

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

1.

Charter for the Government of the Falkland Islands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In witness, &c.

2.

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

In the year 1853.—No. 1.

Clause.

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

By His Excellency GEORGE RENNIE, Esquire, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof; be it enacted:

1. THAT the following Acts of Parliament shall be applied in the administration of justice in the Falkland Islands and the Dependencies thereof, so far as the same can be applied:—

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

Acts of Parliament
extended to the
Colony.