Arcy.

Colonel & Governor.

Passed the Legislative Council Twentyfifth day of April one Thousand eight hundred and seventy.

M. GALLWEY HURST.  
Clerk to the Council.

# **SPIRIT DUTIES ORDINANCE.**

For the year 1870.

No. 3.

## CLAUSE.

1. Duties on Spirits Wine and Beer.
2. Importer to make Entry of Spirits Wine and Beer.
3. Permit for Landing.
4. Condition in Bond.
5. Fine for not delivering Bill of Entry or making false Entry.
6. Fine on landing without a Permit.
7. Recovery of Fine.
8. Commencement of Ordinance.

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

## Recital.

WHEREAS it has been found expedient to raise a revenue from Custom duties on spirituous and fermented liquors imported into this Colony. Be it enacted

## Duties on Spirits Wine and Beer,

1. That the following duties shall be charged on the articles undermentioned on their Importation into the Colony, that is to say

On all Spirituous Liquors per gallon.	5s.	0d.
On all Wine per gallon.	1s.	0d.
On Beer in Quart Bottles, the dozen.		6d.
On Beer in Pint Bottles, the dozen.		3d.
On Beer in Cask, per gallon.		3d.

## Importer to make Entry of Spirits Wine and Beer.

2. That the Importer of any Spirits Wine or Beer intended to be delivered for the use of the Colony on the landing thereof from the importing Ship or his Agent shall before unshipment within forty-eight hours after the arrival of the ship in the Harbour make perfect Entry of such Spirits Wine and Beer by delivering to the officer appointed by the Governor for that purpose a Bill of Entry in the Form in the Schedule hereunto annexed, or to the same effect and containing the several particulars indicated in or required thereby.

*Spirit Duties Ordinance.*

Permit for  
Landing.

3. That after the Importer of any Spirits Wine or Beer or his Agent shall have delivered his Bill of Entry to the duly appointed Officer and has either paid the duties payable under this Ordinance in the current coin of the realm for which payment a deduction of Five Pounds per centum on the amount of the Duties payable shall be allowed; or signed such Bond for the future payment of the Duties as shall be satisfactory to such Officer, it shall be the duty of the Officer to give a permit under his hand to land such Spirits Wine or Beer.

Condition in  
Bond.

4. That any Bond shall be conditioned to pay the amount of the Duties payable under the provisions of this Ordinance one-fourth within the Period of three months, and the remaining three-fourths within the period of twelve months after the Date of the Permit.

Fine for not  
delivering Bill  
of Entry

5. That if any Importer of Spirits Wine or Beer or his Agent shall willfully fail to deliver such Bill of Entry according to the Form in the Schedule hereunto annexed, or to the same effect, and within the time hereinbefore specified, or if the particulars or any of them contained in such Bill of Entry be false he shall pay a Fine of One hundred Pounds.

Fine on Land-  
ing without  
Permit.

6. That if any Person not having such Permit to land Spirits Wine and Beer hereinbefore provided shall land or attempt to land any Spirits Wine or Beer, he shall pay a Fine of Fifty Pounds, and the Spirits Wine and Beer shall be forfeited and delivered over to the Officer duly appointed under this Ordinance to be applied in such manner as the Governor may direct.

Recovery of  
fines.

7. That any Fine imposed by virtue of this Ordinance shall be sued for and recovered in the same way as Fines are sued for and recovered under the Summary Jurisdiction Ordinance. No. 11. 1853.

Commence-  
ment of  
Ordinance.

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

**SCHEDULE.**

**BILL OF ENTRY.**

Port (*name of Port of Importation.*)

Importer's Name.

Place or Station.	Ship's Name.	Whether British or Foreign—if Foreign the Country.	Master's Name.	Port or Place Whence Imported.
<i>Here state the Particulars according to the above Headings.</i>				
Marks.	Numbers.	Number of Packages, Quantity and Description of the Spirits, Wine, and Beer.		
<i>Here state the Particulars according to the above Headings.</i>				

Total amount of Duty )  
Payable on this Entry. )      £.      s.      d.

Dated this                      day of                      18

(*Signed.*)

Importer or Agent.

I (*name of Importer or Agent*) of (*Place of Abode*) do hereby declare that I am (*the Importer or Agent authorized by the Importer*) of the Spirits Wine and Beer contained in this Bill of Entry, and that I enter the said Spirits Wine and Beer and that the particulars therein stated are true to the best of my knowledge.

Witness my Hand the                      day of                      18  
(*Signed.*)

Importer or Agent

Passed the Legislative Council this 13th. day of July 1870.

M. Gallwey Hurst, Clerk to the Council.

## AN ORDINANCE

TO PROHIBIT THE IMPORTATION OF SHEEP, OR OTHER ANIMALS. FOR THE PURPOSE OF PREVENTING THE INTRODUCTION OF CONTAGIOUS OR INFECTIOUS DISORDERS.

In the year 1870.

No. 4.

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Clause

1. Power to prohibit the Importation of foreign Animals,
  2. Power to impose Quarantine.
  3. Penalty on wrongful Importation,
  4. Power to revoke Proclamations.
  5. Publication of Proclamations.
  6. Commencement of Ordinance.
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By His Excellency Colonel George D'Arcy Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

WHEREAS it is expedient to prevent the Introduction into the Recital.  
Falkland Islands of contagious and infectious disorders among Sheep and Cattle, Horses, and other Animals by prohibiting or regulating the Importation of Foreign Animals.

BE IT ENACTED.—1. That it shall be lawful for the Governor in Council from time to time by Proclamation to prohibit the Importation or Introduction into the Falkland Islands or into any particular Port or Ports thereof, of Cattle, Sheep, Horses, or other Animals either generally or from any Place or Places that may be named in such Proclamation for such Periods as he may deem necessary for the purpose of preventing the Introduction of any infectious and contagious Disorder among the Sheep, Cattle, Horses, or other Animals in this Colony.

2. That it shall be lawful for the Governor in Council from time to time by Proclamation to make such Regulations for subjecting Sheep, Cattle, Horses, or other Animals to Quarantine, or for causing the same to be destroyed upon their arrival in these Islands, or for destroying any Hay, Straw, Fodder, or other Article whereby it appears to him that infection or contagion may be conveyed and generally to make such regulations with respect to the Importations of Sheep, Cattle, Horses, or other Animals as he may consider necessary to prevent the Introduction of any contagious or infectious Disorder.

3. That if any Cattle, Horses, Sheep, or other Animals be im-  
ported, or introduced or attempted to be imported or introduced, <sup>Penalty for</sup>  
contrary to the Provisions of any Proclamations made in pursuance of <sup>wrongful</sup>  
this Ordinance, the same shall be forfeited, and all persons importing <sup>Importation.</sup>  
or introducing or attempting to import or introduce the same shall  
pay a Fine of Ten Pounds for every Animal so imported such Fine  
to be recovered according to the provisions of the Summary Jurisdic-  
tion Ordinance No. 11. 1853.

4. That it shall be lawful for the Governor in Council to revoke <sup>Power to</sup>  
the whole or any part of any Proclamation by any further Procla- <sup>revoke</sup>  
mation issued under the authority of this Ordinance. <sup>Proclamation.</sup>

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

6. That this Ordinance shall come into operation from the day <sup>Commence-</sup>  
of the passing thereof. <sup>ment of</sup>  
<sup>Ordinance.</sup>

G. D'ARCY.

Colonel & Governor.

Passed the Legislative Council this ninth day  
of August, One Thousand eight hundred and  
seventy.

M. GALLWEY HURST.

Clerk to the Council.



## AN ACT

TO PROHIBIT THE IMPORTATION OF SHEEP, OR OTHER ANIMALS, FOR THE PURPOSE OF PREVENTING THE INTRODUCTION OF CONTAGIOUS OR INFECTIOUS DISORDERS.

In the year 1870.

No. 4.

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### Clause

1. Power to prohibit the Importation of foreign Animals,
  2. Power to impose Quarantine.
  3. Penalty on wrongful Importation,
  4. Power to revoke Proclamations.
  5. Publication of Proclamations.
  6. Commencement of Ordinance.
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By His Excellency Colonel George D'Arcy Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

WHEREAS it is expedient to prevent the Introduction into the Falkland Islands of contagious and infectious disorders among Sheep and Cattle, Horses, and other Animals by prohibiting or regulating the Importation of Foreign Animals. Recital.

BE IT ENACTED.—1. That it shall be lawful for the Governor in Council from time to time by Proclamation to prohibit the Importation or Introduction into the Falkland Islands or into any particular Port or Ports thereof, of Cattle, Sheep, Horses, or other Animals either generally or from any Place or Places that may be named in such Proclamation for such Periods as he may deem necessary for the purpose of preventing the Introduction of any infectious and contagious Disorder among the Sheep, Cattle, Horses, or other Animals in this Colony. Power to prohibit the Importation of Foreign Animals.

2. That it shall be lawful for the Governor in Council from time to time by Proclamation to make such Regulations for subjecting Sheep, Cattle, Horses, or other Animals to Quarantine, or for causing the same to be destroyed upon their arrival in these Islands, or for destroying any Hay, Straw, Fodder, or other Article whereby it appears to him that infection or contagion may be conveyed and generally to make such regulations with respect to the Importations of Sheep, Cattle, Horses, or other Animals as he may consider necessary to prevent the Introduction of any contagious or infectious Disorder. Power to impose Quarantine.

## **AN ORDINANCE.**

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

In the year 1870.

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No. 5.

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

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

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

G. D'ARCY.

Colonel & Governor.

Passed the Legislative Council twentyfourth day  
of August, One Thousand eight hundred and  
seventy.

M. GALLWEY HURST.

Clerk to the Council.

## PROCLAMATION.

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

£c.                      £.                      £c,

WHEREAS the Ordinance No. 6 of 1870. entitled "An Amalgamation Ordinance of the Leases of Crown Lands in the Falkland Islands," has been disallowed. Now therefore, I the said Governor do hereby proclaim that pending the consideration of certain amendments in the laws respecting the occupation leasing and sale of land within this Colony; no further leases or licences will be issued, except under the terms of the Proclamation of the 4th. April 1861, so far as the East Falklands are concerned, and of the Proclamation of the 24th. June 1867, so far as the West Falkland Islands are concerned.

All licences for the occupation of land which have expired or shall expire before Her Majesty's approval of the land regulations shall be signified, may be renewable for another year, or for such other period as may be deemed expedient, on payment of Six pounds per annum for every 6000 acres, and the leases to be granted upon the expiration of such occupation licences so renewable shall be subject to such amendments of the law as may hereafter be approved by Her Majesty.

In witness whereof I have hereunto set my hand and  
affixed the Public Seal of the Colony at Government  
House, Stanley Falkland Islands, this fourteenth day  
of March 1871.

(Signed.)

G. D'ARCY,  
Colonel and Governor.

# PILOT ORDINANCE.

In the year 1870.

No. 7.

## Clause.

1. Repeal of Pilot and Harbour Ordinance No. 8. 1853. and Pilot and Harbour Regulations 1857.
2. Governor to appoint Pilots and make Regulations.
3. Vessels anchoring to pay six-pence per ton.
4. Compulsory Pilotage.
5. Governor to make Harbour Regulations.
6. Governor may require declarations, deposit of papers, and notice of departure.
7. Penalty of disobedience to Regulations.
8. Misconduct of Pilots.
9. Penalty for keeping on board or firing cannon loaded with ball or Shot.
10. Unlawful quantities of Gunpowder.
11. Throwing ballast into the Harbour.
12. Limits of Stanley Harbour.
13. Commencement of Ordinance.

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

Recital. Whereas it is expedient to make better provision for the Pilotage and Harbour Regulations. Be it enacted:—

Repeal of  
Pilot and  
Harbour  
Ordinance  
No 8. 1853  
and Pilot  
and Har-  
bour Regu-  
lations 1857.  
Governor to  
appoint  
Pilots and  
make  
Regulations.

1. That the Pilot and Harbour Ordinance No. 8. 1855, be hereby repealed, and that the Pilot and Harbour Regulations published on the Twenty-fourth day of September 1857, in pursuance of the power vested in the Governor in that behalf by the aforesaid Ordinance, be hereby annulled.

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

Vessels  
anchoring to  
pay six  
pence per  
ton.

3. That every vessel (except vessels of war and Colonial vessels trading between Cape Horn and Montevideo) anchoring to the westward of, and within a line drawn from Cape Pembroke to William Point shall pay to the Shipping Master of the Port of Stanley the sum of six-pence for every ton on her register;

Compulsory Pilotage. 4. That every vessel except as hereinbefore is excepted, arriving at or leaving Stanley Harbour shall take an appointed Pilot on board.

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

That the Governor may require declarations, deposit of papers and notice of departure. 6. That the Governor may from time to time make regulations requiring a declaration to be made by the Master of any vessel arriving at any of the said Harbours, the deposit of the ship's papers, and the return thereof to the Master a reasonable time before his departure, and prescribing the form, time, and manner of making such declaration, deposit, or return, or giving such notice.

Penalty for disobedience to Regulations. 7. That any Master, seaman, passenger, Pilot, or other person who shall offend against the said Regulations shall pay any fine not exceeding Fifty pounds.

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

Penalty for keeping on board or firing cannon loaded with ball or shot. 9. That the Master or officer commanding any vessel (except any vessel of war) who while such vessel shall lie or be in Stanley Harbour shall keep or cause or permit to be fired any cannon on board such vessel shotted or loaded with ball shall pay a fine not exceeding Fifty Pounds.

Unlawful for quantities of Gunpowder. 10. That if any information shall be given upon oath to any Justice that there is reasonable cause to suspect that any unlawful quantity of Gunpowder is on board any Merchant Vessel in Stanley Harbour, it shall be lawful for such Justice by warrant under his hand to direct any Constable at any time to enter and search any such vessel,

and it shall be lawful for any Constable to whom such warrant shall be directed (such Constable having previously made known such his authority) either alone or with such assistance as he may deem necessary to enter any such vessel, and search the same for unlawful quantities of Gunpowder, and to seize and remove to the proper place and detain all such unlawful quantities of Gunpowder found on board any such vessel, and the barrels and other packages in which Gunpowder shall be, and if necessary to use force to enable him to execute any such warrant.

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

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

Commencement of Ordinance. 13. That this Ordinance shall take effect and come into operation on the First day of January 1871.

## SCHEDULE.

### A. (Section) 2

Falkland Islands )  
to wit. ) I Governor and Commander-in-Chief of the Falkland Islands.

and the Dependencies thereof do hereby in pursuance of the powers in me vested by the Pilot and Harbour Ordinance No. 7 1870. Appoint to  
be a Pilot and (or) Harbour Master for the Port of In witness  
thereof I have hereunto set my hand and affixed the seal of the Government at Government House, Stanley this day of One  
thousand eight hundred and

G. D'ARCY  
Colonel & Governor.

Passed the Legislative Council this  
Twenty fourth day of December 1870.

M. GALLWEY HURST.  
Clerk to the Council.

01#4

ORDINANCES 1871

# AN ORDINANCE TO DECLARE THE LAW AND PRACTICES IN CASES OF ESCHEAT.

In the year 1871.

No. 2.

Clause.

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

Schedules.

By His Excellency Colonel George D'Arcy Governor and Commander-in Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof; Be it enacted—

Governor to  
appoint Es-  
cheator Gen-  
eral.

1. That the Governor shall appoint an Officer who shall be called the Escheator General, and have jurisdiction to investigate the appropriation of the casual Revenue of the Crown arising from Escheated Estates.

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

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

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

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

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

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

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

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

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

When the finding is in favour of the Crown and no traverse filed the property to form part of the General Revenue.

Interpretation Clause.

Fees to be taken

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

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

6. The form of Inquisition and the finding of the jury on any 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.

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

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

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

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

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

Commencement of Ordinance.

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

## SCHEDULE "A"

### FORM OF PRECEPT.

Falkland Islands,

To the Chief Constable.

These are to authorise and require you to summon twelve good and lawful men of this Government to appear as a Jury at the Court House in Stanley at

o'clock on the day of to

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

Dated the day of

A. B.

Escheator General

## SCHEDULE "A"

Falkland Islands.

Form of Oath to Juror.

You C. D. do swear that you will truly enquire of the title to the lands and tenements (or other property) of which enquiry 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 enquiry. So help you God!

FORM OF INQUISITION.

Falkland Islands) An Inquisition indented taken for Our Sovereign Lady the Queen to wit. ) 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, to which our said Lady the Queen hath become entitled by Escheat, as is alleged by the Oaths of (*here set forth the names of the six Jurors empaneled*) good and lawful men of the said Government, who being duly sworn and charged to make enquiry in premises upon their Oaths, say that the said C. D. was at the time of his death seized in fee simple, (if the property is Personal Estate say possessed in his own right) of the said (*here set forth the particulars of the real Estate, if any*) and that the same hath therefore become the property of our Sovereign Lady the Queen by way of Escheat.







## WRECK AND SALVAGE ORDINANCE.

In the Year 1871.—No. 3.

Clause.

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

By His Excellency Colonel D'ARCY, Governor and Commander-in-Chief, of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, Be it enacted :—

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

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

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

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

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

3. That, in the event of no owner establishing a claim to wreck before the expiration of twelve calendar months after the same shall have come into the possession of the Receiver shall forthwith sell the same, and after payment of all expenses attending such sale and all expenses incurred by him, and paying to the salvors such amount of salvage as the Governor in Council may in each case determine, shall pay the same into the Colonial Treasury for the general uses of the Colony.

Commencement of Ordinance.

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

(Signed.)

G. D'ARCY,

Governor.

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

(Signed.)

M. GALLWEY HURST,

Acting Clerk to the Council.

# ORDINANCE FOR REGULATING THE DISPOSAL OF CROWN LANDS IN THE FALKLAND ISLANDS.

For the year 1871.

Number 4.

## Preamble.

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

Repeal of previous Law. 1. The Proclamations of the 31st. July 1849, of the 4th. April 1861, of the 24th. June 1867, of the 21st August, 1867, and the 37th. Section of the Summary Jurisdiction Ordinance 1853, are hereby repealed saving nevertheless all Estates, Interests, Rights and Renewals created or accruing under or by virtue of such Proclamations or Ordinance respectively.

Short Title. 2. This Ordinance may be cited as "The Land Ordinance 1871."

Interpretation Clause. 3. In this Ordinance the word "block" shall signify 160 acres of land, the word "section" shall signify 6000 acres of land and the word "station" shall signify the whole extent of land comprized in one lease, and (if not inconsistent with the context or subject matter) words of one number or one gender shall import both numbers and all genders respectively. The words "Governor" "Colonial Secretary" and "Surveyor General" shall signify the Officers who may be appointed to perform those duties.

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

Reserves for Public purposes. 5. It shall be lawful for the Governor with the advice of the Executive Council to reserve and set apart any waste lands of the Crown for Harbours, Defence and Internal Communications, or for the sites of Towns, Villages, Places of Public Worship, Interment Education or Recreation or for any other public purpose whatsoever.

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

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

Upset price may be raised or lowered by Her Majesty.

Lands to be advertized previous to Auction.

Licences for Pastoral purposes.

Leases for Pastoral purposes.

Rent.

Forfeiture.

Governor empowered to prescribe other conditions in Lease.

8. The upset price of Town, Suburban and Country Lands respectively may from time to time be raised or lowered by Her Majesty and Her Successors by any Instruction addressed to the Governor under Her or their Sign Manual and Signet or through one of the Principal Secretaries of State.

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

10. It shall be lawful for the Governor in his discretion to grant to Settlers licences to occupy sections of the Waste Lands of the Crown on the following terms and conditions. (1.) each section shall consist of six thousand acres as near as may be, (2.) a sum of Five pounds shall at the time of application for a licence be paid to the Colonial Secretary for the public use in respect of each section applied for (3.) the Licence shall endure for one year only unless it comprises not less than two sections when its duration shall be extended to two years, and (4.) no licence shall be renewable.

11. Before the expiration of a licence the Licencee may obtain from the Governor a lease of the land comprised in his licence for 21 years determinable at the option of the Lessee at the end of the seventh or fourteenth year, provided he proves to the satisfaction of the Governor that each section is at the time of applying for the lease stocked with not less than in the proportion of 50 head of tame cattle or horses or 100 sheep, and that on each section a habitable house of reasonable dimensions has been erected. If however the Lessee holds two or more adjacent sections which in the judgment of the Governor can be properly superintended together it shall be sufficient if there be only one suitable house erected in respect of such sections. The rent to be reserved in such leases shall be at the rate of £6. a year for each section during the first 10 years and of £10. during the remainder of the term. The rent shall be paid yearly in advance to the Colonial Secretary and if not paid within three Calendar months after it has become due or if the land for the like space of three months shall cease to be stocked to the extent hereinbefore specified the lease shall be null and void and the land comprised in it shall revert to the Crown.

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

Lessee bound to purchase 160 Acres within 10 years

Occupiers entitled to kill wild Cattle on their Lands.

But not on Crown Lands without permission.

Pastoral Leases transferable by endorsement.

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

Water frontage of Station.

Portion of Land transferable.

13. Every Lessee shall within ten years from the date of his lease purchase at the existing upset price of land (not being less than 4s. an acre) a block of not less than 160 acres for every section comprised in his lease. Such block to be determined by the Surveyor General with the consent of the Governor on failure to make such purchase within that period the Lease shall be null and void. The Lessee may at any time during his lease purchase at the same rate any further quantity of the land comprised in his Station that he may require subject however to the limitation hereinafter contained.

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

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

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

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

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

Reservation on  
the part of the  
Crown.

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

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

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

Boundaries  
defined.

21 Every Section and Station of land shall be defined with reference to the nautical Chart of the Colony without requiring any further Survey but the boundaries will be subsequently made by the Surveyor General or by a competent Sworn Surveyor and submitted for approval to the Governor.

Passed the Legislative Council this Fourteenth day of September One thousand eight hundred and seventy one.

*M. Galloway Hurst,*  
*Acting Clerk to the Council.*

G. D'ARCY,  
Governor.

# PILOT ORDINANCE.

In the year 1871.

No. 5.

Clause.

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

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

Whereas, it is expedient to make better provisions for the Pilotage and Harbour Regulations. Be it enacted:—

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

Governor to  
appoint Pilots  
and make  
Regulations.

Vessels  
anchoring to  
pay Pilotage.

Rate of  
Pilotage.

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

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

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

Governor not to be responsible for acts of Pilots.

Governor to make Harbour Regulations.

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

Penalty for disobedience to regulations.

Misconduct of Pilots, endangering Ship life or limb to be a misdemeanor.

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

Unlawful for quantities of Gunpowder.

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

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

6. That the Governor may from time to time make regulations requiring a declaration to be made by the Master of any vessel arriving at any of the said Harbours, the deposit of the ship's papers, and the return thereof to the Master a reasonable time before his departure, and prescribing the form, time, and manner of making such declaration, deposit, or return, or giving such notice.

7. That any Master, seaman, passenger, Pilot, or other person who shall offend against the said Regulations shall pay a fine not exceeding fifty pounds.

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

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

10. That if any information shall be given upon oath to any Justice that there is reasonable cause to suspect that any unlawful quantity of Gunpowder is on board any Merchant Vessel in Stanley Harbour, it shall be lawful for such Justice by warrant under his hand to direct any Constable at any time to enter and search any such vessel,

and it shall be lawful for any Constable to whom such warrant shall be directed (such Constable having previously made known such his authority) either alone or with the assistance as he may deem necessary to enter any such vessel, and search the same for unlawful quantities of Gunpowder, and seize and remove to the proper place and detain all such unlawful quantities of Gunpowder found on board any such vessel, and the barrels and other packages in which Gunpowder shall be, and if necessary to use force to enable him to execute any such warrant.

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

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

13. That this Ordinance shall take effect and come into operation this seventh day of December, One thousand Eight hundred and Seventy one.

Throwing ballast &c. into the Harbour.

Limits of Stanley Harbour

Commencement of Ordinance.

#### SCHEDULE.

##### A. (Section) 2.

Falkland Islands  
to wit.

) I Governor and Commander-in-Chief of the Falkland Islands.

and the Dependencies thereof do hereby in pursuance of the powers in me vested by the Pilot and Harbour Ordinance No. 7 1871. Appoint to  
be a Pilot and ( or ) Harbour Master for the Port of In witness  
thereof I have hereunto set my hand and affixed the seal of the Government at Government House, Stanley this day of One  
thousand eight hundred and

Passed the Legislative Council this Seventh  
day of December One thousand eight  
hundred and seventy one.

M. Gallwey Hurst.  
Acting Clerk to the Council.

O1#5

ORDINANCES 1872



ORDINANCE FOR AMENDING THE LAND ORDINANCE 1871.

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For the year 1872.

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No. 1.

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CLAUSE.

1. Short Title.
  2. Repeal of Section 13. of Land Ordinance 1871.
  3. Lessee to purchase within ten years a block of one hundred and sixty acres for every section contained in his lease :
  4. Ordinance incorporated with the Land Ordinance 1871.
- 

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

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

Short title.

1. This Ordinance may be cited as "The Land Ordinance 1872."

Repeal of sec-  
tion 13 of Land  
Ordinance  
1871.

2. Section 13 of the Land Ordinance 1871, is hereby repealed and  
the next following enactment shall be substituted in its place.

Lessee to pur-  
chase within  
ten years a  
block of one  
hundred and  
sixty acres for  
every section  
contained in  
his lease :

3. Every lessee shall within 10 years from the date of his Lease  
purchase at the upset price for Country Lands of the Crown in force  
at that date a block of 160 acres for every section contained in his  
lease, such block shall be determined by the Surveyor General with  
the consent and approval of the Governor. On failure to make such  
purchase within the said period of 10 years the Lease shall be null  
and void. The Lessee may at any time during the continuance of his  
Lease purchase at the upset price of Country Lands in force at the  
time of such purchase, any further quantity of the land comprised in  
his station that he may require subject nevertheless to the limita-  
tions and conditions contained in the 16th. 17th. and 20th. Sections  
of the Land Ordinance 1871, and in so much of the 19th. Section of  
that Ordinance as empowers the Governor at any time to proclaim a  
public road through any station.

Ordinance in-  
corporated  
with the Land  
Ordinance of  
1871.

4. This Ordinance shall be read with and form part of the Land Ordinance 1871.

*(Signed.)*

G. D'ARCY,  
Colonel & Governor.

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

*(Signed.)*

G. Travis,  
Clerk to the Council.

*Naturalization Ordinance.*

In the Year 1872.—No. 3.

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

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

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

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

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

Passed the Legislative Council the 9th. day of May, 1872.

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

*Marriage Amendment Ordinance.*

In the Year 1872.—No. 4.

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

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

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

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

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

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

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

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

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

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

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

O1#6

ORDINANCES 1873

## REGISTRATION AMENDMENT ORDINANCE.

In the year 1873.

No. 1.

### CLAUSE.

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

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

#### Recital.

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

Governor to  
appoint a  
Registrar in  
any District.

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

Registrar to  
send annual  
Certificates on  
or before the  
15th. January  
in each year.

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

Amendments

3. And furthermore it is enacted that the first Clause in the Registration Ordinance be hereafter read

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

instead of

“that there shall be an office at Stanley,”

and moreover that in the 27th. Clause the word “Registrar” shall be taken to mean “Registrar General.”

This Ordinance  
to be part of the  
Registration  
Ordinance.

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

Commence-  
ment of  
Ordinance.

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

(Signed.)

G. D'Arcy,  
Colonel & Governor.

Passed the Legislative Council this First day of February one thousand eight hundred and seventy three.

(Signed. )

G. Travis,  
Clerk to the Council.

AN ORDINANCE TO EXTEND TO THE COLONY A CERTAIN ACT OF PARLIAMENT.

In the year 1873.

No. 2.

CLAUSE.

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

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

Be it enacted.

Certain Act of  
Parliament  
extended to  
the Colony.

1. That the following Act of Parliament shall be applied in the administration of justice in the Falkland Islands and the Dependencies thereof so far as the same can be applied, viz:—  
“30. and 31. Vic. Cap. 124. An act to amend the Shipping Act of 1854.”

Commence-  
ment of  
Ordinance.

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

(Signed.)

G. D'ARCY,  
Colonel & Governor.

Passed the Legislative Council this First day of February  
one thousand eight hundred and seventy three.

(Signed.)

G. Travis,  
Clerk to the Council.



O1#7

ORDINANCES 1874

## AN ORDINANCE

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

No. 1. 1874.

Preamble.

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

Limitation of the right of the Crown to sue for Lands &c.

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

Preserving right to reversionary Interests.

2. In the construction of this Ordinance the right or title of the Queen's Majesty, Her Heirs or Successors, to any Lands Tenements or Hereditaments which are now or shall at any time hereafter be subject to or comprised in any demise or lease for any term or terms of years, or for any life or lives granted by or on behalf of Her Majesty or any of Her Royal Predecessors or Successors shall not be deemed to have first accrued or grown until the expiration or determination of such demise or lease as against any person or persons whose possession holding or enjoyment of such Lands Tenements or Hereditaments or whose receipt of the rents issues or profits thereof shall have commenced during the term of such demise or lease or who shall claim from by or under any person or persons whose possession holding or enjoyment of such lands tenements or hereditaments or whose receipt of the rents issues or profits thereof shall have so commenced as aforesaid.

Act not to apply to existing suits.

3. Nothing in this Ordinance shall extend to any legal proceeding instituted or commenced before the passing of this Ordinance and now pending.

G. D'ARCY.  
Colonel & Governor.

Passed the Legislative Council this twenty first day of May, One thousand eight hundred and seventy four.

G. Travis, Clerk to the Council.

O1#8

ORDINANCES 1875

*An Ordinance to give a preferable lien on Wool, from season to season, make Mortgages of Sheep, Cattle and Horses valid, without delivery to the Mortgagee.*

In the Year 1875.—No. 1.

Clause.

1. Any person making a *bona fide* advance to any proprietor of sheep on condition of receiving in payment, or as security of such advance, the wool of the then next ensuing clip, and duly registering the agreement relative thereto, shall be entitled to the whole of the wool mentioned in such agreement, whether such advance be made before, at, or after the granting of such preferable lien. When advance repaid property and possession of the wool to revert in the proprietor of the sheep.
2. Agreement, in form herein specified, for any *bona fide* advance on security of ensuing clip of wool, registered as herein mentioned, valid against subsequent purchaser, &c. of sheep.
3. Mortgage of live stock *bona fide* made for valuable consideration, executed and registered as herein mentioned, valid although the principal sum not presently payable, and although stock remain in possession of the mortgagor.
4. Separate and distinct registry from year to year, to be kept of agreements for purchases of, or advances on wool, and of mortgages of live stock
5. When and how preferable liens on wool may be cancelled.
6. In every case, before or after passing of this Ordinance in which amount of mortgage shall have been paid, mortgagor may register the receipt, but without prejudice to any previous sale or subsequent mortgage.
7. Rights of the Crown as to waste lands not affected.
8. Duration of Ordinance.
9. To increase public confidence in liens on wool and mortgages of live stock, expedient to punish frauds.
10. Commencement of Ordinance.

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

Whereas it is expedient to give a preferable lien on wool, from season to season, and to make mortgages of sheep, cattle and horses valid, without delivery to the mortgagee:

Preamble.

Be it therefore Enacted by the Governor of the Falkland Islands, Any person making with the advice and consent of the Legislative Council thereof. That a *bona fide* advance in all cases where any person shall make any *bona fide* advance of to any proprietor of sheep on condition money or goods, or give any valid promissory note or bill, to any of receiving in proprietor of sheep, on condition of receiving in payment, or as security of such advance only for such money. goods, promissory note, or bill (as the vance, the wool of

the then next ensuing clip, and duly registering the agreement relative thereto, shall be entitled to the whole of the wool mentioned in such agreement whether such advance be made before, at, or after the granting of such preferable lien.

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

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

case may be,) the wool of the then next ensuing clip of such proprietor, and where the agreement relating to such purchase or security shall be made in the form, or to the effect in Schedule A, appended to this Ordinance, and shall be duly registered within ten days after the date of such agreement, the person making such purchase or advance, shall be entitled to the whole of the wool mentioned in such agreement, whether such advance of money, or goods, or of such note or bill, be before, at, or after the granting of any such preferable lien, so long as the registered agreement relating thereto shall purport on the face of it to have been made in payment, or as security for such advance; and the possession of such wool by the said proprietor, shall be to all intents and purposes in the law, the possession of the person or persons making such purchase or advance: Provided, that when, at any time, such advance be repaid, with such interest and commission as may be specified in any such agreement, the possession and property of the said wool shall revert in such proprietor.

2. And be it Enacted, That when any person shall make any such *bona fide* advance or purchase as aforesaid, the preferable lien of the licensee 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 effected by any subsequent, sale, mortgage, or other incumbrance whatsoever of the sheep mentioned and described in the registered agreement relating to any such preferable lien, nor by the subsequent bankruptcy of the lienor, but shall be as valid and effectual to all intents and purposes whatsoever, against any such subsequent purchaser, mortgagee, encumbrancer, or other claimant or possessor of the said sheep, or against the trustees or assignees of such bankrupt lienor, as against the original proprietor thereof, who granted such preferable lien: Provided that if any such lienor, subsequent mortgagor, incumbrancer, trustee, or other claimant or possessor of such sheep, shall neglect or refuse to shear and deliver the wool of any sheep for which any such preferable lien shall have been granted as aforesaid, in pursuance of the agreement in that behalf contained in such preferable lien, it shall be lawful for the licensee, 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 licensee, shall be incorporated with, and deemed in law, part of the amount secured by such lien.

Mortgage of live stock *bona fide* made for valuable consideration, executed and registered as herein mentioned, valid although the

3. And be it Enacted, That all mortgages of sheep, cattle and horses, which shall hereafter be made *bona fide*, and for valuable consideration, and where the names of the parties thereto, and the particulars thereof, shall be duly registered within ten days after the date thereof, in the office of the Registrar-General, in the form mentioned in Schedule B, appended to this Ordinance, shall be valid in

the law, to all intents and purposes, whether the money secured by the said mortgage be payable presently or not, and notwithstanding the said mortgaged live stock shall not be delivered over to the mortgagee, but shall remain and continue, in every respect as theretofore, in the possession, order, and disposition of the said mortgagor; and though the said mortgagor may afterwards be adjudicated a Bankrupt. Provided that no mortgage shall protect the same from the operation of any such law, unless such mortgage shall have been executed at least sixty days before the date of any fiat in Bankruptcy or where the consideration of any such mortgage shall be an advance or loan not payable presently, then the same shall only be valid to the extent of the amount actually advanced or the bills or notes actually given by the mortgagee at the date of such fiat with such interest and commission as may be due in respect thereof.

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

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

6. And be it Enacted, That in every case where, before or after the passing of this Ordinance, the amount of principal and interest, or of the balance of principal and interest due upon any mortgage of live stock, shall have been, or shall be paid to the person entitled to receive the same, or his agent in that behalf, and a receipt in writing for the amount so paid shall have been, or shall be given, signed by the party so entitled, or by his agent, acknowledging such payment to be in satisfaction of the mortgage, it shall be lawful for the mortgagor, his executors, administrators, or assigns, to cause a copy of such receipt, duly verified by affidavit, to be registered at Stanley, in the office of the Registrar-General, on production to this officer, or his Deputy, of the original receipt, and of the mortgage deed to which the same shall relate; and, from and after the time of the registration of any such verified receipt, such payment shall operate as an extinction of the mortgage, and of the right and interest thereby created, to all intents and purposes whatsoever, but without prejudice nevertheless to any previous sale or sales, or any conveyance in pursuance thereof, under such mortgage deed, the particulars whereof shall be duly endorsed thereupon, and without prejudice to any second or subsequent mortgage affecting the same live stock, or

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

When and how preferable liens on wool may be cancelled.

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

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.

Rights of the Crown as to waste lands not affected.

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

Duration of Ordinance.

8. And be it Enacted, That this Ordinance shall take effect from the passing thereof, and shall continue in force until the thirty first day of December, in the year one thousand eight hundred and seventy six, and no longer.

To increase public confidence in liens on wool and mortgages of live stock, expedient to punish frauds.

9. And whereas it is expedient, with a view to increase the public confidence in the validity of such preferable liens on wool and mortgages of live stock, to surround them with the penal provisions necessary for the punishment of frauds: Be it Enacted, That any grantor of any such preferable lien on wool, or of any mortgage of sheep, cattle, or horses, or of their increase and progeny, under this Ordinance, whether such grantor shall be principal or agent, who shall afterwards by the sale or delivery of the wool under any such lien, without the written consent of the lienee, to any purchaser, pawnee, or other person, or by selling, steaming, or boiling down, or causing to be sold, steamed, or boiled down, without such written consent as aforesaid the sheep whereon the same shall be growing, with a view to defraud such lienee of such wool, or of the value thereof; or who shall, after the due execution and registry of any such mortgage, without the written consent of the mortgagee thereof, sell and dispose of, or steam, or boil down, or cause to be sold and disposed of, or to be steamed or boiled down, any sheep, cattle, or horses, or their increase or progeny (with intent in any such case to defraud the lienee or mortgagee,) shall be severally held and deemed guilty of an indictable fraud and misdemeanor, and being thereof duly convicted, shall be severally liable, in the discretion of the Judge or Court before whom any such offender shall be so convicted, to fine or imprisonment, or to both fine and imprisonment, for any period not exceeding three years, with or without hard labor, at the discretion of such Court or Judge.

Penalties.

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

Passed the Legislative Council this thirtieth day of April, one thousand eight hundred and seventy five.

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

SCHEDULES REFERED TO

A.

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

B

Date of Deed or agreement	Name of Mortgagor or Lessor.	Name of Mortgagee or Liencee.	Consideration. If for a preferable lien state particular of bills or notes, if any given.	Number and description of sheep whose wool is pledged, or of mortgaged sheep, cattle, or horses and the brand or other distinctive mark, and stations where the same are depasturing, as also the name of the principal superintendent or overseer.
	Name of Witness or Witnesses.			

STANLEY FALKLAND ISLANDS No. 2. 1875.

*An Ordinance relating to unseaworthy Vessels, and to provide for surveys of Vessels in certain cases.*

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

WHEREAS it is desirable to provide for the survey of vessels deemed or suspected to be unseaworthy, and to enable the detention of such vessels: Be it therefore enacted by the governor of the Falkland Islands, with the advice and consent of the legislative council thereof as follows:

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 inspectors of ships in certain cases.

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 Law apply, not unnecessarily detaining or delaying her from proceeding on any voyage:
2. He may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make:
3. He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any enquiries 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 Law, 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 re-loading of cargo, as the governor may impose. He may also from time to time vary or add to such order.

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

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.

Closing of register not to affect detention.

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

Expenses of survey of ship reported unseaworthy.

8—If upon the survey of a ship under this Law she is reported to have been at the time of the survey, having regard to the nature of the service for which she was then intended, unfit to proceed to sea without serious danger to human life, the expenses incurred in

respect of the survey shall be paid by the owner of the ship to the treasurer, and shall, without prejudice to any other remedy, be recoverable by suit or other proceeding at the instance of the Stipendiary Magistrate in the same manner as salvage is recoverable.

Expenses of survey & damages if ship not reported unfit.

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

Power to demand security for expenses and damages.

10—Where a complaint has been made to the governor that a ship is not fit to proceed to sea, he may if he think fit, before ordering a survey of the ship, require the complainant to give or provide such security as he may think sufficient for the payment of the costs and expenses which may be incurred in respect of the survey of the ship, and of all compensation which may be payable for loss or damage caused by detention for the purpose of such survey, or otherwise in respect of such survey.

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

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

Expenses &c. incident to survey how payable.

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



Meaning of  
"ship."

13—The term "ship" in this Law shall include the colonial schooners, and all decked vessels of whatsoever tonnage and howsoever propelled, having a British or British colonial register.

(Signed)

G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council this twentieth  
day of September, One thousand eight  
hundred and seventy-five.

(Signed)

G. TRAVIS, *Clerk to the Council.*

## QUARANTINE ORDINANCE.

In the year 1875.—No 3.

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

Preamble.

WHEREAS it is desirable to pass a law relating to Quarantine.

BE it enacted—

Title of Ordinance.

1. This Ordinance may for all purposes be cited as The Quarantine Ordinance, 1875.

Interpretation of terms.  
"Infected places,"

2. In this Ordinance the term "infected place," means any port or place where yellow fever, the plague, cholera, or any epidemic disease of contagious or infectious character, in fact prevails, or any port or place which the Governor in Council may declare to be an infected port or place.

"Vessel."

The word "vessel" means any ship, vessel, or boat; and the word

"Master."

"Master" means the Master, Officer, or other person for the time being in charge or command of such vessel. The word "Governor"

"Governor,"

means the Officer for the time being lawfully administering the government of this Colony, and the word "Justice" means any Police

"Justice."

Magistrate or Justice of the Peace within the Colony.

Appointment of Officers.

3. The Governor is hereby authorized to appoint such Officers as may be necessary to carry out the laws, rules, and regulations relating to Quarantine.

Power to Governor to make rules.

4. The Governor in Council may from time to time make such rules and regulations to be enforced by such fines and penalties as to him shall seem fit, for the more effectual carrying out the provisions of this law, and to secure the due performance of Quarantine, and for the Government of all vessels or persons coming from any infected place. Such regulations shall be duly published in the usual manner and form, and after such publication shall have the same force and effect as if the same had been herein particularly specified.

Governor may declare "infected places."

5. Whenever it shall appear to the Governor in Council that any disease of a contagious or infectious character prevails at any port or place, or that it is probable that any such disease might be brought into the colony from any port or place, it shall be lawful for him to declare by Public Notification that such port or place is an infected port or place.

Vessels and persons liable to quarantine.

6. All vessels arriving at this Colony, together with all persons, goods, and merchandize whatsoever thereon, coming from any infected place, or having on board any person who has come from such infected place, or who is ill of any contagious or infectious disease,

or on board of which vessel any person shall have died from any such disease during the passage to this colony, shall be liable to perform quarantine in such place for such time and in such manner as hereinafter provided.

7. Every vessel arriving at any of the ports of this colony from any infected place shall immediately on arrival, and before having any communication with the shore, be visited by the Health Officer of the port to which such vessel shall come, who is hereby authorized and required at a convenient distance from such vessel to put the following questions, or such of them as may be necessary, and any other questions which he may consider desirable.

1. What is the name of the vessel and the Master?
2. To what port or place does she belong?
3. From whence do you come?
4. To what port or place are you bound?
5. At what ports or places have you touched in the course of the voyage.
6. What vessels have you had any intercourse or communication with during your voyage, and from whence did they come.
7. Have you any and what Bill of Health? Produce it.
8. Did you carry any bill of health with you to the port or place where you took in the cargo or passengers you now have on board? From what place? Were the said Bills of Health clean, unclean, or suspected?
9. Did any contagious or infectious disease, prevail in any degree at the port or place from which you sailed, or at any of the ports or places at which you touched? If yes, say what disease prevailed and at which port or place?
10. What number of officers, crew, passengers, or other persons have you on board?
11. Were any of these taken on board at any port or place during the voyage to this colony? If yes, who were so taken on board, and at what port or place, and on what day or days.
12. Are any persons on board your ship suffering under any contagious or infectious disease, or have any persons died or been ill of a disease of that nature in your passage to this colony; and if any, what number?
13. If any have died or been ill of any such disease, were their bedding and clothes destroyed?
14. In the course of your voyage have any persons on board suffered from sickness of any kind? What was the nature of the sickness and when did it prevail? How many persons were affected by it?

Vessels to be visited by Health Officer.

15. How had the persons attacked been employed before they came on board? Had they been employed in loading or unloading the vessel?
16. Did the persons who were ill fall sick nearly about the same time or within a few days of each other, or did the disorder spread successively from one to another and increase considerably?
17. What is the number of persons now ill on board your vessel? Are the convalescents able to be on deck? If so parade them on the gangway.
18. Have there been any deaths on board during the voyage? If yes, what were the causes of the deaths, and when did such deaths take place?
19. Have you any person on board who has left (name of infected port or place) within fourteen days?
20. Where did you take in the cargo now on board, and when? If at more than one place state the places.
21. Was any cargo, or were any letters, parcels or articles of any kind put on board at (name of infected port or place)? If yes state what was put on board, and when and whether any special precaution was taken with respect to such things.

Health Officer may go on board

8. The said Health Officer may, if he thinks it necessary, go on board any such vessel and examine the master, officers, crew, and passengers thereof respectively, as to their state of health then and during the voyage, and demand to see the journal or log and ship's papers of such vessel, and put any of the questions set forth in the preceding section, or any other questions which he shall think desirable.

Penalty for concealment or untrue answer.

9. Any Master or other person who shall conceal from any such Health Officer the true state of the health of the crew or other persons on board of such vessel, or shall give an untrue answer to any inquiry made by such Health Officer under the authority of this law, shall be liable to a penalty not less than £5, and not exceeding £100.

Penalty for quitting vessel before visit of Health Officer.

10. No Master or other person belonging to or on board of any such vessel, and no pilot or pilot's assistant, who shall have proceeded on board such vessel, shall quit the same for the purpose of landing or communicating with the shore before such vessel shall have been visited by the Health Officer, unless permission to do so be granted in writing by the Health Officer.

Proceeding on board without permission.

11. No person, the pilot or his assistant excepted, shall proceed on board such vessel before she shall have been visited by the Health Officer, unless permission to do so be granted to him in writing by the Health Officer.

12. Any person offending against the provisions of either of the two preceding sections, shall be liable to a penalty not less than £5, and not exceeding £50.

13. If any vessel shall have arrived from or touched at any infected place, or have on board any person who has come from such place, or on board which any person may have died during the passage to this colony, or may be ill of any contagious or infectious disease, or if the Health Officer shall have good grounds to suspect that such vessel or some person on board thereon has arrived from or touched at any such place, the said Health Officer is required to cause the said vessel to hoist the Quarantine Flag, and to anchor at the Quarantine ground until further directions from the Governor.

Vessels from infected places may be ordered to quarantine ground until further directions.

14. The Health Officer shall forthwith after making such inquiry and examination as aforesaid, report thereon to the Governor, who shall upon such report, or upon further inquiry, if thought necessary, decide whether the said vessel is to remain in Quarantine, and for how long.

Health Officer to report to Governor.

15. Subject to any special rules and regulations of the Governor in Council, the following rules as to the duration of Quarantine shall be observed:—

Duration of quarantine.

1. All vessels on board of which any person shall be sick, or shall have been sick of any contagious or infectious disease, or shall have died of such disease within fourteen days before her arrival at this colony, shall remain in Quarantine until the expiration of fourteen days from the day when such sickness shall cease, or shall have ceased, or from the day when such death shall have occurred.
2. All vessels that shall have sailed from or touched at any infected place, or shall have any person on board who shall have come from any such place, shall remain in quarantine for such time, not being less than two days not exceeding fourteen, as shall be directed by the Governor in consultation with the Health Officer on a due investigation of all the circumstances of the case.
3. If during the continuance of a vessel in Quarantine, any person on board such vessel falls sick of any contagious or infectious disease, such vessel shall be liable to remain in Quarantine for a further period of fourteen days from the day when such sickness shall cease.

16. The Governor shall appoint suitable places for Quarantine grounds, and shall have power from time to time to change such places.

Selection of quarantine grounds.

17. Any Master of a vessel liable to the performance of Quarantine who shall not, after notice, cause such vessel to proceed to the

Removal of vessel to quarantine ground.

Quarantine ground, shall be liable to a penalty of not less than £10 and not exceeding £50; and it shall be lawful for the Health Officer, or any person called to their assistance, to enforce the removal of any such vessel to the Quarantine ground, and to use all necessary means for that purpose.

A flag to be hoisted during quarantine.

18. The Master of every vessel subject to Quarantine shall during the day, hoist and keep flying a yellow flag, which shall be provided by the Government, and shall, during the night, hoist and keep alight a signal lantern, which, when necessary, shall be provided by the vessel, and every Master offending herein shall be liable to a penalty not less than £5 and not exceeding £50.

No person to land and no cargo to be taken from such vessel

19. Until any vessel as aforesaid shall have performed and been duly discharged from Quarantine, no person on board or belonging to such vessel, nor any part of the cargo, stores, or lading of the same, nor any articles or things belonging to the passengers. Master, officers, or crew, thereof, shall be permitted to leave or be removed or taken from such vessel, either to go or be put on shore, or on board of any other vessel in any port of this colony, unless by the direction of the Governor, in consultation with the Health Officer, and every such vessel, and all persons, goods, and merchandise thereon, and all vessels and persons having communication with the same, shall be subject to such rules and regulations as may be made by the Governor.

No person or thing to go or be taken on board without permission.

20. Until any vessel as aforesaid shall have performed and been duly discharged from Quarantine, no person, except the Health Officer, or such other person as may be authorized by the Governor, shall go on board such vessel; and no article or thing shall be taken or received on board such vessel except by the direction of the Governor.

Penalty on any person for infringement of the Act.

21. Any person offending against the provisions of sections 19 and 20 shall be liable to a penalty not less than £5 and not exceeding 50.

Penalty on Master for infringement of the Act.

22. If during the time that any vessel is in Quarantine, the Master thereof shall, without the permission of the Governor or of the Health Officer, quit or knowingly suffer any passenger, seamen, or other person on board to quit such vessel, or any goods, articles, or things whatsoever, to be taken from such vessel, he shall be liable to a penalty not less than £10 and not exceeding £100.

Unlicensed person may be compelled to return on board.

23. Any person who, during the continuance of Quarantine, leaves the vessel without proper permission in that behalf, may, in addition to the penalty hereinbefore mentioned, be apprehended by any Constable or other person, and compelled to return to the same vessel, or be taken before a Justice, who may order that such person be returned to the said vessel, or be confined in some lazaretto or other

suitable place of confinement, for such period not less than two days nor exceeding fourteen, as he may think fit.

24. Any person who goes on board a vessel in the performance of Quarantine without permission as aforesaid may be compelled to remain on board the said vessel, and be subject to the rules and regulations thereof, during the continuance of the Quarantine, or until such time as the Governor shall seem fit.

25. The Governor in Council is hereby authorized, whenever it shall be thought necessary, to provide, at the public expense, one or more vessel or vessels, or buildings, and to cause the same to be fitted up as lazarettos for such use and purposes as the Governor shall, with the approval of the Health Officer, from time to time order and direct.

26. The Governor in Council is authorized to frame such rules and regulations as may be deemed expedient for the government and direction of the lazaretto or lazarettos, and of such persons as may belong thereto or be placed therein.

27. Any person, except the Health Officer, who enters or leaves any lazaretto, without permission from the Governor and Health Officer, may be dealt with in the manner hereinbefore provided in the case of a person, without permission, going on board or leaving a vessel in the performance of Quarantine, and shall be liable to like penalties.

28. Any Officer or person appointed to enforce the performance of Quarantine, who shall desert from duty, or shall infringe, or knowingly suffer or permit any person to infringe the provisions of this Ordinance, and of any rules and regulations in force concerning Quarantine, shall be liable to a penalty not less than £5 and not exceeding £50, and shall be subject to immediate dismissal.

29. Any person who shall knowingly conceal or clandestinely convey any letters, goods, wares, or merchandise from any vessel liable to, or in the performance of the Quarantine, or from any vessel, house, or other place where any persons or goods shall be subjected to Quarantine, shall be liable to a penalty of not less than £10, and not exceeding £50.

30. As soon as any Quarantine shall have been fully performed by any vessel or person, the Health Officer, or other person appointed by the Governor in that behalf, shall grant a certificate to that effect; whereupon every such vessel or person, and all cargo and goods on board such vessel, shall be liberated from all detention on the ground of Quarantine.

31. All Penalties incurred under this Ordinance may be recovered before the Stipendiary Magistrate or his Deputy, who, in default of payment, is hereby authorized to commit the offender to the common

gaol for any period not exceeding six months. Provided always that upon payment by the offender of the penalties and costs after commitment his imprisonment shall cease.

Appropriation  
of penalties.

32. All penalties which shall be recovered and paid under this Ordinance shall be paid to Her Majesty, Her Heirs and successors, for the public use of this colony.

Protection of  
persons acting  
under this  
Ordinance.

33. For the protection of persons acting in the execution of this Ordinance, all actions and prosecutions against any person for anything done in pursuance of this Ordinance shall be commenced within six calendar months after the act committed, and not otherwise, and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue and give this Ordinance and the special matter in evidence at any trial to be had thereupon: and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action after issue joined, or if upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and shall have the like remedy for the same as any defendant hath by law in other cases; and although a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge, before whom the trial shall be, shall certify his approbation of the action and of the verdict obtained thereupon.

Expenses of Or-  
dinance provi-  
ded for

34. It shall be lawful for the Governor to draw upon the Treasurer for any expenses incidental to the execution of this Ordinance.

Proviso with  
regard to Royal  
Mail Steam  
Packet Com-  
pany and other  
vessels  
carrying mails.

35. Nothing in this Ordinance contained shall extend, or be construed to extend, to prevent the delivery by the officers in charge of Her Majesty's mails, or officers of the Royal Mail, or any other steam packet Company, of any mails that may from time to time be on board of any such steam packet under such rules and regulations for the prevention of the introduction of any of the beforementioned diseases as may from time to time be made by the Governor who is hereby empowered to make such rules and regulations in regard to the landing and receipt of the said mails, and in regard to the coaling of the said steamers in any port within this Government.

36. It shall be lawful for the Governor in Council from time to time to suspend the operation of this Ordinance, or any part thereof, and for such period of time as may be thought expedient, and again to revive the same, or any part thereof. <sup>Suspension and revival of Ordinance.</sup>

37. That Her Majesty's vessels, and vessels-of-war belonging to other nations are subject to this Ordinance in the same manner as merchant Ships. <sup>The Ordinance to be applicable to Her Majesty's Ship's.</sup>

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

Passed the Legislative Council this twenty-seventh day of September, One thousand eight hundred and seventy-five.

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



*SPIRIT LICENCE AMENDMENT ORDINANCE.*

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In the year 1875.—No. 4.

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

Preamble.

WHEREAS it is expedient that an Amendment Ordinance be passed for regulating the issue of Licences. Be it enacted:—

Stipendiary  
Magistrate to  
issue notice in  
form of Schedule  
A.

1. That on the occasion of granting any new licences or refusing the extension of any licence granted previously, it shall be necessary for the Stipendiary Magistrate to issue a notice in the form of Schedule A.

Licensed Victu-  
allers to act as  
Special Constables & Warders  
of the Gaol.

2. That all Licensed Victuallers on or after the 1st day of September 1876. shall be liable to act as Special Constables and Warders of the gaol and perform such duties for the necessary aid to the administration of justice which the Stipendiary Magistrate may (confirmed by the Governor) order from time to time, and all Licensed Victuallers shall be compelled from the promulgation of this Ordinance to provide the accomodation of bed and board for one Traveller.

To provide bed  
and board  
for one Traveller.

Commencement  
of Ordinance.

3 And whereas the delay incident to a previous communication with Her Majesty to know Her Royal Pleasure hereupon would be productive of inconvenience, be it therefore enacted that this Ordinance shall take effect and come into operation on the passing thereof.

SCHEDULE A.

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You are hereby summoned to appear as a Magistrate at the Magistrate's Court to be holden at \_\_\_\_\_ o'Clock in the morning on the \_\_\_\_\_ day of \_\_\_\_\_ next and there attend from day to day until you shall be discharged from the said Court.

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

(Signed)

G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council this twenty-seventh  
day of September, One thousand eight  
hundred and seventy-five.

(Signed)

G. TRAVIS, *Clerk to the Council.*



O1#9

ORDINANCES 1878

*Naturalization Ordinance.*

In the Year 1876.—No. 1.

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

Recital. WHEREAS Edward Nilsson, a native of Sweden, and Charles Bender, a native of Germany, have prayed that they the said Edward Nilsson, and Charles Bender, may be admitted to enjoy the privileges of British-born Subjects, Be it enacted:

1. That the said Edward Nilsson, and Charles Bender, when and so soon as they shall have taken the Oath of Allegiance before the Governor, which Oath the Governor is hereby authorized to administer, shall be to all intents and purposes whatsoever entitled, within the limits of this Colony, to all the privileges of British-born Subjects of Her Majesty.

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

(Signed.)

G. D'ARCY, *Colonel and Governor.*

Passed the Legislative Council the 11th. day of May 1876.

(Signed.)

G. TRAVIS, *Clerk to the Council.*

*An Ordinance for making certain verbal alterations in the  
Summary Jurisdiction Amendment Ordinances and other Ordinances.*

In the Year 1876.—No. 3.

By His Excellency Thomas Fitzgerald Callaghan, Lieutenant Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof; with the advice and consent of the Legislative Council thereof as follows :

WHEREAS in consequence of the passing of Ordinance No. 2. Recital. 1876. it becomes necessary to amend the Ordinances in the Schedule hereunto annexed by making certain verbal alterations therein. Be it therefore Enacted that the said Ordinances are hereby amended as follows.

1. That wherever the words "Magistrate's Court" occur in any of the provisions of the said Ordinances the words "Supreme Court of the Falkland Islands." shall be substituted and used therefor. "Supreme Court of the Falkland Islands" to be substituted for "Magistrate's Court."
2. That in Section 1. of Ordinance No. 2. of 1862. the words "Police Magistrate" shall be substituted and used for the words "Chairman of the Courts." "Police Magistrate" to be substituted for "Chairman of the Courts."
3. That save and except as to the alterations hereby made the said Ordinances shall remain and be in force as hitherto. Ordinances to remain in force as before save as herein altered.
4. That this Ordinance shall take effect and come into operation on the third day of July 1876. Commencement of Ordinance.

(Signed) T. FITZGERALD CALLAGHAN,  
*Lieutenant Governor.*

Passed the Legislative Council this  
twenty-ninth day of June, One thousand eight  
hundred and seventy-six.

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

**SCHEDULE.**

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**No. 2. of 1857.**

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Entitled Summary Jurisdiction Amendment Ordinance.

**No. 1. of 1868.**

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Entitled Marriage Ordinance.

**No. 2. of 1862.**

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Entitled Summary Jurisdiction Amendment Ordinance.

**No. 3. of 1867.**

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Entitled Sheep Ordinance.

**No. 1. of 1869.**

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

**No. 2. of 1871.**

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Entitled An Ordinance to declare the Law and Practice in cases  
of Escheat

O1#10

ORDINANCES 1878

# TOBACCO DUTIES ORDINANCE.

In the year 1878.—No. 2.

By His Excellency Thomas Fitzgerald Callaghan Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows:—

Recital. Whereas it has been found expedient to raise a Revenue from Customs' duties on cigars, cigarettes, and tobacco imported into this Colony. Be it enacted:—

Duties on cigars cigarettes and tobacco. 1. That the following duties shall be charged on cigars, cigarettes and tobacco on their importation into this Colony ( that is to say )

		s.	d.
On Cigars.	per pound.	5	0
On Cigarettes.	per pound.	3	0
On Tobacco—Except that imported for sheep washing purposes	per pound.	2	0

Importer to make entry of cigars, cigarettes, and tobacco.

2. That the importer (or his Agent) of any cigars, cigarettes, or tobacco,—including that imported for sheep washing—intended to be delivered for the use of the Colony on the landing thereof from the importing ship shall, before unshipment, within forty eight hours after the arrival of the ship in the harbour, make perfect entry of such cigars, cigarettes, and tobacco, by delivering to the Officer appointed by the Governor for that purpose, a bill of entry in the form in the Schedule hereunto annexed, or to the same effect, and containing the several particulars indicated in or required thereby.

Permit for landing.

3. That after the importer of any cigars, cigarettes, or tobacco, or his agent shall have delivered his bill of entry to the duly appointed Officer, and has either paid the duties payable under this Ordinance in the current coin of the realm, for which payment a deduction of five pounds per centum on the amount of the duties payable shall be allowed, or signed such a bond for the future payment of the duties as shall be satisfactory to such Officer, it shall be the duty of the Officer to give a permit under his hand to land such cigars, cigarettes, or tobacco.

Condition in bond.

4. That any bond shall be conditioned to pay the amount of the duties payable under the provisions of this Ordinance one fourth within the period of three months and the remaining three fourths within the period of twelve months after the date of the permit.

Fine for not delivering Bill of Entry.

5. That if any importer of cigars, cigarettes, or tobacco, or his agent shall wilfully fail to deliver such bill of entry according to the form in the schedule hereunto annexed, or to the same effect, and within the time hereinbefore specified, or if the particulars or any of them contained in such bill of entry be false, he shall pay a fine of One hundred pounds.

6. That if any person not having such permit to land cigars, cigarettes, and tobacco, as hereinbefore provided, shall and or attempt to land any cigars, cigarettes, or tobacco he shall pay a fine of fifty pounds, and the cigars, cigarettes, and tobacco, shall be forfeited and delivered over to the Officer duly appointed under this Ordinance to be applied in such manner as the Governor may direct. <sup>Fine on landing without permit.</sup>

7. That any fine imposed by virtue of this Ordinance shall be sued for and recovered in the same way as fines are sued for and recovered under the Summary Jurisdiction Ordinance No. 11 of 1853. <sup>Recovery of fines.</sup>

8. That this Ordinance shall take effect and come into operation on the first day of March 1878. <sup>Commencement of Ordinance.</sup>

(Signed.)

T. F. CALLAGHAN,  
*Governor.*

Passed the Legislative Council this 12th. day of  
February 1878.

(Signed)

G. TRAVIS,  
*Clerk to the Council.*

*An Ordinance to make further provision for carrying out the  
Customs' Duties Ordinances.*

In the year 1878.—No. 4.

By His Excellency Thomas Fitzgerald Callaghan Esquire, Companion of the most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows:—

Recital.

Whereas it is expedient to make further provision for carrying out the Ordinances now in force imposing Customs' duties on Spirituous Liquors, Tobacco, and other articles imported into this Colony. Be it enacted:—

Officer of Customs may board ships to search.

1. It shall be lawful for the Collector or other proper Officer of Customs to go on board any ship or vessel in the Port of Stanley at any time and to rummage and search all parts of such ship in order to ascertain the quantity of articles liable to Customs' duty, which such ship or vessel may contain.

Samples may be taken by Officer of Customs.

2. It shall be lawful for the Collector or other proper Officer of Customs immediately on the landing of any casks or packages said to contain Spirits, Wine or Beer and while the same is on the beach or jetty or within twenty-four hours afterwards to take a sample out of such casks or other packages as aforesaid without paying for the same, such sample to be returned after due examination.

Officer of Customs, permitted to search, weigh or measure.

3. It shall be lawful for the Collector of Customs, or other proper Officer of Customs to search, weigh, gauge, or measure all and any Spirits, Wines, Tobacco, Beer and other articles subject to Customs' duty in order to arrive at the exact amount of duty payable on such articles, even if a permit for landing them has been duly given, upon the same being landed on the beach or jetty, or within twenty-four hours thereof.

Suspected persons and goods to be searched by Officer of Customs on landing &c. and articles liable to duty to be seized,

4. It shall be lawful for the Collector or other proper Officer of Customs to search any person on landing, and to examine, and open all and any goods, wares or packages which he may suspect to contain Tobacco, Spirits or other articles liable to duty, of which no proper entry has been made, upon the same being landed on the beach or jetty or within twenty-four hours after such landing, and it shall be lawful for such Officer to seize any articles liable to duty which he may find upon any person or amongst such goods or packages.

Warrants to search for and seize goods liable to forfeiture.

5. Under the authority of a warrant granted by the Police Magistrate on information sworn before him it shall be lawful for any Officer of Customs, taking with him a peace officer, to enter any building or other place at any time, and search for and seize and secure any spirits, wine, beer, tobacco, cigars, or cigarettes liable to forfeiture under the Spirit and Tobacco Duties Ordinances, now in force in this Colony.



6. If any goods shall be seized for any cause of forfeiture under *Onus* the aforesaid Ordinances and any dispute shall arise whether the *probandi* same have been lawfully imported and landed, the proof thereof shall *to lie on the* party claiming be on the owner or claimant of such goods, and not on the Officer *goods seized.* who shall seize the same.

7. All things which shall be seized as being liable to forfeiture *Goods seized* under this or any other Ordinance relating to the Customs' duties *to be delivered* shall be taken forthwith and delivered into the custody of the Col- *to Collector of* lector of Customs at the Port of Stanley to be disposed of and applied *Customs.* in such manner as the Governor may direct.

8. No goods liable to duty shall be waterborne or landed except *Fine for landing* in the daytime, and within the usual working hours according to the *goods liable* season of the year, unless special permission to do so is given in *to duty.* writing by the Governor and any goods liable to duty waterborne or landed contrary to this clause shall be liable to forfeiture.

9. That this Ordinance shall take effect and come into operation *Commencement* on the first day of March 1878. *of Ordinance.*

(Signed.

T. F. CALLAGHAN,  
*Governor.*

Passed the Legislative Council this 23rd. day of  
February 1878.

(Signed)

G. TRAVIS,  
*Clerk to the Council.*

## TOBACCO LICENCE ORDINANCE.

In the year 1878.—No. 5.

By His Excellency Thomas Fitzgerald Callaghan Esquire, Companion of the most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows:—

Recital.

Whereas it is expedient to make further provision for regulating the sale of tobacco, spirits, and wine, in the Colony. Be it therefore enacted:—

After the 1st. March 1878. no persons except those holding spirit licences to sell tobacco in Stanley or within 15 miles thereof.

1. That on and after the first day of March 1878. it shall not be lawful for any person except any one holding a licence wholesale or retail under the Spirit Licence Ordinances now in force in this Colony to sell tobacco—including that imported for sheep washing—cigars, or cigarettes, in the settlement or port of Stanley or anywhere in the Colony within a distance of fifteen miles from the said settlement, either by sea or land, unless such persons shall have received a licence from the Police Magistrate authorizing him to do so.

Police Magistrate to grant licences.

2. That it shall be lawful for the Police Magistrate, any time after the passing of this Ordinance to grant such a licence for the sale of tobacco, cigars, and cigarettes, as aforesaid on the payment to him of £10 the duration of which licence shall be twelve months from the date thereof.

Penalty for selling without licence.

3. If any person not being licensed as aforesaid shall directly or indirectly sell within the settlement or port of Stanley, or within the distance therefrom defined in section 1. of this Ordinance, tobacco cigars or cigarettes he shall pay for every such offence a penalty not exceeding £50.

Descriptive Board on Licensed Houses.

4. That each person holding a licence as aforesaid shall cause to be placed over the front door of his licensed house, a board, on which shall be distinctly and legibly painted his christian and surname at full length, together with the words "licensed to sell tobacco," and if he makes default herein he shall pay a fine not exceeding £5.

Governor may grant permission to sell tobacco &c. outside limits.

5. That it shall be lawful for the Governor for the time being to grant to any person he shall think fit permission to sell tobacco cigars, and cigarettes outside the limits defined in section 1, which permission may be granted subject to such conditions as the Governor may impose.

Penalty for selling tobacco &c. outside limits without permission.

6. That any person who after the first day of June 1878 shall sell tobacco cigars or cigarettes outside the limits defined in section 1. without having such permission from the Governor as aforesaid shall pay for every such offence a penalty not exceeding £20.

7. That it shall be lawful for the Governor to grant to any person he shall think fit, permission to sell spirits, wine and beer in the West Falklands which permission shall be subject to such conditions as the Governor may impose.

The Governor may grant permission to sell spirits, wine, &c. in West Falklands,

8. Any person who within the limits of the West Falklands or the ports thereof shall after the first day of June 1878, sell spirits, wines, or beer, without having such permission from the Governor as aforesaid shall pay for every such offence a penalty not exceeding £50.

Penalty for selling spirits &c. in West Falklands without permission.

9. That any fine imposed by virtue of this Ordinance shall be sued for and recovered in the same way as fines are sued for and recovered under the Summary Jurisdiction Ordinance No. 11. 1853.

Recovery of fines.

(Signed.

T. F. CALLAGHAN,

*Governor.*

Passed the Legislative Council this 23rd. day of February 1878.

(Signed)

G. TRAVIS,

*Clerk to the Council.*

O1#11

ORDINANCE 1979

*An Ordinance for granting Joseph Lellman and John Von Harten the Priveleges of British-born Subjects within the Colony of the Falkland Islands.*

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In the year 1879.—No. 2.

By His Excellency Thomas Fitzgerald Callaghan Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof:—

Whereas Joseph Lellman, a native of Creuznach Rhenish Prussia, and John Von Harten, a native of Blumanthal, Germany, have prayed, that they, the said Joseph Lellman and John Von Harten, may be admitted to enjoy the priveleges of British-Born subjects:

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

1. The said Joseph Lellman and John Von Harten when and so soon after they shall have taken the oath of allegiance before the Governor, which oath the Governor is hereby authorized to administer, shall be to all intents and purposes whatsoever entitled within the limits of this Colony to all the priveleges of British-born subjects of Her Majesty.

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

Passed the Legislative Council this Fifteenth day of April  
one thousand eight hundred and seventy nine.

*An Ordinance for granting Charles Hansen the Privileges of a British-born Subject within the Colony of the Falkland Islands.*

In the year 1879.—No. 3.

By His Excellency Thomas Fitzgerald Callaghan Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof:—

Whereas Charles Hansen, a native of Denmark has prayed that he the said Charles Hansen may be admitted to enjoy the privileges of a British-Born Subject :

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

1. The said Charles Hansen when and so soon after he shall have taken the oath of allegiance before the Governor, which oath the Governor is hereby authorized to administer, shall be to all intents and purposes whatsoever, entitled within the limits of this Colony to all the privileges of a British-born subject of Her Majesty.

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

( Signed. )

T. F. CALLAGHAN.

*Governor.*

Passed the Legislative Council this Twentieth day of December One Thousand Eight Hundred and Seventy Nine.

( Signed. )

JOHN WRIGHT COLLINS,

*Clerk to the Council.*

O1#12

ORDINANCES 1880

*An Ordinance to make further provision for the Postal Service  
of the Colony.*

In the year 1880.—No. 1.

By His Excellency Thomas Fitzgerald Callaghan Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander in Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

Whereas it is desirable to make better provision for the Postal Service of the Colony. Be it enacted:—

Masters of vessels about to sail from the Colony calling at Stanley to attend before Collector of Customs &c. before leaving Stanley.

1. Every master of any vessel calling at Port Stanley, and about to sail from there or from any Port in the Falkland Islands for any Port out of the Colony, shall before leaving attend before the Collector of Customs in Stanley and shall truly answer all such questions as shall be demanded of him concerning the Ship, her cargo and intended voyage, and every master of any vessel about to sail from any Port in the Colony for any Port out of the Colony shall receive on board and if required shall give a written receipt in duplicate for any mail which shall be tendered to him by any Officer of the Post Office or other person duly authorized by the Government in that behalf, and shall keep the same so long as it shall be under his charge in some dry and secure place, and the same shall be entered upon the Custom House Manifest whenever practicable.

Masters of vessels about to sail from the Colony to receive on board any mails tendered to them.

Masters of vessels taking Mails from the Colony entitled to Postage.

2. Every master of any vessel sailing from any Port of the Colony who shall receive on board any mail to be conveyed to any Port out of the Colony, shall be entitled to demand and receive from the Postmaster one penny for every letter, and one farthing for every newspaper, book, packet, or other article contained in such mail.

Mails &c on board vessels arriving in the Colony to be delivered to Postmaster or other authorized person.

3. Every mail or loose letter which shall be on board of any vessel arriving at any Port within the Colony from any Port out of the Colony, shall be delivered by the master thereof to the Postmaster or any person authorized by him to receive the same, who is hereby required to give a receipt for the same and the master shall not be allowed to enter at the Custom House until he has produced such receipt for the Mail.



4. Every master of any vessel arriving from any Port out of the Colony shall after the expiration of 24 hours from the delivery of any mail to the Postmaster or to any person authorized by him be entitled to receive one penny for every letter and one farthing for every newspaper, book, packet or other article contained in such mail.

Masters of vessels bringing Mails to the Colony entitled to Postage.

5. With every mail tendered to the master of any vessel about to sail from any Port of the Colony to any Port out of the Colony, there shall be delivered a statement subscribed by the Postmaster or any person duly authorized to act for him of the number of letters, newspapers, books, packets and other articles contained in such Mail, which statement shall so far as concerns the master of such vessel be deemed and taken as conclusive evidence of the number of letters, newspapers, books, packets and other articles contained in such Mail.

Statement delivered by Postmaster or other authorized person as to number of letters &c to be conclusive evidence of the same.

6. Every master of any vessel who shall not attend before the Collector of Customs at Stanley as herein provided and shall not truly answer the questions put to him, when required, or who shall refuse or delay to receive any mail or to deliver any mail or loose letter according to the provisions of this Ordinance shall for every such offence forfeit and pay a penalty of not exceeding one hundred pounds.

Penalty for non-compliance with provisions of Ordinance.

7. Any penalty imposed by virtue of this Ordinance shall be sued for and recovered in the same way as penalties are sued for and recovered under the Summary Jurisdiction Ordinance No 11 of 1853

Recovery of Penalties.

8. This Ordinance shall take effect and come into operation from the day of the passing thereof.

Commencement of Ordinance.

Passed the Legislative Council this Eleventh  
Day of February One Thousand Eight  
Hundred and Eighty.

*Ordinance for Amending "Pilot Ordinance" No 5 of 1871.*

In the year 1880. No. 2.

By His Excellency Thomas Fitzgerald Callaghan Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof:—

Preamble.

Whereas it is expedient to amend the "Pilot Ordinance" No 5 of 1871. Be it therefore enacted as follows:—

Repeal of Section 6 of Ordinance No 5 of 1871.

1. Section 6 of the "Pilot Ordinance" No. 5 of 1871 is hereby repealed, and the next following enactment shall be substituted in its place.

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

2. That the Governor may from time to time make regulations requiring a declaration to be made by the master of any vessel arriving at any of the said harbours before the removal of any goods from said vessel (save those goods especially excepted in such regulations) and also requiring the deposit of the ship's papers, and the return thereof to the master a reasonable time before his departure, a notice to be given by him of the time of his intended departure, and a declaration to be made by him before his departure, and prescribing the form, time and manner of making such declarations, deposit or return, or giving such notice.

Incorporation of Ordinance with the "Pilot Ordinance" No. 5 of 1871.

3. That this Ordinance shall be read with and form part of the "Pilot Ordinance" No 5 of 1871.

Commencement of Ordinance.

4. That this Ordinance shall take effect and come into operation from the day of the passing thereof.

*(Signed.)*

T. F. CALLAGHAN,  
*Governor.*

Passed the Legislative Council this Twenty Eighth  
Day of February One Thousand Eight Hundred  
and Eighty

*(Signed.)*

JOHN WRIGHT COLLINS,  
*Clerk to the Council*

*An Ordinance to amend "The Administration of Justice Ordinance 1876."*

In the year 1880.—No 4.

By His Excellency Robert Christopher Packe Esquire, Administrator of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof. Be it enacted:—

Repeals Sections 5 and 6 of Ordinance No 2, of 1876. 1. Sections 5 and 6 of the "Administration of Justice Ordinance" No 2 of 1876 are hereby repealed, but such repeal shall not affect anything heretofore lawfully done under the said Sections.

Appointment and qualification of Chief Justice. 2. The Chief Justice shall be a member of the Bar of England Scotland or Ireland or of some British possession and of not less than seven years standing or shall have filled the office of Judge of some Court in the British dominions, and except in the case hereinafter provided shall be appointed by the Governor by an Instrument under the Public Seal of the Colony. The Chief Justice shall hold his office during Her Majesty's pleasure, and shall receive such salary as Her Majesty through the Secretary of State shall from time to time direct.

Governor may also be Chief Justice if qualified. 3. The Governor, if he possess the professional qualification above mentioned shall also be Chief Justice without further appointment, if directed by Her Majesty through the Secretary of State to assume the said Office: and the discharge by the Governor of any of the functions of Chief Justice shall be conclusive evidence of his qualification and of his having been so directed as aforesaid.

Construction of Ordinance. 4. This Ordinance shall be construed as one with the Administration of Justice Ordinance 1876.

Commencement of Ordinance. 5. This Ordinance shall take effect and come into operation from the day of the passing thereof.

*R. C. Packe*  
Administrator

Passed the Legislative Council  
this second day of October, One  
Thousand Eight Hundred and  
Eighty.

*Joseph Wright Collins*  
Clerk to the Council

## FALKLAND ISLANDS.

HIS EXCELLENCY THOMAS KERR GOVERNOR.

No. 4. 1880.

*An Ordinance to amend "The Administration of Justice  
Ordinance 1876.*

( )

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

Repeals Sections 5 and 6 of Ordinance No 2, of 1876. 1. Sections 5 and 6 of the "Administration of Justice Ordinance" No 2 of 1876 are hereby repealed, but such repeal shall not affect anything heretofore lawfully done under the said Sections.

Appointment and qualification of Chief Justice. 2. The Chief Justice shall be a member of the Bar of England Scotland or Ireland or of some British possession and of not less than seven years standing or shall have filled the office of Judge of some Court in the British dominions, and except in the case hereinafter provided shall be appointed by the Governor by an Instrument under the Public Seal of the Colony. The Chief Justice shall hold his office during Her Majesty's pleasure, and shall receive such salary as Her Majesty through the Secretary of State shall from time to time direct.

Governor may also be chief Justice if qualified. 3. The Governor, if he possess the professional qualification above mentioned shall also be Chief Justice without further appointment, if directed by Her Majesty through the Secretary of State to assume the said Office; and the discharge by the Governor of any of the functions of Chief Justice shall be conclusive evidence of his qualification and of his having been so directed as aforesaid.

Construction of Ordinance. 4. This Ordinance shall be construed as one with the Administration of Justice Ordinance 1876.

(Signed.)

T. KERR,  
Governor.

Passed the Legislative Council this                      day of December  
One Thousand Eight hundred and Eighty.

(Signed.)

John Wright Collins,  
Clerk to the Council.

01#13

ORDINANCES 1892

## FALKLAND ISLANDS.

By His Excellency Sir ROGER TUCKFIELD GOLDSWORTHY,  
K. G. M. G., Governor.

No. 1 of 1892.

*An Ordinance to make further provision for the Service of the  
Colony of the Falkland Islands for the year 1890.*

Preamble.

WHEREAS it is expedient to make further provision for the service of the Colony of the Falkland Islands for the year 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 :—

Additional Provision  
for the Service of the  
year 1890.

1. There shall be, and there is hereby granted to Her Majesty the Queen, Her Heirs and Successors, for and during the year 1890, an additional sum of Five hundred and forty one pounds, seventeen shillings and four pence, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz. :

Establishments	66	17	7
Administration of Justice	1	0	0
Medical	2	18	2
Conveyance of Mails	12	5	1
Miscellaneous Services	55	18	0
Interest on Deposits (Savings Bank)	402	18	6
	541	17	4

Authorisation of  
Expenditure.

2. The said sum of £541 17 4 shall be, and is hereby declared to be charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the date of the passing of this Ordinance, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the Warrant or Order of the Governor for the time being, to pay such service as specified out of such moneys as have arisen or may arise from and out of the Colonial Revenues, without any further order or formality ; Provided always that the amount so from time to time paid as aforesaid, for and in respect of such expenditure shall not exceed in the gross the sum of Five-hundred and forty one pounds, seventeen shillings and four pence.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this Twenty-ninth day of March,  
in the year of Our Lord One-thousand eight-hundred and ninety-  
two.

W. A. HARDING,  
Clerk of the Legislative Council.

## FAULKLAND ISLANDS.

By His Excellency Sir ROGER TUCKFIELD GOLDSWORTHY,  
K. C. M. G., Governor.

No. 2 of 1892.

*An Ordinance to provide for the holding of Commissions of Enquiry.*

Preamble,

WHEREAS it is expedient to provide for the holding of Commissions of Enquiry and for taking evidence thereunder upon Oath.

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

Repeal of Ordinance No. 4 of 1891.

1. Ordinance No. 4 of 1891 entitled "The Commissions of Enquiry Ordinance" is hereby repealed.

Short title.

2. This Ordinance shall be cited as "The Commissions of Enquiry Ordinance 1892."

Power of Governor to appoint Commission of Enquiry.

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

Commission may summon persons to attend and give evidence on oath and cause production of accounts and papers.

4. It shall be lawful for such Commission of Enquiry so appointed, to summon (as per Schedule A), any person or persons to attend before it, and to produce any books, plans and documents as to the Commission may appear necessary for the purpose of such Enquiry.

Penal clause.

5. Any person or persons refusing, without sufficient cause, to attend and give evidence or to produce any books, plans and documents as aforesaid, shall be liable for such default to a fine of £10, to be recoverable summarily before the Police Magistrate.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this Twenty-ninth day of March, in the year of Our Lord One-thousand eight-hundred and ninety-two.

W. A. HARDING,  
Clerk of the Legislative Council.

Summons to Witness

## **SCHEDULE (A).**

### **Summons to Witnesses.**

To A. B. (*name of person summoned and his calling and residence if known*). You are hereby summoned to appear before (*here name the Commissioners*) appointed by the Governor to enquire (*state briefly the subject of Enquiry*) at (*place*) upon the——day of ——189 at o'clock and to give evidence respecting such enquiry. (*If the person summoned is to produce any documents, add*) and you are required to bring with you (*specify*) the books, plans and documents required, therefore fail not at your peril.

Given under the hand of  
this——day of——189

Commissioner,



## FALKLAND ISLANDS.

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By His Excellency Sir ROGER TUCKFIELD GOLDSWORTHY,  
K. C. M. G., Governor.

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No. 3 of 1892.

### *An Ordinance to amend the Brewers Licensing Ordinance 1891.*

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Preamble.

WHEREAS it is expedient to amend the Brewers Licensing Ordinance No. 8 of 1891.

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 :

Repeal of Section 3 of  
Ordinance No. 8 of 1891.

1. Section 3 of Ordinance No. 8 of 1891 is hereby repealed and the following substituted in lieu thereof.

Duty payable on beer.

2. There shall be payable in respect of such Beer upon every 36 gallons of Worts of a specific gravity of 1030 degrees, or upon any less quantity or gravity, a duty of 6/-, and for every two degrees in excess of 1030 degrees the sum of 3d.

Ordinance to be read with  
Ordinance No. 8 of 1891.

3. This Ordinance shall be read with and form part of Ordinance No 8 of 1891, and shall be cited as the "Brewers Licensing Amendment Ordinance 1892."

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,  
*Governor.*

Passed the Legislative Council this Twenty-ninth day of March, in the year of Our Lord One-thousand eight-hundred and ninety-two.

W. A. HARDING,  
*Clerk of the Legislative Council.*

## FALKLAND ISLANDS.

By His Excellency Sir ROGER TUCKFIELD GOLDSWORTHY  
K. C. M. G., Governor.

No. 4 of 1892.

*An Ordinance to make further provision for the Service of the  
Colony of the Falkland Islands for the year 1891.*

Preamble.

WHEREAS it is expedient to make further provision for the service of the Colony of the Falkland Islands for the year 1891.

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 :—

Additional Provision  
for the Service of the  
year 1891.

1. There shall be, and there is hereby granted to Her Majesty the Queen, Her Heirs and Successors, for and during the year 1891, an additional sum of Four-thousand two-hundred and seventy-three pounds, eighteen shillings and two pence, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz. :  
Establishments, &c. :

Authorization of  
Expenditure.

Colonial Secretary Department	124	18	10
Customs Department	35	13	5
Port & Marine	514	1	1
Legal Department	333	8	4
Police	22	13	9
Prisons	83	8	11
Transport	634	11	5
Miscellaneous Services	103	10	5
Post Office	241	14	9
Public Works Recurrent	1878	8	11
Interest on Deposit (Savings Bank)	85	17	10
Drawbacks and Refunds	117	0	6
Land Purchases	93	10	0
	4273	18	2

2. The said sum of £4273 18 2 shall be, and is hereby declared to be charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the date of the passing of this Ordinance, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the Warrant or Order of the Governor for the time being, to pay such service as specified out of such moneys as have arisen or may arise from and out of the Colonial Revenues, without any further order or formality; Provided always that the amount so from time to time paid as aforesaid, for and in respect of such expenditure shall not exceed in the gross the sum of Four-thousand two hundred and seventy-three pounds, eighteen-shillings and two pence.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
*Governor.*

Passed the Legislative Council this Seventh day of April, in the year of Our Lord One-thousand eight-hundred and ninety-two.

W. A. HARDING,  
*Clerk of the Legislative Council.*

## FALKLAND ISLANDS.

By His Excellency Sir ROGER TUCKFIELD GOLDSWORTHY,  
K. C. M. G., Governor.

No. 5 of 1892.

*An Ordinance to provide for the prevention of the spreading of any contagious or infectious disorders amongst dogs or other animals within the Colony of the Falkland Islands.*

WHEREAS it is expedient to prevent the spreading of contagious or infectious disorders amongst dogs or other animals within the Colony,

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.—That it shall be lawful for the Governor in Council from time to time by proclamation to 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.

Penal clause

2.—That 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 £5 to be recovered according to the provisions of the Summary Jurisdiction Ordinance 1853.

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

3.—That it shall be lawful for the Governor in Council to revoke the whole or any part of any Order made under this Ordinance by any further Order issued under the authority of this Ordinance.

Order of Governor in Council to be published.

4.—That 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.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this 19th day of August in the year of Our Lord One-thousand eight-hundred and ninety-two.

W. A. HARDING,  
Clark of the Legislative Council.

## FALKLAND ISLANDS.

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By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

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No. 6 of 1892.

*An Ordinance to amend the Administration of Justice Ordinance 1876.*

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Preamble.

WHEREAS it is expedient to amend Section 24 of the Administration of Justice Ordinance 1876.

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 :—

Short title

1.—This Ordinance may be cited as “The Administration of Justice Amendment Ordinance 1892.”

Notarial fees made payable into Treasury.

2,—The words “to receive for his own use” in Section 24 of “The Administration of Justice Ordinance 1876” are hereby repealed, and the words “to charge and receive for payment into the Treasury of the Falkland Islands” substituted therefor.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,  
*Governor.*

Passed the Legislative Council this 19th day of August in the year of Our Lord One-thousand eight-hundred and ninety-two.

W. A. HARDING,  
*Clerk of the Legislative Council,*

# FALKLAND ISLANDS

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K. C. M. G., Governor.

No. 7 of 1892.

*An Ordinance to raise a sum of money by a tax on tenements in Stanley and to provide for the application thereof and of other local taxes for the proposed Local Improvements:—*

## Preamble.

Whereas Ordinance No. 14 of 1882 entitled "An Ordinance to raise a sum of money in aid of Revenue by a tax on Lands and Tenements for a limited period" expires on the 31st day of December, next, and it is expedient to continue the taxation of tenements in Stanley to provide thereby along with certain local taxes hereinafter mentioned a sum of money to be applied exclusively to expenditure in or in the immediate vicinity of the township of Stanley—

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:—

Tenements in Stanley for five years to pay 6d. in every pound of annual value to be assessed by Justices.

1.—For all tenements in the town of Stanley there shall, for the space of five years, be charged yearly in respect of the property thereof for every twenty shillings of the annual value thereof, the sum of six pence; such value to be assessed in the first week of January in every year by the Justices of the Peace resident in Stanley, and payable to the Colonial Treasurer before the 30th day of January in each year. Provided always that whilst subject to this tax such tenements shall be exempt from any acreage tax on lands which it may be found necessary hereafter to impose throughout the Islands; and provided further that the sum so raised under this section shall be known as local revenue and disposed of in paying off the debt to be incurred by local to general revenue for the cost of fencing in the common land of Stanley.

## Proviso.

Annual revenue arising from Dog and other taxes to be applied for certain purposes.

2.—The annual revenue arising within the township of Stanley from the Dog Tax, the Publican's Retail License, the Tobacco and Billiard Table Licences under the several Ordinances relating thereto and from the charge hereafter to be made for each horse or head of cattle for the privilege of commonage, shall be applied for the purposes hereinafter mentioned.

Revenue to be applied to local improvements in or in the immediate vicinity of Stanley.

3.—The revenue arising under Section 1 of this Ordinance and from the taxes enumerated in Section 2 of this Ordinance shall be known as "local revenue," and shall be exclusively applied to local improvements in or in the immediate vicinity of the township of Stanley.

Short title.

Ordinance to come into  
operation 1st January  
1893.

4. This Ordinance shall shortly be cited as the Local Taxation Ordinance, and shall come into operation on the first day of January in the year One-thousand eight-hundred and ninety-three.

Passed the Legislative Council this fifth day of October in the year of Our Lord One-thousand eight-hundred and ninety-two.

C. W. HILL,

*Clerk to the Legislative Council.*

I assent to this Ordinance this fifth day of October in the year of Our Lord One-thousand eight-hundred and ninety-two.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,  
*Governor*

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K. C. M. G., Governor.

No. 8 of 1892.

*An Ordinance to provide for the Service of the Colony of the Falkland Islands for the year 1893.*

Preamble.

Whereas it is expedient to make provision for the Service of the Colony of the Falkland Islands for the year 1893.

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 :—

Provisions for the service of the year 1893.

1.—There shall be, and there is hereby granted to Her Majesty the Queen, her Heirs and Successors, for and during the year 1893 the sum of Ten-thousand two-hundred and forty-two pounds, seven-shillings and four-pence, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz. :

1. Pensions	...	...	...	...	...	377	16	8
2. Governor	...	...	...	...	...	1414	0	0
3. Colonial Secretary's Department	...	...	...	...	...	819	9	9
4. Customs Department	...	...	...	...	...	100	0	0
5. Audit Department	...	...	...	...	...	34	4	0
6. Port & Marine Department	...	...	...	...	...	200	0	0
7. Legal Department	...	...	...	...	...	620	0	0
8. Police	...	...	...	...	...	655	0	0
9. Prisons	...	...	...	...	...	160	0	0
10. Medical Department	...	...	...	...	...	572	6	0
11. Education	...	...	...	...	...	438	0	0
12. Ecclesiastical	...	...	...	...	...	468	0	0
13. Transport	...	...	...	...	...	150	0	0
14. Miscellaneous	...	...	...	...	...	235	12	0
15. Post Office	...	...	...	...	...	1830	0	0
16. Mail Schooner	...	...	...	...	...	466	18	11
17. Public Works	...	...	...	...	...	1003	0	0
18. Interest on Deposits in Savings Bank	...	...	...	...	...	600	0	0
19. Drawbacks & Refunds	...	...	...	...	...	98	0	0
						£10242	7	4

Authorisation of Expenditure.

2.—The said sum of £10242 7, 4 shall be, and is hereby declared to be, charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the first day of January 1893, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the warrant or order of the Governor for the time being, to pay such services as specified out of such monies as have arisen or may arise from and out of the Colonial Revenues without any further order or formality. Provided always that the amount so from time to time paid as aforesaid for and in respect of such expenditure shall not between the first day of January 1893, and the first day of January 1894, exceed in the gross the sum of Ten-thousand two-hundred and forty-two pounds, seven-shillings and four-pence.

Proviso.



Passed the Legislative Council this fifth day of October in the  
year of Our Lord One-thousand eight-hundred and ninety-two.

C. W. HILL,  
*Clerk to the Legislative Council.*

I assent to this Ordinance this fifth day of October in the year  
of Our Lord One-thousand eight-hundred and ninety-two.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
*Governor*

## FALKLAND ISLANDS.

By His Excellency Sir ROGER TUCKFIELD GOLDSWORTHY,  
K. C. M. G., Governor.

No. 9 of 1892.

*An Ordinance to amend "The Stanley Cemetery Ordinance 1888."*

Preamble.

WHEREAS it is expedient to amend the Stanley Cemetery Ordinance, 1888.

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:—

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.

1.—From and after the date of the passing of this Ordinance, that portion of the Cemetery at Stanley, which, by Deed of Grant, dated the Third day of February, One-thousand eight-hundred and seventy-two, 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 described in Section 1, of the Stanley Cemetery Ordinance, 1888, 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.

Section 4 of Stanley Cemetery Ordinance 1888, repealed.

2.—Section 4, of the Stanley Cemetery Ordinance 1888, is hereby repealed, and the following enactment shall be substituted therefor.

How Burial Board composed.

3.—There shall be a Burial Board composed of the following Members, that is to say. The Colonial Chaplain for the time being, the Priest, if any, for the time being, in charge 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.

This Ordinance to be read with and form part of Ordinance 6 of 1888.

4.—This Ordinance shall be read with and form part of the Stanley Cemetery Ordinance, No. 6 of 1888.

Passed the Legislative Council this twelfth day of December in the  
year of Our Lord One-thousand eight-hundred and ninety-two.

C. W. HILL,  
*Clerk to the Legislative Council.*

I assent to this Ordinance this twelfth day of December in the  
year of Our Lord One-thousand eight-hundred and ninety-two.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
*Governor*

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 10 of 1892.

*An Ordinance to amend Ordinance No. 5 of 1891 entitled "An Ordinance to consolidate and amend the Laws relating to Customs duties and Trade."*

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 5 of 1891 entitled "An Ordinance to consolidate and amend the Laws relating to Customs duties and trade."

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

1.—From and after the passing of this Ordinance the tariff of Import duties attached to Ordinance No. 5 of 1891 is hereby amended as follows :—

Exemption from duty of Perfumed Spirits, Cologne water, Lemonade, Ginger ale and Ginger beer. Conditions under which Methylic Alcohol and Tobacco may be free of duty.

Perfumed Spirits and Cologne water, Lemonade, Ginger ale and Ginger beer without admixture of spirits, Naptha or Methylic Alcohol in its crude state and not fit for use as a potable spirit or for admixture with a potable spirit; and Tobacco forming an ingredient in sheep wash or hop powder manufactured in bond in the United Kingdom, shall be admitted free of duty.

Foreign Consulates in this Colony exempted from duties on bona fide official supplies imported.

2.—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.

Short title.

3.—This Ordinance may be cited as "The Customs Amendment Ordinance 1892."

Passed the Legislative Council this twelfth day of December in the year of Our Lord One-thousand eight-hundred and ninety-two.

C. W. HILL,  
*Clerk to the Legislative Council.*

I assent to this Ordinance this twelfth day of December in the year of Our Lord One-thousand eight-hundred and ninety-two.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,  
*Governor*

## FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 11 of 1892.

*An Ordinance to provide for the appointment of Visiting Justices for the Gaol in Stanley.*

Preamble.

WHEREAS it is expedient to appoint Justices of the Peace to be Visiting Justices of the Gaol in Stanley.

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 :—

Governor may appoint Justices and assign to them duties under Regulations.

1.—The Governor shall have power to appoint from time to time, as Visiting Justices of the Gaol, Justices of the Peace resident in Stanley, and to assign to such Visiting Justices by any Regulations framed or to be framed by the Governor in Council, such duties as may be deemed necessary.

Rotation of Visiting Justices and time for which appointed during the year to be notified.

2.—The Visiting Justices so appointed shall, by notification in the Government Gazette, have assigned to them the period during which any two of them shall hold office as Visiting Justices.

Passed the Legislative Council this twenty-eighth day of December in the year of Our Lord One-thousand eight-hundred and ninety-two.

C. W. HILL,  
*Clerk to the Legislative Council.*

I assent to this Ordinance this twenty-eighth day of December in the year of Our Lord One-thousand eight-hundred and ninety-two.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,  
*Governor*

# FALKLAND ISLANDS

By His Excellency

Sir ROGER TUCKFIELD GOLDSWORTHY, K. C. M. G., Governor.

*An Ordinance to make further provision for the local postal service of the Falkland Islands.*

No. 12 of 1892.

WHEREAS it is desirable to make further provision for the payment of postal rates within the Colony of the Falkland Islands.

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

1.—From and after the coming into operation of this Ordinance letters, (except such as hereinafter mentioned) books, newspaper, postal packets, (as hereinafter defined) shall not be transmitted by vessel from one port of the Colony to any other port of the Colony with which there is declared to be postal communication by the Governor in Council except through the Post Office, and the Governor in Council shall, from time to time, as may be deemed expedient, fix the rates of postage for the same, make such appointments, and frame such Rules and Regulations as may be necessary for the carrying out such postal communication.

2.—The Master of every vessel shall, on arrival in Stanley, from any Port in the Colony, deliver to the Postmaster in Stanley, every letter, (except letters relating to the ship and cargo or bills of lading) newspaper and book, and all postal packets not exceeding six ounces in weight liable to postage and every such letter, newspaper, book, or packet, shall be delivered over to the addressee or his agent, by the Postmaster, provided the rate of postage chargeable for the same shall have been prepaid by the sender, or in the event of such postage not having been prepaid by the sender then, on payment by the addressee to the Postmaster in Stanley of double the rate of postage payable on prepayment.

3.—The Master of a vessel shall not receive for conveyance from Stanley to any other Port in the Colony, any letter, (except letters relating to the vessel and cargo or bills of lading) newspaper, book or postal packet, unless the same shall have first passed through the Post Office in Stanley.

4.—Every Master of any vessel (not under contract with the Government for the carriage of Mails) sailing from Port Stanley to any other Port in the Colony, or from any Port in the Colony to Port Stanley, who shall receive on board any mail, shall be entitled to demand and receive from the Postmaster one half the local rate of postage for every local letter, newspaper, book or postal packet, or other article contained in such mail, and any Master who shall refuse to carry any mail from or to the Postmaster at Stanley, shall be liable to a penalty not exceeding five pounds.

5.—The Master of any vessel who shall contravene any of the provisions of Sections 2 and 3 of this Ordinance shall be liable to a fine not exceeding five pounds for each offence.

6.—It shall be lawful for the Postmaster if he has reason to suspect that any letter or package transmitted through the Post Office contains anything of a dangerous, explosive or offensive nature, to seize the same and if necessary, on examination, cause it to be destroyed, and the sender of such dangerous explosive or offensive article shall be liable on prosecution to a fine not exceeding twenty pounds.

7.—The Postmaster may examine any newspaper, postal packet, book packet, or other article, whether sent by the post without a cover or in a cover open at the sides or ends, in order to discover whether it is contrary in any respect to the conditions required to be observed ; and in case any one of the required conditions has not been fulfilled, the whole of every such newspaper, parcel, book packet or other article, may be charged at letter rates.

8.—Any penalty imposed by virtue of this Ordinance shall be sued for and recovered in the same way as penalties are sued for and recovered under the Summary Jurisdiction Ordinance No. 11 of 1853.

9.—This Ordinance may be cited as the "Local Postal Ordinance, 1892," and shall come into operation on the first day of February 1893.

Passed the Legislative Council this twenty-ninth day of December in the year of Our Lord One-thousand eight-hundred and ninety-two.

C. W. HILL,

*Clerk to the Legislative Council.*

I assent to this Ordinance this twenty-ninth day of December in the year of Our Lord One-thousand eight-hundred and ninety-two.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,  
*Governor.*

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ORDINANCES 1893



## FALKLAND ISLANDS.

By His Excellency  
GEORGE MELVILLE, Esq., C. M. G., Administrator.

*An Ordinance to amend the Local Taxation Ordinance 1892.*

No. 1 of 1893.

Preamble.

WHEREAS it is expedient to amend the Local Taxation Ordinance 1892.

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 :—

Section 1 of principal Ordinance amended.

1.—In the first section the words “known as local revenue, and “disposed of in paying off the debt to be incurred by local to “general revenue” are hereby repealed, and the words “applied “in paying” substituted therefor.

Sections 2 & 3 of principal Ordinance repealed.

2.—The second and third sections of said Ordinance are hereby repealed, and the following enactment substituted therefor :—

Annual revenue arising from Dog and other taxes to be applied exclusively to local improvements.

“The annual revenue arising within the township of Stanley “from the Dog tax, the Publican's Retail License, the Tobacco and “Billiard Table Licenses” under the several Ordinances relating thereto, and from the charge hereafter to be made for each horse or head of cattle for the privilege of commonage, shall be applied exclusively to local improvements in or in the immediate vicinity of the township of Stanley.

Short title.

3.—This Ordinance shall shortly be cited as the Local Taxation Ordinance Amendment Ordinance, 1893, and shall come into operation on the passing thereof, and be read and form part of “The Local Taxation Ordinance, 1892.”

(Signed) GEORGE MELVILLE,  
Administrator.

Passed the Legislative Council this Twenty-seventh day of April in the year of Our Lord One-thousand eight-hundred and ninety-three.

(Signed)

C. W. HILL.

Clerk to Council.

# FALKLAND ISLANDS.

By His Excellency  
GEORGE MELVILLE, Esq., C. M. G., Administrator.

*An Ordinance to repeal Ordinance No. 8 of 1892, and to provide for the Service of the Colony of the Falkland Islands for the year 1893.*

No. 2 of 1893.

Preamble.

WHEREAS it is expedient to repeal Ordinance No. 8 of 1892, and hereby to make provision for the Service of the Colony of the Falkland Islands for the year 1893.

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:—

Repeal of Ordinance No. 8 of 1892.

1. Ordinance No. 8 of 1892 entitled "An Ordinance to provide for the service of the Colony of the Falkland Islands is hereby repealed."

Provisions for the service of the year 1893.

2. There shall be, and there is hereby granted to Her Majesty the Queen, her Heirs and Successors, for and during the year 1893 the sum of Eleven-thousand and two pounds, eight-shillings and five-pence, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz. :—

1.	Pensions	...	...	...	...	377	16	8
2.	Governor	...	...	...	...	1414	0	0
3.	Colonial Secretary's Department	...	...	...	...	819	9	9
4.	Customs Department	...	...	...	...	100	0	0
5.	Audit Department	...	...	...	...	34	4	0
6.	Port & Marine Department	...	...	...	...	200	0	0
7.	Legal Department	...	...	...	...	620	0	0
8.	Police	...	...	...	...	655	0	0
9.	Prisons	...	...	...	...	160	0	0
10.	Medical Department	...	...	...	...	572	6	0
11.	Education	...	...	...	...	438	0	0
12.	Ecclesiastical	...	...	...	...	468	0	0
13.	Transport	...	...	...	...	150	0	0
14.	Miscellaneous	...	...	...	...	235	12	0
15.	Post Office	...	...	...	...	2,220	0	0
16.	Mail Schooner	...	...	...	...	13	0	0
17.	Public Works	...	...	...	...	934	0	0
	" " (Extraordinary)	...	...	...	...	893	0	0
18.	Interest on Deposits in Savings Bank	...	...	...	...	600	0	0
19.	Drawbacks & Refunds	...	...	...	...	93	0	0

11,002 8 5

Authorization of expenditure.

3. The said sum of 11,002 8 5 shall be, and is hereby declared to be, charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to have begun and commenced on and immediately after the first day of January 1893, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the warrant or order of the Governor for the time being, to pay such services as specified out

Proviso.

of such monies as have arisen or may arise from and out of the Colonial Revenues without any further order or formality, and all payments made by the Colonial Treasurer under Section 2 of the Ordinance hereby repealed, are hereby declared valid and effectual. Provided always that the amount so from time to time paid as aforesaid for and in respect of such expenditure shall not between the first day of January 1893, and the first day of January 1894, exceed in the gross the sum of Eleven-thousand-and-two pounds, eight-shillings and five-pence.

(Signed)

GEORGE MELVILLE,  
*Administrator.*

Passed the Legislative Council this Twenty-seventh day of April in the year of Our Lord One-thousand eight-hundred and ninety-three.

(Signed)

C. W. HILL,  
Clerk to Council.

# FALKLAND ISLANDS.

By His Excellency  
GEORGE MELVILLE, Esq., C. M. G., Administrator.

*An Ordinance to make further provision for the Service of the Colony  
of the Falkland Islands for the year 1892.*

No. 3 of 1893.

Preamble.

WHEREAS it is expedient to make further provision for the service of the Colony of the Falkland Islands for the year 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 :—

Additional Provision for  
the Service of the year  
1892.

1. There shall be, and there is hereby granted to Her Majesty the Queen, Her Heirs and Successors, for and during the year 1892, an additional sum of One-thousand six-hundred and eighty-six pounds, ten-shillings and sixpence, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz. :—

Establishments, &c. :

Authorization of expenditure.

Pensions	...	...	...	65	4	6
Colonial Secretary's Department	...	...	...	118	10	3
Customs Department	...	...	...	74	19	9
Port & Marine	...	...	...	19	3	7
Prisons	...	...	...	47	19	8
Education	...	...	...	33	11	7
Transport	...	...	...	532	2	11
Miscellaneous Services	...	...	...	91	7	2
Public Works Recurrent	...	...	...	703	11	1
				1686	10	6

2. The said sum of £1686 10 6 shall be, and is hereby declared to be charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the date of the passing of this Ordinance, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the Warrant or

Order of the Governor for the time being, to pay such service as specified out of such moneys as have arisen or may arise from and out of the Colonial Revenues, without any further order or formality; Provided always that the amount so from time to time paid as aforesaid, for and in respect of such expenditure shall not exceed in the gross the sum of One-thousand six-hundred and eighty-six pounds ten shillings and sixpence.

(Signed)

GEORGE MELVILLE,  
*Administrator.*

Passed the Legislative Council this Twenty-seventh day of April in the year of Our Lord One-thousand eight-hundred and ninety-three.

(Signed)

C. W. HILL,  
Clerk to Council,

## FALKLAND ISLANDS.

By His Excellency  
GEORGE MELVILLE, Esq., C. M. G., Administrator.

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

No. 4 of 1893.

Preamble.

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.—

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 a 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.

(Signed)

GEORGE MELVILLE,  
*Administrator.*

Passed the Legislative Council this Twenty-seventh day of April in the year of Our Lord One-thousand eight-hundred and ninety-three.

(Signed)

C. W. HILL,  
Clerk to Council.

# FALKLAND ISLANDS.

By His Excellency  
GEORGE MELVILLE, Esq., C. M. G., Administrator.

*An Ordinance to provide for the establishment of a Volunteer Force.*

No. 5 of 1893.

WHEREAS it is expedient to provide for the establishment of a Volunteer Force:

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.*

1.—This Ordinance may be cited as “The Volunteer Ordinance 1892.”

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

Interpretation

“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.

### *Organization of Volunteer Corps.*

Governor may accept services of 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.

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

Officers commission to be issued by Governor.

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.

Rank of officers.

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

Power of volunteer to quit corps on conditions.

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

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.

Volunteers to be under command of officers of regular forces.

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.

Annual inspection.

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 Enquiry composed of members of the Volunteer Corps to enquire into any matter relative to any Volunteer Corps or to any officer or volunteer and to record the facts and circumstances ascertained on

Courts of Enquiry

such enquiry and if required to report on the same for his information.

(2)—The commanding officer of a Volunteer Corps may at any time assemble a Court of Enquiry composed either of officers and volunteers belonging to the corps or of such officers or of such volunteers to enquire into any matter relative to the corps or any volunteer not being an officer and to record the facts and circumstances ascertained on such enquiry 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 Enquiry.
- (c) Generally the execution of this Ordinance and the general government and discipline of the Volunteer Force.

## PART II.

### Active Service.

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.

Governor may call out Volunteers for active service in case of national emergency, invasion, &c.

(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.

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.

Volunteers when called out to be entitled to pay and quarters.

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

When travelling expenses are payable to Volunteers.



Governor to fix the rate and amount of such expenses.

Pensions to officers and volunteers disabled on service and to widows and families of those killed on service.

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).

### PART III.

#### *Discipline.*

As to discipline while not on active service.

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:—

- (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 Forty-four and Forty-five Victoria chapter Fifty-eight 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 & 45 Vict., c 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 one hundred and seventy-seven 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.*

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*.

Power for Corps to make rules.

(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.

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 subscrip-

Vesting of property of Corps in commanding officer ex officio

tions 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.

Volunteers failing to give up arms, &c., when liable to do so to pay value thereof.

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.

Recovery of subscriptions and fines.

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.

## PART V.

### *Miscellaneous.*

Summary recovery of fine.

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.

Appearance in Court of commanding officer

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.

Capitation grant.

25. It shall be lawful for the Colonial Treasurer to pay to the commanding officer of every Volunteer 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 (£2) for every efficient member holding a certificate of proficiency in accordance with any regulations passed under section eight 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 member 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 (£20) or with imprisonment for any term not exceeding six months or with both.

(Signed)

GEO. MELVILLE,  
*Administrator.*

Passed the Legislative Council this twelfth day of June in the year of Our Lord One-thousand eight-hundred and ninety-three.

(Signed)

C. W. HILL,  
*Clerk to Council.*

## 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.)

# FALKLAND ISLANDS.

By His Excellency  
GEORGE MELVILLE, C.M.G. Administrator.

No. 6 of 1893.

*An Ordinance to provide for the Service of the Colony of the Falkland Islands for the year 1894.*

Preamble.

Whereas it is expedient to make provision for the Service of the Colony of the Falkland Islands for the year 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 :—

Provisions for the service of the year 1894.

1.—There shall be, and there is hereby granted to Her Majesty the Queen, her Heirs and Successors, for and during the year 1894, the sum of Ten-thousand-five-hundred-and-ninety pounds-sixteen-shillings-and-five-pence, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz. :

1. Pensions	...	...	...	...	...	312	16	8
2. Governor	...	...	...	...	...	1456	0	0
3. Colonial Secretary's Department	...	...	...	...	...	895	9	9
4. Customs Department	...	...	...	...	...	110	0	0
5. Audit Department	...	...	...	...	...	34	4	0
6. Port & Marine Department	...	...	...	...	...	165	0	0
7. Legal Department	...	...	...	...	...	616	4	0
8. Police	...	...	...	...	...	640	0	0
9. Prisons	...	...	...	...	...	125	0	0
10. Medical Department	...	...	...	...	...	576	6	0
11. Education	...	...	...	...	...	453	0	0
12. Ecclesiastical	...	...	...	...	...	468	0	0
13. Transport	...	...	...	...	...	250	0	0
14. Miscellaneous	...	...	...	...	...	327	16	0
15. Post Office	...	...	...	...	...	2240	0	0
16. Public Works	...	...	...	...	...	1121	0	0
17. Interest on Deposits in Savings Bank	...	...	...	...	...	700	0	0
18. Drawbacks & Refunds	...	...	...	...	...	100	0	0
						10,590	16	5

Authorization of Expenditure.

2.—The said sum of £10,590 16 5 shall be, and is hereby declared to be, charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the first day of January 1894, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the warrant or order of the Governor for the time being, to pay such services as specified out of such monies as have arisen or may arise from and out of the Colonial Revenues without any further order or formality. Provided always that the amount so from time to time paid as aforesaid for and in respect of such expenditure shall not, between the first day of January 1894 and the first day of January 1895, exceed in the gross the sum of Ten-thousand-five-hundred-and-ninety-pounds-sixteen-shillings-and-five-pence.

Proviso.

(Signed)

GEO. MELVILLE,  
Administrator.

Passed in Council this Fourth day of September, in the year of Our Lord One thousand eight hundred and ninety three.

(Signed)

C. W. HILL,  
Clerk to Council.

# FALKLAND ISLANDS.

By His Excellency  
GEORGE MELVILLE, C.M.G., Administrator.

No. 7 of 1893.

*An Ordinance to provide for the better protection of property in Stanley against injury from the trespassing of animals within the town.*

## Preamble.

WHEREAS it is expedient for the better protection of the public interest, as also in the interests of the owners of private property within the town of Stanley, that that part of the land known as the Commonage should be fenced in, and that from and after the completion of the same the owners of horses, mules, cattle, &c., should be compelled to restrain the trespassing of such animals within the said town,

## 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 :—

Owners of animals to have licences granted before placing animals within the fenced-in Commonage.

1.—After the coming into operation of this Ordinance the owner of every animal mentioned in the Schedule hereto annexed shall, on payment of the sum to be charged as per said Schedule for such animal, be entitled to obtain a license to maintain such animal within the fenced-in land known as the Commonage lying to the south of the town of Stanley; and the owner of any animal taking advantage of the said fenced-in land without having paid for such license shall render himself liable to a penalty not exceeding £2 (two pounds) for each offence, one half thereof to be paid to the informer.

Penalty for using fenced-in land without licence.

Animals found wandering in the town of Stanley liable to seizure or impounding.

2.—All animals included in the Schedule hereto found wandering or grazing within the town of Stanley after the coming into operation of this Ordinance, shall be liable to be seized and to be detained in the enclosure hereinafter called the Government Pound, and notice of such impounding with a description of the animal so impounded shall be placed upon the Notice Board within twenty-four hours.

Penalty and cost of maintaining animals in pound to be paid by owner before animal released.

3.—The owner of every animal so seized and detained shall before its release from the Pound pay to the Pound-keeper the sum of 5/- (five shillings) by way of penalty, together with the further sum of 1/- (one shilling) per diem for the cost of maintaining the animal whilst detained in the Pound, and every person, whether the owner of said animal or not, who shall in any way attempt to rescue any animal impounded or about to be impounded shall render himself liable to a fine not exceeding the sum of £5 (five pounds).

Penalty for attempting rescue of animal seized.

Animal seized and not claimed to be advertised for sale.

4.—If no owner shall claim any animal seized as above-mentioned within ten days after such animal shall have been impounded, the Pound-keeper shall, by public notice placed on the Gazette Board advertise such animal for sale, and the money to be derived from such sale, after payment of all expenses, shall be deposited in the Colonial Treasury, and unless claimed within three months by the owner or his representatives shall be appropriated for the purposes of local revenue.

Government Pound defined.

5.—An enclosure lying immediately to the south of the Gaol in Stanley, and situated within the grounds attached to the said Gaol shall be, and is hereby declared to be, the Government Pound; but it shall be lawful for the Governor in Council to substitute any other enclosure to be used for that purpose.

Governor in Council to have power to make rules, regulations, &c.

6.—It shall be lawful for the Governor in Council from time to time to make such rules and regulations for giving due effect to all the provisions of this Ordinance as may seem necessary, and to appoint a Keeper of the Pound who shall for any breach of the duties allotted to him under this Ordinance or under such Rules and Regulations be liable to a fine not exceeding the sum of £5 (five pounds) for each offence.

Penalty for leaving gates open.

7. Any person or persons who shall wilfully, negligently or maliciously leave open any gate or gates on the fences leading to or from the Common, shall, on conviction, be liable to a penalty not exceeding a sum of £10 (ten pounds).

How fines and penalties recoverable.

8.—All fines or penalties imposed by virtue of this Ordinance shall be sued for and recovered in the same way as penalties are sued for and recovered under the Summary Jurisdiction Ordinance No. 11 of 1853.

Date of Ordinance coming into operation

9.—This Ordinance shall come into operation on the first day of November, 1893, and shall be cited as "*the Pound Ordinance, 1893.*"

(Signed)

GEORGE MELVILLE,  
*Administrator.*

Passed the Legislative Council this Twenty-first day of September in the year of Our Lord One thousand eight hundred and ninety three.

(Signed)

C. W. HILL,  
*Clerk to Council.*

#### SCHEDULE.

Charge.	Per month, or part of a month.			For an annual licence.		
	£	s.	d.	£	s.	d.
For each horse, mule, or cow,	0	1	6	0	10	0
All calves or foals under one year,				Free.		
For each calf or foal over twelve months and under two years,				0	5	0
For each sheep.	0	5	0			

## FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K. C. M. G., Governor.

No. 8 of 1893.

### *An Ordinance to give authority to lease Town Lands.*

Preamble.

Whereas Ordinance No. 4 of 1871 and Ordinance No. 3 of 1886, make no provision for the leasing of Town Lands, and it is expedient to give authority to the Governor in Council to grant leases thereof, as the Governor in Council may think proper.

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:—

Short title.

1.—From and after the coming into operation of this Ordinance it shall be lawful for the Governor in Council to grant leases of town lands in Stanley or in any other township which hereafter may be proclaimed, with such reservations, conditions and restrictions, as may by him be deemed expedient.

2.—This Ordinance may be cited as the “Town Lands Ordinance, “1893.” and shall be read with and form part of the Land Ordinance, No. 4 of 1871, and Town Lands Ordinance No. 3 of 1886.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this eighth day of November, in the year of Our Lord One thousand Eight hundred and Ninety three.

(Signed) C. W. HILL,  
Clerk to Council.

## FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K. C. M. G., Governor.

No. 9 of 1893.

*An Ordinance to provide for the payment of certain Fees into the Colonial Treasury.*

Preamble.

Whereas it is expedient to provide for the payment into the Treasury of the Falkland Islands of certain Fees of Office payable under Ordinances 3 and 12 of 1853.

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:—

Amendment of Ordinance 3 of 1853, as to the disposal of fees.

1.—The words “received to the use of the officers and persons therein mentioned” in Section 11 of Ordinance 3 of 1853, are hereby repealed, and the words “shall be paid into the Colonial Treasury for purposes of General Revenue,” substituted therefor.

Repeal of Section 16 of Ordinance 12 of 1853, and new disposal of fees.

2.—Section 16, of Ordinance 12 of 1853, is hereby repealed and the following Section substituted in place thereof:—

That any Clergyman may demand and receive to his own use the fees allowed to him in Schedule E, but those payable to the Registrar in the aforesaid Schedule E, 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.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this eighth day of November, in the year of Our Lord One thousand Eight hundred and Ninety three.

(Signed)

C. W. HILL,  
Clerk to Council.



# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. X of 1893.

*An Ordinance to amend and make further provision for Compulsory Vaccination.*

Preamble.

Whereas it is expedient to amend Ordinance No. 1 of 1868, and to make further provision for the Compulsory Vaccination of Children resident in the Falkland Islands.

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 :—

Repeal of clause 12 of Ordinance No. 1 of 1868.

1. Clause 12 of Ordinance No. 1, of 1868, is hereby repealed, and the following substituted in lieu thereof :—

Registrar of Stanley to be supplied with quarterly returns.

Every Public Vaccinator and any Medical Practitioner, before whom any child has been brought for Vaccination, shall, every Quarter, send to the Registrar in Stanley, a Return, according to the Form in the Schedule hereto annexed ; and any Public Vaccinator or Medical Practitioner who shall neglect or refuse to do so shall be liable to a penalty not exceeding Ten Pounds.

Mode of prosecuting defaulters.

2. Should there be any defaulters in the Return referred to in the foregoing Section, the Registrar shall, by communicating with the Chief Constable or other Officer responsible in the carrying out the provisions of the Vaccination Ordinance, cause such defaulter to be prosecuted.

Justices shall make an Order for the Vaccination of any child under 14 years.

3. If any Registrar, or any Officer appointed by the Governor to enforce the provisions of this Ordinance, shall give information in writing to 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 its being vaccinated, and that this notice has been disregarded, the Justice may order further enquiry 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 Justice shall find, after such examination as he shall deem necessary, that the child has not been 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, and, unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding Twenty shillings for this and every subsequent disobedience of an order to vaccinate, but no further orders shall be made at a less interval than one calendar month from the date of the previous conviction.

Penalty for disobedience

Proviso for costs to person improperly summoned.

Provided that if the Justice 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 Justice.



4. This Ordinance shall be read with and form part of the Vaccination Ordinance No. 1 of 1868.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
*Governor.*

Passed the Legislative Council this eighteenth day of December, in the year of Our Lord One thousand Eight hundred and Ninety three.

(Signed) C. W. HILL,  
*Clerk to Council.*

SCHEDULE.

Date of birth.	Name of Child and name of Parent or Guardian, with residence.	Date of presentation.	Whether certificate A. B. or C., given, as attached to principal Ordinance. *

\* In this column, date to which postponed, under Certificate B, should be stated

Ordinance

No 7

of 1894

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G. Governor.

No. 1 of 1894.

*An Ordinance to extend the provisions of Ordinance No. 5 of 1891, entitled "An Ordinance to consolidate and amend the Laws relating to Customs Duties and Trade."*

Preamble.

Whereas it is expedient to extend the provisions of Ordinance No. 5 of 1891, entitled "An Ordinance to consolidate and amend the laws relating to Customs Duties and Trade."

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—

Accommodation of  
Customs Officers on board  
vessels.

1.—The Master of every vessel, on board of which any Officer or Officers of Customs may have been placed by the Collector of Customs under the power given him in Section 3 of Ordinance No. 5 of 1891, shall provide, to the satisfaction of the Collector of Customs, such Officer or Officers with suitable sleeping accommodation and board, apart from the crew, and for such board a sum of 2/- per diem shall be chargeable by the Master.

Provision for return  
passage of Customs  
Officers.

2.—The Master of every vessel, on board of which an Officer or Officers of Customs may have been placed, shall at the discretion of the Collector of Customs either give an undertaking for payment or make a deposit with such Collector of Customs of such sum as, in the opinion of the Collector of Customs, shall be sufficient, on the termination of the duties of such Officer or Officers of Customs, to pay his or their return passage from the Port at which the cargo of such vessel may have been discharged.

3.—This Ordinance shall be read with and form part of Ordinance No. 5 of 1891.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this tenth day of February, in the year of Our Lord One thousand Eight hundred and Ninety four.

(Signed)

C. W. HILL,  
Clerk to Council.

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 3 of 1894.

*An Ordinance to make further provision for the Service of the Colony of the Falkland Islands for the year 1893.*

Preamble.

WHEREAS it is expedient to make further provision for the service of the Colony of the Falkland Islands for the year 1893.

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:—

Additional Provision for the Service of the year 1893.

1.—There shall be, and there is hereby granted to Her Majesty the Queen, Her Heirs and Successors, for and during the year 1893, an additional sum of Seven-hundred and thirty-pounds four-shillings and five-pence, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz. :—

Authorization of expenditure.

Governor	...	...	...	...	28	6	10
Colonial Secretary's Department	...	...	...	...	101	2	3
Customs Department	...	...	...	...	35	9	1
Medical Department	...	...	...	...	1	15	7
Transport	...	...	...	...	129	15	7
Miscellaneous Services	...	...	...	...	91	16	2
Post Office	...	...	...	...	58	14	10
Public Works Recurrent	...	...	...	...	248	4	0
Interest on Deposits (Savings Bank)	...	...	...	...	35	0	1
					730	4	5

2.—The said sum of £730 4 5 shall be, and is hereby declared to be charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the date of the passing of this Ordinance, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the Warrant or Order of the Governor for the time being, to pay such service as specified out of such moneys as have arisen or may arise from and out of the Colonial Revenues, without any further order or formality; Provided always that the amount so from time to time paid as aforesaid, for and in respect of such expenditure shall not exceed in the gross the sum of Seven-hundred and thirty-pounds four-shillings and five-pence.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this Twenty-fifth day of May, in the year of Our Lord One thousand Eight hundred and Ninety four.

(Signed) W. COULSON,  
Acting Clerk to Council.

# FALKLAND ISLANDS.

By His Excellency  
THOMAS AUGUSTUS THOMPSON, Esq., Administrator.

No. 6 of 1894.

*An Ordinance to make provision for due investigation into causes of Shipping Casualties.*

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:—

Cases where Inquiries are to be instituted.

1.—It shall be lawful for the Governor from time to time and whensoever occasion shall arise or require by Warrant under his hand and seal of the Colony to appoint a Court of Inquiry in any of the following cases:—

- (a) Whenever any ship is lost abandoned stranded or materially damaged on or near the coasts of the Colony.
- (b) Whenever any ship causes loss or material damage to any other ship on or near such coasts.
- (c) Whenever by reason of any casualty happening to or on board of any ship on or near such coasts loss of life ensues.
- (d) Whensoever any of the cases enumerated in the third section of "The Merchant Shipping (Colonial Inquiries) Act 1882" shall occur subject however to the provisions and restrictions contained in the said section.

Constitution of Court of Inquiry.

2.—The Court of Inquiry shall consist of the Police Magistrate of the Colony who shall preside and any two persons of nautical experience and skill to be appointed by the Governor of the Colony and also when considered necessary by the Governor any person of engineering or other special skill or knowledge as the Governor may think fit to appoint.

Powers of Court.

3.—It shall be lawful for such Court to hear and enquire into the cases referred to in the first Section of this Ordinance and for such purposes the Court shall have the powers given by the first part of "The Merchant Shipping Act, 1854" to Inspectors appointed by the Board of Trade and the powers given by Section 23 of "The Merchant Shipping Act Amendment Act, 1862" and the Court shall be governed by the Rules of the said last-mentioned Section subject to the regulations of any Imperial Act or Local Ordinance which may be from time to time enacted.

4.—The Court may also exercise the following further powers:—

Further powers of Court.

- (a) It may if unanimous that the safety of the ship or crew or the interest of the owner absolutely requires it supersede the master of any British ship then being within the waters of the Colony and may appoint another properly qualified person to act in his stead but no such appointment shall be made without the consent of the consignee of the ship if within the Colony.
- (b) It may discharge any mate engineer or seaman from his ship and order the wages of any mate or engineer so discharged or any part of such wages to be forfeited and may direct the same to be returned by way of compensation to the owners.

5.—Every master or mate or engineer whose certificate is suspended or cancelled under this Ordinance shall upon demand of the Court deliver his certificate to the Court under a penalty not exceeding £50.

Officers to deliver certificates when suspended.

6.—The Governor may whenever he deems it necessary order a case that has been enquired into under this Ordinance to be reheard either generally or as to any part thereof.

Power to order rehearing of any case.

7.—The Court shall have power to summon witnesses and to call for the production of Log Books, Ship's papers and other documents, and to examine on oath all witnesses and parties concerned and the Court is hereby empowered to commit to prison for any term not exceeding one month any person who shall refuse to attend the Court when summoned or to be sworn or to give evidence or to produce any books papers or documents before the said Court.

Power of Court to summon witnesses and to call for Log Books, &c.

8.—This Ordinance shall not apply to any ships belonging to or in the service of Her Majesty or belonging to or in the service of any Foreign Prince or State.

Ordinance not to apply to Ships of War.

9.—The Members who may be appointed by the Governor shall be allowed each a sum not exceeding £2 for every day's service and it shall also be lawful for the Governor to sanction the payment of all reasonable clerical charges for copies of the evidence and reports on such inquiries.

The Official Members to be remunerated.

10.—The First Section of Ordinance No. 3 of 1857 is hereby repealed.

Repealing clause.

11.—This Ordinance may be cited for all purposes as "The Wreck Inquiry Ordinance 1894," and shall come into operation on the passing thereof.

Short title.

(Signed) THOMAS AUGUSTUS THOMPSON,  
*Administrator.*

Passed the Legislative Council this fourth day of September in the year of Our Lord One thousand eight hundred and ninety-four.

(Signed) W. COULSON,  
*Acting Clerk to Council.*

# FALKLAND ISLANDS.

By His Excellency  
THOMAS AUGUSTUS THOMPSON, Esq., Administrator.

No. 7 of 1894.

*An Ordinance to provide for the Service of the Colony of the Falkland Islands for the year 1895.*

Whereas it is expedient to make provision for the Service of the Colony of the Falkland Islands for the year 1895.

Enacted.

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

1.—There shall be, and there is hereby granted to Her Majesty the Queen, her Heirs and Successors, for and during the year 1895, the sum of Eleven thousand three hundred and ninety-three pounds three shillings and five-pence, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz.:

Provision for the year 1895

1. Pensions	...	...	312	13	8
2. Governor	...	...	1424	0	0
3. Colonial Secretary's Department	...	...	1031	0	0
4. Custom's Department	...	...	205	0	0
5. Audit Department	...	...	54	4	0
6. Port and Marine Department	...	...	220	0	0
7. Legal Department	...	...	522	4	0
8. Police	...	...	580	0	0
9. Prisons	...	...	150	0	0
10. Medical Department	...	...	578	8	9
11. Education	...	...	454	0	0
12. Ecclesiastical	...	...	468	0	0
13. Transport	...	...	270	0	0
14. Miscellaneous	...	...	260	0	0
15. Post Office	...	...	2230	0	0
16. Survey Department	...	...	650	0	0
17. Public Works	...	...	1233	10	9
18. Interest on Deposits in Savings Bank	...	...	670	0	0
19. Drawbacks and Refunds	...	...	80	0	0
			11,393	3	5

2.—The said sum of 11,393 3 5 shall be, and is hereby declared to be, charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the first day of January 1895, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the warrant or order of the Governor for the time being, to pay such services as specified out of such monies as have arisen or may arise from and out of the Colonial Revenues without any further order or formality. Provided always that the amount so from time to time paid as aforesaid for and in respect of such expenditure shall not, between the first day of January 1895 and the first day of January, 1896, exceed in the gross the sum of Eleven thousand three hundred and ninety-three pounds three shillings and five-pence.

Authorization of expenditure.

Proviso.

(Signed) THOMAS AUGUSTUS THOMPSON,  
Administrator.

Passed the Legislative Council this seventh day of September in the year of Our Lord One thousand eight hundred and ninety-four.

(Signed) W. COULSON,  
Acting Clerk to Council..

# FALKLAND ISLANDS.

By His Excellency  
THOMAS AUGUSTUS THOMPSON, Esq., Administrator.

No. 8 of 1894.

## *An Ordinance to amend Ordinance No. 1 of 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:—

Master of ship to provide room below deck for Customs Officer.

1.—The master of every ship on board of which any Officer or Officer of Customs may be placed by the Collector of Customs under the powers given him by Section 3 of Ordinance No. 5 of 1891 shall provide sufficient room and accommodation under the deck for the bed or hammock of every such Officer.

Master to provide proper food for Customs Officer.

2.—The master of such ship shall also provide suitable food for the said Officer or Officers of Customs and for such food a sum of 3/- per diem for every such Officer shall be allowed to the master.

Repealing clause.

3.—Section No. 1 of Ordinance No. 1 of 1894 is hereby repealed.

Ordinance part of Ordinance No. 5 of 1891.

4.—This Ordinance shall be read with and form part of Ordinance No. 5 of 1891.

(Signed)

THOMAS AUGUSTUS THOMPSON,  
*Administrator.*

Passed the Legislative Council this twenty-first day of September in the year of Our Lord One thousand eight hundred and ninety-four.

(Signed)

W. COULSON,  
*Acting Clerk to Council.*



## FALKLAND ISLANDS.

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By His Excellency  
THOMAS AUGUSTUS THOMPSON, Esq., Administrator.

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No. 9 of 1894.

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*An Ordinance to amend the Land Ordinance 1882.*

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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 to  
appoint valuers of  
improvements.

1.—The words “ the Surveyor General or by a competent sworn “Surveyor appointed by the Governor” in the Third Section of the Land Ordinance 1882 are hereby repealed and the words “one or “more competent person or persons appointed by the Governor in “Council” substituted in lieu thereof and the Section shall be read and construed as if such last mentioned words had been originally inserted in the said Section.

(Signed)                      THOMAS AUGUSTUS THOMPSON,  
Administrator.

Passed the Legislative Council this twenty-first day of September in the year of Our Lord One thousand eight hundred and ninety-four.

(Signed)                      W. COULSON,  
Acting Clerk to Council..

O1#16

Ordinance

ORDINANCES

1895

No 10

of 1895

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 1 of 1895.

## *An Ordinance for the Regulation of the Post Office.*

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 to make orders for introducing International Postal Regulations.

1.—The Governor in Council may from time to time make orders for carrying into effect in the Postal Service of this Colony the various Regulations of the International Postal Union, so as to enable the Colony to preserve an efficient membership of such Union.

Regulations as to Post Office.

2.—The Governor in Council may from time to time make regulations respecting all matters relating to the general management and government of the Post Office and of the officers and servants thereof.

Orders and Regulations to be published.

3.—All Orders in Council and Regulations made under authority of this Ordinance shall upon publication in the Government Gazette and while the same are in force have the same effect as if they were inserted in this Ordinance.

4.—(1) A person shall not send or attempt to send a letter or a postal packet which either—

Prohibition of the sending of certain articles through post.

*a* Encloses any explosive substance, any dangerous substance, any filth, any noxious or deleterious substance, any sharp instrument not properly protected, any living creature which is either noxious or likely to injure other postal packets in course of conveyance or an officer of the Post Office, or any article or thing whatsoever which is likely to injure either other postal packets in course of conveyance or an officer of the Post Office, or—

*b* Encloses any indecent or obscene print, painting, photograph, lithograph, engraving, book or card, or any indecent or obscene article whether similar to the above or not, or—

*c* Has on such letter or packet or the cover thereof any words, marks, or designs, of an indecent, obscene, or grossly offensive character.

Punishment therefor.

(2) Such letter or packet shall be considered a prohibited article, and any person who acts in contravention of this Section shall be guilty of a misdemeanour and shall be liable on summary conviction to a fine not exceeding Ten Pounds, or on conviction on Indictment to imprisonment with or without hard labour for a period not exceeding twelve months.

Liability of sender of prohibited articles.

(3) The detention in the Post Office of any postal packet on the ground of its being in contravention of this Section shall not exempt the sender thereof from any proceedings which might have been taken if the same had been delivered in due course of post.

Prohibited articles how dealt with.

5.—All letters or postal packets coming within the definition of a prohibited article if posted or tendered for conveyance by post may be detained and either returned or given up to the sender thereof or dealt with or disposed of in such manner as may be directed and authorized by orders or regulations framed for the government of the Post Office by the Governor in Council.

Letters, &c., bearing  
fictitious stamps to be  
prohibited articles.

6.—The following shall be considered prohibited articles, *i.e.*—  
all letters or postal packets containing or bearing any fictitious  
postage stamp, that is to say, any fac-simile or imitation or repre-  
sentation of any stamp for denoting any rate or duty of postage  
including any stamp for denoting a rate or duty of postage (of the  
United Kingdom) of any of Her Majesty's Colonies or of any  
foreign country, or purporting to be prepaid with any postage  
stamp which has been previously used to prepay any other letter or  
postal packet.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,

*Governor.*

Passed the Legislative Council this 27th day of February, in  
the year of Our Lord One thousand eight hundred and ninety five.

(Signed)

C. W. HILL,

*Clerk of the Legislative Council.*

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 2 of 1895.

*An Ordinance to amend the Lunacy Ordinance, 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:—

Repealing clause.  
1.—The 14th and 15th Sections of the Lunacy Ordinance, 1894, are hereby repealed.

2.—As there is no Lunatic Asylum or Institution for the proper care and custody of lunatics in the Colony:—

Lunatics may be sent to United Kingdom under certain circumstances.

Be it enacted—That 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.

Exception thereto.

This Section shall not apply however to Criminal Lunatics, the removal of whom is regulated by the "Colonial Prisoners Removal Act, 1884." (Imperial).

Copy of proceedings to be sent to Secretary of State.

3.—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.

Governor in Council to make rules and orders and defray expenses.

4.—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 authorize 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.

5.—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 VIII of the "Lunacy Ordinance, 1894."

Right of appeal.

6.—All parties to proceedings under the immediately preceding Section or under Section VII of the Lunacy Ordinance, 1894, shall have the right of appeal against any order made by the Police Magistrate to the Supreme Court of the Falkland Islands,

Ordinance to form part of  
Lunacy Ordinance 1894.

7.—This Ordinance shall be construed with and form part of the "Lunacy Ordinance, 1894."

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
*Governor.*

Passed the Legislative Council this 27th day of February, in the year of Our Lord One thousand eight hundred and ninety five.

(Signed) C. W. HILL,  
*Clerk of the Legislative Council.*

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor

No. 3 of 1895.

*An Ordinance to amend Ordinance No. 1 of 1868, and to make further provision for Compulsory Vaccination.*

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:—

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

1.—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 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, or unfitness for, or insusceptibility of vaccination, as the case may be, in the Form A, B or C in the Schedule annexed to Ordinance No. 1 of 1868, 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 shewn for such failure.

Such certificates to be registered.

2.—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 Registrar 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 the first Section of the 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.

3.—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.

4.—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 enquiry 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 or 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.

Mode of recovery of penalties.

5.—All penalties imposed under this Ordinance or Ordinance No. 1 of 1868 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.

Repealing clause.

6.—Sections 12 and 14 of Ordinance No. 1 of 1868, and Ordinance No. 10 of 1893 are hereby repealed.

Coming into operation of Ordinance.

7.—This Ordinance shall be read with and form part of, the Vaccination Ordinance No. 1 of 1863, but shall not come into operation until the publication of a Notice in the Government Gazette that Her Majesty has been advised not to disallow the same.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY.  
*Governor.*

Passed the Legislative Council this 2nd day of July, in the year of Our Lord One thousand eight hundred and ninety five.

(Signed)

C. W. HILL,  
*Clerk of the Legislative Council.*



# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 5 of 1895.

*An Ordinance to extend the provisions of the Quarantine Ordinance, 1875.*

## Preamble

WHEREAS it is expedient that when any port or place in this Colony shall appear to be threatened with or affected by any contagious or infectious disease measures of precaution shall be taken with promptitude according to the exigency of the case.

## 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:—

Any port in Colony at which contagious disease prevails may be declared infected.

1.—Whenever it shall appear that any disease of a contagious or infectious character prevails at any port or place in the Colony it may be lawful for the Governor in Council if it should be deemed advisable or necessary so to do by Order in Council to declare such port or place to be an infected place.

All vessels arriving from such port subjected to quarantine.

2.—All vessels arriving from any port or place which may have been declared infected under the preceding Section or having on board any person who has come from such infected place and also all vessels arriving from any port in the Colony whether infected or not and having on board any person who is ill of any contagious or infectious disease or on board of which any person shall have within fourteen days died from any such disease shall be liable to perform quarantine in such place for such time and in such manner as the Governor in Council shall by Order direct. It shall also be lawful for the Governor in Council to adopt all such other measures as may be considered necessary for preventing the spread of the disease throughout the Colony and every Order issued by the Governor in Council under this Ordinance and all Acts performed under authority of any such Order shall be held to be as good and valid as if authorized in express words by this Ordinance and every person who shall disobey any such order or any part of such order or shall resist, obstruct, or otherwise oppose any other person in carrying such order or any part thereof into execution shall be liable on summary conviction before the Police Magistrate or any two Justices of the Peace to imprisonment with or without hard labour for any period not exceeding three calendar months or at the discretion of the said Police Magistrate or Justices to pay a fine not exceeding Ten Pounds.

Power of Governor in Council to adopt measures to prevent spread of disease.

Authority to defray necessary expenses.

3.—The Governor in Council is hereby authorized to incur and defray all expenses which may be necessary for carrying the provisions of this Ordinance or any Order in Council issued thereunder into effect.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
*Governor.*

Passed the Legislative Council this 5th day of April in the year of Our Lord One thousand eight hundred and ninety five.

(Signed) C. W. HILL,  
*Clerk of the Legislative Council.*

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 6 of 1895.

## *An Ordinance to Regulate the Attendance of Children at School.*

### Preamble.

Whereas it is expedient to make provision for the regular attendance of children at school and for the remission of school fees in the case of children attending the Government Schools whose parents are unable from poverty to pay such fees.

### 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 :—

### Parents and Guardians to send children to school.

1.—The parents or guardians of all children residing in Stanley of not less than five and not more than thirteen years of age are hereby required to cause such children to attend school unless there be some reasonable excuse as hereinafter-mentioned shewn to the satisfaction of the Police Magistrate. Provided always that nothing herein contained shall prevent the exemption of any child between ten and thirteen years of age from attending school totally or partially if the Police Magistrate is satisfied that such child is able to pass the Standard of Examination contained in Form A in the Schedule to this Ordinance annexed.

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 keep and from time to time revise, add to and correct, a list (in the form B in the Schedule to this Ordinance annexed) of all children between the ages of five and thirteen years residing in Stanley and it shall be the further duty of the said Chief Constable to lodge a complaint before the Police Magistrate against the parent or guardian of any of such children who shall fail and omit to send them daily to school.

### Teacher to furnish names of absentees to Chief Constable.

3.—It shall be the duty of the Head Teachers of the Government Schools and the Teachers of all Schools receiving grants from the Government in aid of their Schools in Stanley to furnish the Chief Constable once in every two weeks (Holy days excepted) with a list in the Form C in the Schedule to this Ordinance annexed of the children on the Register of such Schools who have without reasonable excuse failed to attend School on any day during such period. The production of any such list shall be evidence before the Police Magistrate of the absence from school of the child or children named therein on the date or dates mentioned.

Power of Governor in Council to extend law to other districts and to make Bye-Laws.

4.—The Governor in Council may from time to time upon being satisfied of the establishment of a Public School in any other Town or District than Stanley make Bye-Laws for all or any of the following purposes.

(a). Requiring the parents in such Town or District of children of not less than five years nor more than thirteen years of age (as may be fixed by the Bye-Laws;) to cause such children to attend school unless they are able to pass to the satisfaction of a Justice of the Peace the Standard of Examination contained in Form A in the Schedule or unless the child is under efficient instruction in some other manner or has been prevented from attending School by illness or any other unavoidable cause or resides a greater distance than two miles from a School.

(b). Imposing penalties not exceeding five shillings for breach of any Bye-Law.

Such Bye-Laws shall upon publication in the Government Gazette have the same effect as if inserted in this Ordinance.

Mode of recovery of penalties.

5.—All penalties under this Ordinance or under the Bye-Laws framed hereunder shall be recoverable in a summary manner in Stanley before the Police Magistrate on the complaint of the Chief Constable and in any other place than Stanley before a Justice of the Peace of the Colony on the prosecution of any person named or appointed by the Governor.

Remission of fees in cases of poverty.

6.—The Governor of the Colony is hereby empowered to sanction the remission of 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.

Interpretation clause.

7.—In this Ordinance the following words shall have the meanings respectively assigned to them as under:

“Governor.”—Shall include and mean the Officer Administering the Government.

“Guardian.”—Shall include and mean the person with whom the child alleged to have been absent from school was at the time residing.

“Police Magistrate.”—Shall include and mean the person discharging the duties of Police Magistrate in Stanley for the time being.

“Chief Constable.”—Shall include and mean the person discharging the duties of that Office.

Repealing Clause.

8.—Ordinance No. 5 of 1889 is hereby repealed.

Short title.

9.—This Ordinance may be cited for all purposes as “The School Attendance Ordinance, 1895,” and shall come into operation on the passing thereof.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this 5th day of April, in the year of Our Lord One thousand eight hundred and ninety five.

(Signed) C. W. HILL,  
Clerk of the Legislative Council.

## SCHEDULE.

(Form A.)

### STANDARD of EXAMINATION.

#### READING.

To read a passage from a Standard English Author.  
To write correctly 12 lines of prose or poetry from a Standard

#### WRITING.

English Author slowly read once and then dictated.  
Copy Books (capitals and figures, large and small hand) to be shewn and approved.

#### ARITHMETIC.

Compound Rules (Money), Reduction of Common Weights and Measures, Practice, and single Rule of Three.

(Form B.)

Name of Child.	Date of Birth.	Name of Parent or Guardian.	With whom residing.

Chief Constable.

Day of

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(Form C.)

Name of Child.	Age.	Parent or Guardian.	Days when absent from School.	Explanation (if any) of absence or Remarks of Teacher.

Teacher of

School.

Day of

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## FAULKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 7 of 1995.

*An Ordinance to regulate and restrict the wearing of Naval and Military Uniforms.*

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:—

Unlawful for persons not serving in Her Majesty's Forces to wear uniform of such Forces.

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 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.

Unlawful to bring contempt on uniform of Her Majesty's Forces.

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 Clause.

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.

Title of Ordinance.

4.—This Ordinance may be cited for all purposes as "The Uniforms Ordinance, 1895." and shall come into operation on the passing thereof.

*Roger Tuckfield Goldsworthy*  
Governor.

*Passed the Legislative Council this  
twenty seventh day of May in the year  
of our Lord one thousand eight hundred  
and ninety five*

*Mr Coulson*  
Acting Clerk to Council

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 7 of 1895.

*An Ordinance to regulate and restrict the wearing of Naval and Military Uniforms.*

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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 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.

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Interpretation Clause.

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 the Naval Volunteers.

The expression "Her Majesty's Naval Forces" means the Navy, the Naval Coast Volunteers and the Naval Volunteers.

Title of Ordinance.

4.—This Ordinance may be cited for all purposes as "The Uniforms Ordinance, 1895," and shall come into operation on the passing thereof.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY.  
*Governor.*

Passed the Legislative Council this twenty-seventh day of May in the year of Our Lord One-th usand eight-hundred and ninety-five.

(Signed)

W. COULSON,  
*Acting Clerk to Council.*

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 8 of 1895.

## *An Ordinance to amend the law relating to the granting of Probate of Wills and Letters of Administration.*

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:—

Powers of Supreme Court.

1.—The Supreme Court of the Falkland Islands and the Judge thereof shall have and exercise within the Colony all the jurisdiction, powers and authorities whatsoever possessed and vested in the Court of Probate in England and the Judge thereof at the time of the passing of the Supreme Court of Judicature Act, 1873, (Imperial).

Payment of probate duty to be made and bond given before probate, &c., granted

2.—No Probate of the Will nor Letters of Administration of the estate and effects of any person deceased shall be granted by the Judge of the Supreme Court until the person or persons applying for such Probate or Letters of Administration shall have paid to the Colonial Treasurer the probate duty payable under this Ordinance in respect of the estate of the deceased and shall have given bond to the Judge for the time being which bond shall be in such form as the Judge shall by any general or special order direct: Such bond shall be in a penalty of double the amount of the probable value of the estate of the deceased person as stated in the accounts delivered with the petition on which the grant is made or in such other amount as the Judge may by any order to be made in any particular case direct.

Penalty for taking possession of estate of deceased without authority.

3.—If any person shall take possession of and in any way administer any part of the personal estate and effects of any person deceased without obtaining Probate of the Will or Letters of Administration of the estate and effects of the deceased person within six calendar months after his death, every person so offending shall on summary conviction forfeit and pay a penalty not exceeding Twenty Pounds and such additional sums as would be equal to the amount of duty which would be payable on the grant of Probate of the Will or Letters of Administration of the estate of the deceased.

Applications for probate, &c., to be made by petition

4.—Applications for Probate or Letters of Administration shall be made by petition to the Judge of the Supreme Court and to every such petition there shall be subjoined or annexed an affidavit verifying the allegations contained in such petition.

Petition in case of a will.

5.—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.

Petition in case of intestacy.

6.—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.

Petition in Administration with will annexed.

7.—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.



Account of estate to be delivered with petition.

Excess of probate duty to be repaid on proof.

Additional duty when payable.

Action upon bond.

Notice of application for Administration to be given in Government Gazette.

Caveats and action thereon

8.—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 personal estate of the deceased situate in this Colony and of the estimated value thereof in such form as shall be prescribed by rules made under this Ordinance.

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

10.—If any executor or administrator shall through mistake or misapprehension or otherwise without fraud have omitted from the account delivered by him any part of the personal effects or estate of the testator or intestate situate in this Colony such executor or administrator shall immediately after the discovery of such omission notify the Judge 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.

11.—The Court may on application made on motion or petition in chambers in a summary way and on being satisfied that the condition of any bond given to the Judge 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 Judge 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.

12.—Notice of application for Letters of Administration must be given in the Government Gazette for three successive weeks before such letters shall be granted, except in cases where the Judge 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 Judge shall have the power to grant to such applicant Letters of Administration, limited or otherwise, as the circumstances of the case shall seem to require within such time before the expiration of such three weeks as to him may seem necessary: Provided always that in no case shall such administration be granted until notice of application therefor shall have been published once at least in the Gazette.

13.—Where a caveat shall be entered against the grant of any probate or to 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 Judge 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 Judge may think necessary shall be cited to show cause before the Judge why probate or administration as the case may be should not be granted to the applicant and such

Proceedings on non-appearance to citation

Attendance of parties and witnesses secured.

Proof of will in solemn form on application of party interested.

Proof in solemn form on application of executor, &c.

Order on default may be set aside.

Appointment of Administrator on absence of Executor from Colony.

parties shall on the day to be named in the citation file an answer setting forth succinctly the grounds of their objection and shall at the same time serve a copy of such answer on the applicant, after which on a day to be fixed by the Judge after having heard the case and the parties and having considered the evidence the Judge shall make such order touching the premises as may seem just.

14.—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.

15.—The Court may require the attendance of any party or of any person whom it may think fit to examine or cause to be examined in any proceedings in respect of matters and causes 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 "subpoena ad testificandum" or of "subpoena 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.

16.—Any party interested in a will may compel proof thereof in solemn form by serving on the executor or party having execution of such will or praying therefor a citation, whereupon such executor or party shall within ten days after such service file in the office of the Judge of the Supreme Court a petition verified by affidavit praying that such will may be proved in solemn form and such further proceedings shall thereupon be had for such proof, and if required for contestation of such will as may be directed by any rules of procedure made under this Ordinance.

17.—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 thereupon such further proceedings shall be had for such proof and if required for contestation of such will as may be directed by any such rules of procedure.

18.—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 it may seem just.

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

Contested suits to be tried in open court.	20.—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.	21.—Service of citations shall be made personally upon the party to whom the same shall be directed unless in cases where for sufficient cause the Court shall otherwise direct.
Grant of probate, &c., under special circumstances.	22.—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.
Wills and grants of Administration to be recorded, &c.	23.—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.
Judge to make rules.	24.—It shall be lawful for the Judge of the Supreme Court to make rules for regulating the practice procedure forms pleadings and costs in all suits and other proceedings in the probate side of the court; Provided that no such rules shall be in force until the same have been approved by the Governor in Council.
Rate of Probate duty.	25.—The following duties shall be payable to Her Majesty for the service of this Colony on the granting of Probate or Letters of Administration in respect of the personal estate of the deceased situate in this Colony, <i>i.e.</i> —When such personal estate shall be under the value of £50 ... 2/. Of the value of £50 and under £100 ... 4/. Of the value of £100 and under £200 ... 12/. Of the value of £200 and under £500 ... £2 per cent. Of the value of £500 and over ... £2 10/. per cent.
Probate or Administration granted by Courts of Probate in British Dominions recognized and enforced.	26.—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 Judge of the Supreme Court of the Colony and a copy thereof deposited in the probate side of the said 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: Provided that the Court shall before sealing a Probate or Letters of Administration under this Section be satisfied
On duty being paid.	(a) That probate duty has been paid in respect of so much of the estate as is liable to probate duty in this Colony.
Necessary bond being given	(b) In the case of Letters of Administration that security has been given under and in accordance with the provisions of this Ordinance.
Repealing clause.	27.—So much of the 1st Section of Ordinance No. 10 of 1853, as relates to the power authority and jurisdiction of the Supreme Court of the Colony therein described as the Magistrate's Court, in and over the granting of administration of the effects of all persons dying possessed of personal property in the Falkland Islands or the granting of probate of the last wills and testaments of such persons is hereby repealed.
Title of Ordinance.	28.—This Ordinance may be cited for all purposes as the "Probate Ordinance 1895," and shall come into operation upon the passing thereof.

*Roger Dunkley*  
Governor

*Passed the Legislative Council this  
twenty seventh day of May in the Year of  
the Lord one thousand eight hundred  
and ninety five*

*Mr Coulson,  
Acting Clerk to Council*



# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor

No. 9 of 1895.

*An Ordinance to make further provision for the Service of the Colony of the Falkland Islands for the year 1894.*

Preamble.

WHEREAS it is expedient to make further provision for the service of the Colony of the Falkland Islands for the year 1894.

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:—

Additional Provision for the Service of the year 1894.

1.—There shall be, and there is hereby granted to Her Majesty the Queen, Her Heirs and Successors, for and during the year 1894, an additional sum of Two-thousand two-hundred and thirty-two pounds eleven-shillings and one penny, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz.:—

Colonial Secretary's Department	...	...	139	7	8
Customs Department	...	...	73	4	1
Auditor	...	...	21	14	0
Port and Marine	...	...	10	4	2
Prisons	...	...	41	8	3
Medical Department	...	...	6	17	11
Education	...	...	12	2	10
Transport	...	...	316	2	7
Miscellaneous Services	...	...	268	12	10
Post Office	...	...	8	15	8
Public Works	...	...	1275	18	6
Interest on Deposits (Savings Bank)	...	...	58	2	7
			£2232	11	1

Authorisation of expenditure.

2.—The said sum of £2232 11 1 shall be, and is hereby declared to be charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the date of the passing of this Ordinance, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the Warrant or Order of the Governor for the time being, to pay such service as specified out of such moneys as have arisen or may arise from and out of the Colonial Revenues, without any further order or formality; Provided always that the amount so from time to time paid as aforesaid, for and in respect of such expenditure shall not exceed in the gross the sum of Two-thousand two-hundred and thirty-two pounds eleven-shillings and one penny.

*Roger Tuckfield Goldsworthy*  
Governor

*Passed the Legislative Council this twenty-seventh day of May in the year of Our Lord one thousand eight hundred and ninety-five.*

*W. Coulson*

*Acting Clerk to Council*

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 10 of 1895.

*An Ordinance to provide for the appointment of a Stipendary Magistrate for the Island of West Falkland.*

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 :—

Appointment of Magistrate for West Falklands.

1.—On and after the coming into operation of this Ordinance it shall be lawful for the Governor to appoint one of Her Majesty's Justices of the Peace of these Islands to be Stipendary Magistrate of the West Falkland Island at such salary and allowances as may be fixed by the Governor in Council, which Magistrate shall be stationed at Fox Bay in the said Island and shall visit such other settlements on the Island as he may be directed to do from time to time by the Governor.

Jurisdiction of Magistrate.

2.—Such Stipendary Magistrate shall have and exercise the same powers and jurisdiction at and throughout the West Falkland Island and the small Islands adjacent thereto as are now exercised by the Police Magistrate of the Colony, and shall discharge the duties of Coroner for the said Island and be ex-officio Officer of Customs for the various Ports and Districts thereof.

Right of appeal from decision of Magistrate.

3.—Either party to any charge or action tried by the said Magistrate shall have the right of appeal from the judgment of such Magistrate if dissatisfied with the same to the Judge of the Supreme Court of the Colony. Provided that the party desiring to appeal shall give immediate notice to the said Magistrate of the intention to appeal and shall enter into a recognizance with one or more sureties in such reasonable amount as the said Magistrate shall fix for prosecuting the appeal without delay, and for submitting to such judgment or order as the Judge of the Supreme Court may make and upon this security being given the Magistrate shall abstain from carrying the decision appealed against into execution.

Costs.

4.—The costs in all cases heard by the said Stipendary Magistrate shall be similar to those allowed in the trial of similar cases in the Police Court at Stanley.

Short title.

5.—This Ordinance may be cited for all purposes as the West Falkland Justice Ordinance and shall come into operation on such day as may be fixed by a notice in that behalf published in the Government Gazette.

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor

No. 11 of 1895.

*An Ordinance to make provision for the Service of the Colony of the Falkland Islands for the year 1896.*

Preamble.

WHEREAS it is expedient to make provision for the service of the Colony of the Falkland Islands for the year 1896.

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:—

Additional Provision for the Service of the year 1896.

1.—There shall be, and there is hereby granted to Her Majesty the Queen, Her Heirs and Successors, for and during the year 1896, the sum of Twelve-thousand seven-hundred and seventy-eight pounds twelve-shillings and eight-pence to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz. :—

Authorization of expenditure.

1. Pensions	...	...	...	...	312	16	8
2. Governor	...	...	...	...	1414	0	0
3. Colonial Secretary's Department	...	...	...	...	1058	0	0
4. Customs Department	...	...	...	...	125	0	0
5. Audit Department	...	...	...	...	54	4	0
6. Port and Marine Department	...	...	...	...	255	0	0
7. Legal Department	...	...	...	...	772	4	0
8. Police	...	...	...	...	433	0	0
9. Prisons	...	...	...	...	123	0	0
10. Medical Department	...	...	...	...	578	8	0
11. Education	...	...	...	...	635	0	0
12. Ecclesiastical	...	...	...	...	518	0	0
13. Transport	...	...	...	...	110	0	0
14. Miscellaneous	...	...	...	...	870	0	0
15. Post Office	...	...	...	...	3000	0	0
16. Survey Department	...	...	...	...	350	0	0
17. Public Works	...	...	...	...	1020	0	0
18. Interest on Deposits in Savings Bank	...	...	...	...	800	0	0
19. Drawbacks and Refunds	...	...	...	...	50	0	0
20. Expended under Scab Ordinance 4, 1895	...	...	...	...	800	0	0

12,778 12 8

2.—The said sum of £12778 12 8 shall be, and is hereby declared to be charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the first day of January, 1896, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the Warrant or Order of the Governor for the time being, to pay such services as specified out of such moneys as have arisen or may arise from and out of the Colonial Revenues, without any further order or formality; Provided always that the amount so from time to time paid as aforesaid, for and in respect of such expenditure shall not, between the first day of January, 1896, and the first day of January, 1897, exceed in the gross the sum of Twelve-thousand seven-hundred and seventy-eight pounds twelve-shillings and eight-pence.

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 12 of 1895.

## *An Ordinance to amend the Scab Ordinance, 1895.*

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:—

Notice of infection of sheep to be given to adjoining owners.

1.—Whenever the owner of any sheep shall become aware or shall have reasonable grounds to suspect that the same have become infected he shall within forty-eight hours thereafter give notice thereof in writing to the owners of adjoining stations and shall also within one week thereafter give notice thereof in writing to the Inspector. The owner of such sheep shall also pending the arrival of the Inspector conform to the Rules and Regulations that may be made for his guidance in such cases under the Scab Ordinance, 1895. Every owner who shall wilfully neglect or omit to give such notices as required by this section shall be liable upon conviction to a penalty not exceeding Five Pounds for every days default.

Penalty for neglect

Declaration to be made on application for clean certificate.

2.—It shall be lawful for the Inspector when it shall appear to him to be necessary for the purpose of enabling him to decide satisfactorily upon the condition of any sheep for which a clean certificate under Section 20 of the Scab Ordinance, 1895, may be applied for, to call upon the owner of such sheep to make a declaration in the Form in the Schedule to this Ordinance annexed, and if any such owner shall refuse or neglect to make such declaration when so called upon no such clean certificate shall be granted and if any owner shall make any such declaration knowing the same to be false he shall be liable to imprisonment with or without hard labour for any term not exceeding six months or in the discretion of the Convicting Magistrate or Justices to a penalty not exceeding One Hundred Pounds.

Return of number of sheep and specification of ear-marks to be given to Inspector.

3.—Every owner of sheep shall between the 31st day of March and 14th day of April in every year deliver or cause to be delivered to the Inspector a written return of the total number of sheep and lambs of each sex exceeding three months old owned by him on the 1st day of March preceding and shall specify in such return the ear-mark or brand of such owner. Every owner who shall wilfully neglect or omit to make such return shall be liable to a penalty not exceeding One Pound for every weeks' default. The ear-mark or brand shall be subject to the approval of the Inspector and when approved shall be registered and a description of the same published in the Government Gazette.

Ear-marks to be registered.

Proper dipping place, &c., to be provided.

4.—Every owner of infected sheep shall within one month after his sheep are found to be infected have in readiness a proper dipping place with other appliances material and medicaments requisite for dipping such sheep to the satisfaction of the Inspector under a penalty not exceeding One Hundred Pounds.

Notices to be given to adjoining owners of gathering sheep for shearing, dipping, &c.

Amendment of 17th Section of Scab Ordinance 1895.

Amendment of 19th Section of Scab Ordinance 1895.

Renewal of notice of driving of sheep.

Permit to owner of infected sheep to travel

Amendment of the 41st and 42nd Section of the Scab Ordinance, 1895.

Rate of yearly tax how computed

Power to make Rules.

Interpretation Clause.

5.—Every owner of a Station who shall gather his flock of flocks for the purposes of shearing, dipping, dressing, cutting, tailing or ear-marking, or removal from the Station 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. Any sheep owner who shall have reason to believe that any of his sheep have strayed on to any Station in the occupation of any other sheep owner may in writing require such other sheep owner to give him notice of such other sheep owners intention to gather his sheep forty-eight hours at least before gathering the same and it shall be the duty of the owner who is so required to give such notice to furnish the same accordingly.

6.—The word "six" in the 4th line of the 17th Section of the Scab Ordinance, 1895, is hereby repealed, and the word "nine" substituted therefor and the word "nine" in the 5th line of the said Section is also hereby repealed and the word "twelve" substituted therefor.

7.—The word "twelve" in the 19th Section of the Scab Ordinance, 1895 is hereby repealed and the word "eighteen" substituted therefor.

8.—In cases in which notices have been given under the 22nd Section of the Scab Ordinance, 1895, such notices shall be renewed unless the sheep, notice of the driving of which has been given, shall be so driven within three days after the time specified in the notice.

9.—The Inspector may issue an order to any owner intending to start any infected sheep to travel, or to the owner of any infected sheep which may then be actually travelling, to drive such sheep to their destination by a certain route laid down in such order; and every owner shall drive such sheep in conformity with such order under a penalty not exceeding One Hundred Pounds.

10.—The word "July" in the 41st Section of the Scab Ordinance 1895 is hereby repealed and the word "December" substituted therefor and the word "July" in the 42nd Section of the said Ordinance is also hereby repealed and the word "December" substituted therefor, and the Ordinance shall be read and construed as if the word "December" had been originally inserted in the said Sections respectively.

11.—In computing the amount of the rate to be levied per acre under the 41st Section of the Scab Ordinance, 1895, the acreage of land upon which such rate shall be levied shall be accepted and taken as recorded in the Books of Record in the Survey Department prior to the year 1894.

12.—The Governor in Council may, in addition to the powers conferred by the 48th Section of the Scab Ordinance, 1895, make and from time to time amend or rescind any Rules or Regulations for the seizure, destruction, or disposal of stray sheep and generally for such purposes as may be deemed necessary for preventing the spread of any infectious or contagious diseases among sheep.

13.—In this Ordinance the following words shall have the meanings assigned to them as under:

Repealing Clause.

"Stray Sheep."—Means sheep upon land not in the occupation of the owner of such sheep nor on which he shall have the right of pasturage.

"Dipping."—Means plunged or immersed in some effective scab destroying preparation.

"Dressing."—Means having applied to any sheep any reputed scab destroying preparation.

14.—The following Sections viz.:—The Sixth, Seventh, Eighth, Twenty-Sixth and Thirty-Seventh Sections of the Scab Ordinance, 1895, are hereby repealed.

15.—This Ordinance shall be construed with and form part of the Scab Ordinance, 1895.

## SCHEDULE.

Declaration to be made under the Scab Ordinance, 1895.

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

have not within three months undergone any dipping or dressing within the meaning of the Scab Ordinance, 1895, nor within six months been mixed with any infected sheep nor depastured on any Station 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 189

Inspector.

\* May be omitted when not required by the Inspector.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this 30th day of October in the year of Our Lord One-thousand eight-hundred and ninety-five.

(Signed) W. COULSON,  
Acting Clerk to Council.

O1#17

Ordinance

ORDINANCES 1896

No 11

J 1896

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor

No. 1 of 1896.

*An Ordinance to amend the "Customs Duties" Consolidation Ordinance, 1891."*

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:—

Governor in Council to appoint Ports of Entry.

1.—It shall be lawful for the Governor in Council from time to time by Order in Council to name and appoint Ports of Entry in the Colony and declare the limits thereof: Provided however that Port Stanley on the Island of East Falkland and the Port of Fox Bay on the Island of West Falkland shall continue as heretofore to be Ports of Entry without further order or notice.

No vessels to enter other places than Ports of Entry

2.—If the master of any vessel arriving from parts beyond the seas brings such vessel to anchor at or has any communication with any part of the coast or shores of the Colony other than the Port of Stanley, the Port of Fox Bay or such other Port as may hereafter be declared by Order in Council a Port of Entry before making due report inwards of such vessel to the Collector of Customs or without authority as hereinafter provided for, the master shall on being convicted thereof be liable to a penalty not exceeding One Hundred Pounds and such vessel shall be liable to forfeiture: Provided that if any vessel is driven into any bay or place on the Coast of the Colony by stress of weather or by being disabled or by other unavoidable circumstances on proof thereof to the satisfaction of the Governor in Council no such Penalty or Forfeiture shall be incurred: Provided also that nothing herein contained shall prevent the Collector of Customs 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 or authority for such vessel to enter any bay or place, not being a port of entry, upon the said agent agreeing to pay the expenses of a duly qualified Officer or Officers of Customs to be despatched to await the arrival of the vessel at such bay or place.

Penalty.

Collector of Customs empowered to give permit for vessel to enter other places.

Amendment of Ordinance 5 of 1891.

3.—The word "place" in the second line of the 34th Section of Ordinance No. 5 of 1891 is hereby repealed, and the words "port of entry" substituted in lieu thereof, and the Section shall be read and construed as if the words "port of entry" had been originally inserted therein.

Title of Act

4.—This Ordinance shall be construed with and form part of "The Customs Duties Consolidation Ordinance 1891," and shall come into effect from the date of passing thereof.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY  
Governor.

Passed the Legislative Council this 28th day of January, in the year of Our Lord One-thousand eight-hundred and ninety-six.

(Signed)

CHARLES W. HILL,  
Clerk of the Legislative Council.



# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKERFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 2 of 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:—

Law as to conspiracy in trade dispute.

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.

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.

Breach of contract involving injury to persons or property.

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.

Penalty for neglect by Master to provide food, &c., 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;

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.

Right of appeal.

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 recognizance 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.

Regulation as to evidence.

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.

Interpretation clause.

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.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,  
*Governor.*

Passed the Legislative Council this tenth day of February in the year of Our Lord One-thousand eight-hundred and ninety-six.

(Signed)

C. W. HILL  
*Clerk to the Legislative Council.*

# FALKLAND ISLANDS.

By His Excellency  
SIR ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 4 of 1896.

*An Ordinance to make further provision for the Service of the Colony  
of the Falkland Islands for the year 1895.*

Preamble.

WHEREAS it is expedient to make further provision for the service of the Colony of the Falkland Islands for the year 1895.

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 :—

Additional Provision for  
the Service of the year  
1895.

1.—There shall be, and there is hereby granted to Her Majesty the Queen, Her Heirs and Successors, for and during the year 1895, an additional sum of Two-thousand two-hundred and ninety-seven pounds sixteen-shillings and seven-pence, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz :—

	£	s.	d.
Pensions ... ..	20	17	8
Colonial Secretary's Department ... ..	78	7	7
Audit Department ... ..	11	11	0
Port and Marine ... ..	141	9	9
Legal ... ..	76	8	0
Medical Department ... ..	26	6	5
Education ... ..	58	14	8
Miscellaneous Services ... ..	518	15	8
Post Office ... ..	41	0	9
Public Works ... ..	1043	1	10
Interest on Deposits (Savings' Bank) ... ..	138	6	3
Drawbacks ... ..	142	17	0
	£2,297	16	7

Authorization of expenditure.

2.—The said sum of £2,297 16 7 shall be, and is hereby declared to be charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the date of the passing of this Ordinance, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the Warrant or Order of the Governor, for the time being, to pay such service as specified out of such moneys as have arisen or may arise from and out of the Colonial Revenues, without any further order or formality : Provided always that the amount so from time to time paid as aforesaid, for and in respect of such expenditure shall not exceed in the gross the sum of Two-thousand two-hundred and ninety-seven pounds sixteen-shillings and seven-pence.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this 12th day of May, in the year of Our Lord One-thousand eight-hundred and ninety-six.

(Signed) CHARLES W. HILL,  
Clerk of the Legislative Council.

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 6 of 1896.

## *An Ordinance to provide for the Erection of Dividing Fences by the Owners of Adjoining Lands.*

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 :—

Owner may call adjacent owner to erect or repair fence.

1.—Where there shall be no sufficient natural boundary between two adjoining Stations and there shall be no dividing Fence between such Stations or the existing fence is from want of repair or other cause not a sufficient fence it may be lawful for the owner of either Station to call on the owner of the adjoining Station by notice in writing 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 make the existing fence sufficient within the meaning of this Ordinance.

If parties fail to agree Stock Inspector to view and report.

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 shall have given the notice to apply to a Stock Inspector to view the Stations and to report upon the necessity for a fence or what repairs or additions to the existing fence are necessary.

Stock Inspector to report to Magistrate result of inspection.

3.—The Stock Inspector shall be entitled when so applied to to enter on such Stations for the purposes referred to in the immediately foregoing section and it shall be the duty of the said Inspector to carefully view and inspect the lands and to make a 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 within the meaning of this Ordinance, which report shall be delivered as soon as practicable to a Magistrate.

Magistrate after enquiry under oath may order repair or erection of fence.

4.—Upon such report being received by the Magistrate summonses shall issue to the owners of the Stations so viewed and reported upon by the Inspector and on the day named in the summons an enquiry under oath into the matter shall be made before the Magistrate and in proof of the respective occupations of such owners and of the necessity for a dividing fence and upon the Magistrate being satisfied that the owner who shall have failed to agree to fence is able to pay his proportion of the cost of repairing or erecting the said fence the Magistrate shall issue an order to the owners of such stations 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.

Penalty to neglect to carry out Magistrate's order.

5.—Any owner of a station who shall wilfully neglect to complete the work of repairing or erecting a dividing fence within the time named in an order issued under the preceding 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. No owner of a Station shall however be considered guilty of such neglect who shall within the period named in the order have completed his proper proportion of the work.

If one owner proves want of means adjoining owner may apply for an order to carry out work and may recover half of cost after completion.

6.—In the event of its being proved to the satisfaction of the Magistrate before whom an enquiry may be held under the fourth section of this Ordinance that the owner of a Station 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 for the issue of such an order by the owner of the adjoining Station shall issue an order directing the owner of such adjoining Station to erect or repair the whole of such dividing fence and on the completion of the work and on a certificate of the Stock Inspector that the work has been done in accordance with the Inspector's original report the owner of the Station who shall have done the work shall be entitled to recover from the other owner one half of the cost of the work so done by suit or action before a Magistrate.

Magistrate may order repayment of such costs by instalments.

7.—It shall be lawful for the Magistrate before whom action is brought under the foregoing section upon being satisfied that the defendant is still unable from want of capital to immediately pay his proportion of the cost of the work of repairing or erecting a dividing fence as aforesaid to issue an order granting the defendant time for the payment thereof 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 said Magistrate; Provided however that it shall not be lawful for the said Magistrate to extend the time for payment in such cases beyond a period of ten years from the date on which the work of repairing or erecting the dividing fence shall have been begun.

On his failing to comply with Magistrate's order execution may issue against defendant or his sureties.

8.—If a defendant to whom time has been granted under the preceding 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 plaintiff's 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.

Judgment given under preceding Sections take precedence of subsequent mortgages &c. and bond by sureties to constitute a preferable lien on their property not to be extinguished by subsequent mortgage, &c.

9.—The judgment in any action under the preceding sections of this Ordinance 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 a surety or 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 surety or sureties and shall not be in any wise extinguished by any subsequent sale, mortgage or other incumbrance whatsoever of such property.

Owner of stock injuring fence to repair the same failing which adjoining owner may repair and recover costs.

10.—When any damage shall be done to a dividing fence between two Stations, which is a sufficient fence within the meaning of this Ordinance, by any stock which is suffered to be on the Station bounded by such dividing fence by the owner thereof, 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 Station on which the stock was suffered to remain in an action or suit before a Magistrate. In such cases the preceding sections of this Ordinance shall not apply.

Penalty for wilfully leaving gates open or injuring fence.

11.—Any person who shall wilfully break down, injure or leave

open any gate of a Station or break down or injure any fence erected on a Station shall be liable on conviction before a Magistrate to imprisonment with or without hard labour for a period not exceeding six months.

12.—The preceding Sections of this Ordinance shall not apply to the erection or improvement of fences within the town of Stanley, or within any place which may hereafter be declared to be a township by the Governor of the Colony.

13.—In this Ordinance, except where inconsistent with the context, the following words shall have the meanings hereunder assigned them:—

"Stock."—Shall mean any stallion, mare, gelding, foal, bull, cow, steer, calf, ram, ewe, wether or lamb.

"Sufficient Fence."—Shall mean a fence constructed of not less than six wires, or a fence constructed of wire netting or of wire and wire netting. The fence to have droppers or standards not less than ten feet apart and to be not less than 3 feet 3 inches high and the bottom of the fence to be not more than six inches from the ground.

"Owner."—Shall mean not only the owner in fee simple but also the lessee or manager or agent in charge of the land.

"Stock Inspector" and "Inspector."—Shall mean any Inspector appointed under the provisions of "The Seab Ordinance, 1896."

"Station."—Shall mean land occupied or used for depasturing sheep by any person.

"Magistrate."—Shall mean Police Magistrate of the Colony or Stipendiary Magistrate of the West Falklands.

Recovery of penalties.

14.—All penalties under this Ordinance shall be recovered in a summary way before a Magistrate.

Short title.

15.—This Ordinance shall come into operation on the passing thereof and may be cited for all purposes as "The Fencing Ordinance, 1896."

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this 28th day of July in the year of Our Lord One-Thousand Eight-Hundred and Ninety-Six.

(Signed) CHARLES W. HILL,  
Clerk of the Legislative Council.

# FALKLAND ISLANDS.

By His Excellency  
SIR ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 7 of 1896.

*An Ordinance to amend the "Licensing Ordinance 1882."*

Preamble.

Whereas it is expedient to amend Ordinance No. 11 of 1882, and make further provisions thereto—

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:—

Owner of station may sell liquor to own employés without licence.

1.—Any owner of a station may without a license sell liquor to shepherds and other employés, bonâ 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 employés, or who shall fail to comply with any of the provisions of this Section will be liable to a penalty not exceeding £5 for each offence.

Account of sales of liquor to be kept.

Licensed persons to keep account of liquor obtained and sold.

2.—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 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 License and to a penalty not exceeding £20.

Retail dealers not to keep store.

3.—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 License has issued under Ordinance No. 11 of 1882, shall on conviction be liable to forfeiture of his license and to incur a penalty not exceeding £50.

Licensee may supply meals.

4.—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 License 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.

5.—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 £20.

Samples of liquor may be taken for test purposes.

6.—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 £50.

Governor in Council may  
make rules,

Interpretation clause.

Repealing clause.

Short Title.

7.—It shall be lawful for the Governor in Council from time to time to make alter, annul and revoke Rules and Regulations as may seem requisite for the more effective carrying into effect the provisions of the principal Ordinance 11 of 1882.

8.—“*Owner*,” shall mean the owner, lessee, manager, or agent in charge of any Station.

9.—Section 68 of Ordinance No. 11 of 1882 is hereby repealed.

10.—This Ordinance shall be read and construed with Ordinance No. 11 of 1882, and shall be cited as “The Licensing Ordinance “Amendment Ordinance,” and shall come into operation on its publication in the Government Gazette.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,  
*Governor.*

Passed the Legislative Council this 21st day of August. in the  
year of Our Lord One-thousand Eight-hundred and Ninety-six.

(Signed)

CHARLES W. HILL,  
*Clerk of the Legislative Council.*

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 8 of 1896.

## *Customs Ordinance Amendment Ordinance, 1896.*

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:—

Receipt by or offer to  
Customs Officers of bribes  
penalized.

1.—Any Officer of Customs who shall take or accept any fee, gratuity, reward or perquisite, pecuniary or otherwise, directly or indirectly, from any person on account of anything done or omitted to be done by him, or in any way relating to his Customs duties; and any person who shall promise, give, or offer to a Customs Officer any such fee, gratuity, reward or perquisite, shall be liable to a penalty not exceeding £100, in addition in the case of a Customs Officer to dismissal from the service of the Government.

Penalty for breaking seals,  
&c.

2.—Any person or persons who shall knowingly and wilfully tamper with, alter, break or injure any lock, seal or fastening on any vessel, craft, hulk, boat or bonded warehouse, placed thereon in the due execution of his duty by any duly authorized Officer of Customs, or for any Customs purposes, shall be liable to a penalty not exceeding £100

Royalties defined for  
purposes of this act.

3.—For the purposes of this Ordinance Customs duties shall include Royalties payable in respect of rights of sealing, mining, &c., reserved by Government.

Incorporation of Ordinance  
with Customs Ordinance  
No. 5 of 1896.

4.—This Ordinance shall be read with and form part of “The Customs Ordinance, 1896,” and shall come into operation upon the passing thereof.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
*Governor.*

Passed the Legislative Council this 10th day of September, in the year of Our Lord One-thousand eight-hundred and ninety-six.

(Signed) CHARLES W. HILL,  
*Clerk of the Legislative Council.*



# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 9 of 1896.

*An Ordinance to make provision for the Service of the Colony of the Falkland Islands for the year 1897.*

Preamble.

WHEREAS it is expedient to make provision for the service of the Colony of the Falkland Islands for the year 1897.

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:—

Provision for the Service of the year 1897.

1.—There shall be, and there is hereby granted to Her Majesty the Queen, Her Heirs and Successors, for and during the year 1897, the sum of Twelve-thousand One-hundred and Two pounds, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz:—

	£	s.	d.
1. Pensions	312	16	8
2. Governor	1414	0	0
3. Colonial Secretary's Department	1058	0	0
4. Customs Department	125	0	0
5. Audit Department	54	4	0
6. Port and Marine Department	245	0	0
7. Legal Department	797	4	0
8. Police	433	0	0
9. Prisons	123	0	0
10. Medical Department	628	8	0
11. Education	657	0	0
12. Ecclesiastical	510	0	0
13. Transport	120	0	0
14. Miscellaneous	374	7	4
15. Post Office	3000	0	0
16. Survey Department	350	0	0
17. Public Works	970	0	0
18. Interest on Deposits in Savings Bank	880	0	0
19. Drawbacks and Refunds	50	0	0
	12102	0	0

Authorization of expenditure.

2.—The said sum of £12102 0 0 shall be, and is hereby declared to be charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the first day of January, 1897, and the Colonial Treasurer of the said Colony is hereby authorized

and required from time to time upon the Warrant or Order of the Governor, for the time being, to pay such services as specified out of such moneys as have arisen or may arise from and out of the Colonial Revenues, without any further order or formality: Provided always that the amount so from time to time paid as aforesaid, for and in respect of such expenditure shall not, between the first day of January, 1897, and the first day of January, 1898, exceed in the gross the sum of Twelve-thousand One-hundred and Two pounds.

(Signed)                      ROGER TUCKFIELD GOLDSWORTHY,  
*Governor.*

Passed the Legislative Council this 12th day of September in the year of Our Lord One-thousand Eight-hundred and Ninety-six.

(Signed)                      CHARLES W. HILL,  
*Clerk of the Legislative Council.*

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 10 of 1896.

*An Ordinance to further amend "the Scab Ordinance, 1895" and to amend Ordinance No. 12 of 1895.*

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 :—

Term of infection reduced to three months.

1.—The word "six" in the Fiftieth Section of "the Scab Ordinance, 1895" in the interpretation of what shall be considered as "infected sheep" is hereby repealed, and the word "three" substituted in lieu thereof, and the Ordinance shall be read and construed as if the word "three" hereby introduced had been originally inserted in the said Section.

Inspector may allow sheep to be dipped within three months of application for certificate.

2.—The Inspector upon being satisfied of the non-existence of Scab on a Station may grant permission in writing, for the dipping and dressing of the sheep thereon, and such dipping or dressing shall not be considered a dipping or dressing within the meaning of "the Scab Ordinance, 1895," so as to prevent the owner of the Station within three months thereafter from making the declaration contained in the Schedule annexed to Ordinance No. 12 of 1895.

Amendment of Schedule to Ordinance No. 12 of 1895.

3.—The word "six" in the Schedule annexed to Ordinance No. 12 of 1895, is hereby repealed, and the word "three" substituted therefor, and the Ordinance shall be read and construed as if the word "three" so introduced had been originally inserted in the Schedule.

To be read with Scab Ordinance, 1895.

4.—This Ordinance shall be construed with and form part of "the Scab Ordinance, 1895."

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this 28th day of October in the year of Our Lord One-thousand Eight-hundred and Ninety-six.

(Signed)

CHARLES W. HILL,  
Clerk of the Legislative Council.

## FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor

No. 11 of 1896.

*An Ordinance to amend "The Unrepresented Estates Ordinance 1896."*

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:—

Notice of fact of kin of  
intestate being unknown  
to be published.

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

Repealing clause.

2.—The 29th section of "The Unrepresented Estates Ordinance 1896" is hereby repealed.

(Signed) ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this 18th day of November in the year of Our Lord One-thousand Eight-hundred and Ninety-six.

(Signed) CHARLES W. HILL,  
Clerk of the Legislative Council.

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ORDINANCES

1897

1897

# FALKLAND ISLANDS.

By His Excellency  
Sir ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G., Governor.

No. 2 of 1897.

*An Ordinance to make further provision for the Service of the Colony of the Falkland Islands for the year 1896.*

Preamble.

WHEREAS it is expedient to make further provision for the service of the Colony of the Falkland Islands for the year 1896.

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:—

Additional provision for the service of the year 1896.

1.—There shall be, and there is hereby granted to Her Majesty the Queen, Her Heirs and Successors, for and during the year 1896, an additional sum of One-thousand seven-hundred and forty-nine pounds fifteen shillings and seven pence halfpenny, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz.:—

	£	s.	d.
Governor	2	12	1
Colonial Secretary's Department	52	16	11
Audit Department	0	12	3½
Legal	58	12	3½
Police	51	7	7½
Transport	100	16	6
Miscellaneous Services	12	15	8
Public Works	1131	10	7
Interest on Deposits (Savings' Bank)	55	9	8
Drawbacks	241	17	3
Survey	41	4	9
	£1749	15	7½

Authorization of expenditure.

2.—The said sum of £1,749 15 7½ shall be, and is hereby declared to be charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and commence on and immediately after the date of the passing of this Ordinance, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the Warrant or Order of the Governor, for the time being, to pay such service as specified out of such moneys as have arisen or may arise from and out of the Colonial Revenues, without any further order or formality: Provided always that the amount so from time to time paid as aforesaid, for and in receipt of such expenditure shall not exceed in the gross the sum of One-thousand seven-hundred and forty-nine pounds fifteen-shillings and seven-pence halfpenny.

(Signed)

ROGER TUCKFIELD GOLDSWORTHY,  
Governor.

Passed the Legislative Council this 19th day of March in the year of Our Lord One-thousand Eight-hundred and Ninety-seven.

(Signed)

CHARLES W. HILL,  
Clerk of the Legislative Council.

# FALKLAND ISLANDS.

By His Excellency  
FREDERICK CRAIGIE-HALKETT, Administrator.

No. 4 of 1897.

*An Ordinance to amend the Public Health Ordinance of 1894, and to make provision for a Board of Health for the West Falkland Island.*

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 :—

Portion of first Section of Ordinance 5 of 1894 repealed.

1.—The words “Falkland Islands” in the first line of the first section of “The Public Health Ordinance, 1894,” are hereby repealed, and the words “East Falkland Island” substituted in lieu thereof.

Board of Health for West Falklands and appointment of Health Officer.

2.—It shall be lawful for the Governor upon the coming into operation of this Ordinance 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.

3.—The Board of Health for the West Falkland Island shall possess and exercise in and throughout the West Falkland Island similar authority as regards the West Falklands as that vested in the Board of Health constituted under the Public Health Ordinance of 1894, with similar powers to make Bye-Laws for the proper enforcement of that Ordinance as far as applicable throughout the West Falkland Island.

Duties of Health Officer.

4.—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 or an Inspector of Nuisances appointed under the Public Health Ordinance of 1894.

Constitution of Board.

5.—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.

Quorum.

6.—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.

Limit of action of Board of Health for East Falklands.

7.—All Members of the Board of Health for the Falkland Islands appointed before the commencement of this Ordinance shall, immediately upon the coming into operation hereof, become Members of the Board of Health for the East Falkland Island without further notice or appointment, and the powers authority and duties of the said Board shall, from the passing hereof, be limited and confined to the East Falkland Island.

Ordinance to be read with  
Ordinance 4 of 1894.

8.—This Ordinance shall be construed with and form part of "The Public Health Ordinance 1894," and shall come into operation on such day as may be fixed by a notice in that behalf published in the Government Gazette.

(Signed) **FREDERICK CRAIGIE-HALKETT,**  
*Adminisistrator.*

Passed the Legislative Council this Seventeenth day of May  
in the year of Our Lord One-thousand eight-hundred and  
ninety-seven.

(Signed) W. COULSON,  
*Acting Clerk to Council.*



# FALKLAND ISLANDS.

By His Excellency  
FREDERICK CRAIGIE-HALKETT, Administrator.

No. 5 of 1897.

*An Ordinance to raise a sum of money by a Rate on House and other property in Stanley, and to provide for the application thereof, and of other Local Rates.*

## Preamble.

Whereas Ordinance No. 7 of 1892 entitled "An Ordinance to raise a sum of money by a Tax on Tenements in Stanley, and to provide for the application thereof, and of other Local Taxes, for the proposed Local improvements," will expire on the 31st day of December, next: And whereas a sum of money not exceeding £1,000 is about to be advanced from the Land Sales Fund of the Colony, for the purchase of a Fire Engine and appliances, such sum to be repaid with interest out of a Local Rate on House and other property in Stanley, and it is expedient to raise a Local Rate on House and other property in Stanley, to provide thereby such sum with interest and a further sum of money to be applied exclusively to expenditure in or in the immediate vicinity of the township of Stanley for protection against Fire, and to continue the application of other sources of revenue.

## 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:—

Rate on House property in Stanley to provide for means of protection against Fire.

1.—For all house property and for any open space actually utilised for the deposit of any inflammable article in the town of Stanley there shall be charged yearly in respect thereof for every Twenty-shillings of its annual value the sum of Nine-pence; such value to be assessed in open Court in the first fortnight of January in every year by the Justices of the Peace resident in Stanley; and payable to the Colonial Treasurer before the 31st day of March in each year, and the sum so raised under this section shall be applied in payment of interest at the rate of  $3\frac{1}{2}$  per cent. per annum on the sum to be advanced out of the Land Sales Fund for the purchase of a Fire Engine and appliances, or so much thereof as shall from time to time remain unpaid, and in the payment of such annual sum as will together with the interest aforesaid make up an annual payment of not less than £50 to the Land Sales Fund as a Sinking Fund for the repayment of the capital sum advanced, and to the maintenance of the Engine and appliances and to such other purposes as may be deemed requisite for the efficient protection of life and property in Stanley against Fire.

Interpretation of rateable property.

2.—In this Ordinance the word "House" shall mean and include every erection 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.

Local revenue to be applied to local purposes.

3.—The Annual Revenue arising within the Township of Stanley from the "Dog Tax, the Publican's Licence, the Tobacco and "Billiard Table Licenses," under the several Ordinances relating thereto, and from the charge for depasturing on the Common, shall be applied to local improvements in, or in the immediate vicinity of, the township of Stanley.

Previous Ordinance repealed.

4.—Ordinance No. 1 of 1893 is hereby cancelled.

Short Title.

5.—This Ordinance shall shortly be cited as the Local Rates Ordinance, and shall come into operation on the First day of January, in the Year One-thousand Eight-hundred and Ninety-eight.

(Signed)

FREDERICK CRAIGIE-HALKETT,

*Administrator.*

Passed the Legislative Council this Fifteenth day of June, in the Year of Our Lord, One-thousand Eight-hundred and Ninety-seven.

(Signed)

W. COULSON,

*Acting Clerk to Council.*

# FALKLAND ISLANDS.

By His Excellency  
FREDERICK CRAIGIE-HALKETT, Administrator.

No. 6 of 1897.

## *An Ordinance to amend the Fencing Ordinance No. 6 of 1896.*

Whereas it is expedient to amend Ordinance 6 of 1896, hereinafter styled the principal Ordinance, and to make further provisions thereto.

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

1.—From and after the passing of this Ordinance fences on lands leased from the Crown, not being actual town land within the limits of a town, shall in all cases be treated as improvements within the meaning of the 3rd clause of Ordinance No. 9 of 1882, and the value thereof shall be determinable as prescribed by that clause as amended by the 1st clause of Ordinance No. 9 of 1894, anything in the 4th clause of Ordinance No. 9 of 1882 notwithstanding; which clause in so far as it excludes improvements on suburban land is hereby repealed.

2.—It shall be lawful for neighbouring lessees without resorting to proceedings as defined in the principal Ordinance to 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.

3.—When it may be necessary that a fence should not exactly follow the actual boundary of the land comprised in a lease, the lessee who pays for its erection shall have the same claim for compensation at the expiration of the leases of himself and his neighbour respectively as if it had followed the actual boundary.

4.—This Ordinance shall be read and construed with and shall form part of Ordinance No. 6 of 1896, and shall come into operation upon such day as may be notified by publication in the *Government Gazette*.

(Signed)

FREDERICK CRAIGIE-HALKETT,  
*Administrator.*

Passed the Legislative Council this Third day of September, in the year of Our Lord One-thousand eight-hundred and ninety-seven.

(Signed)

W. COULSON,  
*Acting Clerk to Council.*

# FALKLAND ISLANDS.

By His Excellency  
FREDERICK CRAIGIE-HALKEIT, Administrator.

No. 7 of 1897.

*An Ordinance to provide for the better protection of the town of Stanley against Fire, and for the establishment of a Volunteer Fire Brigade.*

Preamble.

Whereas it is expedient to provide for the protection of Stanley against Fire, and for the establishment of a Volunteer Fire Brigade.

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 :—

## FORMATION OF BRIGADE.

Roll of formation of Fire 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 under this Ordinance, and upon such acceptance 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, an Inspector, and an Assistant Inspector, and a Secretary, and shall be appointed by election by the Members of the Brigade, subject to confirmation by the Governor.

Enrolling of Members.

3.—Every Member of the Brigade shall before being enrolled as a Member 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 of the Brigade.

Brigade to have charge of all fire appliances.

4.—The Volunteer Fire Brigade shall upon its due formation assume and have charge of all Fire Engines and 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 to be kept by Superintendent.

5.—The Superintendent shall within 7 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 Shed 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 of Superintendent to make rules.

6.—The Superintendent shall make rules and regulations from time to time for attendance at practice and fire drill; for the proper and secure maintenance of all Fire Engines and apparatus in charge of the Brigade, for ensuring method and discipline, and for encouraging smartness and *esprit de corps* among the Members and providing penalties for any breach of rules, and such rules upon being approved by the Governor shall have the force and effect of law and be binding on every Member of the Brigade.

Resignation of Members.

7.—Any Member of the Brigade shall be at liberty to resign, provided that :—

I.—He has given to the Superintendent 14 days notice of his intention.

II.—He has delivered up to the Superintendent or other Member 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.

III.—He has paid any money due or becoming due by him to the Brigade under any rule thereof.

8.—Any Member of the Brigade who fails to deliver up in good order upon demand by the Superintendent any clothing or fire appurtenances 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.

9.—Any person, or any Member of the Brigade, who shall by negligence or otherwise wilfully damage any one of the Fire Engines or appliances, or any part thereof, shall be liable upon summary conviction before a Magistrate to a penalty not exceeding £50, or imprisonment with or without hard labour for any term not exceeding 12 months, and to pay the cost of the damage.

10.—Any Member of the Brigade 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.

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.

#### FISCAL.

12.—All monies 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 property, and the power to sue for and recover monies 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.

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 12 months after the same has become due, in a summary way in the Police Magistrate's Court, even though the amount may exceed £20.

14.—All monies payable or received under this Ordinance or by virtue of any of its provisions, or of any of the Rules or Regulations 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.

15.—It shall be lawful for the Superintendent to charge for the services of the Manual Engine rendered to shipping a sum not exceeding £5, 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  $\frac{1}{5}$ -th per cent. of the capital assured.

#### PREVENTIVE.

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

Penalty for not delivering up Brigade property.

Penalty for wilful damage of Fire Brigade appliances.

Dismissal of Members by Superintendent, or by votes of two-thirds.

Dismissal by Superintendent for misconduct.

All Brigade monies and appliances to vest in Superintendent.

Mode of recovery of monies due to the Brigade.

All monies to be received and accounted for by Secretary.

Charge to shipping for use of Manual Engine.

Contribution towards Steam Engine by Fire Insurance Companies.

No roof to be of wood.

Penalty for breach.

fine not exceeding £50, and imprisonment 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 may thereupon summon before him the occupant or owner of the premises to show cause why the danger should not be abated, and may make such order in Court thereafter as may seem to him expedient in the public interest.

#### FIRE.

18.—Any person who assaults, resists, impedes, or obstructs a Member of the Brigade in the discharge of his duty, or who when called upon by any Member of the Brigade or by any Constable to assist either in conveying any engine or fire appliances to a fire, or in extinguishing any outbreak of fire, although present hesitates or declines, without reasonable cause, so to assist shall be liable upon conviction in a summary way to a fine not exceeding £20, or to imprisonment with or without hard labour for a term not exceeding six months.

19.—It shall be lawful for any Constable or any Member of the Fire Brigade 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, 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 on the flames.

20.—Provided always 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 the assessors to be appointed for the purpose by the Governor. And provided further that no Constable or Member or Members of the Fire Brigade 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.

#### GENERAL.

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 Engines and 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.

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 authorize the expenditure of such monies 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 each and all of the requisite fire apparatus, 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.

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.

Magistrate may direct information of dangerous flues, &c.

Penalty for obstructing at a fire.

Necessary measures may be taken to prevent spread of fire.

Compensation for damage.

Inspection of Fire Brigade appliances by an Officer deputed by Governor.

Governor may appoint Auditors and authorize expenditure.

Interpretation Clause.

INTERPRETATION.

24.—For the purposes of this Ordinance—

*Superintendent* shall mean and include the Senior Officer for the time being of the Fire Brigade.

*Officer* shall mean any Member duly elected as Superintendent, Inspector, and Assistant Inspector, and Secretary of the Fire Brigade.

*Appliances* shall mean and include not only all Engines, Hose, Carts, Reels, Axes, Ladders, Lamps, Branch Pipes, Buckets, and every article which can be used at a fire, as well as any article which may be purchased for use at fires, but all reservoirs, wells, tanks, or ditches, which may be built or constructed with the object of being available in case of fire.

*Stanley* shall mean and include the town comprised within a line running due S. from the harbour at the E. extremity of the F. I. Co's. slaughter-house on the East, and a similar line from the W. extremity of Mr. V. Packe's slaughter-house on the West, and of a line intersecting these and drawn due E. and W. to the S. of the most Southerly house and the Harbour of Stanley, as defined by the 12th Clause of the Pilot Ordinance, No. 5 of 1871: Provided that it shall be lawful for the Governor in Council to alter, amend, and extend these limits from time to time by publication in the Government *Gazette*.

25.—This Ordinance shall be cited as the Stanley Fire Brigade Ordinance, and shall come into operation on such day as shall be notified by publication in the Government *Gazette*.

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.

(Signed)

FREDERICK CRAIGIE-HALKETT,  
*Administrator.*

Passed the Legislative Council this 24th day of September, in the Year of Our Lord One-thousand Eight-hundred and Ninety-seven.

(Signed)

W. COULSON,  
*Acting Clerk to Legislative Council.*

# FALKLAND ISLANDS.

By His Excellency  
FREDERICK CRAIGIE-HALKETT, Administrator.

No. 8 of 1897.

## *An Ordinance to amend the Pound Ordinance, 1893.*

Preamble.

Whereas it is expedient to amend the Pound Ordinance, 1893,

Enacting clause.

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

Penalty for using fenced-in land without a Licence.

1. In the 8th and 9th lines of Clause 1 of Ordinance 7 of 1893, hereinafter styled the Principal Ordinance, the figure £2, and words “two pounds” are hereby repealed, and in their place the figure £10 and words “ten pounds” shall be inserted and read as part of the Clause.

The word “informer” in the last line of Clause 1 is hereby repealed, and the words “Principal Pound Keeper” shall be inserted in lieu thereof, and shall form part of the said Clause.

Animals found at large may be impounded.

2. The words “within the town of Stanley” in the 2nd line of the 2nd Clause of the principal Ordinance are hereby repealed, and in lieu thereof there shall be inserted and read as part of the Clause the following words; “on any public street, road or path, or on any Crown land save by authority from the Governor within the limits of Stanley.”

Government Pound defined.

3. Clause 5 of the principal Ordinance is hereby repealed and the following shall be inserted in lieu thereof and shall be Clause 5.—  
“It shall be lawful for the Governor in Council from time to time to establish and declare an enclosure to be a public pound by publication thereof in the *Government Gazette*,”

Remuneration of Pound Keeper.

4. After the word “shall” and before the word “for” in the 4th line of Clause 6 of the principal Ordinance there shall be inserted and read as “part of the Clause the following words, “receive “such annual salary as the Governor in Council may determine, “and who shall.”

5. This Ordinance shall be cited as the Pound Ordinance Amendment Ordinance, and shall come into operation on its passing.

(Signed)

FREDERICK CRAIGIE-HALKETT,  
*Administrator.*

Passed the Legislative Council this 24th day of September, in the Year of Our Lord One-thousand Eight-hundred and Ninety-seven.

(Signed)

W. COULSON,  
*Acting Clerk to Legislative Council.*



# FALKLAND ISLANDS.

By His Excellency  
FREDERICK CRAIGIE-HALKETT, Administrator.

No. 9 of 1897.

## *An Ordinance to amend the Scab Ordinance, 1895.*

Preamble.	Whereas it is expedient to amend the Scab Ordinance, 1895,
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:—
Area of quarantine.	1.—In Clause 9 of the Scab Ordinance, 1895, lines 8 and 9 are hereby repealed.
Inspectors order to clean Sheep.	2.—In the last line of Clause 17, of the Scab Ordinance, 1895, the words “for every such imported sheep” are hereby repealed.
Penalty for continued neglect to clean Sheep after 6 months.	3.—In Clause 18 of the Scab Ordinance, 1895, the word “six” in the first line is hereby repealed, and there shall be inserted in lieu thereof the word “nine.” All the words between the word “penalty” in the 4th line, and the word “and” in the 5th line are hereby repealed, and there shall be inserted in lieu thereof the words “not exceeding £200.”
Destruction of Infected Sheep after 18 months.	4.—In Clause 19 of the Scab Ordinance, 1895, the words “or within a period of three months thereafter” in the 3rd and 4th lines are hereby repealed and there shall be substituted for the word “such” in the 4th line the word “a.” After the word “months” and before the word “any” in the 5th line there shall be inserted the word “thereafter.” The words “any two Justices” in the 5th line are hereby repealed, and there shall be inserted in lieu thereof the words “Police Magistrate or Stipendiary Magistrate of West Falklands.”
Importation of Sheep.	5.—Clause 31 of the Scab Ordinance, 1895, is hereby repealed and the following shall be inserted and read as Clause 31.
Conditions.	“Every owner intending to import sheep from beyond the Colony shall give notice thereof to the Inspector, with as full information as possible of their number, description and place where ordered, and probable date of arrival in the Colony. “Such sheep shall be landed only under proper supervision of the owner or his lawful agent, and shall at once be driven to and confined in a paddock securely fenced according to the requirements of the Fencing Ordinance No. 6 of 1896, and shall there remain in quarantine till examined and passed by an Inspector, who shall give such orders as may seem to him necessary for their continued quarantine, dipping, removal, release or destruction. The Inspector, if in Stanley, may, upon her arrival, at once board any vessel by which sheep are imported, and may inspect them on board and there give such permit in Form D in the Schedule hereto or make such order as he may deem necessary. “Any owner, who by himself or his agent or servants, neglects to comply with any of the provisions of this Ordinance, or to carry out the directions received from the Inspector, and any person whomsoever who shall remove or attempt to remove, or permit to escape any sheep so imported and quarantined without the permission of the Inspector, shall be liable to a fine not exceeding One hundred pounds and to forfeiture of sheep.
Action on arrival of Infected Sheep.	6.—The first five lines and the first two words of the 6th line of Clause 32 of the Scab Ordinance, 1895, are hereby repealed, and in lieu thereof the following words shall be inserted and form part of the Clause. “If any sheep imported into the Colony shall be



found to be infected." The words "or person appointed" in the 8th and 9th lines and the words "or person appointed as aforesaid" in the last line shall be, and the same are hereby repealed.

Repealing Clause.

7. —Clause 33 of the Scab Ordinance 1895 is hereby repealed.

Interpretation Clause.

8.—All the words in the 10th and 11th lines of the 50th Clause of the Scab Ordinance, 1895, after the word "disease" in the 10th line are hereby repealed, and the following shall be substituted therefor and become part of the Clause—"or which have within three months been liable to contact with diseased sheep or with places where diseased sheep have been depastured within a period of three months.

Dipping appliances to be provided sufficient for each Station.

9.—The words in the 1st and 2nd lines of the 4th Clause of Ordinance 12 of 1895 "of infected sheep shall within one month after his sheep are found to be infected" shall be and the same are hereby repealed, and there shall be inserted in lieu thereof and read as part of the Clause the words "shall at all times at each Station."

After the word "sheep" and before the word "to" in the 4th line of the same Clause there shall be inserted the words "as may be on the Station."

Inspector may order dipping of clean Sheep.

10.—After the word "Inspector" and before the word "upon" in the 1st line of the 2nd Clause of Ordinance 10 of 1896, the words "may at any time order that clean sheep be dipped and dressed and" shall be inserted and form part of the Clause.

Penalty for not cleaning Sheep as ordered by the Inspector.

11.—The words in the 3rd and 4th lines of the 1st Clause of Ordinance 1 of 1897 "not less than  $\frac{1}{2}$ d., and not more than 2d.," are hereby repealed, and there shall be inserted in lieu thereof the words "not exceeding Two hundred pounds."

Branding of Sheep.

12.—The first 2 lines of the 4th Clause of Ordinance 1 of 1897 as far as and including the word "practicable" in the 2nd line of the said Clause are hereby repealed and there shall be inserted instead the words, "The owner of an infected flock who desires them to travel shall, before starting."

To form part of the Scab Ordinance, 1895.

13.—This Ordinance shall be construed with and form part of the Scab Ordinance, 1895, and shall come into operation upon the publication thereof in the *Official Gazette*.

(Signed)

FREDERICK CRAIGIE-HALKETT,

*Administrator.*

Passed the Legislative Council this Twenty-fourth day of September, in the Year of Our Lord One-thousand Eight-hundred and Ninety-seven.

(Signed)

W. COULSON,

*Acting Clerk to Council.*

# FALKLAND ISLANDS.

By His Excellency  
FREDERICK CRAIGIE-HALKETT, Administrator.

No. 10 of 1897.

*An Ordinance to make provision for the Service of the Colony of the Falkland Islands for the Year 1898.*

Preamble.

Whereas it is expedient to make provision for the service of the Colony of the Falkland Islands for the Year 1898,

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:

Provision for the Service of the Year 1898.

1.—There shall be, and there is hereby granted to Her Majesty the Queen, Her Heirs and Successors, for and during the Year 1898, the sum of Twelve-thousand Two-hundred and Forty-eight pounds, Eight shillings and eight pence, to be applied and expended in the manner and for the purposes hereinafter set forth, that is to say, viz:—

	£	s.	d.
1. Pensions ... ..	222	16	8
2. Governor ... ..	1414	0	0
3. Colonial Secretary's Department ...	1077	0	0
4. Customs Department ... ..	125	0	0
5. Audit Department ... ..	50	0	0
6. Port and Marine Department ... ..	295	0	0
7. Legal Department — ... ..	817	4	0
8. Police ... ..	525	0	0
9. Prisons ... ..	186	0	0
10. Medical Department ... ..	578	8	0
11. Education ... ..	636	0	0
12. Ecclesiastical ... ..	518	0	0
13. Transport ... ..	120	0	0
14. Miscellaneous ... ..	475	0	0
15. Post Office ... ..	3000	0	0
16. Survey Department ... ..	354	0	0
17. Public Works ... ..	900	0	0
18. Interest on Deposits in Savings Bank ...	875	0	0
19. Drawbacks and Refunds ... ..	50	0	0
	£12,248	8	8

Authorization of Expenditure.

2. The said sum of £12,248 8s. 8d. shall be, and is hereby declared to be charged upon and made payable from and out of the Revenues of the said Colony, and shall be taken to begin and

commence on and immediately after the First day of January, 1898, and the Colonial Treasurer of the said Colony is hereby authorized and required from time to time upon the Warrant or Order of the Governor, for the time being, to pay such services as specified out of such moneys as have arisen or may arise from and out of the Colonial Revenues, without any further order or formality: Provided always that the amount so from time to time paid as aforesaid, for and in respect of such expenditure shall not, between the First day of January, 1898, and the First day of January, 1899, exceed in the gross the sum of Twelve-thousand, Two-hundred and Forty-eight pounds, Eight shillings and Eight pence.

(Signed)

FREDERICK CRAIGIE-HALKETT,

*Administrator.*

Passed the Legislative Council this Twenty-fourth day of September, in the Year of Our Lord, One-thousand Eight-hundred and Ninety-seven.

(Signed)

W. COULSON,

*Acting Clerk to Council.*

01#19

ORDINANCES 1898

[SEAL.]

(Signed)

W. GREY-WILSON.

Nº 2



1898.

## FAULKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire.

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

( 5th February, 1898. )

AN ORDINANCE relating to the Administration of Justice.

Interpretation.

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

1.—In this Ordinance :

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

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

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

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

Constitution.

3.—The Chief Justice shall be a member of the Bar of England, Scotland or Ireland or some British possession, and of not less than seven years standing, or shall have filled the office of Judge of some court in the British Dominions and be nominated by the Secretary of State and appointed by the Governor under the Public Seal of the Colony and shall hold office during good behaviour. Provided that whenever the office of Chief Justice is vacant or if the Chief Justice become incapable or be suspended or be absent from the Colony then the Governor may do and execute or may appoint some officer to do and execute all things that belong to the office of Chief Justice.

Qualifications of Chief Justice.

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

Combined offices.

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

Appeals when offices combined.

held before the Judge and three Justices and on such appeals all questions shall be determined by the 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 £10.

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 thing that belong to the office of Sheriff.

Jurisdiction.

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

- (1.)—The Court of Queen's Bench, Common Pleas and Exchequer.
- (2.)—The High Court of Chancery, the Lord High Chancellor of Great Britain and the Vice-Chancellor.
- (3.)—The Courts and Justices of Oyer and Terminer and general gaol delivery.
- (4.)—The Court of Probate.

10.—The Court shall also have and exercise jurisdiction :

- (1.)—Over all matters of insolvency and bankruptcy.
- (2.)—Under any Ordinance or Order in Council that may be made respecting matrimonial and divorce cases.

Appeals.

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

Jurisdiction.

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

Escheat.

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

Mirors 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.

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

Law and equity concurrent.

16.—The Chief Justice may cause any Member of Council or Justice to be summoned to sit with him as an assessor on the trial of any cause or the hearing of any proceeding civil or criminal, and any assessor who without reasonable cause shall fail to attend the Court or refuse to act as an assessor shall be liable to a fine not exceeding £10 which may be imposed summarily.

Assessors to Chief Justice.

17.—The assessors shall have no voice in the decision of any case but every assessor may note and shall sign such note if he dissent from the judgment of the Court and the Chief Justice shall enter the grounds of such dissent on the proceedings of the Court.

Their powers.

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

Sittings criminal.

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

Sittings civil.

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

Special court.

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

Jurors at special court.

22.—The Chief Justice may by summary order remove into the Supreme Court any suit instituted in a lower Court and may also remove from the Supreme Court into a lower Court any suit which shall involve directly or indirectly any claim, demand or question to or respecting property or any civil right amounting to or of the value of not more than £50 and which can in his opinion be properly tried in such lower Court and thereupon the

Removing suits.

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

Informations.

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

Jury of 12.

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

Jury of 7.

Appeals to Privy Council.

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

Appeals to Supreme Court.

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

No appeal.

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

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

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

Witnesses expenses.

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

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

Absconding debtors.

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

Absconding debtors.

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

Maintenance of debtors.

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

Notary public.

34.—The Governor in Council may make rules for regulating the process, practice and mode of pleading in the Supreme Court and the conduct of all civil and criminal business coming within its 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.

Rules.

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

Repeal

This Ordinance may for all purposes be cited as "The Administration of Justice Ordinance, 1898."

Short Title.



Passed the Legislative Council this 29th day of January, 1898.

Assented to by the Governor and given under the Public Seal of the Colony this 5th day of February, 1898.

(Signed)

W. COULSON,

*Clerk of the Council.*

## SCHEDULE.

### REPEAL.

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



[ SEAL ]

(Signed)

W. GREY-WILSON

Nº 3



1898.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 5th 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 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."

Formation of  
Brigade.

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.

Appointment of  
Officers.

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.

Enrolling of  
Members.

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.

Brigade to have  
charge of all  
appliances

5.—The Superintendent shall within 7 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.

Inventories.

## DISCIPLINE.

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:—

I.—He has given to the Superintendent 14 days notice of his intention.

II.—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.

III.—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.

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 £20, or to imprisonment with or without hard labour for any term not exceeding six months, and to pay the cost of the damage.

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.

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.

## FISCAL.

12.—All monies 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 property, and the power to sue for and recover monies 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.

13.—If any Member or person who has been a Member of the Brigade shall neglect or refuse to pay anything subscribed or under-

Power to make rules.

Resignation of Members.

Delivering up Brigade property.

Wilful damage of appliances.

Dismissal by Vote.

Dismissal by Superintendent.

Monies and appliances vest in Superintendent.

Mode of recovery of monies.

taken 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 £20.

14.—All monies 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.

15.—It shall be lawful for the Superintendent to charge for the services of the Manual Engine rendered to shipping a sum not exceeding £5, 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 1/4th per cent. of the capital assured.

## PREVENTIVE.

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 £20, and imprisonment 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.

## 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 £20, 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 £5, or to imprisonment with or without hard labour for a term not exceeding fourteen days.

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,

All monies to be paid to Secretary.

Charge to shipping for use of Manual Engine.

Insurance Companies to contribute.

No wood roof.

Penalty.

Dangerous fires.

Penalty for obstructing at a fire.

Measures to prevent spread of fire.

Compensation for damage.

ladders, or other article whatsoever that may be at hand and required for service at such 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 three assessors to be appointed for the purpose by the Governor. 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 Co.

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 authorize the expenditure of such monies 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.

Inquiry into cause of fire.

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.

Cost of inquiry.

25.—Whenever any inquiry in terms of the preceding clause is authorized 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.

Injured premises may be examined.

26.—The person duly authorized and the Jury may for the holding of any inquiry as aforesaid, enter upon and examine any

FALKLAND ISLANDS.

WILLIAM ORTY-WILSON, ESQ.,

Companion of the Most Distinguished Order of Saint

Michael and Saint George.

Governor and Commander-in-Chief.

(5th 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,

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 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".

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.

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.

4. The Brigade shall upon its due formation assume and have charge of all Fire appliances in Stanley, subject to the same

(being.



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.

5. The Superintendent shall within 7 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 January and July or within one week thereafter in each year, and all additions or losses noted and explained.

#### DISCIPLINE.

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 :-

- I. He has given to the Superintendent 14 days notice of his intention.
- II. He has delivered up to the Superintendent or other Officer deputed by him, in good order, any uniform or equipment the property of the Government or of the Brigade, which may have been issued to him or be in his charge.
- III. 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 Frigate 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.

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 \$20, or to imprisonment with or without hard labour for any term not exceeding six months, and to pay the cost of the damage.

10. Any Member may be called upon by the Superintendent to resign, or, failing to do so may be dismissed from the Frigate upon the votes of not less than two thirds of the members.

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.

#### FISCAL.

12. All monies subscribed by, or to, or for the use of the Frigate, and all appliances belonging to or lawfully used by the Frigate, being its own or public property, and the power to sue for and recover monies due to the Frigate 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.

13. If any Member or person who has been a Member of the Frigate shall neglect or refuse to pay anything subscribed or undertaken to be paid by him to the Frigate, 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, to the <sup>a</sup> ~~the~~ <sup>pay</sup> ~~summary~~ in the Police Magistrate's Court, even though the amount may exceed \$20.

14. All monies 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.

15. It shall be lawful for the Superintendent to charge for the services of the Manual Engine rendered to shipping a sum not exceeding \$5 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 5th per cent of the capital assured.

#### PREVENTIVE.

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 \$20 and imprisonment 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 there

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.

#### FIRE.

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 \$20, 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 on conviction to a penalty not exceeding \$5, or to imprisonment <sup>with or</sup> without hard labour for a term not exceeding fourteen days.

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 cartilage 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. 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 three assessors to be appointed for the purpose by the Governor. 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.

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).



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.

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 Governor may withdraw either permanently or for <sup>a</sup> 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.

22. It shall be lawful for the Governor to appoint an Auditor or Auditors for the purpose of this Ordinance, and by Warrant under his hand to authorise the expenditure of such monies as may from time to time be required in maintaining the Fire Engines in replenishing damaged Fire Stock, and in looking 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.

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 enquiry with or without closed doors into the origin or cause of any fire and in conducting such enquiry such person shall possess and exercise all the powers appertaining to the <sup>Office of</sup> Coroner in the holding of inquests of death; and any expense attendant upon an enquiry shall be borne by the person applying for the same or by the Colonial Government as the Governor shall direct.



25. Whenever any enquiry in terms of the preceding clause is authorized 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 enquiry as the Governor may approve.

26. The person duly authorized and the Jury may for the holding of any enquiry 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.

27. The Governor in Council may at any time prohibit the importation of any inflammable, 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.

28. Any person convicted of a contravention of a prohibition or of a regulation made by the Governor under the preceding Clause shall for a first offence be liable to a penalty not exceeding Fifty pounds.

29. In this Ordinance :

"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 Clause 3.

"Appliances" shall mean and include all Engines, Wose, 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.

30. This Ordinance may be cited as "The Stanley Fire Brigade Ordinance, 1893".

ARTICLE 1.

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 interest 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.

Passed the Legislative Council this 5th day of March, 1893

Assented to by the Governor and given under the Public Seal of the colony this 5th day of March, 1893.

(Signed) W. JOULSON,  
Clerk of the Council.

premises, damaged or destroyed by any fire or by any act resulting from the carrying out of the provisions of this Ordinance.

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 quantities of combustibles.

28.—Any person convicted of a contravention of a prohibition or of a regulation made by the Governor under the preceding Clause shall for a first offence be liable to a penalty not exceeding Fifty Pounds.

Penalty.

29.—In this Ordinance :

"Superintendent" shall mean and include the Senior Officer for the time being of the Fire Brigade.

Interpretation.

"Officer" shall mean any Member duly appointed as Superintendent, or elected and confirmed as provided for in Clause 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.

30.—This Ordinance may be cited as the "Stanley Fire Brigade Ordinance, 1898."

Short Title.

#### 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.

Passed the Legislative Council this 3rd day of March, 1898.

Assented to by the Governor and given under the Public Seal of the Colony this 5th day of March, 1898.

(Signed)

W. COULSON,  
Clerk of the Council.

[SEAL.]

(Signed)

W. GREY-WILSON.

N<sup>o</sup> 4



1898.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire.

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 6th April, 1898. )

### 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:—

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, 1898.

Who must so.ve.

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

Lists annual.

5.—The Police Magistrate 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, or who shall be unable to read and write, and shall correct all errors in the said list.

Correcting lists

Corrected list.

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

Chief Justice may add or remove names.

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

General.

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

Number summoned.

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

How.

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

If absent.

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

Failing to attend.

12.—If any person, duly summoned, shall fail to attend as a juror when his name is called, or after appearance shall withdraw himself without the permission of the court, the court may in a summary way, either on the same or at any future day impose a fine not exceeding ten pounds.

Number on jury.

13.—Juries for the trial of all issues which are not capital shall consist of seven persons; and it shall be competent for any five of such jurors after having been in deliberation for two hours at the least to find a verdict, and such verdict shall have the same force and effect as if the whole jury had concurred therein. Provided that in delivering such verdict the foreman shall declare to the court in the presence of the jury that not less than five of their number have agreed thereto.

Verdict of five.

Aliens try to be tried as subjects.

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

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

Ballot.

Bystanders.

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

Challenges.

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

View.

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

Illness.

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

Release on adjournment.

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

So help me God.

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

Refreshments.

21.—Every juror summoned in any civil case 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.

Pay.

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 fine not exceeding £100, or imprisoned with or without hard labour for any term not exceeding one year, or both.

Tampering with.



Grand Jury.

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

Repeal.

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

Short Title.

**25.**—This Ordinance may be cited as "The Jury Ordinance, 1898."

Passed the Legislative Council this 5th day of April, 1898.

Assented to by the Governor and given under the Public Seal of the Colony this 6th day of April, 1898.

(Signed)

W. COULSON,  
*Clerk of the Council.*

## SCHEDULE.

### REPEAL.

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

[SEAL.]

(Signed)

W. GREY-WILSON.

Nº 5



1898.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire,

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 7th April, 1898. )

AN ORDINANCE relating to Gaols.

Title.

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 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 Act of Parliament.

Common gaols.

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 enquire 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

Rules for prisoners.

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 officers.

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 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 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.

Allowing escape.

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.

Forbidden articles.

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 £5.

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 £20.

Violence.

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

Repeal.

23.—This Ordinance may for all purposes be cited as "The Gaol Ordinance 1898."

Short Title.

Passed the Legislative Council this 5th day of April, 1898.

Assented to by the Governor and given under the Public Seal of the Colony this 7th day of April, 1898.

(Signed)

W. COULSON,  
Clerk of the Council.

## SCHEDULE.

### REPEAL.

No. and Year.	Short Title.	Extent of Repeal.
10 of 1853.	Administration of Justice Ordinance ...	Clauses 30, 54, 55, 56, 57.
6 of 1882.	An Ordinance to provide for carrying out Capital Punishment in Prisons ...	The whole.
11 of 1892.	An Ordinance to provide for the appointment of Visiting Justices for the Gaol in Stanley ...	The whole.



[SEAL.]

(Signed)

W. GREY-WILSON.

N<sup>o</sup> 6



1898.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 13th May, 1898. )

### AN ORDINANCE relating to Coroners.

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 duties of a Coroner, as known to and recognised by the English law and practice, subject to the provisions hereof.

Coroners.

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.

Information of death.

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 Coroner.

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 authorized to exercise all the powers and perform all the duties of a Coroner in respect of such inquest.

Inquest by Justice of the Peace.

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 enquiry with a statement by the Coroner of the supposed cause of

Procedure.

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.

No burial without order.

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; 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.

Medical fees.

Exhumation.

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.

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.

Passed the Legislative Council this 10th day of May, 1898.

Assented to by the Governor and given under the Public Seal of the Colony this 13th day of May, 1898.

(Signed)

W. COULSON,  
*Clerk of the Council.*

[SEAL.]

(Signed)

W. GREY-WILSON.

N<sup>o</sup> 7



1898.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire,

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 14th May, 1898, )

AN ORDINANCE to authorize the Supplementary Expenditure for the year 1897.

Whereas during the year 1897 certain sums of money were issued out of the Public Revenues of the Colony and applied to purposes and services not provided for in the Appropriation Ordinance 1896, and it is necessary to legalize such payments:—

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

1.—In addition to the sums already provided for the service of the year ending on the 31st December, 1897, the sum of Two thousand One hundred and Sixty three pounds and Four pence issued out of the Public Revenue of the Colony and applied to the service of that year for the purposes expressed in the following Schedule, is hereby authorized and confirmed:—

### SCHEDULE.

			£	s.	d.
Colonial Secretary	...	...	86	12	6
Customs	...	...	84	8	9
Port and Marine	...	...	45	13	0
Police	...	...	78	9	5
Prisons	...	...	120	10	7
Medical	...	...	1	11	4
Education	...	...	19	14	11
Ecclesiastical	...	...	0	6	8
Transport	...	...	63	12	0
Miscellaneous	...	...	24	12	0
Public Works	...	...	1296	2	4
Savings Bank	...	...	100	0	5
Drawbacks and Refunds	...	...	241	6	5
			2163	0	4

Passed the Legislative Council this 10th day of May, 1898.

Assented to by the Governor and given under the Public Seal of the Colony this 14th day of May, 1898.

(Signed)

W. COULSON.

*Clerk of Councils.*

[ SEAL ]

(Signed)

W. GREY-WILSON.

N<sup>o</sup> 8



1898.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire.

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 16th July, 1898. )

### AN ORDINANCE relating to Trading Companies and other Associations.

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.

P. camble.

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.—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.

Companies Acts in force.

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,

Registrar.

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.

Qualification of Director.

4.—No Minister of Religion shall, by virtue of his Office, be disqualified from being a Director of a Company registered under this Ordinance.

Ministers may be Directors

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, 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.

Assembly Room Company deemed to be registered.

Revoking and altering  
constitution 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.

Special resolution.

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.

Repeal.

8.—Ordinance No. 7 of 1888 entitled “The Stanley Assembly Room Ordinance, 1888” shall be, and the same is hereby repealed.

Short title.

9.—This Ordinance may be cited as “The Companies Ordinance, 1898.”

Passed the Legislative Council this 15th day of July, 1898.

Assented to by the Governor and given under the Public Seal of the Colony this 16th day of July, 1898.

(Signed)

W. COULSON,  
*Clerk of the Council.*

[ SEAL ]

(Signed)

W. GREY-WILSON.

N<sup>o</sup>. 9.



1898.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire.

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 20th July, 1898. )

AN ORDINANCE relating to Harbours.

Title.

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—

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

Interpretation.

“ 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 other 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;

And such regulations shall come into force on publication of the same; Provided that all such regulations shall be forthwith transmitted to the Secretary of State and shall be subject to correction or disallowance by Her Majesty.

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,

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 Fifty Pounds,

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

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 main top-gallant mast head, shall be liable to a penalty not exceeding Five Pounds.

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 to a penalty not exceeding Five Pounds, and such penalty 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.

9.—Any person who shall oppose or impede the execution on board any vessel, of any Warrant or other legal process, shall be liable to a penalty not exceeding Fifty Pounds.

10.—If the Master of any vessel, shall land or suffer to be landed in this Colony any stowaway, without the permission of the Governor in writing, he shall on conviction be liable to a penalty not exceeding Fifty pounds.

Stowaways.

11.—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.

No person to remove sand, &c., without permission.

12.—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.

Rubbish.

13.—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 Fifty Pounds.

Penalty for offending against regulations.

14.—This Ordinance may be cited as "The Harbour Ordinance, 1898."

Short title.

Passed the Legislative Council this 15th day of July, 1898.

Assented to by the Governor and given under the Public Seal of the Colony this 20th day of July, 1898.

(Signed)

W. COULSON,  
Clerk of the Council.

FAKLAND ISLANDS: Printed at the Government Printing Office by Harold P. Millett.

Harbour Master may be appointed.

Orders of Harbour Master to be carried out.

Penalty for signing wilfully false statement.

If ship is going to anchor no person to board before Harbour Master.

Penalty for interfering with Harbour Master.

Penalty for unlawfully damaging moorings, &c.

Penalty for impeding execution of Warrant on board ship.

[SEAL.]

(Signed)

W. GREY-WILSON.

N<sup>o</sup>. 10  1898.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire,

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 25th July, 1898. )

### AN ORDINANCE relating to the Post Office.

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, 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.

Postal Law of England in force

3.—The Governor in Council may also from time to time by order

Rules, Rates, Fees.

- (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.

4.—The Master of any vessel about to depart from any port in the Colony shall, not less than 12 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.

Vessel departing must give notice.



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 as he shall have in 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.

Payment for carrying mails.

7.—The Postmaster shall, on demand, pay to the Master of any ship, (not under contract with the Government) 1d. for every letter and  $\frac{1}{4}$  for every other postal packet contained in any mail safely carried and delivered.

Indemnity for loss of Postal packet.

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.

In indictments it shall be sufficient to name the Governor.

9.—Every postal packet shall, for the purposes of laying any information, be deemed to be the property of the Governor.

Repeal.

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

Short title.

11.—This Ordinance may for all purposes be cited as "The Post Office Ordinance, 1895."

Passed the Legislative Council this 15th day of July, 1898.

Assented to by the Governor and given under the Public Seal of the Colony this 25th day of July, 1898.

(Signed)

W. COULSON,  
*Clerk of the Council.*

## SCHEDULE.

### REPEAL.

No. and Year.	Short Title.	
1 of 1880,	An Ordinance to make further provision for the Postal service of the Colony.	The whole.
2 of 1882,	The Postal Union Registration Ordinance.	The whole.
3 of 1888,	The Counterfeit Stamp Ordinance.	The whole.
8 of 1890,	The Parcel Post Insurance Ordinance, 1890.	The whole.
12 of 1892,	The Local Postal Ordinance, 1892.	The whole.
1 of 1895,	An Ordinance for the regulation of the Post Office.	The whole.

FALKLAND ISLANDS; Printed at the Government Printing Office by Harold P. Millett.

[ SEAL ]

(Signed)

W. GREY-WILSON.



FAULKLAND ISLANDS.

WILLIAM GREY-WILSON, Esquire.

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 15th September, 1898. )

*An Ordinance to provide for the service of the  
year 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.—The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on the 31st December, 1899, a sum not exceeding Fifteen thousand five hundred and twenty eight pounds sixteen shillings and eight pence, which sum is granted, and shall be appropriated for the purposes, and to defray the charges of the several services expressed and particularly mentioned in the schedule hereto, which will come in course of payment during the year 1899.

**SCHEDULE.**

Item.	Head of Service.			Amount.		
				£	s.	d.
1.	Pensions	...	...	222	16	8
2.	Governor	...	...	1464		
3.	Colonial Secretary	...	...	1157		
4.	Customs	...	...	200		
5.	Audit	...	...	25		
6.	Port and Marine	...	...	250		
7.	Legal	...	...	351		
8.	Police	...	...	660		
9.	Prisons	...	...	249		
10.	Medical	...	...	653		
11.	Education	...	...	666		
12.	Ecclesiastical	...	...	518		
13.	Transport	...	...	120		
14.	Miscellaneous	...	...	644		
15.	Post Office	...	...	3000		
16.	Colonial Engineer	...	...	1038		
17.	Public Works	...	...	2400		
18.	Savings Bank	...	...	945		
19.	Drawbacks and Refunds	...	...	150		
20.	Scab Eradication	...	...	810		
				15528	16	8

**2.**—This Ordinance may be cited as the “Appropriation Ordinance, 1899.”

Passed the Legislative Council this 12th day of September, 1898.

Assented to by the Governor and given under the Public Seal of the Colony this 15th day of September, 1898.

(Signed)

W. COULSON,  
*Clerk of Councils.*

O1#20

ORDINANCES 1899

[ SEAL ]

(Signed)

W. GREY-WILSON

N<sup>o</sup> 1



1899.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 30th March, 1899. )

### *An Ordinance relating to the Seal Fishery of the Colony of the Falkland Islands.*

Whereas it is desirable to make further provision for the Seal fishery of these Islands.

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

**1.**—In this Ordinance:—

*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 first 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.

**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.

*Licences—issue of,  
and bond.*

(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 thereof.

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 conse-  
quent 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 possession 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.

Powers of the  
Governor in  
Council to be  
exercised by  
proclamation.

6.—The Governor in Council may, 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.

Further powers of  
the Governor in  
Council to make  
rules.

7.—The Governor in Council may also from time to time 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.

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.

Liability of owner  
and master of ship

9.—The Governor and any person duly authorised in writing by him, may kill or capture for scientific or other special purpose any seal, and in so doing shall be exempt from any penalties and forfeitures provided by this Ordinance..

Special exemption.

10.—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. Provided that the penalty imposed by the Police Magistrate or two Justices shall not exceed One Hundred Pounds exclusive of costs.

Prosecution of  
offences.

11.—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. Provided that no one in the employment of the Government shall receive any remuneration under this Section.

Reward to  
informers.

12.—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.

13.—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.

14.—Ordinance No. 4 of 1881 entitled "An Ordinance to provide for the establishment of a close time in the Sealing Fishery of the Falkland Islands and their Dependencies and the seas adjacent thereto," shall be, and the same is hereby repealed.

Repeal.

Short Title.

**15.**—This Ordinance may be cited as “The Seal Fishery Ordinance, 1899.”

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## SCHEDULE.

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Royalty upon every Fur Seal	...	...	4/-
Royalty upon every Hair Seal	...	...	2/-
Royalty upon every other Seal	...	...	3/-

Passed the Legislative Council this 27th day of March, 1899.

Assented to by the Governor and given under the Public Seal of the Colony this 30th day of March, 1899.

(Signed)

W. COULSON.  
*Clerk of the Council.*

[SEAL]

(Signed)

W. GREY-WILSON.

N<sup>o</sup> 2



1899.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 9th May, 1899. )

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### *An Ordinance to authorize the Supplementary Expenditure for the year 1898.*

Whereas during the year 1898 certain sums of money were issued out of the Public Revenues of the Colony and applied to purposes and services not provided for in the Appropriation Ordinance 1897, and it is necessary to legalize such payments:—

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

1.—In addition to the sums already provided for the service of the year ending on the 31st December, 1898, the sum of Two thousand Seven hundred and Ninety four pounds Twelve shillings and Nine pence issued out of the Public Revenue of the Colony and applied to the service of that year for the purposes expressed in the following Schedule, is hereby authorized and confirmed:—

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#### SCHEDULE.

			£	s.	d.
Colonial Secretary	...	...	226	16	0
Customs	...	...	39	13	5
Legal	...	...	40	10	0
Prisons	...	...	48	0	0
Transport	...	...	276	7	1
Miscellaneous	...	...	671	8	4
Post Office	...	...	45	6	11
Public Works	...	...	1288	11	8
Savings Bank	...	...	157	19	4
			2794	12	9

Passed the Legislative Council this 4th day of May, 1899.

Assented to by the Governor and given under the Public Seal of the Colony this 9th day of May, 1899.

(Signed)

W. COULSON,  
*Clerk of the Council.*



[SEAL]

(Signed)

W. GREY-WILSON.

N<sup>o</sup>. 3



1899.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE.

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 5th October, 1899. )

### *An Ordinance relating to Wrecks, Casualties, and Salvage.*

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 expression “Court” means a Magistrate or two justices.

Interpretation.

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 :

- (1.)—Whenever a shipwreck or casualty occurs to a British ship on or near the coasts of this Colony ; or

Receiver to make enquiries.

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 :

- (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.

**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.

**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

His powers at enquiries.

Interference in Receiver's duties.

Formal investigation.

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.

**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.

Constitution of Court.

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 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 £50.

When Certificate to be delivered to Court.

**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.

Charge to be furnished to accused prior to proceedings.

#### APPOINTMENT AND DUTIES OF RECEIVERS OF WRECKS.

**11.**—The Governor shall throughout the Colony have the general superintendence of all matters relating to wrecks and may

Appointment of Receivers.

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 £100.

**Disposal of all cargo.**

**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 authorized by him to demand the same, such person shall for each offence be liable to a penalty not exceeding £100.

**Suppression of plunder.**

**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.

**Who may act in absence, &c., of Receiver.**

**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, 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 heretofore 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 to be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

**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, so 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.

Power to pass over adjoining lands.

**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:

Examination in cases of ships in distress.

- (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 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 £100.
- (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 £100.

**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

Improperly dealing with wreck.

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.

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 £5 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 expenses 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 first 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 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.

Salvage of wreck or cargo.

**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:

- (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.

Salvage of life.

**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.

**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 wreck found at any place before the expiration of 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 revenue of the Colony.

Disposal of unclaimed 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,

Offences in respect of wreck.

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 £50, 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 £50,



and it shall be lawful for the Master of such ship to repel by force any person so attempting to board the same.

#### MISCELLANEOUS.

Duties on wrecked goods.

**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.

Claims of owners to foreign ships.

**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 authorized 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.

Disposal of goods salvaged.

**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 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.

Repeal.

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

Short Title.

**36.**—This Ordinance may be cited as "The Wrecks Ordinance, 1899."

Passed the Legislative Council this 2nd day of October, 1899.

Assented to by the Governor and given under the Public Seal of the Colony this 5th day of October, 1899.

(Signed)

M. CRAIGIE-HALKETT,  
*Acting Clerk of the Council.*

### FIRST 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 £1, but so that in no case a larger fee than £2 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, five per cent of the value thereof, but so that in no case shall the whole amount of percentage so payable exceed £20.

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 £2 for the first and the sum of £1 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.

### SECOND SCHEDULE.

#### REPEAL.

No and Year.	Short Title.	Extent of Repeal.
11 of 1863.	Summary Jurisdiction ... ..	Sections 31 and 32.
3 of 1871.	Wreck and Salvage ... ..	The whole.
6 of 1894.	An Ordinance to make provision for due investigation into causes of Shipping Casualties. ... ..	The whole.

[SEAL]

(Signed)

W. GREY-WILSON.

N<sup>o</sup> 4



1899.

## FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

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

GOVERNOR AND COMMANDER-IN-CHIEF.

( 12th October, 1899. )

### *An Ordinance to provide for the service of the year 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:—

Appropriation for 1900.

1.—The Governor may cause to be issued out of the Public Revenue and other funds of the Colony and applied to the service of the year ending on the 31st December, 1900, a sum not exceeding Thirteen thousand eight hundred and thirty six pounds sixteen shillings and eight pence, which sum is granted, and shall be appropriated for the purposes, and to defray the charges of the several services expressed and particularly mentioned in the schedule hereto, which will come in course of payment during the year 1900.

### SCHEDULE.

Item.	Head of Service.	Amount.		
		£	s.	d.
1	Pensions ... ..	222	16	8
2	Governor ... ..	1469		
3	Colonial Secretary ... ..	1198		
4	Customs ... ..	200		
5	Audit ... ..	25		
6	Port and Marine ... ..	240		
7	Legal ... ..	361		
8	Police ... ..	707		
9	Prisons ... ..	321		
10	Medical ... ..	603		
11	Education ... ..	706		
12	Ecclesiastical ... ..	518		
13	Transport ... ..	130		
14	Miscellaneous ... ..	629		
15	Post Office ... ..	3070		
16	Colonial Engineer ... ..	1042		
17	Public Works ... ..	1150		
18	Savings Bank ... ..	1095		
19	Drawbacks and Refunds ... ..	150		
		13836	16	8

Short title.

**2.**—This Ordinance may be cited as the “Appropriation Ordinance, 1900.”

Passed the Legislative Council this 9th day of October, 1899.

Assented to by the Governor and given under the Public Seal of the Colony this 12th day of October, 1899.

(Signed)

M. CRAIGIE-HALKETT,  
*Acting Clerk of Councils.*