

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

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

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

ESCHEAT.

Ordinance No. 2 of 1871.

[15th May, 1871.]

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

Governor to
appoint
Escheator-
General.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

When the finding is in favour of the Crown, and no traverse filed, the property to form part of the general revenue.

9. After the finding of any inquest in favour of the Crown, if no traverse shall be filed and copy thereof served within twenty-four months thereafter as aforesaid, or in case the finding of any traverse by the jury of the Supreme Court shall be in favour of the Crown, the property escheated or the proceeds thereof upon sale shall be paid into the Treasury for the public uses of this Colony and the support of the Government thereof.

Interpretation clause.

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

Fees to be taken.

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

Short title.

12. This Ordinance may be cited as "The Escheat Ordinance, 1871."

FIRST SCHEDULE.

Form of Precept.

Falkland Islands.

To the Chief Constable.

These are to authorise and require you to summon twelve good and lawful men of this Government to appear as a jury at the Court-house in Stanley at o'clock on the day of to inquire

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

Dated the day of
(Signed) A. B., Escheator-General.

Falkland Islands.

Form of Oath to Juror.

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

Form of Oath to Witness.

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

Form of Inquisition.

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

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

(Signed)

A. B., Escheator-General.

[*Signatures of Jurors.*]

SECOND SCHEDULE.

Table of Fees.

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