

Index to Falkland Islands Gazette, 1902.

	PAGE.
Accounts—1901. September Quarter ...	7
1901. December Quarter ...	13
1901. Annual ...	13
1902. March Quarter ...	10
1902. June Quarter ...	21
Assets and Liabilities, 1901 ...	13
Administration of Justice Ordinance ...	8
Administrator—W. Hart Bennett, Appointed ...	13
Aldridge, J. Appointed Member Board of Health ...	11
Animals, <i>see</i> "Live Stock"	
Appropriation Ordinances ...	2, 14, 16, 21
Atkins, W. Senr. Appointed Acting Senior Constable ...	11
" " Confirmed ...	21
" " A Stock Inspector ...	13
Bennett, W. Hart Appointed Administrator ...	13
Benney, W. G. Joined as a Trustee of the estate of the late W. D. Benney ...	11
Biggs, A. Liquor prohibited to be supplied to ...	21
Biggs, W. Appointed Member Board of Health ...	11
Boards of Health. Appointment of Members ...	11
Bonner, G. Appointed Justice of Peace ...	14
Bradbury, R. Appointed Carter ...	17
Campbell, J. Probate Notice ...	26
Carey, D. Liquor prohibited to be supplied to ...	24
Cattle, <i>see</i> "Live Stock"	
Census. Returns of ...	10
Claxton, C. Probate Notice ...	14
Colonial Secretary—Thompson, W. A., to Act ...	13, 22
Consul. Girling, W. C. Germany, Sweden & Norway, Italy and Chile ...	11
Coronation, The ...	20, 23
Coulson, W. Appointed Assistant Lightkeeper ...	13
Currency Notes. Abstract of Accounts ...	14, 15, 17
Packe, V., to act as a Commissioner ...	14
Guarantee Fund to be one-half instead of two-thirds ...	13
Dogs. Imported into the United Kingdom to be detained ...	8
Erratum.—Gazette, pages of, should have been "18" and "19" not "9" and "10" ...	21
Executive Council—Felton, J. J., Appointed Member ...	11
Extradition— <i>see</i> "Treaties"	
Felton, J. J. Appointed Visiting Justice ...	3, 16
" " Member of the Executive Council ...	11
" " Acting Colonial Treasurer ...	13
Felton, A. E. Appointed Justice of the Peace ...	14
Francis, C. Probate Notice ...	25
Girling, W. C. Acting Consul for Germany, Sweden and Norway, Italy and Chile ...	11
Harbour Ordinance ...	5, 10, 11
Health, Boards of, <i>see</i> "Boards"	
Hurst, G. Appointed a Stipendiary Magistrate ...	26
Jameson, Dr. L. E. Appointed Registrar of Births and Deaths, Darwin District ...	24
Japan. Agreement with ...	13
Jury. Ordinance ...	1
" List ...	3
" " Corrected ...	4
Justices of Peace. Bonner, G. ...	14
" Felton, A. E. ...	14
" Stickney, W. ...	26
" Williams, W. S. ...	14
King. New Titles of H.M., The ...	7
Land—Ordinance ...	5
" Warrant to acquire for the service of the Colony ...	5
Legislative Council—Congratulations on the occasion of the Coronation ...	20
Licensing Ordinance ...	7
Liabilities— <i>see</i> "Assets"	
Lighthouse—Pearce, J. appointed Principal Keeper ...	13
" Coulson, W. appointed Assistant " ...	13
Live Stock—	
Prohibited from South America. Alfalfa to be destroyed ...	1
Stock Inspector's Report, 1901 ...	8
Annual Returns ...	25
Scab Rate, 1902 ...	26
Local Rates Assessment. Notice of ...	2, 7
Mail— <i>see</i> "Postal"	
McGuire, James. Probate Notice ...	8
Magistrate Stipendiary—Hurst, G., appointed ...	26
Marriage Ordinance ...	22
Military—Peace in South Africa ...	20
Miller, S. Appointed Member of Board of Health, W.F. ...	11

	PAGE.
Ordinances. Not disallowed:—	
Administration of Justice ...	3
Harbours ...	10, 19
Jury ...	1
Licensing ...	7
Live Stock ...	3
Probate ...	13
Public Lands ...	13
Supplementary Appropriation ...	21
Tariff Amendment ...	7
9 of 1901. Probate and Unrepresented Estate ...	2
10 of 1901. Appropriation ...	2
1 of 1902. Public Lands ...	5
2 of 1902. Harbours ...	11
3 of 1902. Supplementary Appropriation ...	16
4 of 1902. Savings Bank Amendment ...	21
5 of 1902. Summary Jurisdiction ...	22
Draft Ordinances	
Ha-bours ...	5
Land ...	16
Marriage ...	22
Pilot ...	25
Savings Bank ...	10
Summary Jurisdiction ...	21
Supplementary Appropriation ...	14
Packe, V. Appointed a Commissioner of Currency ...	14
" " Acting Treasurer, &c. ...	10, 19
Pearce, J. Appointed Principal Light keeper ...	13
Pitalaga, Mrs. Appointed temporarily Female Warder ...	26
Police:—	
Atkins, W. Senr. Appointed Acting Senior Constable ...	11
" Confirmed ...	24
Sullivan, D. J. Appointed Constable on probation ...	11
Postal:—	
Local Mail Service ...	7, 14
Parcels for Gold Coast may be insured ...	14
British Postal Agencies in China ...	17
Parcel Post with the United States ...	24
Prison:—	
Visiting Justices ...	3, 16
Pitalaga, Mrs. Appointed temporarily Female Warder ...	26
Walker, T. P. Appointed Warder ...	26
Probate—Ordinance ...	2, 13
Notices ...	8, 14, 16, 25, 26
Forms of Will ...	16
Proclamations:—	
Cattle and Sheep prohibited from South America. Alfalfa to be destroyed, 30th December, 1901 ...	
Currency Notes. 1st July, 1902 ...	
Queen's Diamond Jubilee Fund ...	1
Queen Victoria Memorial Fund ...	9
Revenue— <i>see</i> "Accounts"	
Roberts, Ellen. Probate Notice ...	16
Savings Bank—Ordinance ...	19, 20, 21
Report, 1901 ...	13
Pass Books to be sent in ...	10
Scab— <i>see</i> "Live Stock"	
Schoolmaster Itinerant—Slater, J., appointed ...	1
Sheep— <i>see</i> "Live Stock"	
Slater, J. Appointed Itinerant Schoolmaster ...	1
South Africa—Permits to land ...	7
" Peace in ...	20
Stanley—Local Rates, <i>see</i> "Local Rates"	
Statistics, Vital, 1901. ...	7
Stickney, W. Appointed Justice of the Peace ...	26
Sullivan, D. J. Appointed Constable on probation ...	11
Summary Jurisdiction Ordinance ...	21, 22
Tariff Amendment Ordinance ...	7
Thompson, W. A. Appointed Visiting Justice ...	3, 16
" Acting Colonial Secretary, &c. ...	13
" Acting Colonial Secretary & Treasurer ...	22
Treasurer, Colonial—Felton, J. J., appointed to act ...	13
Packe, V., appointed to act ...	10
Thompson, W. A., re-appointed ...	22
Treasury Clerk—Turner, G., to act ...	17
Treaties—Extradition. Belgium ...	14
Trustees. Notice ...	11
Turner, G. Appointed Acting Treasury Clerk, &c. ...	17
Visiting Justices— <i>see</i> "Prisons"	
Volunteers—Commodore's Report ...	3, 23
Receipts and payments, 1901 ...	12, 26
" " June, half-year, 1902 ...	27
Waldron, J. Appointed Member Board of Health W.F. ...	11
Walker T. P. Appointed to be temporarily a Constable to be temporarily a Warder ...	16
" " Appointed Member Board of Health ...	26
Watson, T. Appointed Member Board of Health ...	11
Williams, L. ...	11
Williams, W. S. Appointed Justice of the Peace ...	14
Will, Forms of, may be purchased at Colonial Secretary's office ...	16



THE FALKLAND ISLANDS GAZETTE.

(PUBLISHED BY AUTHORITY).

VOL. XIII.

JANUARY 1st, 1902.

No. 1.

No. 1.

Queen's Commemoration

(Diamond Jubilee) Fund.

His Excellency the Governor directs it to be notified for the information of subscribers to the above Fund, that the amount collected—£149 11s. 6d., together with interest, which up to the end of September last, amounted to £13 3s. 4d.—remains deposited in the Government Saving's Bank.

The greater part of this sum was originally contributed for the special purpose of the establishment of a Cottage Hospital; but the Secretary of State not having felt himself able to sanction the necessary expenditure from Public Funds, it has not been possible to proceed with this scheme.

The Admiralty have it in contemplation to erect a hospital at Navy Point for admission to which civilians will be eligible. It is therefore deemed advisable to await the development of this scheme before determining whether the sum now in the Saving's Bank can be employed in the partial endowment of a bed or must be devoted to any other use. The Government will however be pleased to receive any suggestions that may be offered and Subscribers are invited to notify to the Colonial Secretary any object to which they would wish their contributions to be devoted.

1st December, 1901.

No. 2.

Jury Ordinance.

With reference to Notification No. 75 in Gazette No. 10 of 1st October, 1901, His Excellency the Governor directs it to be notified the Rt. Hon. the Secretary of State for the Colonies has intimated that His Majesty will not be advised to disallow Ordinance No. 5 of 1901 entitled—"An Ordinance relating to Jurors and Trials by Jury."

13th December, 1901.

No. 3.

Appointment.

His Excellency the Governor has been pleased to appoint Mr. James Slater to be as Itinerant School Master in the Falkland Islands *vice* Mr. J. D. Lawrence on the terms and conditions contained in an Agreement with the Crown Agents for the Colonies, dated 4th November, 1901. Mr. Slater arrived in the Colony on 26th December, 1901.

26th December, 1901.

No. 4.

Proclamation under Live Stock Ordinance, 1901.

With this Gazette is published a Proclamation by the Governor in Council relating to the importation of Animals and Fodder from South America.

30th December, 1901.

No. 5.
**Probate and Unrepresented
 Estates Ordinance.**

Appropriation Ordinance.

The Governor directs the publication of the following Ordinances which have been passed by the Legislative Council and assented to by His Excellency :—

No. 9 of 1901.—“ An Ordinance relating to the the granting of Probate of Wills and Letters of Administration, and to provide for the Administration of Unrepresented Estates.”

No. 10 of 1901.—“ An Ordinance to provide for the Service of the Year 1902.”

31st December, 1901.

No. 6.

Jury List.

With this Gazette is published a list of persons liable to serve as Jurors in 1902, objections to which will be heard by the Magistrate on the 20th January.

31st December, 1901.

No. 7.

Local Rates.

The Annual Court prescribed by Ordinance No. 5 of 1897 for the assessment of the annual value of house and other property in Stanley will sit at the Court House at 11 a.m. on Monday 13th January, 1902.

1st January, 1902.

Notices and Advertisements.

Approved Notices and Advertisements will be inserted in the Government Gazette at the following rates :—

Every Notice under the Probate Ordinance	...	...	...	5/-
Any other Notice or Advertisement not exceeding 50 words	...	...	...	2 6
Every additional 25 words	...	...	...	1/-

No Notice will be published unless the above charges are prepaid by postage stamps affixed to the notice when sent in.

This Gazette is published by Command of His Excellency the Governor.

W. HART BENNETT,

Colonial Secretary.

1st January, 1902.



FALKLAND ISLANDS.

Ordinance No. 9 of 1901.

PROBATE

AND

UNREPRESENTED

ESTATES.

No. 9.



1901.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

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

(11th December 1901.)

*An Ordinance relating to the granting of
Probate of Wills and Letters of Administration
and to provide for the Administration of Un-
represented Estates.*

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

Interpretation.

1.--In this Ordinance:

“Unrepresented Estate” shall mean—

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

PART I.

PROBATE AND LETTERS OF ADMINISTRATION.

Form of Will.

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

Duty to be paid and
bond given before
probate.

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

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

Penalty for taking possession of estate without authority.

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

Petitions.

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

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

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

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

Applications to be published.

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

Value of Estate to be estimated.

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

Refund of excess duty.

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

9.—If any executor or administrator shall through mistake or otherwise without fraud have omitted from the account delivered by him any part of the estate situate in this Colony he shall immediately after the discovery of such omission notify the Chief Justice of the same and within three calendar months thereafter amend his account and pay the additional duty due on the estate of the deceased without being liable to any penalty or forfeiture under this Ordinance.

Under payment of
duty.

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

Enforcing bond.

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

Caveats.

Hearing of

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

Hearing of *ex-parte*.

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

Witnesses
must attend.

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

Proof of Will in
solemn form.
By
person interested.

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

By Executor.

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

When order may be
varied.

Administrator may
be substituted for
absentee.

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

Suits in open Court.
Business
in chambers.

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

Citation, how served

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

Records, how kept.

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

Real Estate vests in
Administrator.

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

Estate Duties.

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

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

When Probate,
granted elsewhere,
valid here.

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

- (a) That duty has been paid in respect of so much of the estate as is liable to duty in this Colony.
- (b) In the case of Letters of Administration, that security has been given under and in accordance with the provisions of this Ordinance.

PART II.

UNREPRESENTED ESTATE.

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

Creditor may not act.

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

Official Administrator.

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

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

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

When he may not act.

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

Perpetual succession.

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

To petition Court for order to act.

When he may act
before order.

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

Order may be
revoked.

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

Shall collect Estate.

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

Shall claim interest
on money detained
after demand.

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

Shall give notice
to creditors.

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

Claims how made.

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

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

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

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

Immediate sale of
perishable Estate.

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

Sale of personal
Estate.

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

Sale of real Estate.

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

Moneys to be paid
into Savings Bank.

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

Distribution of
Estate.

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

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

Remuneration of
Official
Administrator.

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

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

Reserve Fund.

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

Disposal of Real
Estate.

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

Expenses chargeable
to Reserve Fund:

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

By order of
Governor.

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

Chief Justice shall
audit accounts

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

And
give Certificates

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

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

A. B., Chief Justice.

Accounts.

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

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

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

May be inspected.

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

When Colony entitled to illegitimates' Estate.

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

Estate when kin unknown accumulates for 10 years.

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

Moneys vested in Official Administrator.

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

Kin unknown to be advertised for.

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

Claimants.

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

Repeal.

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

Short Title.

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

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

(Signed)

M. CRAIGIE-HALKETT.

Clerk of the Council.

FIRST SCHEDULE. (Section 28).

PETITION TO COLLECT AN ESTATE.

To His Honour the Chief Justice of the Falkland Islands.

The petition of the Official Administrator, HUMBLY SHEWETH :

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

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

SECOND SCHEDULE.

REPEAL.

No. and Year.	Short Title.	Extent of Repeal.
8 of 1895.	The Probate Ordinance, 1895	The whole
3 of 1896.	The Unrepresented Estates Ordinance, 1896	The whole
11 of 1896.	An Ordinance to amend the Unrepresented Estates Ordinance, 1893	The whole

Proclamation.

By His Excellency WILLIAM GREY-WILSON, Companion of the Most Distinguished Order of St. Michael and Saint George, Governor, Commander-in-Chief and Vice-Admiral of the Falkland Islands, etc., etc., etc.

Whereas by the Live Stock Ordinance, 1901, power is conferred upon the Governor in Council to prohibit by Proclamation the importation of any animals and articles of fodder from places named in such Proclamation and to order the destruction on arrival in these Islands of any hay, straw, fodder or other article, whereby it appears to him that infection or contagion may be conveyed.

And whereas it appears to the Governor in Council that there exist in certain parts of South America serious infectious and contagious disorders among animals.

NOW, THEREFORE, I, WILLIAM GREY-WILSON, in Council, in pursuance of the powers vested in me do hereby proclaim as follows:—

1. That from the date hereof, no cattle, sheep, or alfalfa shall be imported into this Colony from any part of South America

2.—That should any vessel arrive in this Colony from any part of South America having on board any alfalfa intended to be imported to this Colony, such alfalfa shall be immediately destroyed by the Government Stock Inspector or by any Government Officer.

3. That this Proclamation shall continue in force until the 31st day of December, 1902, unless sooner by the Governor in Council revoked.

GOD SAVE THE KING.

Given under the hand of His Excellency at Government House, the Falkland Islands, this 30th day of December, 1901.

By Command,

W. HART BENNETT.

Colonial Secretary.



THE FALKLAND ISLANDS GAZETTE.

(PUBLISHED BY AUTHORITY).

VOL. XIV.

FEBRUARY 1st, 1902.

No. 2.

No. 8.

Prison Visitors.

His Excellency the Governor has been pleased to appoint the Hon. W. A. THOMPSON, J.P. and the Hon. J. J. FELTON, J.P. to be Visiting Justices of the Prison for the half-year ending 30th June, 1902.

1st January, 1902.

No. 9.

Administration of Justice Ordinance, 1901.

Live Stock Ordinance, 1901.

With reference to Notification No. 74 in Gazette No. 10 of 1st October, 1901 and to Notification No. 83 in Gazette No. 11 of 1st November, 1901. His Excellency the Governor directs it to be notified that the Rt. Hon. the Secretary of State for the Colonies has intimated that His Majesty will not be advised to disallow Ordinance No. 4 of 1901, entitled "An Ordinance relating to the Administration of Justice" and Ordinance 6 of 1901, entitled "An Ordinance relating to Scab and other infectious and contagious diseases, in sheep and other animals.

4th January, 1902.

No. 10.

Volunteers.

His Excellency the Governor is pleased to direct the publication of the following Despatch from the Rt. Hon. the

Secretary of State for the Colonies, enclosing a Report from the Commodore on the Volunteer Force, dated 27th March, 1901, and the Remarks of the Colonial Defence Committee thereon as follows:—

DOWNING STREET,

13th NOVEMBER, 1901.

Sir,

With reference to my despatch No. 44 of the 27th June, 1900, I have the honour to transmit to you, for your information, copies of remarks by the Colonial Defence Committee on a Report, dated the 27th March, 1901, from the Commodore on the South-East Coast of America Station on the Volunteer Force of the Falkland Islands.

The Secretary of State for War and the Lords Commissioners of the Admiralty have expressed their concurrence in these Remarks and a copy has been communicated to the Commodore on the Station.

I have the honour to be,

Sir,

Your most obedient,

Humble servant,

J. CHAMBERLAIN.

Governor

W. GREY-WILSON, C.M.G.

&c., &c., &c.

REPORT.

The Colonial Office, at the request of the Admiralty, have referred to the Colonial Defence Committee a Report, dated the 27th March, 1901, from the Commodore on the South-East Coast of America Station on the Volunteer Force of the Falkland Islands.

The Report is printed as an Appendix to these Remarks.

2. Since the last report some increase has taken place in the strength of the Force, which now numbers 105 of all ranks, as compared with 86, 89, and 71 at corresponding dates in the three previous years. The attendance at the inspection, viz., 37, still falls considerably short of what should be expected from a corps which is largely drawn from the immediate neighbourhood of its headquarters. The number of men who have been put through a course of musketry is only 28, and there has been no drill or practice with the field guns since the last inspection.

The Report cannot therefore be considered satisfactory, and the Volunteer Force in its present condition might not improbably be found unequal to the demands that might be made on the Colony in time of war on behalf of its own interests and those of the Empire generally. The moderate character of these demands has been fully explained by the Colonial Defence Committee in their observations on the two preceding Reports. They note with satisfaction that the present Colonial Secretary has joined the corps, and is thus continuing the traditional association between the Volunteer Force and the staff of the Colonial Government, but they do not trace much evidence of the increased encouragement by employers of labour, which it was the object of their Memorandum No. 220 M, dated the 31st day of May 1900, to elicit.

3. Since the date of the present Report the Imperial Government have sanctioned, on the recommendation of the Colonial Defence Committee, the substitution of .303-inch magazine rifles for the Martini-Henry rifles with which the Volunteer Force is armed, and also a loan of two 2.5-inch R.M.L. mountain guns with carriages, stores, and ammunition. This improvement in the armament, which has the incidental advantage of enabling the Volunteers to take part in rifle competitions with the Navy, should go far to increase the popularity of the corps, and this is also being furthered by the provision by the Colonial Government of a smart and workmanlike uniform. The experience of other Colonies tends, however, to show that real efficiency can only be attained when the corps is not in a position to offer interests and advantages to its members, but also the support of an enlightened public

opinion which understands and appreciates its value in protecting the Colony against insult and in maintaining British prestige in war.

(Signed) J. E. CLAUSON,
Secretary,
Colonial Defence Committee.

October 18th, 1901.

APPENDIX.

"Flora," at Montevideo.

March 27th, 1901.

Sir,

In accordance with your instructions contained in Article XIII of my confidential Standing Orders I have the honour to inform you that I inspected the Falkland Islands Volunteers on the 16th instant, and beg to report as follows:—

2. The total strength of the force is now given at 105, including officers, an increase on the numbers last year. At my inspection they mustered 37.

3. What drills I witnessed (the inspection was curtailed on account of the weather) were fairly well carried out.

4. I was informed by the Commanding Officer (Lieutenant F. Durose) that 28 men had been through the rifle course, but that the field guns have not been out since my last inspection.

5. As already reported to their Lordships, I have supplied on loan 14 Lee-Metford rifles and ammunition (the latter on repayment) to the Colonial Government for the use of the Volunteers in anticipation of their being re-armed with this Weapon by the Imperial Authorities.

6. There seems to be a wish generally in the corps to improve, and several new recruits have joined, notably Mr. HART-BENNETT, the recently-arrived Colonial Secretary. New uniforms of a more serviceable pattern have been ordered from England in order to attract recruits. A new Instructor has also arrived, who is more likely to bring the men up to date in the matter of drill.

7. Of the movement as regards "Camp Detachments" I have heard very little, but I do not think the idea will have any widespread effect, owing to the indifference of the men.

I have, &c.
(Signed) R. GROOME,
Commodore.

The Secretary, Admiralty.

No. 11

Jury List.

The corrected Jury List for the year 1902 is published with this Gazette.

20th January, 1902.

No. 12

**Public
Lands Ordinance, 1902.**

The Governor directs the publication of the following Ordinance, which has been passed by the Legislative Council and assented to by His Excellency.

No. 1 of 1902, "An Ordinance to provide for the acquisition of land required for public purposes."

23rd January, 1902.

No. 13

Harbour Bill.

His Excellency the Governor directs the publication of the draft of an Ordinance relating to Harbours.

31st January, 1902.



*Warrant that Land shall be acquired for the Service
of the Colony :*

FALKLAND ISLANDS.

By His Excellency,

(Signed) W. GREY-WILSON,

Governor.

WHEREAS on the 1st day of February, 1902, the Governor of the Falkland Islands with the advice and consent of the Legislative Council thereof by Resolution declared that the Land hereinafter described, that is to say :

The Thirteen Suburban Lots of Land situate on the North side of the Inner Harbour of Stanley, numbered 27 to 39 both inclusive and containing 272 Acres, 3 Roods, 14 Perches more or less, now held by the Falkland Islands Company ; should be acquired for a public purpose.

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

Dated this 1st day of February, 1902.

By Command,

(Signed) W. HART BENNETT,

Colonial Secretary.

Notices and Advertisements.

Approved Notices and Advertisements will be inserted in the Government Gazette at the following rates :—

Every Notice under the Probate Ordinance	...	...	...	5/-
Any other Notice or Advertisement not exceeding 50 words	...	...	...	2/6
Every additional 25 words	..	...	...	1/-

No Notice will be published unless the above charges are prepaid by postage stamps affixed to the notice when sent in.

This Gazette is published by Command of His Excellency the Governor.

W. HART BENNETT,

Colonial Secretary.

1st February, 1902.





THE FALKLAND ISLANDS GAZETTE.

(PUBLISHED BY AUTHORITY).

VOL. XIV.

MARCH 1st, 1902.

No. 3.

No. 15.

Local Rates.

It is hereby notified for general information that the Local Rates assessed under Ordinance No. 5 of 1897 become due before 31st March, 1902.

2nd February, 1902.

No. 16.

Vital Statistics.

His Excellency the Governor directs the publication with this Gazette of the Vital Statistics of the Colony for the year 1901.

2nd February, 1902.

No. 17.

Accounts.

His Excellency the Governor directs the publication with this Gazette of the Accounts for the Quarter ended 30th Sept., 1901.

2nd February, 1902.

No. 18.

South Africa.

In consequence of the establishment of Martial Law at all British South African Ports, persons desiring to land in those Colonies must provide themselves with permits.

The conditions of issue can be seen on application at the Colonial Secretary's Office.

2nd February, 1902.

No. 19.

Local Mails.

With this Gazette is published the Local Mail Time Table for 1902.

2nd February, 1902.

No. 20.

New Titles of H.M. The King.

His Most Gracious Majesty the King, by Proclamation bearing date the 4th day of November, 1901, declared that the following Style and Titles shall be used on all occasions and in all instruments whenever the Royal Style and Titles are used, that is to say :—

“EDWARD VII., by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the faith, Emperor of India.”

3rd February, 1902.

No. 21.

The Tariff Amendment Ordinance, 1901.

The Licensing Ordinance, 1901.

With reference to Notification No. 90 in Gazette No. 12, of 2nd December, 1901, His Excellency the Governor directs it

to be notified that the Rt. Hon. the Secretary of State for the Colonies has intimated that His Majesty will not be advised to disallow Ordinance, No. 7, of 1901, entitled "An Ordinance to amend the Tariff Ordinance, 1900," and Ordinance, No. 8 of 1901, entitled "An Ordinance to amend "The Licensing Ordinance, 1882."

24th February, 1902.

No. 22.

Dogs.

After 15th March, 1902, every dog imported into the United Kingdom will be detained and isolated at owner's expense upon premises in the occupation or under control of a Veterinary Surgeon for six months.

The detailed Regulations can be seen on application at the Colonial Secretary's Office.

25th February, 1902.

Stock Inspector's Report for 1901.

No. 23

Stanley,
21st February, 1902.

Sir,

I have the honour to submit to His Excellency the Governor my report for 1901.

The number of sheep returned in March, 1901, 762,357 as compared with 778,026 in March, 1900, shows a decrease, which is due to boiling down, with the exception of 300 rams exported to Patagonia.

The lambing in the year has been most satisfactory, the average being about 70 per cent.; an exceptionally good spring accounts for the high per centage.

The wool clip for the present season is still increasing. The farmers have awakened to their own interests, and to the fact that it pays to select and cull, and

import fresh blood into their flocks. The sale of wool in the English market was lower than ever has been experienced since the sheep farming industry was started.

The live stock imported during the year were as follows:—

14 Romney Marsh Rams from England, 22 Horses from Patagonia.

During the year a new Live Stock Ordinance was passed.

The Proclamation prohibiting the importation of cattle, sheep and alfalfa from South America on account of the prevalence of Foot and Mouth Disease and Anthrax still continues in force.

I am pleased to say that no Scab has been seen since the last station was released in May, 1900; there have been a few cases of lice in some of the flocks but these are almost eradicated now.

The grass seed growing experiment is not so successful as it should be; the farmers do not realize its value and the improvement it would cause to their land.

I have, etc.,

JAMES ROBERTSON,

Chief Stock Inspector.

The Hon. the Colonial Secretary.

No. 24

Administration Notice.

The Supreme Court of the Falkland Islands in *Re J. McGuire*, deceased.

Whereas Elizabeth Aguyar of Buenos Ayres has applied for the grant to George Turner of Stanley, of Letters of Administration of the estate of James McGuire, who died intestate.

These are therefore to cite and admonish all and singular that the prayer of the petitioner will be granted, provided no caveat be entered before the Chief Justice within twenty-one days from the date hereof.

Dated this 1st day of March, 1902.

(Signed) M. CRAIGIE-HALKETT,

Registrar.

Notices and Advertisements.

Approved Notices and Advertisements will be inserted in the Government Gazette at the following rates:—

Every Notice under the Probate Ordinance	5/-
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Every additional 25 words	1/-

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This Gazette is published by Command of His Excellency the Governor.

W. HART BENNETT,

Colonial Secretary.

rch 1902.

Vital Statistics, 1901.

BIRTHS.

Stanley.—23 Males, 21 Females	...	...	...	Total	44.
Darwin.—3 Males, 9 Females	...	...	...	„	12.
West Falklands.—5 Males, 7 Females	...	...	...	„	12.

DEATHS.

Stanley.—6 Males, 4 Females	...	...	...	Total	10.
Darwin.—1 Male, 1 Female	...	...	...	„	2.
West Falklands.—2 Males, 1 Female	...	...	...	„	3.
Does not include officers and crew of "Thetis" 11 in number, wrecked about August 3rd, 1901.					

MARRIAGES.

Stanley.—7 Anglican, 3 Roman Catholics	...	...	...	Total	10.
Darwin.—2 Anglican	...	...	...	„	2.
West Falklands.—1 Anglican	...	...	...	„	1.

Summary.—Census 31st March	...	M 1203	F 840	2043
Arrivals: 1st April to 31st December, 1901				
excluding 83 Italians and Austrians	„	119	„ 34	153
Births: 1st April to 31st December, 1901	„	21	„ 27	48
		M 1343	F 901	2244
Less Departures: April 1st to Dec., 1901				
excluding 33 Italians and Austrians	„	104	„ 39	143
		Total M 1239	F 862	2101
Less Deaths: 1st April to 31st December, 1901	*19	6	25	

Estimated population on „ „ „ M 1220 F 856 2076

*Includes 11 from "Thetis"

Birth Rate per 1000 33.28. Death Rate 7.34 (excluding "Thetis.")

W. HART BENNETT,

21st January, 1902.

Registrar General.

1907

March 1st

1907

March 1st

March 2nd

March 3rd

March 4th

March 5th

March 6th

March 7th

March 8th

March 9th

March 10th

March 11th

March 12th

March 13th

March 14th

March 15th

FALKLAND ISLANDS.

Statement showing total Receipts and Payments during Quarter ended 30th September, 1901.

Receipts.	Received in Colony.			Received by Crown Agents.			Total.			Payments.	Paid in Colony.			Paid by Crown Agents.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.	£	s.	d.
Balance on 1st July, 1901. ...	3230	7	0	...	...	...	3230	7	0	Balance overpaid on 1st July, 1901	...	...	...	1339	12	9	1339	12	9
Customs ...	930	1	1	...	...	...	930	1	1	Pensions ...	...	...	...	55	14	0	55	14	0
Port, Harbour and Tonnage Dues	13	4	6	...	...	...	13	4	6	Governor ...	375	0	0	...	...	...	375	0	0
Licences ...	89	17	1	...	...	...	89	17	1	Colonial Secretary ...	317	6	7	...	...	...	317	6	7
Fees ...	75	17	6	...	...	...	75	17	6	Customs ...	2	15	0	3	15	0	6	10	0
Post Office ...	299	1	7	...	...	...	299	1	7	Audit ...	...	...	...	6	0	0	6	0	0
Rents ...	847	13	6	...	...	...	847	13	6	Port and Marine ...	25	0	0	...	...	...	25	0	0
Miscellaneous ...	43	6	6	...	...	...	43	6	6	Legal ...	75	10	6	...	...	...	75	10	6
Interest on Investments:—	...	...	...	...	...	...	...	...	...	Police ...	128	17	8	4	7	0	133	4	8
" Land Sales ...	...	...	...	288	8	3	288	8	3	Prisons ...	40	13	8	...	...	...	40	13	8
" Savings' Bank ...	...	...	...	435	8	0	435	8	0	Medical ...	143	15	0	0	11	3	144	6	3
" Fire Brigade ...	...	...	...	...	...	...	...	...	...	Education ...	151	4	3	...	...	...	151	4	3
Total exclusive of Land Sales	2299	1	9	723	16	3	3022	18	0	Ecclesiastical ...	115	0	0	...	...	...	115	0	0
Land Sales ...	...	...	...	2000	0	0	2000	0	0	Transport ...	4	19	9	...	...	...	4	19	9
Total ...	2299	1	9	2723	16	3	5022	18	0	Miscellaneous ...	134	16	2	121	5	8	256	1	10
Investments realized ...	...	...	...	...	...	...	...	...	...	Post Office ...	115	5	0	625	0	0	740	5	0
Advances repaid ...	217	8	0	5115	14	7	5333	2	7	Colonial Engineer ...	98	9	4	...	...	...	98	9	4
Deposits received ...	13098	14	8	3	11	5	13102	6	1	Public Works ...	364	2	5	163	0	4	527	2	9
Remittances received ...	...	...	...	5000	0	0	5000	0	0	" (Extraordinary) ...	3	10	0	5	5	3	35	15	3
Overpayments recovered ...	...	...	...	...	...	...	...	...	...	Savings' Bank ...	81	2	0	...	...	...	81	2	0
Received under Scab Ordinance	1	8	0	...	...	...	1	8	0	Drawbacks and Refunds ...	...	...	...	...	...	...	...	...	...
Total ...	15616	12	5	12843	2	3	28459	14	8	Total ...	2204	7	4	984	18	6	3189	5	10
Balance on 1st July, 1901 ...	3230	7	0	...	...	...	3230	7	0	Investments made ...	...	...	...	2003	11	5	2003	11	5
Total ...	...	...	...	...	...	...	...	...	...	Advances ...	3197	18	1	120	4	8	3318	2	9
Total with Balance ..	18846	19	5	12843	2	3	31690	1	8	Deposits repaid ...	7047	10	2	4147	9	0	1194	19	2
	...	...	...	...	...	...	...	...	...	Remittances to Crown Agents ...	3000	0	0	...	...	...	3000	0	0
	...	...	...	...	...	...	...	...	...	Advances, Scab ...	62	10	0	...	...	...	62	10	0
	...	...	...	...	...	...	...	...	...	Total ...	15512	5	7	7256	3	7	22768	9	2
	...	...	...	...	...	...	...	...	...	Overpaid Balance 1st July, 1901	...	...	...	1339	12	9	1339	12	9
	...	...	...	...	...	...	...	...	...	Balance on 30th Sept., 1901. ...	3334	13	10	4247	5	11	7581	19	9
	...	...	...	...	...	...	...	...	...	Total with Balance ...	18846	19	5	12843	2	3	31690	1	8

Treasury, Stanley, 6th January, 1902.

W. A. THOMPSON, *Treasurer.*





THE FALKLAND ISLANDS GAZETTE.

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VOL. XIV.

APRIL 1st, 1902.

No. 4.

No. 25.

Board of Health.

His Excellency the Governor is pleased to nominate and appoint the undermentioned gentlemen to be members of the Boards of Health for 1902:

East Falklands.

ALDRIDGE, J.	BIGGS, W.
WATSON, T.	WILLIAMS, C.

West Falklands.

MILLER, S., J.P.	WALDRON, J., J.P.
------------------	-------------------

24th February, 1902.

No. 26.

Consul.

His Excellency the Governor has recognized Mr. W. C. Girling as Acting Consul for the German Empire, Sweden, and Norway, Italy, and Chilé.

4th March, 1902.

No. 27.

Executive Council.

His Majesty the King has been graciously pleased to appoint the Hon. J. J. Felton, M.L.C., J.P. to be a member of the Executive Council of the Falkland Islands.

15th February, 1902.

No. 28.

Appointments.

His Excellency the Governor has appointed Mr. W. Atkins, Sen. to act as Senior Constable. Dated 6th February, 1902.

Mr. Daniel John Sullivan to be on probation, a Constable. Dated 1st March, 1902.

No. 29.

Trustee Notice.

Notice is hereby given that William George Benney has this day, on attaining his majority, been joined as Trustee of the Estate of the late William Davis Benney, who died on the 20th day of September, 1898, and Probate of whose Will was granted by the Supreme Court of the Colony on the 23rd day of June, 1899.

GEORGE WILLIAM BENNEY.

WILLIAM GEORGE BENNEY.

Joint Executors and Trustees.

30th March, 1902.

No. 30.

Harbour Ordinance.

The Governor directs the publication of the following Ordinance which has been passed by the Legislative Council and assented to by His Excellency:

No. 2 of 1902 "An Ordinance relating to Harbours."

26th March, 1902.

[SEAL]

(Signed)

W. GREY-WILSON.

No. 2,



1902.

FALKLAND ISLANDS.

WILLIAM GREY-WILSON, ESQUIRE,

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

(26th March, 1902.)

An Ordinance relating to Harbours.

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

1. In this Ordinance—

Interpretation.

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

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

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

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

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

Regulations.

- (a). For the preservation of any port, harbour, roadstead, wharf, landing place, or beach; for the safe and commodious navigation of any harbour and for the maintenance of good order therein.
- (b). Respecting the anchoring, mooring and removing of vessels, hulks, boats and buoys; the packing, landing, deposit or removal of gunpowder and other dangerous goods; the watering, coaling, ballasting, deballasting, loading and discharging of ships, the order and management of vessels and boats within the waters of the Colony, and the loading, landing and disposition of cargo.
- (c). Respecting the numbering and marking and traffic of boats.
- (d). Respecting the rates to be charged by boats, and the fees to be paid under this Ordinance.
- (e). Fixing the penalties for the breach of any regulation made under this Ordinance.

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

Harbour Master may be appointed.

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

Orders he may issue.

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

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

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

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

False declaration.

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

No person to board before Harbour Master.

6. Any person receiving anything from any vessel, arriving from ports beyond the seas, and any person other than the Pilot boarding or leaving, or making fast to any vessel before she has received pratique and hoisted the commercial code, letter "N" at the mast head shall be liable to a penalty not exceeding Five Pounds.

Interfering with Harbour Master.

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

Damaging Moorings, &c.

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

Impeding legal process.

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

Coasting vessels to report.

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

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

Removal of wreck.

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

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

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

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

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

Recovery of expenses as to

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

When owner, agent, &c., liable.

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

Anchors found.

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

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

Explosives, regulations as to

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

Penalty for violating

Search for
explosives.

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

Loaded cannon.

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

Sand, as to removal
of.

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

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

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

Other persons liable
ditto.

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

Regulations, penalty
for breach of.

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

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 Harbour Ordinance, 1902."

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

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

(Signed)

M. CRAIGIE-HALKETT,

Clerk of the Council.

SCHEDULE.

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

Printed by F. L. Gilbert, Government Printing Office, Falkland Islands.



THE FALKLAND ISLANDS GAZETTE.

(PUBLISHED BY AUTHORITY).

VOL. XV.

MAY 1st, 1902.

No. 5.

No. 32.

Accounts.

With this Gazette is published a Statement of the Receipts and Payments of the Colony for the Quarter ended 31st December, 1901, a Statement of the Receipts and Payments during the year 1901, and a Statement of Assets and Liabilities on 31st December, 1901.

1st May, 1902.

No. 32.

Savings Bank.

With this Gazette is published the audited report of the Manager of the Savings Bank for the year ended 30th September, 1901.

1st May, 1902.

No. 34.

Probate and Public Lands Ordinances.

The Right Honourable the Secretary of State for the Colonies has intimated that His Majesty the King will not be advised to disallow the following Ordinances:—

No. 9 of 1901, "The Probate and Unrepresented Estates Ordinance, 1901."

No. 1 of 1902, "The Public Lands Ordinance, 1902."

1st May, 1902.

No. 35.

Agreement with Japan.

An Agreement entered into between Great Britain and Japan, dated 30th January, 1902, can be seen on application at the Colonial Secretary's office.

1st May, 1902.

No. 36.

Stock Inspector.

His Excellency the Governor has appointed Mr. W. Atkins, Sen., to be, during pleasure, an Inspector under "The Live Stock Ordinance, 1901."

Dated 1st April, 1902.

No. 37.

Lighthouse.

The Board of Trade have appointed Mr. John Pearce to be Principal Light-keeper at Cape Pembroke in succession to Mr. G. K. Broome. Mr. Pearce arrived in the Colony on 22nd March, 1902.

His Excellency the Governor has appointed Mr. W. Coulson to be temporarily Assistant Lightkeeper in succession to Mr. Hocking. Dated 1st May, 1902.

No. 38.

Administrator.

Mr. W. Hart Bennett, Colonial Secretary, &c., this day assumed the Administration of the Colony on the departure on leave of H.E. W. Grey-Wilson, C.M.G. Dated 1st May, 1902.

No. 39.

Appointments.

His Excellency the Governor has appointed Mr. W. A. Thompson to act as Colonial Secretary, Police Magistrate, Coroner, Registrar-General and Local Auditor.

Mr. J. J. Felton, J.P. to act as Treasurer, Collector of Customs, Postmaster, Harbour Master, Receiver of Wreck, Official Administrator and Sheriff. Dated 1st May, 1902.

SAVINGS BANK, 1900-I.

Treasury, 31st March 1902.

Sir,

I have the honour to transmit herewith the Savings Bank Capital Account for the year ended 30th September, 1901.

The following is a statement showing the transactions of the Bank since its establishment in 1888.

Year.	Number of Depositors.	Amount of Deposits with accrued interest.			Withdrawals.			Balance at end of year.		
		£	s.	d.	£	s.	d.	£	s.	d.
1 April to 30th Sept., 1888	32	4201	1	5				4201	1	5
1888—1889.	92	13809	8	8	2871	5	10	15139	4	3
1889—1890.	127	8972	7	4	6300	19	5	17810	12	2
1890—1891.	167	8577	2	2	4760	1	6	21627	12	10
1891—1892.	192	8668	5	9	5355	9	2	24940	9	5
1892—1893.	220	11923	1	4	6790	3	5	30073	7	4
1893—1894.	250	10424	17	3	7817	0	11	32681	3	8
1894—1895.	282	9355	6	4	7620	14	11	34415	15	1
1895—1896.	308	9911	6	9½	7609	1	5½	36718	0	5
1896—1897.	327	9662	11	1	8110	0	2	38270	11	4
1897—1898.	349	11919	12	7	7713	14	1	42476	9	10
1898—1899.	353	10305	0	4	8458	5	9	44323	4	5
1899—1900.	351	10406	16	1	10328	13	1	44461	7	5
1900—1901.	379	15598	0	3	9763	8	4	50235	19	4
		143734	17	4½	93498	18	0½			

During the year 60 accounts were opened and 32 have been closed; leaving the total of 379 depositors, amongst whom the balance in hand amounting to £50235 19s. 4d, is distributed. This gives an average of nearly £132 11s. 0d. standing to the credit of each account, or £24 11s. 9d, per head of the population.

Interest amounting to £1140 7s. 7d, has been paid and credited to depositors during the year, being £86 18s. 5d. in excess of that credited in 1899-1900; while the amount of the deposits exceeded that of the withdrawals by £5834 11s. 11d

The following table shows the investments on account of the Bank on the 30th September, 1901. These investments amount to £46400 19s. 3d., leaving a balance uninvested of £3835 0s. 1d.

The income earned by the Bank during the year has been £1472 0s. 9d., and the expenses incurred £1169 15s. 5d., leaving a profit of £302 5s. 4d.

I have the honour to be

Sir,

Your obedient Servant,

The Hon.

The Colonial Secretary.

W. A. THOMPSON,

Colonial Treasurer.

FALKLAND ISLANDS SAVINGS BANK. CAPITAL ACCOUNT.

DR.	30th September, 1901.	Cr.
1901.		
30th Sept.		On Deposit 30th Sept., 1900 44401 7 5
		Deposits 1st Oct., 1900
		to 30th Sept., 1901,
		14457 12 8
Investments as per list		Withdrawals 9763 8 4
attached, taken at		4694 4 4
cost price	46400 19 3	
Balance uninvested	3835 0 1	Interest 1st Oct., 1900
		to 30th Sept., 1901,
		1140 7 7
		50235 19 4
	£50235 19 4	

TABLE SHOWING INVESTMENTS HELD ON ACCOUNT OF SAVINGS BANK ON 30TH
SEPTEMBER, 1901.

	Cost price.			Face value.			Value in Sept., 1901.		
Consols 2 $\frac{3}{4}$ per cent ... <i>Inscribed Securities.</i>	5038	8	4	5181	2	5	4896	5	7
Barbados 3 $\frac{1}{2}$...	1904	19	6	1802	5	2	1802	5	2
B. Guiana 3 ...	1000	0	0	1029	11	0	977	11	0
Canada 3 ...	3509	10	0	3722	3	4	3684	17	3
" 3 $\frac{1}{2}$...	1061	4	6	1020	8	2	1040	16	4
Cape 4 ...	2703	16	11	2495	4	9	2620	0	3
" 3 ...	1000	0	0	1024	5	7	993	0	7
Ceylon 3 ...	2509	12	2	2634	0	9	2555	2	10
Jamaica 3 ...	1000	0	0	1007	10	3	982	10	2
Natal 3 $\frac{1}{2}$...				284	19	4	293	11	0
New South Wales 3 $\frac{1}{2}$...	4363	13	0	4408	0	4	4584	6	9
New Zealand 3 $\frac{1}{2}$...	2522	10	2	2837	7	5	3035	13	7
" 4 ...	925	7	7	804	13	7	917	4	6
Mauritius 4 ...	1299	7	0	1089	10	4	1209	8	9
Queensland 3 $\frac{1}{2}$...	2099	9	0	1956	9	0	2034	10	0
" 3 ...	2000	0	0	1999	19	0	1940	0	0
Victoria 3 $\frac{1}{2}$...	5406	14	4	5362	16	7	5630	19	6
" 4 ...	3100	1	0	2904	3	9	3078	8	4
Western Australia 3 ...	2000	0	0	2116	7	0	1946	19	0
South Australian 3 ...	1000	0	0	1063	1	5	977	17	8
Zanzibar ...	2000	0	0	2000	0	0	2000	0	0
Deduct profit on securities realized ...	46444 43	13 14	6 3	46743	19	1			
	46400	19	3				47201	8	3

(a) Value in November, 1900, value in September, 1901 not known.

PROFIT AND LOSS ACCOUNT 30th September, 1901.

1901. 30th Sept. Interest on Investments ...	1472 0 9	Interest paid and credited to Depositors 1st Oct., 1900, to 30th Sept., 1901 ...	1140 7 7
		Expenses of Management ...	29 7 10
			1169 15 5
		Profit on year's transactions ...	302 5 4
	<u>£1472 0 9</u>		<u>£1472 0 9</u>

Audited, and found correct.

W. HART BENNETT, Colonial Secretary.

31st March, 1902.

Local Auditor.

FALKLAND ISLANDS.

Statement showing Total Receipts and Payments during Year ended 31st December, 1901.

Receipts.	Received in Colony.			Received by Crown Agents.			Total.			Payments.	Paid in Colony.			Paid by Crown Agents.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.	£	s.	d.
Balance on 1st January, 1901 ...	753	10	9	1741	13	2	2495	3	11	Pensions ...	...	...	...	222	16	0	222	16	0
Customs ...	5662	13	1	...	...	...	5662	13	1	The Governor ...	1465	10	0	1	2	0	1466	12	0
Port, Harbour & Tonnage dues	94	18	6	...	...	...	94	18	6	Colonial Secretary	1246	14	9	109	3	8	1355	18	5
Internal Revenue	518	18	4	...	...	...	518	18	4	Customs Department	21	5	6	3	15	0	25	0	6
Fees	486	18	3	...	...	...	486	18	3	Audit Department	...	...	...	15	0	0	15	0	0
Post Office	1136	14	10	...	...	...	1136	14	10	Port and Marine Department	121	2	1	7	2	4	128	4	5
Rents	4990	8	0	...	...	...	4990	8	0	Legal Department	374	12	6	1	7	6	376	0	0
Miscellaneous	231	17	7	3	0	0	234	17	7	Police	550	8	7	45	9	7	595	18	2
Interest on Investments	...	...	...	...	...	...	...	...	...	Prisons	196	15	0	58	1	4	254	16	4
„ Land Sales	53	9	5	806	15	3	860	4	8	Medical Department	578	12	0	14	4	4	592	16	4
„ Savings Bank	...	...	...	1469	7	10	1469	7	10	Education	603	16	9	31	17	8	635	14	5
„ Fire Brigade	21	4	4	...	...	...	21	4	4	Ecclesiastical	469	0	0	...	...	...	469	0	0
										Transport	303	14	6	161	10	3	465	4	9
										Miscellaneous Services	485	2	9	215	17	8	701	0	5
										Post Office	395	18	4	3871	5	2	4267	3	6
										Public Works	1141	18	5	774	8	1	1916	6	6
Total exclusive of Land Sales ...	13197	2	4	2779	3	1	15476	5	5	Public Works (Extraordinary)	1482	6	1	790	10	8	2272	16	9
Land Sales	...	...	...	1237	12	11	1237	12	11	Colonial Engineer	435	8	8	224	19	7	660	8	3
										Drawbacks	62	9	4	...	...	...	62	9	4
Total	13197	2	4	3516	16	0	16713	18	4	Savings Bank	15	7	10	...	...	...	15	7	10
Investments realized	...	...	...	2876	10	3	2876	10	3	Interest on Deposits	1140	8	4	...	...	...	1140	8	4
Advances repaid	3423	13	8	6799	8	7	10223	2	3										
Deposits received	41071	15	5	1688	8	2	42760	3	7	Total	10090	11	5	6548	10	10	17039	2	3
Remittances received	...	...	...	14117	10	10	14117	10	10	Investments made	...	...	...	8098	16	10	8098	16	10
Received under Scab Ordinance	192	11	7	...	...	...	192	11	7	Advances	9614	11	7	240	2	2	9884	13	9
										Deposits repaid	23033	12	6	15852	17	2	38886	9	8
										Remittances to Crown Agents	13117	10	10	...	...	...	13117	10	10
										Expended under Scab Ord.,	289	17	7	...	...	...	289	17	7
Total	57885	3	0	28998	13	10	86883	16	10										
Total on 1st January, 1901	753	10	9	1741	13	2	2495	6	11	Total	57176	3	11	30740	7	0	87916	10	11
Total	58638	13	9	30740	7	0	89379	0	9	Balance on 31st Dec., 1901	1462	9	10	...	...	...	1462	9	10
										Total	58638	13	9	30740	7	0	89379	0	9

31st March, 1902.

(a) Includes £670 14 6 overpayments made by Crown Agents.

W. A. THOMPSON, Colonial Treasurer.

Colony of the Falkland Islands.

Statement of Assets and Liabilities on 31st December, 1901.

Assets.				Amount.			Total.			Liabilities.				Total.			Amount.		
				£	s.	d.	£	s.	d.					£	s.	d.	£	s.	d.
Cash in Colonial Chest	...	...		1462	9	10	1462	9	10	Bills drawn on Crown Agents	...	...	1212	4	1	1212	4	1
Investments: Land Sales	...	...		26321	0	8				Deposits: Lands Sales	...	...	26321	0	8			
„ Saving's Bank	...	...		46400	19	3				„ Saving's Bank	...	...	47413	9	8			
„ Intestates	...	...		611	2	7				„ Intestates	...	...	1396	5	7			
Advances: Admiralty	...	...		107	15	8	73333	2	6	„ Scab	...	...	1677	2	4			
„ Board of Trade	...	...		79	5	0				„ Aliens	...	...	26	0	0			
„ Note Fund	...	...		28	17	11				„ Public Works	...	...	7	9	8			
„ Fire Engine	...	...		459	0	2				„ Money Orders	...	...	2	10	7			
„ Volunteers	...	...		51	2	11				„ Loan to Colony	...	...	1000	0	0			
„ Officers	...	...		114	16	10				Overpaid by Crown Agents	...	...	670	14	6			
							840	18	6	Post Office Local Mail Subsidy	...	...	136	0	0	78514	13	0
Excess of Liabilities over Assets	...						4226	6	3							136	0	0	

COMMISSIONERS OF CURRENCY.

Account for the Year ended 31st December, 1901.

Assets.	Amount.			Liabilities.	Amount.		
	£	s.	d.		£	s.	d.
Cash	3001	0	0	Notes Issued	4500	0	0
Investment	1500	0	0	Deposits: Falkland Government	28	17	11
Do. Depreciation Fund	3	7	6	Do. do.	1	0	0
Excess of Liabilities over Assets	25	10	5				
	£ 4529	17	11		£ 4529	17	11

31st March, 1902.

W. A. THOMPSON, Colonial Treasurer.

MONTHLY SUMMARY OF SAVINGS BANK TRANSACTIONS.

1900 and 1901.	Deposits.			Withdrawals.						Balance.			Accounts opened.	Accounts closed.	Interest.			Number of Deposits.	Number of Withdrawals.
	£	s.	d.	£	s.	d.	£	s.	d.						£	s.	d.		
October	1888	14	11	818	15	0	+1069	19	11	44401	7	5	6	0	0	0	0	59	10
November	663	14	7	150	7	8	+ 513	6	11	45471	7	4	5	2	0	1	9	36	6
December	446	15	5	215	5	9	+ 231	9	8	45984	14	3	3	0	0	0	0	29	8
1901																			
January	573	0	1	148	16	8	+ 424	3	5	46216	3	11	2	1	0	12	6	23	3
February	560	3	2	1218	16	10	— 658	13	8	46640	7	4	3	7	7	11	8	25	15
March	1157	15	0	551	17	8	+ 605	17	4	45981	13	8	1	4	3	6	8	22	14
April	1073	18	3	916	0	7	+ 157	17	8	46587	11	0	3	2	3	17	0	25	11
May	1203	4	1	593	19	3	+ 609	4	10	46745	8	8	5	3	3	3	10	30	14
June	1306	0	5	323	6	8	+ 982	13	9	47354	13	6	5	1	2	5	4	31	9
July	954	3	11	479	3	8	+ 475	0	3	48337	7	3	4	3	6	4	4	37	8
August	1322	12	3	2472	11	7	—1149	19	4	48812	7	6	2	2	49	8	9	16	6
September	3207	10	7	1874	7	0	+1433	3	7	47662	8	2	1	7	20	8	11	113	16
Total for year.	14457	12	8	9763	8	4	+4694	4	4	49095	11	9	60	32	97	0	9	446	120

Interest, 1st October, 1901 ... 1043 6 10

Total ... £1140 7 7

Notices and Advertisements.

Approved Notices and Advertisements will be inserted in the Government Gazette at the following rates :—

Every Notice under the Probate Ordinance	...	...	...	5/-
Any other Notice or Advertisement not exceeding 50 words	...	...	...	2/6
Every additional 25 words	...	...	...	1/-

No Notice will be published unless the above charges are prepaid by postage stamps affixed to the notice when sent in.

This Gazette is published by Command of His Excellency the Administrator.

W. A. THOMPSON.

1st May, 1902.

Acting Colonial Secretary.

Printed by F. L. Gilbert, Government Printing Office, Falkland Islands.



THE FALKLAND ISLANDS GAZETTE.

(PUBLISHED BY AUTHORITY).

VOL. XII.

JUNE 1st, 1902.

No. 6.

No. 40.

Currency Note Fund.

With this Gazette is published the audited Statement of the Currency Note Fund, for month ended 10th April, 1902.
1st June, 1902.

No. 41.

Appointments.

His Excellency the Administrator has been pleased to appoint Mr. Vere Packe to act as a Commissioner of Currency. Dated 1st May, 1902.

Dr. John Waldron, Mr. Arthur E. Felton, Mr. George Bonner, and Mr. William Seccombe Williams have been appointed Justices of the Peace.

No. 42.

Postal Notice.

Parcels for Accra, Ada, Cape Coast Castle, Kwitta, Saltpond and Winneba in the Gold Coast Colony may now be insured under the conditions already applicable to insured parcels for Axim, Sekondi and Tarkwa.

1st June, 1902.

No. 43.

Supplementary Appropriation.

The Administrator directs the publication of the draft of an Ordinance to authorize the Supplementary Expenditure for the year 1901, and it is accordingly published with this Gazette.

16th May, 1902.

No. 44.

Extradition with Belgium.

A copy of an Order of H.M. The King in Council bringing into operation a Treaty between Great Britain and Belgium for the mutual Extradition of Criminals, dated 20th October, 1901, can be seen on application at the Colonial Secretary's Office.

21st May, 1902.

No. 45.

Probate Notice.

In the Supreme Court of the Falkland Islands Probate side.

In the goods of the late Catherine Claxton, deceased.

Whereas, Walter Claxton of Stanley, has applied for Letters of Administration of the goods and chattels, rights and credits of Catherine Claxton, deceased.

These are therefore to cite and admonish and singular the next of kin and the creditors of the said deceased, that the prayer of the petitioner will be granted, provided no caveat be entered before the Chief Justice within twenty-one days from the date hereof.

Dated this 21st day of May, 1902.

M. CRAIGIE-HALKETT.

Registrar.

No. 46.

Local Mail Service.

With this Gazette is published a Revised List of the sailing of the Local Mail Schooner.

1st June, 1902.



No. ,



1902.

FALKLAND ISLANDS.

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

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

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

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

SCHEDULE.

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

Passed the Legislative Council this th day of 1902.

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

Clerk of the Council.

CURRENCY NOTE FUND.

Amount and average of Currency Notes in circulation during Month ended

10th April, 1902	...	...	...	...	...	£4500 0 0
Coin portion of Note Guarantee Fund on 10th April, 1902	...					£3001 0 0
Average amount during month	...	...	...	...		£3001 0 0

Investments forming part of Note Guarantee Fund.

			Nominal Value.			Purchase Price.			Price in January, 1902.			
			£	s.	d.	£	s.	d.	£	£	s.	d.
South Australian	...	3 0/0	344	2	8	833	0	0	93			
Queensland	...	3 0/0	883	9	7	833	0	0	93½			
West Australian	...	3 0/0	364	9	7	324	0	0	93½	1500	0	0

W. Hart Bennett
W. A. Thompson
J. J. Felton.

} Commissioners of Currency.

N.B.—This statement also applies to the months of October, 1901 to March, 1902.

Audited and found correct,

May 5th, 1902.

LOWTHER E. BRANDON.

Notices and Advertisements.

Approved Notices and Advertisements will be inserted in the Government Gazette at the following rates:—

Every Notice under the Probate Ordinance	...	...	...	5/-
Any other Notice or Advertisement not exceeding 50 words	...	...	...	2/6
Every additional 25 words	...	...	...	1/-

No Notice will be published unless the above charges are prepaid by postage stamps affixed to the notice when sent in.

This Gazette is published by Command of His Excellency the Administrator.

W. A. THOMPSON.

1st June, 1902.

Acting Colonial Secretary.



THE FALKLAND ISLANDS GAZETTE.

(PUBLISHED BY AUTHORITY).

VOL. XII.

JULY 1st, 1902.

No. 7.

No. 47.

Probate Ordinance, 1901.

Under the Probate Ordinance, 1901, a Will partly written and partly printed, made out and duly executed in conformity with the directions therein on a form printed under the authority of the Governor, shall be as valid to all intents and purposes as if the same had been wholly written in words at length.

The Administrator directs it to be notified that forms of Will can now be purchased at the Colonial Secretary's Office. Price Two and Sixpence.

16th June, 1902.

No. 48.

Probate Notice.

In the Supreme Court of the Falkland Islands, Probate side.

In the Estate of the late Ellen Roberts of Stanley, deceased.

Whereas William Roberts of Stanley has applied for letters of Administration of the Estate, rights and credits of Ellen Roberts, late of Stanley, deceased.

These are, therefore, to cite and admonish all and singular the next of kin and the creditors of the said deceased, that the prayer of the petitioner will be granted provided no caveat be entered before the Chief Justice within twenty-one days from 1st July, 1902.

Dated at Stanley, this 17th day of June, 1902.

G. J. TURNER,
Acting Registrar.

No. 49.

Supplementary Appropriation Ordinance, 1901.

The Administrator directs the publication of the following Ordinance, which has been passed by the Legislative Council and assented to by His Excellency.

No. 3 of 1902, "An Ordinance to authorize the Supplementary Expenditure for the year 1901."

10th June, 1902.

No. 50.

Land Bill.

The Administrator directs the publication of the draft of an Ordinance relating to Land.

This Bill consolidates and amends the many Ordinances on the subject: in view of the importance of the matter, it will be not be brought before the Legislative Council for some months, in order to allow ample time for all interested to make themselves acquainted with its proposed provisions.

Any criticisms or suggestions should be addressed to the Colonial Secretary.

1st July, 1902.

No. 51.

Appointments.

The Administrator has been pleased to re-appoint Mr. W. A. Thompson and Mr. J. J. Felton to be Visiting Justices of the Prison for the half-year ending 31st December 1902.

The Administrator has appointed Mr. Thomas Palmer Walker to be temporarily a Constable for the Falkland Islands. Dated 7th June, 1902.

[SEAL]

(Signed)

W. HART BENNETT.

No. 3,



1902.

FALKLAND ISLANDS.

WILLIAM HART BENNETT,

Administrator.

(16th June, 1902.)

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

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

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

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

SCHEDULE.

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

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

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

(Signed)

W. A. THOMPSON,

Acting Clerk of the Council.



Draft of An Ordinance relating to Land.

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

1. In this Ordinance, and in the construction of any lease or Crown Grant—

“Land” includes Islands, Country, Suburban and Town Land.

“Crown Lands” means any land not already granted in fee simple and includes any land which has been or may hereafter become escheated or otherwise acquired by the Crown.

“Waste Land” means land in the possession of the Crown or land let on a lease which is within one year of expiring.

“Lot” means Town land.

“Block” means 160 acres.

“Section” means 6,000 acres.

“Station” means the whole extent of land occupied in one lease.

“Inspector” means an Inspector appointed under “The Live Stock Ordinance, 1901.”

“Stock” means any horse, cow, pig, goat, sheep or their young.

“Boundary” means the line of junction of the land of one owner with the land of another owner or with Crown land.

“Sufficient Fence” means such fence as shall be prescribed in respect of Country land, Suburban land and Town land respectively by any rules and regulations made or hereafter to be made under this Ordinance.

“Owner” includes a lessee from the Crown and the agent or manager of any absentee owner or lessee.

“Improvement” shall include buildings, drains, wells, tanks, dams, cultivation, fencing, filling up, laying down grass, and any beneficial work done upon any land, not being a Reserve, to increase its value, productiveness, or power of carrying stock.

“Country” means land more than six miles from the Cathedral or from the centre of any town.

“Town” means land within two miles of the Cathedral or of the centre of a town.

“Suburban” means land more than two miles and less than six miles from the Cathedral or from the centre of any town.

“Reserve” means the land specified in section seven and any land declared a Reserve under that section.

2. The King's Majesty shall not at any time commence any action, suit, or other legal proceedings against any person for or in anywise concerning any lands, tenements, rents or hereditaments whatsoever (other than liberties or franchises) by reason of any right or title which hath not first accrued and grown or shall not

hereafter first accrue and grow within the space of sixty years next before the commencement of such action, suit, or other legal proceedings.

3. In the construction of the preceding section the right or title of the King's Majesty to any lands, tenements, or hereditaments which are now or shall at any time hereafter be subject to or comprised in any demise or lease for any term of years, granted by or on behalf of His Majesty, or any of His Royal predecessors or successors, shall not be deemed to have first accrued or grown until the expiration or determination of such demise or lease as against any person whose possession, holding, or enjoyment of such lands, tenements, or hereditaments, or whose receipt of the rents, issues, or profits thereof shall have commenced during the term of such demise or lease, or who shall claim from, by, or under any person whose possession, holding or enjoyment of such lands, tenements, or hereditaments or whose receipt of the rents, issues, or profits thereof shall have so commenced as aforesaid.

4. Crown lands shall not, save as hereinafter excepted, be dealt with or disposed of, without the special sanction of the Secretary of State, otherwise than in the manner hereinafter prescribed and, except as hereinafter mentioned, the Waste lands of the Crown shall be sold in fee simple and by public auction only.

5. Any person who without the permission of the Governor in writing shall without lawful cause drive, hunt, wound, capture, decoy, or destroy any wild cattle or wild stock on waste lands, and, if on lands in the lawful occupation of any other person, without his authority, shall for each animal so killed, wounded, captured, decoyed, or destroyed be liable to a fine not exceeding fifty pounds and any person who shall receive any animal or any part thereof, knowing the same to have been unlawfully captured and destroyed as aforesaid, shall be liable to a fine not exceeding five pounds. Any constable may stop, search and detain any boat in or upon which there shall be reason to suspect that such animal or any part thereof so unlawfully obtained may be found and, if upon search thereupon made, such animal or any portion thereof shall be found, then may convey the same before a Justice, and without a warrant may take into custody and carry before a Justice any person reasonably suspected of having committed any offence contrary to this section.

6. Nothing herein contained shall prevent the Governor in Council from reserving to His Majesty the right of disposing in such a manner as for the public interest may seem best of such lands as as may be required for any purposes of public defence, safety, utility, convenience, or enjoyment, or for facilitating the improvement and settlement of the Colony or for any special purpose.

7. The following lands which prior to the passing of this Ordinance have been "Reserved" shall continue to be "Reserves" that is to say:

In Lafonia, near Bull Point ...	...	1,280 acres
In Section 8, Darwin Harbour ...	...	3,000 "
In Section 28, Port Sussex ...	...	2,224 "
In Section 22a, West Cove ...	...	1,540 "
In Pebble Island, Elephant Bay ...	...	160 "
In Keppel Island, Bold Point ...	...	160 "
In New Island, Tigre Harbour ...	...	160 "
In Stanley Harbour, Navy Point ...	...	145 "

and the Governor in Council may, by publication in the Gazette and by giving notice to the occupier (if any), at any time declare any Crown land a Reserve and, if the land or any portion thereof so declared shall be comprised in any lease, the lease in so far as it relates to the land so reserved shall be determined at the expiration of three years from the date of the publication in the Gazette of such declaration provided that, in cases where any leaseholder is deprived of the use of such reserved part of his holding, the Governor in Council may grant a corresponding abatement of rent to such leaseholder and provided that it shall be lawful for the Governor in Council with the approval of the Secretary of State to declare any "Reserve" no longer reserved and, upon the publication of such declaration in

the Gazette, such land shall cease to be a Reserve and may be dealt with as other lands of the Crown.

8. Any land reserved under the preceding section or prior to the passing of this Ordinance may be leased for any term not exceeding three years, provided that any such Reserve shall not be leased without the sanction of the Secretary of State to any person whose land does not adjoin such Reserve, unless all the owners of land adjoining such Reserve shall have refused to accept a lease thereof upon the terms prescribed by the Governor in Council and if all the holders of land adjoining such Reserve have refused to accept a lease as aforesaid then the lease of such Reserve shall be put up to auction as provided for in sections 10 and 11 in the case of other Waste lands.

9. The Governor in Council may insert in any lease granted by him on behalf of the Crown such reservations, conditions and restrictions as may be deemed expedient and the following reservations, conditions, and restrictions, unless expressly excluded in whole or in part and subject to such other reservations, conditions, and restrictions as may be set forth therein and so far as they are appropriate and not repugnant to any of the reservations, conditions and restrictions inserted in any Crown grant or lease of Crown lands, shall be binding in the same manner and to the same extent as if they formed part of such Crown grant or lease and had been fully set forth therein.

Note: This Section
should follow
Section 18.

(a) Every dispute as to the boundaries of any lot, block, section, or station shall be settled by arbitration in the usual way at the expense of the parties interested, and due notice of any adjustment signed by the parties interested shall be given within three months to the Colonial Secretary for recording and if such notice be not given the award of the arbitration shall be null and void.

(b) Any lease may with the approval of the Governor be transferred by the lessee or his attorney writing, dating, and the signing thereon in the presence of two witnesses following words:

“I hereby transfer to
all right, title and interest in this lease.”

Provided that every such transfer shall be sent to the Colonial Secretary to be registered within four months of such transfer.

(c) Any lease may be renewed by the Governor writing, dating, and signing thereon the following words:—

“I hereby renew this lease until the day of
190 .”

(d) Country and Suburban lands shall be used for pastoral purposes only.

(e) The Governor shall have power at any time to proclaim a public road through any station or part thereof, and to resume and enter upon any part of the lands which it may be deemed necessary to resume for making any work of public utility or convenience without making to the lessee or owner any compensation in respect thereof so nevertheless that the lands so to be resumed shall not exceed one twentieth part of the whole of the station and that no such resumption as aforesaid shall be made under this section of any lands upon which any buildings shall have been erected or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings: provided that a proportionate abatement of rent shall be granted to the tenant of such resumed land, except where the resumption is for public roads of which such tenant will enjoy the benefit with others.

(f) The Governor and any one acting under his authority may search, dig for, and take away any stones or other materials which may be required for any purpose of public convenience or utility.

- (g) All diamonds and all mines of gold, silver and other metals and all mines of coal are reserved to the Government of the Falkland Islands with full liberty at all times either by themselves or by any person authorized by the Governor to search and dig for and carry away the same and for that purpose to enter upon the land or any part thereof.
- (h) The right to kill and take seals is reserved to the Government of the Falkland Islands and such persons as are duly licensed by the Government.
- (i) Rent shall be paid half-yearly and in advance.
- (j) The owner or lessee shall be entitled to kill and appropriate to his own use any wild cattle or wild stock that may be on the land.
- (k) Any person authorized by the Governor shall be entitled to enter upon any land for the purpose of surveying or for inspecting fences or for any other special purpose which the Governor shall specify in writing.

10. The Governor may at any time cause, subject to the provisions of section 15, a lease of any Waste lands of the Crown to be put up to auction upon such terms and subject to such reservations, conditions, and restrictions as may seem expedient to the Governor in Council and as shall be notified in the Gazette, and the Governor, with the approval of the Secretary of State, may, upon the application of the occupant of any land whose lease has expired or will expire within one year, grant to him either a renewal of such lease or a new lease upon such terms and subject to such reservations, conditions, and restrictions as may seem expedient to the Governor in Council, but such renewal shall not, and such new lease shall not, unless otherwise therein expressly provided, have effect until the determination of the then current lease and shall not:

In the case of Country land (not being a Reserve), exceed the term of twenty-one years.

In the case of Suburban land or a Reserve, exceed the term of three years.

In the case of Town lands, exceed the term of 60 years, and whenever the Governor shall decline to renew any lease and whenever the former lessee shall decline to accept a new lease on the terms offered by the Government, there shall be paid by the Government to the outgoing tenant the value of all improvements assessed as hereinafter prescribed, provided that no compensation shall be paid for any improvement in respect of land when the former lessee declines to accept the renewal of his lease or when such improvements are in respect of land held upon a lease which has become null and void.

11. (1) Whenever the holder of any lease which expires or is within one year of expiring after the passing of this Ordinance shall decline to accept a renewal of such lease; or, if the Government has refused to renew such lease, shall decline to accept a new lease of such land upon the terms approved by the Governor in Council with reference to such lease, and—

(2) Whenever any lease shall become null and void, or shall be so declared under section 13.

the Governor shall cause a new lease of the land thus lapsing to the Crown to be put up to public auction unless the Governor in Council shall direct that such land be sold by auction as provided for in section 15 of this Ordinance.

12. The sum to be paid on account of improvements shall be determined by some one or more fit and proper persons appointed by the Governor and the assessors shall certify that every improvement of which they have assessed the value is to the best of their knowledge and belief suitable and appropriate to the station or lot or was authorized by the Governor in Council as witnessed by writing under the hand of the Governor, provided that the assessed value of such improvements shall never exceed the actual cost thereof.

13. Whenever any lessee shall fail to perform or observe any of the conditions of any lease held by him or to pay any rent due to the Government in respect of any lease within three months after it has become due, every lease held by such lessee from the Crown shall be null and void, and whenever a lessee shall decline to accept a renewal of any lease held by him it shall be lawful for the Governor in Council to declare every lease held by such lessee from the Crown null and void.

14. The holder of any country land may, at any time not less than two years before the termination of his lease (or soonest-to-expire lease if he have more than one), purchase the whole of the land rented by him in accordance with the acreage set forth in his leases at the rate of three shillings an acre, and, if no acreage be specified in one or more of such leases, then in respect of the number of acres computed by the Governor as the acreage of any such leases and the purchase money in respect of any land dealt with under this section shall be payable in the same manner as is laid down in section 18 in the case of sales by auction, and no rent shall be payable in respect of such land from the date on which the first instalment of the purchase money shall be paid.

15. The Governor may at any time sell by auction any Waste land not being a Reserve and lease by auction any Waste land in such size or lot as to the Governor in Council may seem expedient and the upset price in the case of a sale shall not be lower than at the rate per acre of one hundred pounds for Town land and two pounds for Suburban land and three shillings for Country land, and in the case of a lease the upset price per acre per annum shall not be lower than at the rate of four pounds for Town land, two pence for Suburban land, and one penny for Country land, save when the Secretary of State shall authorize any specified land to be put up at a lower rate, provided that it shall be lawful for the Governor, if he shall deem it expedient, to dispose by private contract of any frontage or other lot of land in Stanley or any other town to the owner of the adjacent land at a price to be fixed by the Governor in Council, which price shall in no case be lower than at the rate of one hundred pounds per acre.

16. Every auction held under this Ordinance shall have been publicly advertised for not less than three months before the date of such auction and such advertisement shall show as fully as may be:

- (1) The situation, boundaries and acreage of the land and whether the acreage is the assessed number of acres or has been ascertained and determined by survey, and the names of the owners or lessees of the adjoining lands.
- (2) If a Town lot, the length of the boundary line between the lot and every adjoining lot
- (3) The mode in which the purchase money or rent shall be paid and the price at which the land will be upset.
- (4) In the case of sale, the date when possession will be given, which if the land be held on lease shall not be until the termination of the current lease.
- (5) The value of the improvements as assessed and ascertained under section 12.
- (6) When any land has been surveyed, that a copy of the plan is open to inspection at the Government offices.

17. It shall be lawful for the Governor to lease or sell privately at not less than the upset price, any land not let or sold when put up to auction or to renew the lease of the former lessee, subject to the provisions of section 10 of this Ordinance as to the renewal of leases.

18. The following provisions shall have effect with respect to any land put up to sale by auction:

- (1) Every lot of land so put up for sale shall, if surveyed, have a plan shewing the situation and boundaries of the lot, the number of acres which it contains as ascertained by the survey, the names of the owners or lessees of the adjoining lands, and the length of the boundary line between the lot and the land of each adjoining owner

or lessee exhibited at the sale by the Auctioneer and a copy of the plan (if any) shall be given to the purchaser. The matters hereby required to be shewn on the map shall also be stated in printed particulars of Sale.

(2) The purchase money shall be payable by such number (not exceeding 15) of equal yearly instalments as the Governor in Council shall determine and as shall be notified in the Government Gazette before the sale. The first instalment shall be paid at the conclusion of the sale and each subsequent instalment, together with interest at the rate of $2\frac{1}{2}$ per centum per annum on the unpaid balance of the purchase money for the time being from the date of payment of the last previous instalment, shall be paid at the expiration of one year from the day on which the last previous instalment was payable. But the purchaser may at any time pay the whole of the purchase money remaining unpaid with the interest thereon which has accrued since the date of the last previous payment of an instalment.

(3) The highest or only bidder for every lot put up for sale at or above the upset price shall be the purchaser.

Immediately upon the conclusion of the sale the purchaser shall sign an agreement to complete the purchase and to fulfil the conditions of sale. If any purchaser, whether the original purchaser or a purchaser substituted under this sub-section, shall fail to pay the first instalment or to sign the said agreement, the sale to him shall be void and the next highest bidder (if any) at or above the upset price shall be the purchaser.

(4) If any purchaser shall fail to pay the second or any subsequent instalment of purchase money or any interest for the time being payable by him on the day on which such instalment or interest becomes payable or within twenty-one days thereafter, the Governor may, and if such default shall continue for three months from the day on which such instalment or interest becomes payable, the Governor shall cause the land purchased by such purchaser to be again put up for sale by public auction at the same upset price and on the same conditions as at the previous sale.

(5) If any land shall be again put up for sale as aforesaid, the previous sale thereof shall henceforth become void and the purchaser at the previous sale shall give up possession thereof and shall have no further right or interest in or lien upon such land.

(6) If, after payment in full of the purchase money and interest payable by the purchaser at the second sale, the Government shall have received in respect of such purchase money and interest an amount exceeding the purchase money and interest which the Governor would have received from the purchaser at the previous sale if he had complied with the conditions of sale, then out of such excess, after deducting therefrom the expenses of the second sale, the Government shall repay to the purchaser at the previous sale the amount of the instalments of purchase money and interest which he shall have actually paid or so much thereof as such excess shall suffice to repay but in no other event shall a purchaser have any claim for repayment of instalments of purchase money or interest paid by him.

(7) Every purchaser whether at a first or second sale shall be let into possession of the land purchased by him upon the date advertised in the conditions of sale and upon payment of the first instalment of purchase money and upon his signing the above mentioned agreement, but no grant of the land shall be issued to him until he shall have paid the whole of the purchase money and all interest payable under the conditions of sale.

(8) The sum of money (if any) payable by the purchaser of each lot put up for sale as the value of improvements thereon under sections 10 and 12 shall be paid by the purchaser to the Government within thirty days from the date of the sale. If the purchaser at a first sale shall not pay the said sum of money within the said thirty days the lot shall be again put up for sale by auction in the same manner, and with the same consequences as if such purchaser had made default for three months in payment of an instalment of purchase money.

(9) The purchaser of every lot, his heirs or assigns, shall, before the expiration of two years from the date of the sale, erect on such lot a suitable and substantial dwelling house to the satisfaction of the Governor in Council. Default in compliance with this sub-section shall entail the same consequences as default in payment of a second or subsequent instalment of purchase money for three months.

19. The following provisions shall have effect with respect to fences and fencing :

(1) Where there shall be no sufficient natural boundary or no boundary fence to any part of any land or where any boundary fence is not a sufficient fence, any owner may by notice in writing call on the owner of the adjoining land to come to an agreement as to the extent or nature of the fence to be erected or the repairs or work to be done to the existing fence and such owners may agree, in writing, that such boundary fence shall not exactly follow the boundary of the land described in their leases when the physical features of the ground render a deviation necessary, and such owners may without resorting to proceedings arrange with each other for the erection of a dividing fence upon the basis of a claim for the improvements proportionate to the outlay incurred, and the lessee who pays the whole or more than half the cost shall stand in the place of the other as regards compensation on the determination of the lease of the other in proportion to so much of the amount so paid by him in excess of his own share as shall not then have been repaid to him.

(2) If the parties shall fail within fourteen days after the giving of such notice to come to such agreement as aforesaid it shall be lawful for the party who gave the notice to apply to an Inspector to view the boundaries and to report upon the necessity for a fence, the line of such fence or what repairs or additions to the existing fence are necessary to make it sufficient, provided that, where an Inspector is called in, his reasonable expenses shall be borne by the parties.

And where an agreement has been made under the sub-section last preceding and one of the parties fails to complete his part thereof, the other party shall have power to call in an Inspector in the same manner as if the said parties had failed to come to an agreement.

(3) The Inspector shall when so applied to carefully view and inspect the land and report in writing upon the extent of fence that it is necessary to erect or what repairs or improvements are necessary to make the existing fence sufficient, which report shall be delivered as soon as practicable to a Magistrate.

(4) Upon the receipt of the report the Magistrate shall require the attendance of the parties interested and in a summary way hear and determine the question at issue, and if satisfied that an existing fence should be repaired or that a new fence is necessary he shall issue an order to the owners of such land for the repair or erection of such fence within such period as shall be shown to the satisfaction of the Magistrate to be sufficient for the proper completion of the work.

(5) Any owner of land who shall wilfully neglect to complete his share of the work of repairing or erecting a dividing fence within the time named in an order issued under the preceding sub-section shall be liable to a penalty not less than ten pounds, and not more than twenty pounds for every month he shall remain in default.

(6) In the event of its being proved to the satisfaction of the Magistrate before whom an enquiry is held that the owner of land who shall have failed to agree to fence has not the means to immediately pay his proportion of the cost of the work of repairing or erecting a dividing fence, then the Magistrate upon the application of the other owner may grant such other owner leave to erect or repair the whole of such dividing fence and on a certificate of the Inspector that the work has been properly done, the owner who has done the work shall be entitled to recover from the other owner one half of the cost of the work so done.

(7) The Magistrate hearing any action brought under the foregoing sub-section may, upon being satisfied that the defendant is unable from want of capital to immediately pay his proportion

of the cost of the work, issue an order granting the defendant time, upon good and sufficient security being given to the satisfaction of the said Magistrate for the payment of the amount with interest at the rate of Four Pounds per centum per annum at such periods and by such instalments as shall be ordered by the Magistrate; provided however that it shall not be lawful to extend the time for payment in such cases beyond a period of three years from the date on which the work of repairing or erecting the dividing fence shall have been completed.

(8) If a defendant to whom time has been granted under the preceding sub-section shall fail to comply with the terms of the order made by the Magistrate either by the non-payment of an instalment when due or otherwise the plaintiff in the action shall be entitled to at once issue execution under the judgment for the full amount of the principal and interest which may at that time remain unpaid and in the event of the sheriff or other officer appointed to levy making a return after levy upon and sale of the defendant's property that this was not sufficient to satisfy the claim, the plaintiff shall be entitled to at once take proceedings to recover payment of the balance due against any surety or sureties who may have entered into bond before the Magistrate as security for the payment of the judgment debt by the defendant.

(9) The judgment in any action under the preceding sub-sections shall bind and affect all real and personal property of the defendant as to and against all subsequent purchasers, mortgagees, or creditors and when a bond shall have been entered into by sureties as security for the satisfaction of the judgment by the defendant at the period and time allowed by the Magistrate, such bond when recorded shall constitute a preferable lien on all property of such sureties and shall not be in any wise extinguished by any subsequent sale, mortgage or other incumbrance whatsoever of such property.

(10) When any damage shall be done to a dividing fence which is a sufficient fence by any stock which is suffered by the owner of the land to be thereon, such owner shall bear the entire cost of repairing such fence and if he refuses or neglects so to repair the said fence the adjoining owner may at once proceed to repair the same and shall be entitled upon completion of the work immediately to recover the cost thereof from the owner of the land on which the the stock was suffered to remain in an action or suit before a Magistrate.

(11) Any person who shall wilfully break down, injure or leave open any gate on any land or break down or injure any fence erected thereon shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding six months in addition to a fine not exceeding Ten Pounds.

(12) In the case of Crown land occupied by Government or let by Government for any period not exceeding one year the Government Storekeeper shall be deemed to be the owner for the purposes of this section.

20. The owner of any land in any Town shall erect and keep in repair on the boundary line separating any such land from any Crown Waste land or any public road a sufficient fence or such other form of fence as the Governor in Council may approve and as shall be notified under the hand of the Colonial Secretary, and the Government Storekeeper shall for the purposes of this section be deemed to be the owner of such Crown Waste land or public road as the case may be, and the procedure in respect of compelling the owner to erect such fence shall be as nearly as may be that laid down in the preceding section save that the whole cost of the erection of such fence shall be borne by the owner, provided however that should any fence so erected be a sufficient fence and thereafter become the boundary fence between any two private owners, the owner who paid for the erection of the fence shall be entitled to recover from the adjoining new owner one half of the value of such boundary fence, such value to be ascertained at the time the new owner takes possession of his land, and if such owners cannot agree as to the value of such fence the value thereof shall be assessed as in the case of an improvement under this Ordinance.

21. It shall be lawful for the Governor in Executive Council to make rules and regulations with reference (amongst other things) to the forms of leases and Crown grants, the characteristics of a "sufficient fence" and other matters incident to the carrying out of this Ordinance.

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

23. This Ordinance may be cited as "The Land Ordinance, 1902."

SCHEDULE.

REPEAL.

No. and Year.	Short Title.	Extent of Repeal.
2 of 1857	Summary Jurisdiction Amendment Ordinance.	Sections 1,2, 5, 6, 7, 10, 11.
2 of 1869	An Ordinance for the protection of Wild Cattle.	The Whole.
4 of 1871	An Ordinance for regulating the disposal of Crown Lands in the Falkland Islands.	The Whole.
1 of 1872	An Ordinance for Amending the Land Ordinance, 1871.	The Whole.
1 of 1874	An Ordinance for limiting the right of the Queen's Majesty to sue for lands, tenements, and hereditaments	The Whole.
1 of 1879	An Ordinance for declaring the validity and effect of certain leases of Crown lands in the Falkland Islands.	The Whole.
9 of 1882	An Ordinance to amend the Land Ordinance, 1871, and to confirm certain leases of the Crown lands in the Falkland Islands.	The Whole.
2 of 1884	An Ordinance to regulate the amount of rent to be paid by lessees of Crown lands in certain cases.	The Whole.
4 of 1884	An Ordinance to regulate the compulsory purchase of blocks of land under the provisions of the "Land Ordinance, 1872."	The Whole.
3 of 1886	Town Lands Ordinance, 1886.	The Whole.
9 of 1890	An Ordinance for authorizing the sale and conveyance of certain lands of the Crown to the Falkland Islands Company and other lessees of the Crown lands.	The Whole.
8 of 1893	An Ordinance to give authority to lease Town lands.	The Whole.
2 of 1894	An Ordinance to amend the Land Ordinance, 1882.	The Whole.
9 of 1894	An Ordinance to amend the Land Ordinance, 1882.	The Whole.
6 of 1896	An Ordinance to provide for the erection of Dividing Fences by the owners of adjoining lands.	The Whole.
6 of 1897	An Ordinance to amend the Fencing Ordinance No. 6 of 1896.	The Whole.

APPOINTMENTS.—*continued.*

The Administrator has appointed Mr. George Turner, jun. to act as Treasury Clerk, Shipping Master, Registrar of Supreme Court and Deputy Registrar of Births and Deaths. Dated 9th June, 1902.

The Administrator has appointed Mr. R. Bradbury to be a Carter on the terms and conditions appearing in his agreement with the Crown Agents. Dated 18th June, 1902.

No. 52.

Post Office Notice.

Arrangements have been made for the introduction at the British Postal Agencies in China of the Imperial Penny Postage there, from the 15th February last.

30th June, 1902.

No. 53.

CURRENCY NOTE FUND.

Amount and average of Currency Notes in circulation during Month ended

10th June, 1902	...	...	...	...	...	...	£5000 0 0
Coin portion of Note Guarantee Fund on 10th June, 1902	...	...	...	...	...	...	£3335 0 0
Average amount during month	...	...	...	...	...	...	£3335 0 0

Investments forming part of Note Guarantee Fund.

			Nominal Value.			Purchase Price.			Price in January, 1902.			
			£	s.	d.	£	s.	d.	£	£	s.	d.
South Australian	...	3 0/0	3 14	2	8	333	0	0	93			
Queensland	...	3 0/0	888	9	7	833	0	0	93½			
West Australian	...	3 0/0	334	9	7	324	0	0	93½	1500	0	0

W. A. Thompson
J. J. Felton
Vere Packe

} Commissioners of Currency.

N.B.—This statement also applies to the month of May, 1902.

£165 on deposit for investment by Crown Agents.

Audited and found correct,

June 5th, 1902.

LOWTHER E. BRANDON.

Notices and Advertisements.

Approved Notices and Advertisements will be inserted in the Government Gazette at the following rates:—

Every Notice under the Probate Ordinance	...	...	...	5/-
Any other Notice or Advertisement not exceeding 50 words	...	...	...	2/6
Every additional 25 words	...	...	...	1/-

No Notice will be published unless the above charges are prepaid by postage stamps affixed to the notice when sent in.

This Gazette is published by Command of His Excellency the Administrator.

W. A. THOMPSON.

1st July, 1902.

Acting Colonial Secretary.



THE FALKLAND ISLANDS GAZETTE.

(PUBLISHED BY AUTHORITY).

VOL. XII.

AUGUST 1st, 1902.

No. 8.

No. 54.



Proclamation.

By His Excellency W. HART BENNETT,
Administrator of the Colony of the Falkland Islands.

Whereas the "Falkland Islands Currency Note Order in Council, 1899." amongst other things, declares that the fixed proportion of the Guarantee Fund to be kept in coin in the custody of the Currency Commissioners shall be in the first instance two-thirds, but if the Governor satisfies a Secretary of State that, having regard to the amount of notes, which are always outstanding, the fixed proportion may be diminished without danger to the convertibility of the Currency Notes, and obtains the authority of a Secretary of State for the purpose, he—the said Governor—may by Proclamation, fix another proportion so that it be not less in any case than one-half.

And Whereas the authority of the Secretary of State for the Colonies has been obtained to fix the said proportion at one-half.

Now Therefore, I, WILLIAM HART BENNETT, in pursuance of the requirements of the said Order in Council do hereby proclaim that the said proportion of the said Note Guarantee Fund shall in future be one-half instead of two-thirds.

Given under the hand of the Administrator at Government House, Stanley, this 1st day of July, 1902.

By Command,

W. A. THOMPSON,

Acting Colonial Secretary.

GOD SAVE THE KING.

No. 55.

Queen's Memorial.

The Administrator directs the publication of the following correspondence with respect to the contribution from the Falkland Islands to the Queen Victoria Memorial Fund.

11th July, 1902.

From Governor to Secretary of State.

21st April, 1902.

Sir,

With reference to your Circular Despatch of the 10th of June last, I have the honour to enclose a cheque for £118 15s. 6d. which my wife has collected for the Memorial of our late Queen.

2. The subscription lists have been signed by members of very nearly every family in the Colony, and bear the signatures of 1443 persons of whom 1353 are Colonists and 90 visitors.

3. Though this contribution may appear small it will be seen how very large it is in reality when I state that the total population of the Colony on the 31st December, 1901 was 2076, and that, to equal it, relatively, more than 28,000,000 persons in the United Kingdom must subscribe and their contributions must exceed two and a quarter millions sterling.

I have, &c.,

(Signed) W. GREY-WILSON.

From Secretary of State to Administrator.

6th June, 1902.

Sir,

I have the honour to acknowledge the receipt of Mr. GREY-WILSON's despatch of the 21st April, 1902, enclosing a cheque for £118 15s. 6d. which has been collected in the Colony as a contribution towards the proposed Imperial Memorial to the memory of the late Queen.

2. I caused the cheque to be forwarded to the Lord Mayor whose receipt is enclosed, and have to express my appreciation of the loyalty and affection for the memory of Queen Victoria, evinced by the large number of contributors in the Falklands; and I will also take an opportunity of conveying to Mrs. GREY-WILSON an expression of my appreciation of her efforts in the matter.

I have, &c.,

(Signed) J. CHAMBERLAIN.



Draft of an Ordinance to amend "The Savings Bank Ordinance, 1888."

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

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

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

2. This Ordinance shall come into force on and from the 1st day of October, 1902.

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

No. 56.
Harbour Ordinance, 1902.

The Administrator directs it to be notified that intimation has been received from the Secretary of State for the Colonies that His Majesty will not be advised to exercise his power of disallowance with respect to Ordinance No. 2 of 1902, "An Ordinance relating to Harbours."
11th July, 1902.

No. 57.
Savings Bank.

Depositors are reminded that their Books should be sent in before 30th September next.
23rd July, 1902.

No. 58.
Appointment.

The Administrator has appointed Mr. Vere Packe, J.P., to act as Treasurer, Collector of Customs, Post Master, Harbour Master, Receiver of Wreck, Official Administrator and Sheriff. Dated 24th July, 1902.

No. 59.
Accounts.

With this Gazette is published a Statement of the Receipts and Payments of the Colony for the Quarter ended 31st March, 1902.
29th July, 1902.

No. 60.
Savings Bank Ordinance, 1888.

The Administrator directs the publication of the Draft of an Ordinance to amend the Savings Bank Ordinance, 1888, which will be shortly laid before the Legislative Council.

By this measure interest will, from the 1st October next, be calculated quarterly instead of monthly.
1st August, 1902.

No. 61.
Returns of the Census of 1901.

Notice is hereby given that copies of the detailed Returns of the Census of 1901 can now be obtained on application at the Colonial Secretary's Office. Price 1/-
1st August, 1902.

Notices and Advertisements.

Approved Notices and Advertisements will be inserted in the Government Gazette at the following rates:—

Every Notice under the Probate Ordinance	...	...	...	5/-
Any other Notice or Advertisement not exceeding 50 words	...	...	...	2/6
Every additional 25 words	...	...	...	1/-

No Notice will be published unless the above charges are prepaid by postage stamps affixed to the notice when sent in.

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W. A. THOMPSON.

1st August, 1902.

Acting Colonial Secretary.



THE FALKLAND ISLANDS GAZETTE.

(PUBLISHED BY AUTHORITY).

VOL. XII.

SEPTEMBER 10TH, 1902.

No. 9.

No. 62.

The Coronation.

His Excellency the Administrator directs the publication of the following Despatch from the Rt. Hon. the Secretary of State for the Colonies together with the Resolution to which it refers:

Downing Street,
6th August, 1902.

Sir,

I have the honour to acknowledge the receipt of your Despatch of the 27th June, reporting the Coronation Celebrations which took place in the Colony on the 26th June.

2. I am commanded by His Majesty the King to request that you will convey to the Legislative Council and to the Inhabitants of the Islands the expression of his grateful appreciation of their loyalty to the Crown and devotion to His person.

I have, &c.,

(Signed) J. CHAMBERLAIN.

The Officer Administering
the Government of
The Falkland Islands.

Resolution.

Minutes of Special Meeting of the Legislative Council of the Falkland Islands held at Government House, Stanley, on 26th June, 1902.

Present:

H.E. THE ADMINISTRATOR.
THE HON. THE ACTING COLONIAL SECRETARY.
THE HON. THE COLONIAL SURGEON.
THE HON. J. J. FELTON, J.P.

We, the members of the Legislative Council of the Colony of the Falkland Islands, desire, on behalf of the Community, to express, on this auspicious day, our respectful and heartfelt congratulations on the occasion of the Coronation of their Majesties KING EDWARD VII. and QUEEN ALEXANDRA.

We realize that the great event which is this day taking place in England is one without parallel in the glorious history of the Empire of which this Colony is proud to form a part.

Distant though the Falkland Islands be from the Mother Country, and few and scattered their inhabitants, they yield to none of the British Dominions beyond the Seas in loyalty to the Crown and in loving devotion to their King and Queen.

We feel that we are only echoing the sentiments of every resident of this Colony when we say that the solemn and unique Ceremony which is to-day being performed in Westminster Abbey inspires in all of us the liveliest feelings of patriotic love for our Sovereign Rulers, and we humbly beg that this, our Resolution, may be transmitted to the Right Honourable the Secretary of State for the Colonies, with the request that it may be laid at the foot of the Throne.

W. HART BENNETT, *Administrator.*

W. A. THOMPSON, *Act. Colonial Secretary.*

S. HAMILTON, *Colonial Surgeon.*

J. J. FELTON, J.P.

No. 63.

Peace in South Africa.

His Excellency the Administrator directs the publication of the following correspondence with the Secretary of State:

From Administrator to Secretary of State.

28th June, 1902.

Sir,

I have the honour to acknowledge the receipt of your telegram of the 1st inst. informing me that the Representatives of the Boer Forces still in the field have accepted the terms of surrender offered by His Majesty's Government.

The good news was at once circulated for the information of the public, and was received with general rejoicing and, on behalf of the Colony, I beg leave to tender my congratulations on the happy termination of hostilities.

I have, &c.,

(Signed) W. HART BENNETT,

The Rt. Hon. *Administrator.*
J. CHAMBERLAIN, J.P.,
&c., &c.

From Secretary of State to Administrator.

6th August, 1902.

Sir,

I have the honour to acknowledge the receipt of your despatch of the 28th June, and to inform you that His Majesty has received with much pleasure the congratulations of the Colony on the termination of the hostilities in South Africa.

I have, &c.,

(Signed) J. CHAMBERLAIN.

The Officer Administering
The Government of
The Falkland Islands.



SUPPLEMENT TO

THE FALKLAND ISLANDS GAZETTE.

(SEPTEMBER 10TH, 1902).

Message from the King.

The Administrator has received to-day (4th September, 1902) the following telegram from the Secretary of State, dated 7th August, 1902.

"The following is text of letter which His Majesty the King has written to his people on the occasion of Their Majesties' Coronation."—

On the eve of my Coronation, an event which I look upon as one of the most solemn and important in my life, I am anxious to express to my people at Home and in the Colonies and in India my heartfelt appreciation of the deep sympathy which they have manifested towards me during the time that my life was in such imminent danger. The postponement of the Ceremony owing to my illness caused, I fear, much inconvenience and trouble to those who intended to celebrate it, but their disappointment was borne by them with admirable patience and temper. The Prayers of my people for my recovery were heard and I now offer up my deepest gratitude to Divine Providence for having preserved my life and given me strength to fulfil the important duties which devolve upon me as the Sovereign of this great Empire.

(Signed) **EDWARD R. and I.**

**Buckingham Palace,
8th August, 1902.**

By Command.



Draft of An
Ordinance relating to Summary Jurisdiction.

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

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

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

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

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

2.—The town of Stanley, for the purposes of this Ordinance, shall extend to such place as the Governor shall from time to time define by any proclamation for that purpose issued. Limits of Stanley.

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

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

- (1) When one Justice is sitting alone he may hear and determine any information relating to an offence against any law containing no provision to the contrary, but he may not impose a larger fine than Five Pounds.
- (2) When two or more Justices are sitting together they may hear and determine any information relating to—
 - (i) Any contravention of any law containing no provision to the contrary; or
 - (ii) Any offence for which the offender is liable under any law, containing no provision to the contrary, upon summary conviction to be imprisoned or fined or otherwise punished.

Powers of Magistrate sitting alone.

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

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

Appeal to Supreme Court.

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

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

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

Assessors to Magistrate.

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

One Justice may issue summons, &c.

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

Information must be laid within 12 months.

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

Appointment of Constable.

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

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

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

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

Oath.

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

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

Constables to have powers of Parish Constables.

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

Penalty for neglect of duty.

13.—Any constable may apprehend any loose, idle, or disorderly person, whom he shall find disturbing the public peace, or any person whom he shall have reasonable cause to suspect of having committed or being about to commit any offence, and any person whom he shall find between sunset and the hour of eight in the morning lying or loitering in any street, yard or other place, and not giving a satisfactory account of himself, and any person found by any constable committing any offence punishable by this or any Ordinance, and any constable may also stop, search, or detain any boat, cart, or carriage in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen, or unlawfully obtained.

Powers of Constables

May search boats, &c.

14.—Any constable having reasonable cause to suspect that any felony or misdemeanor has been or is about to be committed in or on board of any boat or other vessel lying in any harbour or port in the Falkland Islands, may enter at all times, as well by night as by day, into and upon such boat or other vessel, and therein take all necessary measures for the effectual detection or prevention of all such felonies or misdemeanors, and take into custody all persons suspected of being concerned in such felonies or misdemeanors, and also take charge of all property so suspected to be stolen.

Constables may search vessel on suspicion of felony.

15.—Any person taken into custody without a warrant by any constable, except a person detained for the mere purpose of ascertaining his name and residence, shall be forthwith delivered into the custody of the constable in charge of the nearest lock up or gaol, in order that such person may be secured until he can be brought before a justice, and dealt with according to law.

Persons apprehended to be taken to the lock-up.

PROCEDURE BEFORE HEARING.

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

Summonses and Warrants.

Summons how served.

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

Proof of service.

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

When warrant of arrest may issue.

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

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

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

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

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

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

Aiders and Abettors.

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

Search warrant.

21.—If any information shall be given upon oath to any Justice that there is reasonable cause to suspect that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, ship, or other place, it shall be lawful for such Justice by warrant under his hand directed to any Constable to cause any such dwelling-house, ship, or other place to be entered and searched at any time of the day or by night (if power for that purpose be given

by such warrant), and the said Justice, if it shall appear to him necessary, may empower such Constable, with such assistance as may be found necessary (such Constable having previously made known such his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such thing shall be found, then to convey the same before a Justice, or otherwise dispose thereof in some place of safety, and to take into custody and carry before a Justice any person found in such house, ship, or place, who shall appear to have been privy to the deposit of any such thing knowing or having reasonable cause to suspect the same to be stolen or otherwise unlawfully obtained.

PROCEEDINGS ON HEARING.

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

Complaints to be heard in open Court.

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

Procedure on hearing.

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

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

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

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

Power of Court to sit with closed doors.

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

Depositions.

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

Charge.

Adjournment.

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

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

Judgment.

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

Costs.

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

First conviction.

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

Committal to prison.

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

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

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

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

(4.) Where any person shall refuse to be examined as a witness upon oath or to answer such questions concerning the matter before the Court as shall then be put to him, without offering any just excuse, he may be imprisoned for any time not exceeding 7 days, unless he shall in the meantime consent to be examined.

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

Warrants of distress.

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

When executed.

Exemptions.

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

To lapse on payment.

35.—In any case where the imposition of a fine is authorized, the Court may, instead of so doing, order that the person shall be imprisoned, with or without hard labour, for any term not exceeding the period specified in the following scale:—

Mode of enforcing fines.

For any sum				Not exceeding			
Not exceeding 10s.				One week			
Exceeding 10s., but not exceeding £1				Two weeks.			
"	£1	"	"	£2	"	"	Twenty-one days.
"	£2	"	"	£5	"	"	One month.
"	£5	"	"	£10	"	"	Two months.
"	£10	"	"	£20	"	"	Three "
"	£20	"	"	£30	"	"	Four "
"	£30	"	"	£40	"	"	Five "
"	£40	"	"	£50	"	"	Six "
"	£50	...	...	...	...	...	One year.

In any case where any person is ordered to be imprisoned in default of the payment of a fine, forfeiture, duty or sum, the Court may order that, in default of payment as directed, the person shall be imprisoned for any term not exceeding the period specified in the aforesaid scale, the imprisonment to be determinable on payment of the amount and costs.

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

Consecutive terms of imprisonment

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

Rewards to informers.

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

Common informers.

39.—Any fine, penalty, forfeiture, sum of money, duty or costs imposed under the provisions of this or any Ordinance containing no provisions to the contrary, or any sum of money upon any recognizance taken before any Court of Justice, and afterwards forfeited in case of non-payment thereof, shall be sued for and recovered upon information in a summary way before the Court and it shall be lawful for the Court to hear and determine (either on the oath of one or more credible witnesses, or on the confession of the person against whom the information shall be laid) any information relating to any offence, claim or other matter, under any of the provisions of

Recovery of fines, &c.

the said Ordinances, and to order such fine, penalty, forfeiture, imprisonment, compensation, expenses and sums, or to make such other order relating to each offence or other matter as such person shall be liable to under the said provisions, and all proceedings as to compelling the appearance of any such person or of any witness, and as to the hearing and determination of such information, and as to the making and executing such orders, shall, so far as is consistent with the provisions of this Ordinance, and so far as the said provisions can be applied, be carried on in the manner directed by and be subject in all respects to the provisions of the Statutes which regulate summary prosecutions before Justices of the Peace in England.

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

40.—If a verdict of murder or accessory before the fact shall be found by a Jury upon any information or Coroner's inquisition against any person, the Coroner holding the inquest and the Court, the Sheriff and his deputy, or if there be no Sheriff the Chief Constable and his deputy duly appointed, the gaoler and all other officers, shall have and be deemed to have had the same powers respectively for the commitment, trial and execution of the person so charged and convicted as by law is possessed in England by the Coroner or the Justices of oyer and terminer and gaol delivery, the Sheriff and his deputy, the gaoler and other officers, with regard to the commitment, trial and execution of the sentence upon any person in England convicted of either of the said offences upon any indictment or Coroner's inquisition.

PENALTIES (CRIMINAL).

Perjury.

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

False declarations.

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

Damage to property.

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

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

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

Robbery.

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

Wounding.

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

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

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

Unlawful possession.

If any person shall be brought before any Justice charged with having or conveying anything stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Justice is hereby authorized and required to cause every such person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same shall have passed to be brought before him and examined, and to examine witnesses upon oath touching the same.

Receiving stolen goods.

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

Using horses without consent.

(c) If he shall obtain any sum of money or other reward from any person by threatening directly or indirectly to lodge any information or make any complaint before any Justice, or as an inducement for forbearing to lay such information or to make such complaint.

Obtaining money by threats.

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

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

Causing bodily hurt.

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

Supplying liquor to His Majesty's ships without consent.

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

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

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

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

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

Restoration of stolen goods may be ordered.

48.—If any goods shall be stolen or unlawfully obtained, or being lawfully obtained shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint shall be made to a Justice that such goods are in the possession of any person who shall have advanced money upon the credit of such goods, it shall be lawful for the Justice to issue a summons or warrant for the appearance of such person and for the production of such goods, and to order such goods to be delivered to the owner thereof, either without payment or upon payment of such sum, and at such time as the Justice shall think fit, and any person so ordered who shall refuse or neglect to deliver up the goods, or who shall dispose of or make away with the same, after notice that such goods were stolen or unlawfully obtained, shall forfeit to the owner of the goods twice the value thereof, to be determined by the Justice.

Offences in Towns.
Fine 40/-

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

Furious riding.

(a) Who shall ride or drive furiously, so as to endanger the life or limb of any person, or to the common danger or annoyance of the passengers.

Profane language.

(b) Who shall use any profane, indecent, or abusive language, or be guilty of any riotous, indecent, or disorderly behaviour, or make any disturbance, or sing any obscene song or ballad, to the annoyance of the inhabitants, or make causeless cry of murder, or other false alarm in any way.

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| (c) Who shall use any threatening, abusive, or insulting words or behaviour with intention to provoke a breach of the peace, or whereby a breach of the peace may be occasioned. | Threats. |
| (d) Who shall throw or discharge any stone or other missile to the damage or danger of any person or property, or make any bonfire or throw or set fire to any firework. | Throwing stones. |
| (e) Who shall discharge any fire-arms loaded with shot, slugs, or ball without lawful cause, or any gun loaded with ball from the harbour, or from the land on the opposite side of the harbour towards the town, or shall discharge any gun to the common danger of the inhabitants or passengers. | Discharging fire-arms. |
| (f) Who shall wantonly disturb any inhabitant by ringing or pulling any door bell, or knocking at any door without lawful excuse, or who shall wilfully and unlawfully extinguish the light of any lamp. | Putting out lamps and ringing bells. |
| (g) Who in any public place other than such as may be authorised for that purpose by the Governor, shall throw or lay, or cause to be thrown or laid, any dirt, ashes, litter or any carrion, fish, birds, offal, or rubbish, broken glass, delf, or bottles, or any other sharp substances. | Rubbish on public places. |
| (h) Who shall place any filth or rubbish, or shall leave the carcass of any animal belonging to him unburied, so as to become a nuisance. | Filth or carcass of animal. |
| (i) Who, being the owner or occupier of a house, tenement, or land, shall not keep sufficiently swept and cleansed all public footpaths, drains, and water-courses adjoining his premises. | Footpaths, drains, &c. |
| (j) Who shall suffer to be at large any dangerous dog not effectually muzzled, or set on or urge any dog to attack, worry, or put in fear any person or animal; and it shall be lawful for any Justice to issue a warrant to any constable directing him to seize or kill any such dangerous dog which shall have been so at large contrary to the provisions of this Ordinance; and any constable may accordingly seize or kill any such dog. | Dangerous dogs. |
| (k) Who, being the owner or keeper of any bitch, shall suffer her when at heat to be off the chain or not shut up in some secure place. | Bitches on heat. |
| (l) Who wilfully sets or causes to be set on fire any chimney: Provided that nothing herein contained shall exempt such person from liability to be indicted for felony. | Setting chimney on fire. |
| (m) Who occupies or uses premises in which any chimney accidentally catch or be on fire: Provided that such penalty shall not be incurred if such person shall prove to the satisfaction of the Court that such fire was in no wise owing to omission, neglect, or carelessness of himself or servant. | Chimneys accidentally on fire. |

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

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

*Offences in Towns.
Fine £5.*

Keeper of coffee houses, &c. permitting drunkenness.

- (d) Who shall keep any house, shop, room or place of public resort wherein provisions, liquor, coffee, or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere), who shall wilfully or knowingly permit drunkenness or other disorderly conduct therein, or permit any unlawful games, or permit any gaming whatsoever therein; and it shall be lawful for any Justice or constable to enter and search any part of such premises at any hour, and any person who shall obstruct or use any abusive language or conduct to any such Justice or constable may be arrested.

Drunkenness.

51.—If any person shall be drunk in Stanley, he shall pay upon conviction, for the first offence, five shillings; upon the second conviction, a sum not exceeding twenty shillings; and upon any subsequent conviction, a sum not exceeding two pounds.

Injuries to roads and jetties.

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

Deepening ditches, breaking up roads, &c.

- (a) Who, without the authority of the Governor, shall deepen, widen, or fill up any public ditch or drain more than may be necessary for the cleaning thereof, or who shall build any wall, or make any ditch, drain, or water-course, or dig any pit or hollow on or otherwise break up the surface of, or draw any timber, vessel, or stones, without being supported by wheels, from touching upon any public road, shall pay a fine not exceeding forty shillings.

Obstructing roads or jetties.

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

Throwing rubbish.

- (c) Who shall throw any dirt, ashes, litter, broken glass, delf, bottles, or other sharp substances, carrion, fish, birds, offal, filth or rubbish, or permit any offensive matter to run from his premises on any public road or jetty or into any public drain, well, water-course, or reservoir, shall pay a fine not exceeding five pounds.

Removing night soil.

- (d) Who shall move along any public road any night-soil between the hours of six in the morning and ten at night, or who shall not carefully sweep or clean any public road or place in which any night-soil or other offensive matter shall have been stopped or spilled by him, shall pay a fine not exceeding forty shillings.

Games or slides.

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

Fine for leaving material on road after notice to remove.

- (f) Who shall have been required by any Justice or by direction of the Governor to remove any obstruction caused by him to or material placed by him contrary to the provisions of any Ordinance upon any public road, jetty, or other place, or in any public well, water-course, or reservoir, in addition to any fine he may be liable to, shall also pay a further fine not exceeding forty shillings for every twelve hours the same shall be allowed to remain there after being required to remove the same.

Removal of nuisances.

53.—It shall be lawful for any person duly authorized by the Governor or any constable duly authorized in writing by any Justice, to remove any of the objects specified in the preceding section (sub-section f) which may be left, contrary to the provisions of this or any Ordinance, on any public road, jetty, or other place, or in any public well, water-course, or reservoir, at the expense of the offender; and it shall be lawful for any Justice, upon complaint of such person or constable as the case may be, and, upon proof of the expense incurred, to issue a warrant for the levying of such expenses by distress and sale of the goods and chattels of the offender.

54.—It shall be lawful for the Governor to forbid any person from passing on, riding or driving any kind of beast or carriage on any new road or any road whilst under repair, for such space of time as to him shall appear necessary, not exceeding six months; and any person who shall wilfully disobey such order (the same being duly notified by a notice affixed to a board erected upon such road), shall pay a fine not exceeding forty shillings; unless otherwise expressly provided in any regulations made under section 27 of the Stanley Fire Brigade Ordinance, 1898.

Roads under repair.

55.—Any person being a dealer in gunpowder, who shall keep in Stanley, at any one time more than twenty-five pounds of gunpowder, and not being a dealer, more than five pounds in or upon his premises or elsewhere (except in any building approved of by the Governor for keeping unlimited quantities of gunpowder), shall pay a fine of one hundred pounds; and all beyond the quantity hereby allowed to be kept, and the barrels in which the same shall be, shall be forfeited; and any Justice (upon reasonable cause assigned upon oath) may issue his warrant for searching in the daytime any place in which gunpowder, so suspected to be kept contrary to this section, and all such gunpowder together with the barrels, shall be seized by the searcher, who shall with all convenient speed remove the same to such authorized place as aforesaid, and may detain there such gunpowder and barrels till it shall be adjudged, on the hearing of the case, whether the same shall be forfeited: Provided that this section shall not extend to any gunpowder belonging to His Majesty.

Gunpowder, penalty for keeping unlawful quantity.

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

Smoking in boat loaded with gunpowder.

57.—Any person who shall take and use or cause to be taken and used any boat in Stanley Harbour without the consent of the owner shall be liable to a fine not exceeding ten pounds, and such sum as the Justice shall award as a compensation for the loss, use of, or damage done to his boat.

Taking boat without leave.

58.—Any person who shall unlawfully and wilfully prevent or assault or threaten to prevent or assault or unlawfully obstruct any person employed by authority of the Governor in surveying or measuring for the Crown, or who shall wilfully destroy, pull up, deface or injure any instruments or implements used in any such survey, or who shall wilfully break, deface, pull down, or take away any marks or posts or stones out of any battlement, wall, mound, fence, or out of any bridge, pipe, arch, or gullet, or from any land belonging to the Crown, shall for any such offence pay a fine not exceeding ten pounds.

Obstructing Surveyor.

59.—Any unauthorized person who shall tear or deface any notice placed on the gazette board, shall, upon conviction, be imprisoned and kept to hard labour for ten days, or if a boy under fourteen years of age, he shall be liable to be once privately whipped instead of such imprisonment, and the convicting Justice shall order some fit and proper person to inflict such punishment of whipping when ordered to be inflicted out of prison.

Defacing notice on gazette board.

60.—Any person who shall wilfully or negligently set on fire any grass or other herbage on land not in his own possession, and if on Crown land, without the consent of the Governor for the time being, if on land in the possession of any other party without his authority, shall pay a fine not exceeding twenty pounds,

Setting fire to camp.

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

Cutting peat on Crown lands.

Penalty for assaulting constable,

62.—Any person who shall assault, resist, or obstruct or shall use any abusive, threatening, obscene, or profane language towards any constable in the execution of his duty, or towards any person in the execution of any act under the provisions of this Ordinance, shall for such offence pay a fine not exceeding ten pounds.

Weights and Measures.

63.—Such of the provisions of the Statutes relating to weights and measures as are applicable to and in force in England, shall be applied to and be in force in the Falkland Islands, so far as the same can be applied, from and after the appointment of an Inspector of weights and measures, and when there shall be provided one complete set of the imperial standard weights and measures, verified and stamped, at the Exchequer together with the proper beams, scales, and stamps, the Justices, resident in Stanley assembled at a meeting, or at any adjournment thereof, to be called from time to time by the Magistrate are hereby empowered from time to time to appoint an Inspector of weights and measures, and to dismiss any Inspector so appointed as occasion may require; and the Inspector so appointed shall possess and exercise all the powers and authorities within the Falkland Islands, and be subject to the like penalties for any neglect or offences in the discharge of his duty which any Inspector may possess or exercise, or be liable to by virtue of the said Statutes; and the weights, measures, scales, and stamps so provided shall be kept by the Inspector for the time being, unless the Justices shall otherwise order, and shall be considered to all intents the same for all purposes as if they had been provided under the authority of the said Statutes and the fees authorized to be levied in England by the said Statutes shall be leviable in the Falkland Islands and shall be paid into the Treasury.

False Weights and Measures penalty for using.

64.—Any person who shall use any weight or measure other than those authorized by the said recited Act for the sale of any article shall on conviction thereof be liable to a fine not exceeding five pounds; and any contract, bargain, or sale by fraudulent weights or measures so used shall be void, and every such light or unjust weight or measure so used shall, on being discovered by any constable, be seized by him; and upon the conviction of the person so using or possessing the same shall be forfeited and forthwith destroyed.

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

65.—Whenever any domestic servant, artificer, labourer, or other person, shall have contracted verbally or in writing to serve any person at any time and in any capacity, and he shall not enter into or commence his service according to such contract, or whenever having entered into such service he shall absent himself before the expiration of his contract, or shall neglect to fulfil the same, or shall be guilty of any misconduct in the execution of the same, or in any way respecting the same, it shall be lawful for any Justice to hear and determine any such complaint made against him by his employer, or by the steward, manager, or agent of his employer, and upon conviction to punish him by fine not exceeding Five Pounds and to abate the whole or part of his wages; and also to hear and determine all complaints concerning breach of contract or ill-usage which shall happen and arise between any such domestic servant, artificer, labourer, or other person and his employer, or the steward, manager, or agent of his employer, and to impose any fine not exceeding Five Pounds, and to make such order for payment of wages as shall seem just, and every such order may be enforced by execution against the goods, effects or other property of the party against whom such order shall be made.

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

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

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

Claims to tenements.

Whenever the term or interest of the tenant of any house or of any part of a house situate in Stanley, which shall be held by him for any term not exceeding twelve months shall have ended or shall have been duly determined by a legal notice to quit, if such tenant (or where such tenant shall not himself occupy the premises, or only a part thereof if the person by whom the same or any part thereof, shall be occupied) shall neglect or refuse to deliver up possession of the same, it shall be lawful for the landlord or his known agent to cause such tenant or occupier to be served with a summons in writing signed by any Justice to show cause why possession of the premises should not be delivered up; and—

If any such tenant or occupier shall not appear at the time and place so appointed, or shall appear but shall not show to the satisfaction of the Court reasonable cause why possession should not be given up, and shall still refuse or neglect to deliver up possession of the said premises to the said landlord or agent, it shall be lawful for the Court upon proof of the holding and of the end and determination of the tenancy, with the time and manner thereof (and where the title of the landlord shall have accrued since the letting of the premises, upon proof of the right by which he claims), to issue a warrant to any Constable requiring and authorising him, within a period to be therein named, to give possession of the premises to such landlord or agent, and such warrant shall be a sufficient warrant to the said Constable to enter upon the premises with such assistants as he shall deem necessary, and to give possession accordingly at any time between the hours of nine in the morning and four in the afternoon.

68.—If the master of any vessel lying in Stanley Harbour shall apply to have any members of his crew lodged in Gaol, he shall, on the conviction, first pay towards the prison maintenance of such persons the sum of one shilling and sixpence per diem for each man, to be deducted from their several wages according to the provisions of the Merchant Shipping Act, 1894, and shall take a receipt for the same from the Court: Provided that if any Master shall obtain the release of any of his crew thus imprisoned before the expiration of their confinement, he shall receive the balance of the sum paid for their support, which sum shall be endorsed on the receipt given at the previous conviction.

Payment by master of vessel for prison maintenance of crew.

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

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

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

Rules.

Repeal.

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

Short title.

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

Passed the Legislative Council this day of 1902.

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

(Signed)

Clerk of the Council.

SCHEDULE.

Repeal.

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

FALKLAND ISLANDS.

Statement showing total Receipts and Payments during Quarter ended 30th June, 1902.

Receipts.	Received in Colony.			Received by Crown Agents.			Total.			Payments.	Paid in Colony.			Paid by Crown Agents.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.	£	s.	d.
Balance on 1st April, 1902. ...	545	2	8	2756	16	7	3301	19	3	Pensions ...	...	...	...	55	14	0	55	14	0
Customs ...	1299	12	2	...	...	...	1299	12	2	Governor ...	272	0	0	...	...	...	272	0	0
Port, Harbour and Tonnage Dues ...	15	17	6	...	...	...	15	17	6	Colonial Secretary ...	316	3	10	...	...	...	316	3	10
Licences ...	195	14	6	...	...	...	195	14	6	Customs ...	13	9	0	...	...	...	13	9	0
Fees ...	135	10	11	...	...	...	135	10	11	Audit ...	...	...	...	3	0	4	3	0	4
Post Office ...	296	12	8	...	...	...	296	12	8	Port and Marine ...	27	4	8	...	...	...	27	4	8
Rents ...	514	6	7	...	...	...	514	6	7	Legal ...	75	0	0	...	...	...	75	0	0
Miscellaneous Receipts ...	76	2	0	...	...	...	76	2	0	Police ...	116	0	0	5	17	9	121	17	9
Interest on Investments:—										Prisons ...	39	6	1		5	10	39	11	11
„ Land Sales ...				139	12	10	139	12	10	Medical ...	150	0	0	15	4	10	165	4	10
„ Savings Bank ...				311	5	1	311	5	1	Education ...	142	12	7	...	...	...	142	12	7
„ Fire Brigade ...				...	...	...	...	...	...	Ecclesiastical ...	116	16	8	...	...	...	116	16	8
„ Local Purchase Land ...				...	...	...	...	...	...	Transport ...	64	2	6	37	8	0	101	10	6
Total exclusive of Land Sales	2533	16	4	450	17	11	2984	14	3	Miscellaneous ...	78	1	4	37	5	0	115	6	4
Land Sales ...	...	...	...	...	...	...	...	...	...	Post Office ...	134	16	9	625	0	0	759	16	9
Total ...	2533	16	4	450	17	11	2984	14	3	Colonial Engineer ...	89	12	3	7	2	10	96	15	1
Investments realized ...	...	...	...	285	0	0	285	0	0	Public works ...	305	15	7	72	19	1	378	14	8
Advances repaid ...	2187	0	2	2257	15	6	4444	15	8	„ (Extraordinary) ...	304	16	0	6	2	4	310	18	4
Deposits received ...	11545	3	2	3	12	11	11548	16	1	Savings Bank ...	13	14	5	...	...	...	13	14	5
Remittances received ...	...	...	...	4800	0	0	4800	0	0	Drawbacks and Refunds ...	27	3	0	...	...	...	27	3	0
Overpayments recovered ...	...	8	8	...	...	...	...	8	8	Investments made ...	40	0	0	1788	12	11	1828	12	11
Received under Scab Ordinance				...	...	...	...			Advances ...	4150	3	6	333	3	11	4483	7	5
Total ...	16266	8	4	7797	6	4	24063	14	8	Deposits repaid ...	6476	2	11	3392	18	10	9869	1	9
Balance brought down ...	545	2	8	2756	16	7	3301	19	3	Remittances to Cro'n Agents ...	3000	0	0	...	...	...	3000	0	0
Total ...	16811	11	0	10554	2	11	27365	13	11	Advances, Scab ...	74	14	0	...	...	...	74	14	0
										Total ...	16027	15	1	6380	15	8	22408	10	9
										Balance on 30th June, 1902 ...	783	15	11	4173	7	3	4957	3	2
										Total with Balance ...	16811	11	0	10554	2	11	27365	13	11

Treasury, Stanley, 23rd August, 1902.

VERE PACKE, *Acting Treasurer.*

[SEAL]

(Signed)

W. HART BENNETT.

No. 4,



1902.

FALKLAND ISLANDS.

WILLIAM HART BENNETT,

Administrator.

(30th August 1902.)

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

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

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

Interest quarterly instead of monthly.

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

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

Date of coming into force.

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

Short Title.

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

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

(Signed)

W. A. THOMPSON,

Acting Clerk of the Council.

No. 64.

Supplementary Appropriation Ordinance, 1902.

With reference to notification No. 49 in Gazette No. 7 of 1st July, 1902, the Administrator directs it to be notified that intimation has been received from the Secretary of State for the Colonies that His Majesty will not be advised to exercise his power of disallowance with respect to Ordinance No. 3 of 1902 "An Ordinance to authorize the Supplementary Expenditure for the year 1901."

No. 65.

Notice.

Notice is hereby given that if any person shall give, sell, purchase, or procure for or on behalf of Alfred Biggs, for his use during the period of twelve months from the date hereof, any liquor, he or she shall forfeit upon conviction for every such offence a sum not exceeding five pounds.

W. A. THOMPSON,
Police Magistrate.

14th August, 1902.

No. 66.

Accounts.

With this Gazette is published a Statement of the Receipts and Payments of this Colony for the Quarter ended 30th June, 1902.

30th August, 1902.

No. 67.

Savings Bank Amendment Ordinance, 1902.

With reference to notification No. 60 in Gazette No. 8 of 1st August, 1902, the Administrator directs the publication of the undermentioned Ordinance which has been passed by the Legislative Council and assented to by His Excellency.

No. 4 of 1902 "An Ordinance to amend the Savings Bank Ordinance, 1888."

By this measure interest will from 1st October next be calculated quarterly instead of monthly.

30th August, 1902.

No. 68.

Summary Jurisdiction Bill.

The Administrator directs the publication with this Gazette of the draft of an Ordinance relating to Summary Jurisdiction which will be laid before the Legislative Council.

31st August, 1902.

No. 69.

Erratum.

In Gazette No. 8 of 1st August, 1902 the pages should have been numbered "18" and "19" not "9" and "10."

31st August, 1902.

Notices and Advertisements.

Approved Notices and Advertisements will be inserted in the Government Gazette at the following rates:—

Every Notice under the Probate Ordinance	...	...	5/-
Any other Notice or Advertisement not exceeding 50 words	...	...	2/6
Every additional 25 words	...	...	1/-

No Notice will be published unless the above charges are prepaid by postage stamps affixed to the notice when sent in.

This Gazette is published by Command of His Excellency the Administrator.

W. A. THOMPSON.

10th September, 1902.

Acting Colonial Secretary.



THE FALKLAND ISLANDS GAZETTE.

(PUBLISHED BY AUTHORITY).

VOL. XII.

OCTOBER 1st, 1902.

No. 10.

No. 70.

Appointment.

The Administrator has appointed Mr. W. A. THOMPSON to fill the combined offices of Colonial Secretary and Treasurer and their allied offices from the 11th day of September, 1902 until further orders.

No. 71.

Marriage Bill.

His Excellency the Administrator directs the publication of the Draft of an Ordinance relating to Marriage, which it is proposed to lay before the Legislative Council.

No. 72.

Summary

Jurisdiction Ordinance.

With reference to notification No. 68 in Gazette No. 9 of 10th September, 1902, the Administrator directs the publication of the undermentioned Ordinance, which has been passed by the Legislative Council and assented to by His Excellency.

No. 5 of 1902, "An Ordinance relating to Summary Jurisdiction."



Notices and Advertisements.

Approved Notices and Advertisements will be inserted in the Government Gazette at the following rates:—

Every Notice under the Probate Ordinance	...	...	...	5/-
Any other Notice or Advertisement not exceeding 50 words	...	...	...	2/6
Every additional 25 words	...	...	...	1/-

No Notice will be published unless the above charges are prepaid by postage stamps affixed to the notice when sent in.

This Gazette is published by Command of His Excellency the Administrator.

W. A. THOMPSON.

Acting Colonial Secretary.

1st October, 1902.



Draft of an Ordinance relating to Marriage.

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

1. In this Ordinance—

“Registrar General” shall mean the person holding that office under the Registration Ordinance, No. 12 of 1853.

Definitions.

“Minor” shall mean a person who is under the age of twenty-one years and who is not a widower or a widow.

“Minister” shall mean a Minister registered under this Ordinance as a Minister for celebrating marriages.

2. The Registrar General may appoint in writing under his hand such Registrars as he may deem necessary for the purposes of this Ordinance, and all appointments so made by the Registrar General shall be subject to the approval of the Governor and shall be during pleasure only.

Registrars how appointed.

3. Every marriage which by the law of England would be valid, and every marriage celebrated in this Colony prior to the passing of this Ordinance by any Minister of Religion or by a Registrar shall be deemed a perfectly legal and valid marriage to all intents and purposes, provided that nothing herein contained shall legalize any marriage.

Valid marriages.

(a) declared or made invalid by any law of the Colony at the time of its celebration.

(b) declared or made (or which shall hereafter be declared or made) invalid by any competent Court.

4. Every marriage hereafter celebrated by a Minister or by a Registrar in conformity with the provisions of this Ordinance shall be a legal and valid marriage to all intents and purposes, and no other marriages except as hereinafter provided, celebrated in this Colony, shall be valid for any purpose, provided that no marriage in fact shall be avoided by reason only of the same having been celebrated by a person not being empowered under this Ordinance to celebrate marriages if either of the parties to the marriage shall at the time *bona fide* have believed that such person officiating was so empowered ; provided also that nothing herein shall legalize any marriage which, by reason of relationship or of fraud or of incapacity to contract marriage or by the law of England for the time being, would be void.

Valid marriages.

Wrongful
celebration.

5. Any person who shall wilfully and knowingly celebrate any marriage contrary to the provisions of this Ordinance or where the provisions of this Ordinance have not been complied with shall be guilty of a misdemeanour and be liable to a fine not exceeding five hundred pounds either alone or with imprisonment with hard labour not exceeding two years, but such marriage shall not necessarily be invalid or illegal.

Registered Ministers

6. Every Minister of Religion ordinarily officiating as such in this Colony at the time of the passing of this Ordinance shall be deemed to be a Minister registered for celebrating marriages and any Minister of Religion or the head of any religious denomination may apply hereafter to the Colonial Secretary to be registered as a Minister for celebrating marriages and the Governor may grant a Certificate of Registration under the Seal of the Colony to any person so applying, provided that it shall be lawful for the Governor to refuse any application for registration and also to remove from the Register the name of any person, and the Governor shall forthwith report any such refusal or removal to the Secretary of State; and there shall annually be published in the Gazette a list of all persons then entitled to celebrate marriages.

Conditions as to
marriages.

7. No person shall solemnize any marriage—

- (a) until a marriage licence has been issued or banns published as hereinafter provided.
- (b) after the expiration of three months from the date of the marriage licence or publication of banns.
- (c) save in a place registered for the celebration of marriages or in the office of a Registrar or in the house of a Justice or in such place as any special licence shall specify.
- (d) save in the presence of two witnesses who shall sign the Certificate of Marriage.
- (e) in any building with closed doors or before 8 o'clock in the morning or after 6 o'clock in the evening.

Special licence.

8. Anything in this Ordinance to the contrary notwithstanding, a marriage by Governor's special licence may be celebrated by a Minister or a Registrar at any time and in any place therein stated and such special licence may be issued at any time after the declaration prescribed by section 12 has been made: provided that, if any caveat or protest against the issue of a marriage licence stating the ground of objection has been presented by any person to the Governor against the grant of any such licence, which caveat or protest shall be signed by himself or by the person on whose behalf he presents the same, no such licence shall issue until the Chief Justice shall have enquired into and determined the case in a summary way.

Places registered for
the celebration of
marriages.

9. Christ Church Cathedral, the Roman Catholic Church and the Baptist Tabernacle, all situate in Stanley, shall be deemed to be places registered for celebrating marriages, and it shall be lawful for the Governor to grant under the Seal of the Colony a certificate of registration in relation to any other place hereafter commonly used for religious purposes.

How, when, and
where a marriage
may be solemnized
by Minister.

10. Any Minister may at any time within three months after the declaration hereinafter required has been made and signed and the banns have been published on three consecutive Sundays, or the Registrar General has issued his licence as in form 2 in the first Schedule hereto, or the Governor has issued a special licence, solemnize a marriage between the parties named in such declaration and in accordance with the provisions of this Ordinance; provided that—

- (a) a marriage by banns shall be solemnized in a place registered for celebrating marriages.
- (b) a marriage by licence other than the Governor's special licence shall be solemnized in a place registered for celebrating marriages or in the house of a Justice.

11. A Registrar may at any time within three months from the date of the issue of the licence by the Registrar General solemnize a marriage in his office between the parties named in such licence.

Marriage by Registrar.

12. One of the parties to the intended marriage shall make and sign before a Registrar or a Justice a solemn declaration as in Form 1 in the first Schedule hereto.

Declaration of intended marriage.

13. The Registrar General shall, upon receiving or taking any such declaration, post the same in his office for twenty one days and such declaration shall constitute a notice of an intended marriage and shall be open, without fee, during office hours, for inspection by any person.

Notice of marriage to be publicly posted

14. At any time, but not less than twenty-one days nor more than three months after the posting of the notice of marriage as aforesaid, a marriage licence may be issued by the Registrar General as in Form 2 in the first Schedule hereto, and upon the issue of such licence he shall file the notice of marriage in his office.

Marriage licence.

15. The father, if living, of any minor or, if the father be dead, the guardian of such minor or, in case there shall be no guardian, the person who shall be authorized in that behalf by the Chief Justice, shall have authority to give consent to the marriage of a minor, and the Registrar General shall not enter any notice of marriage, when either party is a minor, without such consent having been first obtained; provided that either of the parties intending marriage may petition the Supreme Court to enquire into the grounds upon which the consent was refused and such petition shall be dealt with as provided in Section 17.

Consent of parents, &c. in case of minors

16. Any person may enter a caveat against the issue of a marriage licence by writing upon the notice of marriage the word "forbidden" and signing his name, provided that at the same time he serves upon the Registrar General a notice in writing stating the grounds of objection to the intended marriage which notice shall be signed by himself or by the person on whose behalf he presents the same; and no marriage licence shall in any such case be issued without the consent in writing of the Chief Justice.

Forbidding marriages.

17. When a petition with reference to a refusal to give consent to a marriage has been made or when a caveat against the issue of a marriage licence has been entered, the Chief Justice shall enquire into and determine the case in a summary manner and the Registrar General shall proceed in accordance with the decision of the Supreme Court, anything hereinbefore contained notwithstanding.

Caveat and enquiry.

18. Any person who shall enter a caveat against the issue of a licence on grounds which the Chief Justice shall declare to be frivolous shall be liable for the cost of the proceedings and for damages to be recovered in a special action on the case by either of the persons against whose marriage such caveat shall have been entered.

Frivolous caveat.

19. In every case of solemnization of marriage each of the parties shall in some part of or immediately before the ceremony and in the presence of the officiating Minister or Registrar and of the witnesses say to the other—

Form of words at marriage.

"I take thee to be my wedded (wife or husband)."

20. The person celebrating a marriage, the parties thereto and the two witnesses of such marriage shall sign in triplicate a certificate as in Form 3 in the first Schedule hereto and one copy of such certificate shall be forthwith transmitted to the Registrar General in Stanley, one copy shall be given to the husband and one shall be recorded in a book by the person celebrating the marriage.

Certificates.

The certificates shall be numbered consecutively and all certificates referring to one marriage shall have the same number.

Marriages to be registered.

21. The Registrar General shall forthwith cause every certificate of marriage to be entered into the marriage register book and certify the accuracy of the entry and file and index the certificate of marriage.

Defects.

22. No marriage shall be deemed to have been unduly celebrated by reason only of any mere defect or error in the declaration made respecting the same where the identity of the parties to the marriage shall not be in question. Nor shall it be necessary, in support of any marriage, to give proof of the consent of any person whose consent thereto is required by law, nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

Proof of marriage.

23. A copy of the certificate of any marriage registered by a Minister or a Registrar under his hand shall be deemed *prima facie* evidence in all proceedings of the fact of such marriage having been duly celebrated, until the contrary is shown.

Perjury.

24. Any person who shall knowingly and wilfully make any false declaration, or sign any false notice or certificate required by this Ordinance, for the purpose of procuring any marriage, and any person who shall forbid the issue of any certificate by representing himself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall be guilty of a misdemeanour; and the forfeiture of all estate or interest in any property accruing to any person procuring a marriage by means of any such false declaration, notice or certificate may be sued for by any person duly appointed for that purpose by the Governor, and the proceedings thereon and consequences thereof shall be the same as are provided in the like case by the law of England.

Registration Ordinance, 1853 incorporated.

25. The provisions and penalties of the Registration Ordinance, 1853, so far as the same are applicable to the registration of marriages and to the issue of marriage licences and certificates and certified copies thereof, shall be deemed and taken to be a part of this Ordinance as fully and effectually as if incorporated herein.

Neglect.

26. Any person who shall offend against or fail to comply with any of the provisions of this Ordinance for the breach of which no penalty is provided shall be liable on summary conviction to a penalty not exceeding Fifty Pounds.

Fees.

27. The fees specified in the second Schedule hereto shall be levied and collected for the services therein specified and every Minister of Religion shall allow any Register in his custody to be searched and shall grant a certified copy of any marriage certificate upon payment to him of the fees therein set forth.

Repeal.

28. The Ordinances mentioned in the third Schedule hereto are hereby repealed to the extent specified in the third column of that Schedule.

Short title.

29. This Ordinance may be cited as "The Marriage Ordinance, 1902."

Passed the Legislative Council this

1902.

Assented to by the Governor and given under the Public Seal of the Colony this day of

Clerk of the Council.

FIRST SCHEDULE.

Forms not yet printed.

SECOND SCHEDULE.

TABLE OF FEES.

To whom Payable.	For what Duty.	Amount. £ s. d.
The Governor	Special Licence	2 0 0
The Minister	Marriage by Governor's Licence ...	2 0 0
The Clerk	The same	0 10 0
The Minister	Marriage after banns or on Registrar-General's Certificate	0 10 0
The Clerk	The same	0 5 0
The Minister	Publication of banns of marriage ...	0 2 6
Do.	Who performs a marriage elsewhere than in Stanley for travelling expenses for every mile beyond Stanley ...	0 3 6
The Treasury	Entry of Notice of marriage	0 2 6
Do.	Receiving oath or declaration and issuing certificate of marriage	0 10 0
Do.	Entering caveat	0 5 0
The Registrar	Marriage by Registrar	0 5 0
The Treasury	Copy of registry of marriage certified by Registrar General	0 2 6
Do. or Minister	Searching the Marriage Register Books: each name within ten years ...	0 1 0
Do.	Every year beyond in addition ...	0 0 6
The Minister	Copy certified by Minister of entry in registry kept by Minister ...	0 2 6

THIRD SCHEDULE.

REPEAL.

Ordinance.	Short Title.	Extent of Repeal.
12 of 1853	Registration Ordinance	Secs. 25, 26, Sch. F.
1 of 1858	Marriage Ordinance	The whole.
4 of 1872	Marriage Amendment Ordinance ...	The whole.
3 of 1881	An "Ordinance to remove doubts concerning the validity of certain marriages and to amend the Marriage Ordinances"	The whole.
7 of 1882	An Ordinance to amend the Ordinance No. 3 of 1881 entitled "An Ordinance to remove doubts concerning the validity of certain marriages and to amend the Marriage Ordinances" ...	The whole.

[SEAL]

(Signed)

W. HART BENNETT.

No. 5.



1902.

FALKLAND ISLANDS.

WILLIAM HART BENNETT,

Administrator.

(30th September, 1902.)

An

Ordinance relating to Summary Jurisdiction.

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

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

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

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

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

2.—The town of Stanley, for the purposes of this Ordinance, shall extend to such place as the Governor shall from time to time define by any proclamation for that purpose issued. Limits of Stanley.

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

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

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

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

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

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

Powers of Magistrate sitting alone.

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

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

Appeal to Supreme Court.

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

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

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

Assessors to Magistrate.

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

One Justice may issue summons, &c.

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

Information must be laid within 12 months.

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

Appointment of Constable.

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

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

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

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

Oath.

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

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

Constables to have powers of Parish Constables.

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

Penalty for neglect of duty.

13.—Any constable may apprehend any loose, idle, or disorderly person, whom he shall find disturbing the public peace, or any person whom he shall have reasonable cause to suspect of having committed or being about to commit any offence, and any person whom he shall find between sunset and the hour of eight in the morning lying or loitering in any street, yard or other place, and not giving a satisfactory account of himself, and any person found by any constable committing any offence punishable by this or any Ordinance, and any constable may also stop, search, or detain any boat, cart, or carriage in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen, or unlawfully obtained.

Powers of Constables

May search boats, &c.

14.—Any constable having reasonable cause to suspect that any felony or misdemeanor has been or is about to be committed in or on board of any boat or other vessel lying in any harbour or port in the Falkland Islands, may enter at all times, as well by night as by day, into and upon such boat or other vessel, and therein take all necessary measures for the effectual detection or prevention of all such felonies or misdemeanours, and take into custody all persons suspected of being concerned in such felonies or misdemeanours, and also take charge of all property so suspected to be stolen.

Constables may search vessel on suspicion of felony.

15.—Any person taken into custody without a warrant by any constable, except a person detained for the mere purpose of ascertaining his name and residence, shall be forthwith delivered into the custody of the constable in charge of the nearest lock up or gaol, in order that such person may be secured until he can be brought before a justice, and dealt with according to law.

Persons apprehended to be taken to the lock-up.

PROCEDURE BEFORE HEARING.

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

Summonses and Warrants.

Summons how
served.

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

Proof of service.

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

When warrant of
arrest may issue.

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

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

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

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

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

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

Aiders and Abettors.

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

Search warrant.

21.—If any information shall be given upon oath to any Justice that there is reasonable cause to suspect that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, ship, or other place, it shall be lawful for such Justice by warrant under his hand directed to any Constable to cause any such dwelling-house, ship, or other place to be entered and searched at any time of the day or by night (if power for that purpose be given

by such warrant), and the said Justice, if it shall appear to him necessary, may empower such Constable, with such assistance as may be found necessary (such Constable having previously made known such his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such thing shall be found, then to convey the same before a Justice, or otherwise dispose thereof in some place of safety, and to take into custody and carry before a Justice any person found in such house, ship, or place, who shall appear to have been privy to the deposit of any such thing knowing or having reasonable cause to suspect the same to be stolen or otherwise unlawfully obtained.

PROCEEDINGS ON HEARING.

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

Complaints to be heard in open Court.

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

Procedure on hearing.

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

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

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

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

Power of Court to sit with closed doors.

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

Depositions.

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

Charge.

Adjournment.

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

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

Judgment

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

Costs.

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

First conviction.

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

Committal to prison.

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

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

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

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

(4.) Where any person shall refuse to be examined as a witness upon oath or to answer such questions concerning the matter before the Court as shall then be put to him, without offering any just excuse, he may be imprisoned for any time not exceeding 7 days, unless he shall in the meantime consent to be examined.

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

Warrants of distress.

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

When executed.

Exemptions.

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

To lapse on payment.

35.—In any case where the imposition of a fine is authorized, the Court may, instead of so doing, order that the person shall be imprisoned, with or without hard labour, for any term not exceeding the period specified in the following scale :—

Mode of enforcing fines.

For any sum				Not exceeding			
Not exceeding 10s.				One week			
Exceeding 10s., but not exceeding £1				Two weeks.			
"	£1	"	"	£2	...	...	Twenty-one days.
"	£2	"	"	£5	...	...	One month.
"	£5	"	"	£10	...	...	Two months.
"	£10	"	"	£20	...	...	Three "
"	£20	"	"	£30	...	...	Four "
"	£30	"	"	£40	...	...	Five "
"	£40	"	"	£50	...	...	Six "
"	£50	...	...	...	...	...	One year.

In any case where any person is ordered to be imprisoned in default of the payment of a fine, forfeiture, duty or sum, the Court may order that, in default of payment as directed, the person shall be imprisoned for any term not exceeding the period specified in the aforesaid scale, the imprisonment to be determinable on payment of the amount and costs.

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

Consecutive terms of imprisonment

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

Rewards to informers.

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

Common informers.

39.—Any fine, penalty, forfeiture, sum of money, duty or costs imposed under the provisions of this or any Ordinance containing no provisions to the contrary, or any sum of money upon any recognizance taken before any Court of Justice, and afterwards forfeited in case of non-payment thereof, shall be sued for and recovered upon information in a summary way before the Court and it shall be lawful for the Court to hear and determine (either on the oath of one or more credible witnesses, or on the confession of the person against whom the information shall be laid) any information relating to any offence, claim or other matter, under any of the provisions of

Recovery of fines, &c.

he said Ordinances, and to order such fine, penalty, forfeiture, imprisonment, compensation, expenses and sums, or to make such other order relating to each offence or other matter as such person shall be liable to under the said provisions, and all proceedings as to compelling the appearance of any such person or of any witness, and as to the hearing and determination of such information, and as to the making and executing such orders, shall, so far as is consistent with the provisions of this Ordinance, and so far as the said provisions can be applied, be carried on in the manner directed by and be subject in all respects to the provisions of the Statutes which regulate summary prosecutions before Justices of the Peace in England.

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

40.—If a verdict of murder or accessory before the fact shall be found by a Jury upon any information or Coroner's inquisition against any person, the Coroner holding the inquest and the Court, the Sheriff and his deputy, or if there be no Sheriff the Chief Constable and his deputy duly appointed, the gaoler and all other officers, shall have and be deemed to have had the same powers respectively for the commitment, trial and execution of the person so charged and convicted as by law is possessed in England by the Coroner or the Justices of Oyer and Terminer and Gaol Delivery, the Sheriff and his deputy, the gaoler and other officers, with regard to the commitment, trial and execution of the sentence upon any person in England convicted of either of the said offences upon any indictment or Coroner's inquisition.

PENALTIES (CRIMINAL).

Perjury.

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

False declarations.

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

Damage to property.

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

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

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

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

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

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

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

If any person shall be brought before any Justice charged with having or conveying anything stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Justice is hereby authorized and required to cause every such person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same shall have passed to be brought before him and examined, and to examine witnesses upon oath touching the same. Receiving stolen goods.

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

(c) If he shall obtain any sum of money or other reward from any person by threatening directly or indirectly to lodge any information or make any complaint before any Justice, or as an inducement for forbearing to lay such information or to make such complaint. Obtaining money by threats.

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

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

Causing bodily hurt.

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

Supplying liquor to His Majesty's ships without consent.

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

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

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

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

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

Restoration of stolen goods may be ordered.

48.—If any goods shall be stolen or unlawfully obtained, or being lawfully obtained shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint shall be made to a Justice that such goods are in the possession of any person who shall have advanced money upon the credit of such goods, it shall be lawful for the Justice to issue a summons or warrant for the appearance of such person and for the production of such goods, and to order such goods to be delivered to the owner thereof, either without payment or upon payment of such sum, and at such time as the Justice shall think fit, and any person so ordered who shall refuse or neglect to deliver up the goods, or who shall dispose of or make away with the same, after notice that such goods were stolen or unlawfully obtained, shall forfeit to the owner of the goods twice the value thereof, to be determined by the Justice.

Offences in Towns.
Fine 40/-

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

Furious riding.

(a) Who shall ride or drive furiously, so as to endanger the life or limb of any person, or to the common danger or annoyance of the passengers.

Profane language.

(b) Who shall use any profane, indecent, or abusive language, or be guilty of any riotous, indecent, or disorderly behaviour, or make any disturbance, or sing any obscene song or ballad, to the annoyance of the inhabitants, or make causeless cry of murder, or other false alarm in any way.

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| (c) Who shall use any threatening, abusive, or insulting words or behaviour with intention to provoke a breach of the peace, or whereby a breach of the peace may be occasioned. | Threats. |
| (d) Who shall throw or discharge any stone or other missile to the damage or danger of any person or property, or make any bonfire or throw or set fire to any firework without the permission of the Colonial Secretary. | Throwing stones. |
| (e) Who shall discharge any fire-arms loaded with shot, slugs, or ball without lawful cause, or any gun loaded with ball from the harbour, or from the land on the opposite side of the harbour towards the town, or shall discharge any gun to the common danger of the inhabitants or passengers. | Discharging fire-arms. |
| Or who, being of the age of 14 years or under, shall have in his possession any fire-arms or ammunition whatever; provided that in such case, it shall be lawful for the convicting Justice to direct that the offender be privately whipped, in addition to, or in lieu of fine; and the said Justice may order some fit and proper person to inflict such punishment of whipping when ordered to be inflicted out of prison. | Persons under 14 debarred from possessing fire-arms. |
| (f) Who shall wantonly disturb any inhabitant by ringing or pulling any door bell, or knocking at any door without lawful excuse, or who shall wilfully and unlawfully extinguish the light of any lamp. | Putting out lamps and ringing bells. |
| (g) Who in any public place other than such as may be authorised for that purpose by the Governor, shall throw or lay, or cause to be thrown or laid, any dirt, ashes, litter or any carrion, fish, birds, offal, or rubbish, broken glass, delf, or bottles, or any other sharp substances. | Rubbish on public places. |
| (h) Who shall place any filth or rubbish, or shall leave the carcass of any animal belonging to him unburied, so as to become a nuisance. | Filth or carcass of animal. |
| (i) Who, being the owner or occupier of a house, tenement, or land, shall not keep sufficiently swept and cleansed all public footpaths, drains, and water-courses adjoining his premises. | Footpaths, drains, &c. |
| (j) Who shall suffer to be at large any dangerous dog not effectually muzzled, or set on or urge any dog to attack, worry, or put in fear any person or animal; and it shall be lawful for any Justice to issue a warrant to any constable directing him to seize or kill any such dangerous dog which shall have been so at large contrary to the provisions of this Ordinance; and any constable may accordingly seize or kill any such dog. | Dangerous dogs. |
| (k) Who, being the owner or keeper of any bitch, shall suffer her when on heat to be off the chain or not shut up in some secure place. | Bitches on heat. |
| (l) Who wilfully sets or causes to be set on fire any chimney: Provided that nothing herein contained shall exempt such person from liability to be indicted for felony. | Setting chimney on fire. |
| (m) Who occupies or uses premises in which any chimney accidentally catch or be on fire: Provided that such penalty shall not be incurred if such person shall prove to the satisfaction of the Court that such fire was in no wise owing to omission, neglect, or carelessness of himself or servant. | Chimneys accidentally on fire. |

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

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

*Offences in Towns.
Fine £5.*

Keeper of coffee
houses, &c. permitt-
ing drunkenness.

- (d) Who shall keep any house, shop, room or place of public resort wherein provisions, liquor, coffee, or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere), who shall wilfully or knowingly permit drunkenness or other disorderly conduct therein, or permit any unlawful games, or permit any gaming whatsoever therein; and it shall be lawful for any Justice or constable to enter and search any part of such premises at any hour, and any person who shall obstruct or use any abusive language or conduct to any such Justice or constable may be arrested.

Drunkenness.

51.—If any person shall be drunk in Stanley, he shall pay upon conviction, for the first offence, five shillings; upon the second conviction, a sum not exceeding twenty shillings; and upon any subsequent conviction, a sum not exceeding two pounds.

Injuries to roads and
jetties.

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

Deepening ditches,
breaking up roads.
&c.

- (a) Who, without the authority of the Governor, shall deepen, widen, or fill up any public ditch or drain more than may be necessary for the cleaning thereof, or who shall build any wall, or make any ditch, drain, or water-course, or dig any pit or hollow on or otherwise break up the surface of any public road, shall pay a fine not exceeding forty shillings.

Obstructing roads or
jetties.

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

Throwing rubbish.

- (c) Who shall throw any dirt, ashes, litter, broken glass, delf, bottles, or other sharp substances, carrion, fish, birds, offal, filth or rubbish, or permit any offensive matter to run from his premises on any public road or jetty or into any public drain, well, water-course, or reservoir, shall pay a fine not exceeding five pounds.

Removing night soil.

- (d) Who shall move along any public road any night-soil between the hours of six in the morning and ten at night, or who shall not carefully sweep or clean any public road or place in which any night-soil or other offensive matter shall have been slopped or spilled by him, shall pay a fine not exceeding forty shillings.

Games or slides.

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

Fine for leaving ma-
terial on road after
notice to remove.

- (f) Who shall have been required by any Justice or by direction of the Governor to remove any obstruction caused by him to or material placed by him contrary to the provisions of any Ordinance upon any public road, jetty, or other place, or in any public well, water-course, or reservoir, in addition to any fine he may be liable to, shall also pay a further fine not exceeding forty shillings for every twelve hours the same shall be allowed to remain there after being required to remove the same.

Removal of
nuisances.

53.—It shall be lawful for any person duly authorized by the Governor or any constable duly authorized in writing by any Justice, to remove any of the objects specified in the preceding section (sub-section f) which may be left, contrary to the provisions of this or any Ordinance, on any public road, jetty, or other place, or in any public well, water-course, or reservoir, at the expense of the offender; and it shall be lawful for any Justice, upon complaint of such person or constable as the case may be, and, upon proof of the expense incurred, to issue a warrant for the levying of such expenses by distress and sale of the goods and chattels of the offender.

54.—It shall be lawful for the Governor to forbid any person from passing on, riding or driving any kind of beast or carriage on any new road or any road whilst under repair, for such space of time as to him shall appear necessary, not exceeding six months; and any person who shall wilfully disobey such order (the same road), shall pay a fine not exceeding forty shillings; unless otherwise expressly provided in any regulations made under section 27 of the Stanley Fire Brigade Ordinance, 1898.

Roads under repair.

55.—Any person being a dealer in gunpowder, who shall keep in Stanley, at any one time more than twenty-five pounds of gunpowder, and not being a dealer, more than five pounds in or upon his premises or elsewhere (except in any building approved of by the Governor for keeping unlimited quantities of gunpowder), shall pay a fine of one hundred pounds; and all beyond the quantity hereby allowed to be kept, and the barrels in which the same shall be, shall be forfeited; and any Justice (upon reasonable cause assigned upon oath) may issue his warrant for searching in the daytime any place in which gunpowder, so suspected to be kept contrary to this section, and all such gunpowder together with the barrels, shall be seized by the searcher, who shall with all convenient speed remove the same to such authorized place as aforesaid, and may detain there such gunpowder and barrels till it shall be adjudged, on the hearing of the case, whether the same shall be forfeited: Provided that this section shall not extend to any gunpowder belonging to His Majesty.

Gunpowder, penalty for keeping unlawful quantity.

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

Smoking in boat loaded with gunpowder.

57.—Any person who shall take and use or cause to be taken and used any boat in Stanley Harbour without the consent of the owner shall be liable to a fine not exceeding ten pounds, and such sum as the Justice shall award as a compensation for the loss, use of, or damage done to his boat.

Taking boat without leave.

58.—Any person who shall unlawfully and wilfully prevent or assault or threaten to prevent or assault or unlawfully obstruct any person employed by authority of the Governor in surveying or measuring for the Crown, or who shall wilfully destroy, pull up, deface or injure any instruments or implements used in any such survey, or who shall wilfully break, deface, pull down, or take away any marks or posts or stones out of any battlement, wall, mound, fence, or out of any bridge, pipe, arch, or gullet, or from any land belonging to the Crown, shall for any such offence pay a fine not exceeding ten pounds.

Obstructing Surveyor.

59.—Any unauthorized person who shall tear or deface any notice placed on the gazette board, may, upon conviction, be imprisoned and kept to hard labour for a term not exceeding ten days, or if a boy under fourteen years of age, he shall be liable to be once privately whipped instead of such imprisonment, and the convicting Justice may order some fit and proper person to inflict such punishment of whipping when ordered to be inflicted out of prison.

Defacing notice on gazette board.

60.—Any person who shall wilfully or negligently set on fire any grass or other herbage on land not in his own possession, and if on Crown land, without the consent of the Governor for the time being, if on land in the possession of any other party without his authority, shall pay a fine not exceeding twenty pounds,

Setting fire to camp.

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

Cutting peat on Crown lands.

Penalty for assaulting constable,

62.—Any person who shall assault, resist, or obstruct or shall use any abusive, threatening, obscene, or profane language towards any constable in the execution of his duty, or towards any person in the execution of any act under the provisions of this Ordinance, shall for such offence pay a fine not exceeding ten pounds.

Weights and Measures.

63.—Such of the provisions of the Statutes relating to weights and measures as are applicable to and in force in England, shall be applied to and be in force in the Falkland Islands, so far as the same can be applied, from and after the appointment of an Inspector of weights and measures, and when there shall be provided one complete set of the imperial standard weights and measures, verified and stamped, at the Exchequer together with the proper beams, scales, and stamps, the Justices, resident in Stanley assembled at a meeting, or at any adjournment thereof, to be called from time to time by the Magistrate are hereby empowered from time to time to appoint an Inspector of weights and measures, and to dismiss any Inspector so appointed as occasion may require; and the Inspector so appointed shall possess and exercise all the powers and authorities within the Falkland Islands, and be subject to the like penalties for any neglect or offences in the discharge of his duty which any Inspector may possess or exercise, or be liable to by virtue of the said Statutes; and the weights, measures, scales, and stamps so provided shall be kept by the Inspector for the time being, unless the Justices shall otherwise order, and shall be considered to all intents the same for all purposes as if they had been provided under the authority of the said Statutes and the fees authorized to be levied in England by the said Statutes shall be leviable in the Falkland Islands and shall be paid into the Treasury.

False Weights and Measures penalty for using.

64.—Any person who shall use any weight or measure other than those authorized by the preceding section for the sale of any article shall on conviction thereof be liable to a fine not exceeding five pounds; and any contract, bargain, or sale by fraudulent weights or measures so used shall be void, and every such light or unjust weight or measure so used shall, on being discovered by any constable, be seized by him; and upon the conviction of the person so using or possessing the same shall be forfeited and forthwith destroyed.

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

65.—Whenever any domestic servant, artificer, labourer, or other person, shall have contracted verbally or in writing to serve any person at any time and in any capacity, and he shall not enter into or commence his service according to such contract, or whenever having entered into such service he shall absent himself before the expiration of his contract, or shall neglect to fulfil the same, or shall be guilty of any misconduct in the execution of the same, or in any way respecting the same, it shall be lawful for any Justice to hear and determine any such complaint made against him by his employer, or by the steward, manager, or agent of his employer, and upon conviction to punish him by fine not exceeding Five Pounds and to abate the whole or part of his wages; and also to hear and determine all complaints concerning breach of contract or ill-usage which shall happen and arise between any such domestic servant, artificer, labourer, or other person and his employer, or the steward, manager, or agent of his employer, and to impose any fine not exceeding Five Pounds, and to make such order for payment of wages as shall seem just, and every such order may be enforced by execution against the goods, effects or other property of the party against whom such order shall be made.

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

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

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

Whenever the term or interest of the tenant of any house or of any part of a house situate in Stanley, which shall be held by him for any term not exceeding twelve months shall have ended or shall have been duly determined by a legal notice to quit, if such tenant (or where such tenant shall not himself occupy the premises, or only a part thereof if the person by whom the same or any part thereof, shall be occupied) shall neglect or refuse to deliver up possession of the same, it shall be lawful for the landlord or his known agent to cause such tenant or occupier to be served with a summons in writing signed by any Justice to show cause why possession of the premises should not be delivered up; and—

If any such tenant or occupier shall not appear at the time and place so appointed, or shall appear but shall not show to the satisfaction of the Court reasonable cause why possession should not be given up, and shall still refuse or neglect to deliver up possession of the said premises to the said landlord or agent, it shall be lawful for the Court upon proof of the holding and of the end and determination of the tenancy, with the time and manner thereof (and where the title of the landlord shall have accrued since the letting of the premises, upon proof of the right by which he claims), to issue a warrant to any Constable requiring and authorising him, within a period to be therein named, to give possession of the premises to such landlord or agent, and such warrant shall be a sufficient warrant to the said Constable to enter upon the premises with such assistants as he shall deem necessary, and to give possession accordingly at any time between the hours of nine in the morning and four in the afternoon.

68.—If the master of any vessel lying in Stanley Harbour shall apply to have any members of his crew lodged in Gaol, he shall, on the conviction, first pay towards the prison maintenance of such persons the sum of one shilling and sixpence per diem for each man, to be deducted from their several wages according to the provisions of the Merchant Shipping Act, 1894, and shall take a receipt for the same from the Court: Provided that if any Master shall obtain the release of any of his crew thus imprisoned before the expiration of their confinement, he shall receive the balance of the sum paid for their support, which sum shall be endorsed on the receipt given at the previous conviction.

Payment by master of vessel for Prison maintenance of crew.

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

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

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

Rules.

Repeal.

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

Short title.

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

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

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

(Signed)

W. A. THOMPSON,

Acting Clerk of the Council.

SCHEDULE.

Repeal.

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



THE FALKLAND ISLANDS GAZETTE.

(PUBLISHED BY AUTHORITY).

VOL. XII.

NOVEMBER 1st, 1902.

No. 11.

No. 73.

Coronation.

The Administrator has received the following despatch from the Secretary of State:

Downing Street,
29th August, 1902.

Sir,

I have laid before the King your despatch of the 12th July last.

2. His Majesty commands me to convey to you and to the people of the Falkland Islands the warm thanks of Himself, Her Majesty the Queen, and the members of the Royal Family for your expressions of sorrow and sympathy on His Majesty's illness.

3. You will by this time be aware that the King has entirely recovered and that the Coronation was duly celebrated on the 9th of August.

I have, &c.,
(Signed) J. CHAMBERLAIN.

No. 74.

Volunteer Force.

Remarks by the Colonial Defence Committee
On Report by Commodore, April, 1902.

The Colonial Office, at the suggestion of the Admiralty, have referred to the Colonial Defence Committee a Report, dated the 26th April, 1902, from the Commodore Commanding on the South-East Coast of America Station on the Volunteer Force of the Falkland Islands.

The Report is printed as an Appendix to these Remarks.

2. At the date of the Report the strength of the force was 106 of all ranks, as compared with 105, 86, and 89 at corresponding dates in the three previous

years. The attendance at the inspection was 56, as against 37, 23, and 26 in preceding years. Although no detailed statistics as to efficiency or musketry are given it is stated that many efficient have been got rid of, and that there is some improvement in musketry. It is satisfactory to find that for the first time since 1899 practice has taken place with the artillery armament, which now consists of the two 2.5-in. R.M.L. guns lent by the Imperial Government.

3. The general improvement reported in the condition of the corps appears to be due more to the energy of the officers and to the assistance given by the Imperial and Colonial Governments in the form of grants of new armament and uniforms than to any increased encouragement of the Force on the part of employers of labour.

With a view to arousing public interest in the proceedings of the Force and increasing the attendance at the annual inspection, the Colonial Defence Committee suggest that the parade for the Inspecting Officer should take the form of a field-day in conjunction with a force of bluejackets. If this field-day were arranged so as to illustrate the advantages of the defensive in the case of an opposed landing, and if the men employed on the sheep-farms near Stanley (whose attendance at inspection usually compares very unfavourably with that of those living in the town) took part in the field-day mounted, after undergoing the necessary preliminary training, a valuable object-lesson would be given to employers of labour, and this might possibly lead to the raising of a company of mounted infantry drawn from the country districts, a measure which has been advocated for many years past by successive Commodores and by the Colonial Defence Committee.

4. The Colonial Defence Committee also recommend that the Report of the Inspecting Officer should in future be accompanied, as in the case of other Colonies, by

an Annual Report drawn up by the Officer Commanding the Volunteer Force, describing the progress of the Force during the year, and, in particular, giving detailed statistics of the number of the efficient and the results of the annual course of musketry. The first report should contain particulars of the conditions of efficiency, and should give a description of the musketry training and of the course fired, in order that the expert advice of the Commandant of the School of Musketry may be obtained on these matters.

J. E. CLAUSON, *Secretary,*
Colonial Defence Committee.

July 28th, 1902.

APPENDIX.

"Cambrian" at Monte Video,
April, 26th, 1902.

Sir,

In accordance with instructions contained in Article XIII of my Standing Orders, I have the honour to inform you that I inspected the Falkland Islands Volunteers on 19th instant, and beg to report as follows:—

2. Although the total strength of the force, viz., 106 only shows an increase of one on last year's numbers, I am informed that many "inefficients" have been got rid of and good recruits obtained in their place.

3. The company on parade numbered 56 officers and men, as against 37 and 23 respectively last year and the year before.

4. The drills were fairly carried out, but the men require to become better acquainted with the magazine of the Lee-Metford rifle, with which they have recently been armed.

5. The corps has recently been supplied with 2·5-in. R.M.L. guns, with which they have already carried out firing practice on two occasions.

6. The musketry returns since my last inspection show some improvement, but practice has been retarded for the want of Lee-Metford ammunition.

7. The new uniforms have now arrived, and the men presented a far smarter appearance than on the two previous occasions.

8. In remarking on the improved state of the corps, I told the members that, in my opinion, they would be of far greater use to the Colony as a body of mounted infantry, in which capacity fifty men could oppose with advantage the landing of 500.

9. The men can all ride well and the majority of them keep horses; and, taking into consideration the condition of the islands generally, I would again advocate the formation (in addition to the central body at Stanley) of small "commandos" at the various stations; but, as previously pointed out, any movement in this direction can only meet with success provided the owners and managers of the various camps give the necessary lead and encouragement.

I have, &c.,

(Signed) R. GROOME, *Commodore.*

The Secretary of the Admiralty.

No. 75.

Appointments.

H.E. the Administrator has been pleased to appoint Dr. L. E. Jameson to be Registrar of Births, Deaths and Marriages and also Public Vaccinator for the Darwin district, as from the 27th May, 1902.

The Administrator has confirmed Mr. W. Atkins, Senr., in the appointment of Senior Constable. Dated 8th Feb., 1902.

No. 76.

Notice.

Notice is hereby given that if any person shall give, sell, purchase or procure for or on the behalf of David Carey, for his use during the period of twelve months from the date hereof, any liquor, he or she shall forfeit upon conviction for every such offence a sum not exceeding five pounds.

W. A. THOMPSON,

Police Magistrate.

22nd October, 1902.

No. 77.

Parcel Post with the United States.

Parcels will in future be received for New York, via Liverpool at the Stanley Post Office.

LIMITS OF WEIGHT AND DIMENSION:

1. The limits are those applicable in the Inland Parcel Post.

CHARGES:

2. The charges payable on parcels for the United States are partly postal and partly non-postal.

On Parcels not over three pounds, 1s. for New York City, Brooklyn, Jersey City, or Hoboken; from three to seven pounds, 2s.; from seven to eleven pounds, 3s. For any other parts of the United States, 2s., 3s., and 4s. respectively.

A charge for the clearance of parcels through the United States Customs will be made at the rate of 1s. each. This sum, together with an additional charge of 1s. levied by the United States Government under the title "Sample Office fee," or "storage fee," on every parcel entering the country, may be prepaid, or left to be collected from the addressee. Customs duty at the ordinary tariff of the United States will also be charged.

ANNUAL RETURN FOR 1902.

Prepared under (Form 5) Section 13 of the Live Stock Ordinance.

Owner.	Name of Station.	No. of Sheep.	Ear Mark.
C. Bender	Moody Valley Farm	1,295	Ewes, fork and back bit near ear; Wethers, ditto off ear; changed.
Mrs. J. Bonner	San Carlos, South	25,271	Ewes, B in near ear; Wethers, ditto, off ear.
F. Browning	Mullet Creek Farm	1,155	Ewes, back bayonet in near ear; Wethers, ditto, in off ear; changed.
W. K. Cameron	San Carlos	21,466	Ewes, slit in near ear; Wethers, ditto, off ear.
H. & G. Cobb	Lively Island	8,251	Ewes, slit in near ear; Wethers, ditto, off ear; change next year.
H. V. Cobb	Speedwell, George & Barren Islands	11,395	Ewes, fore bit in near ear; Wethers, ditto, off ear; change next year.
F. I. Company	Darwin, Walker Creek & North Arm	192,851	Ewes, diamond in near ear; Wethers, ditto, off ear.
W. Fell	Bleaker Island	3,886	Ewes, punch hole in near ear; Wethers, ditto, off ear.
J. J. Felton	Evelyn Station	31,810	Ewes, back square in near ear; Wethers, ditto, off ear.
Mrs. Greenshields	Douglas Station	28,294	Ewes, fork in near ear; Wethers, ditto in off ear.
J. B. Luchtenberg	Middle and Sea Lion Islands	450	Ewes, slit in near ear; Wethers, ditto, off ear.
J. McKay	Bluff Cove	3,130	Ewes, punch hole and fore bayonet in near ear; Wethers, ditto, off ear; changed.
V. Packe	Fitzroy and Port Louis	25,950	Ewes, W in near ear; Wethers, ditto off ear; changed.
A. Pitaluga	Salvador & Rincon Grande	21,170	Ewes, back bit in near ear; Wethers, ditto, off ear.
Mrs. T. Robson	Port Louis, North	13,700	Kidney in near ear; change next year.
J. Robson	Fitzroy, North	2,352	Ewes, two back bits in near ear; Wethers, ditto, off ear; changed.
Smith & Sharp	Berkeley Sound Station	15,000	Triangle out of near ear; change next year.
D. Smith	Great, Ruggles & Swan Islands	6,283	Back bit in off ear; change next year.
J. Smith	Peninsula	403	Ewes, fork and fore bit in near ear; Wethers, ditto, off ear; changed.
Baillon & Stickney	Fox Bay West	19,217	Ewes, two slits in near ear; Wethers, ditto, off ear; changed.
Mrs. Benney	Saunders Island	10,050	Ewes, punch hole in near ear; Wethers, ditto, off ear; changed.
Bertrand & Felton	Westbourne Station	16,736	Ewes back square in near ear; Wethers, ditto, off ear.
Mrs. Cull	New Island	2,558	Ewes, fork in near ear; Wethers, ditto, off ear; changed.
J. H. Dean	Pebble Island	32,839	Ewes fork in off ear; Wethers, ditto, near ear; change next year.
Dean & Anson	Chartres Station	32,124	Ewes, punch hole in off ear; Wethers, ditto, near ear; change next year.
Dean & Co.	Port Stephens & Port Edgar	42,151	Ewes, square punch hole in near ear; Wethers, ditto, near ear; changed.
A. E. Felton	Clifton Station	2,421	Ewes, fore bit in near ear; Wethers, ditto, in off ear.
J. Goodwin	Hummock Island.	285	Ewes, punch hole in near ear; Wethers, ditto, off ear.
Mrs. Hausen	Carcass and Jason Islands	2,180	Ewes, front bayonet in near ear; Wethers, ditto off ear.
Holmestead & Blake	Adelaide	29,363	Ewes, front bayonet in near ear; Wethers, ditto, off ear.
Mrs. E. J. Matthews	West Swan Island	250	Ewes, fork in near ear; Wethers, ditto off ear.
Packe, Bros., & Co.	{ Dunnose Head	9,755	Ewes, fore bit in near ear; Wethers, ditto, off ear; } changed.
	{ Fox Bay East	13,541	Ewes, fore bit in near ear; Wethers, ditto, off ear; }
South American Mission	Keppel Island	3,062	Ewes, diamond in near ear; Wethers, ditto, off ear; changed.
Stickney Brothers	Spring Point	11,600	Ewes, back half-penny near ear; Wethers, half-penny tip off ear; changed.
J. L. Waldron	Port Howard	45,909	Ewes, fork, in near ear; Wethers, ditto, off ear
H. Waldron	Beaver Island	4,678	Ewes, fork in near ear; Wethers ditto. off ear: changed.
C. Wesel	Passage Islands	948	Ewes, slit in off ear; Wethers, ditto, near ear; change next year.
Mrs. Williams	Weddell Island	20,055	Ewes, back bit in near ear; Wethers, ditto. off ear.
		713,934	

4th September, 1902.

JAMES ROBERTSON, *Chief Inspector of Stock.*

No. —



1902.

FALKLAND ISLANDS.

Draft of an Ordinance to consolidate and amend the Law relating to Pilots.

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

1.—In this Ordinance :—

Definitions.

“ Pilot ” means a pilot holding a valid licence.

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

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

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

Part I.—The Licensing of Pilots.

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

Government Pilot,
appointment of.

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

Application for
licence.

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

Qualifications
required.

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

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

Regulations as to
Pilots' licences.

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

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

Pilot's liability
limited.

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

Power to revoke and
suspend licences.

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

Part II.—The duties of Pilots.

Pilot flag.

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

Pilot's light.

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

Anchoring ships.

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

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

Pilot to produce licence.

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

Production and return of licence.

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

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

Part III.—The Rights of Pilots.

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

Pilot's dues.

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

Pilot's dues in case of detention.

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

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

Pilot's dues in case of delay.

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

Pilot's dues if taken out of his locality.

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

Second pilot.

Part IV.—Pilotage Dues.

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

Pilotage dues.

Master, etc. of ship
liable.

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

Part V.—Unqualified persons acting as Pilots.

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

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

Person other than
pilot to resign
charge to pilot.

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

Payment for services
in cases of danger
or distress.

Penalty on fraudu-
lent use of licence.

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

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

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

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

Part VI.—Offences by Pilots.

Enquiry into charges
against pilots.

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

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

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

Penalty for leaving
ship.

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

Defaults of pilots.

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

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

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

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

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

Penalty on pilot endangering ship, life or limb.

(a) Does any act tending to the immediate loss, destruction, or serious damage, of the ship, or tending immediately to endanger the life or limb of any person on board the ship : or

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

29. (1) If a pilot :—

Offences of Pilots.

(a) Himself keeps, or is interested in keeping by any agent, servant, or other person, any public-house or place of public entertainment, or sells or is interested in selling any wine, beer, or other intoxicating liquors or tobacco.

(b) Commits any fraud or offence against the revenues of customs or against the excise or the laws relating thereto

(c) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels.

(d) Lends his licence.

(e) Acts as pilot when in a state of intoxication.

(f) Employs or causes to be employed on board any ship of which he has charge any boat, anchor, cable or other store, matter or thing beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person.

(g) Unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship.

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

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

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

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

Part VII.—Miscellaneous.

Enquiries into charges against pilots with assessors.

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

Power to make rules.

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

Ordinance may be extended to other ports.

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

Government not responsible for acts of pilot.

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

Employment of pilot not compulsory.

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

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

Repeal.

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

Short Title.

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

SCHEDULE.**REPEAL.**

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

No. 78.

Pilot Bill.

The Administrator directs the publication of the draft of an Ordinance to consolidate and amend the Law relating to pilots which it is proposed to lay before the Legislative Council.

12th October, 1902.

No. 79.

Live Stock Ordinance.

With this Gazette is published The Annual Return for 1902 prepared under Section 13 of the Live Stock Ordinance 1902.

No. 80.

Probate Notice.

In the Supreme Court of the Falkland Islands, Probate side.

In the Estate of the late Charles Francis, deceased.

Whereas Melville Keay of Fox Bay, has applied for letters of Administration of the Estate, rights, and credits of Charles Francis, late of Port Stephens, deceased.

These are, therefore, to cite and admonish all and singular the next of kin and the creditors of the said deceased, that the prayer of the petitioner will be granted provided no caveat be entered before the Chief Justice within twenty-one days from 1st November, 1902.

Dated at Stanley, this 21st day of October, 1902.

G. I. TURNER,
Acting Registrar.

Notices and Advertisements.

Approved Notices and Advertisements will be inserted in the Government Gazette at the following rates:—

Every Notice under the Probate Ordinance	...	...	...	5/-
Any other Notice or Advertisement not exceeding 50 words	...	...	...	2/6
Every additional 25 words	...	...	...	1/-

No Notice will be published unless the above charges are prepaid by postage stamps affixed to the notice when sent in.

This Gazette is published by Command of His Excellency the Governor,

W. HART BENNETT.

1st November, 1902.

Colonial Secretary.



THE FALKLAND ISLANDS GAZETTE.

(PUBLISHED BY AUTHORITY).

VOL. XII.

DECEMBER 1st, 1902.

No. 12.

No. 81.

Scab Rate.

Under the power and authority given by Section 33 of the "Live Stock Ordinance, 1901" it is hereby notified that His Excellency the Governor in Council has determined that the Scab Rate, payable to the Colonial Treasurer on or before the 31st day of December, 1902, shall be at the rate of one-forty-eighth of a penny per acre.

24th November, 1902.

No. 82.

Appointments.

His Excellency the Governor has appointed Mr. William Stickney to be a Justice of the Peace for the Falkland Islands. Dated 4th November, 1902.

Mr. G. Hurst, J.P., to be a Stipendiary Magistrate for the Falkland Islands. Dated 17th November, 1902.

Mrs. Pitaluga to be temporarily Female Warder. Dated 7th Nov., 1902.

Constable T. J. Walker to be temporarily a Warder. Dated 13th Nov., 1902.

No. 83.

Volunteer Accounts.

With this Gazette is published a statement of the Accounts of the Volunteer Corps for the period 1st July, 1901 to 30th June, 1902.

25th November, 1902.

No. 84.

Probate Notice.

In the Supreme Court of the Falkland Islands, Probate side.

In the Estate of the late John Campbell, deceased.

Whereas William Alfred Harding of Stanley, has applied for letters of Administration of the Estate, rights, and credits of John Campbell, late of Stanley, deceased.

These are, therefore, to cite and admonish all and singular, the next of kin, and the creditors of the said deceased that the prayer of the petitioner will be granted provided no caveat be entered before the Chief Justice by 21st December, 1902.

Dated at Stanley, this 25th day of November, 1902.

G. I. TURNER,
Acting Registrar.

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