

Part of Section 12 of Administration of Justice Ordinance referring to bankruptcy and insolvency repealed. Acts of Parliament extended to this Colony.

Farmers and graziers shall be deemed to be traders. Police Court to be the Court of Bankruptcy. Commencement of Ordinance.

BE IT ENACTED—

1. That so much of Section 12 of the Administration of Justice Ordinance which has reference to the law of Insolvency and Bankruptcy shall be and is hereby repealed.

2. That the following Acts of Parliament shall be applied to the administration of justice so far as they respectively can be applied within the Colony, viz., 32 and 33 Vict., cap. 62, "An Act for the Abolition of Imprisonment for Debt, for the Punishment of Fraudulent Debtors; and for other purposes;" and 32 and 33 Vict., cap. 71, "An Act to Consolidate and Amend the Law of Bankruptcy."

3. That in this Colony farmers and graziers shall be deemed to be traders for the purposes of bankruptcy under the 32 and 33 Vict., cap. 71.

4. That the Police Court shall be the Court of Bankruptcy.

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

(L.S.) (Signed) G. D'ARCY, *Governor*.

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

(Signed) M. GALLWEY HURST, *Acting Clerk to the Council*.

An Ordinance to Declare the Law and Practices in Cases of Escheat.

In the Year 1871.—No. 2.

Clause.

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

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

Governor to appoint Escheator-General.

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

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

2. In all cases of escheat to the Crown it shall be lawful for the Escheator-General to issue his precept in the form in Schedule A hereto annexed to the chief constable to 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 summons twelve persons now liable to serve on juries, and return such precept to the Escheator-General with the names of the persons summoned endorsed thereon certified under his hand.

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

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

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

4. All inquests under this Ordinance shall be holden at the Court House, Stanley, on any day not appointed for the sitting of any Court therein, and notice of the day and hour shall be published on the Gazette Board, and, in case of real estate, shall be

affixed or left with some person at the premises respecting which inquiry is to be made three months before the holding of the inquest.

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

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 Magistrate's Court on application made for that purpose, which order the said Court may give or withhold at its discretion, and such order being obtained the like proceedings shall be had as hereinbefore mentioned.

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

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

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

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

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

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

Interpretation clause.

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

Fees to be taken.

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

Commencement of Ordinance.

SCHEDULES.

(A.)

Form of Precept.

Falkland Islands.

To the Chief Constable.

These are to authorize 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 kin,
 as is alleged, to which Our said Lady the Queen had become entitled by escheat, 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 hath 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]

(B.)

Table of Fees.

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

(L.S.) (Signed) G. D'ARCY, Governor.

Passed the Legislative Council this 15th day of May, 1871.

(Signed) M. GALLWEY HURST, Acting Clerk of the Council.

33.

Wreck and Salvage Ordinance.

In the Year 1871.—No. 3.

Clause.

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

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

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

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

3. That, in the event of no owner establishing a claim to wreck before the expiration of twelve calendar months after the same shall have come into the possession of the Receiver, the Receiver shall forthwith sell the same, and after payment of all expenses attending such sale, and all expenses incurred by him, and paying to the salvors such

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

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

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