

N.B.—If the money or goods, promissory note or notes, bill or bills advanced, be for the absolute purchase of the wool, instead of the words “to the extent of £ ,” insert the words, “for the absolute purchase and whole value thereof.”

(B.)

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

44.

### An Ordinance relating to Unseaworthy Vessels, and to provide for Surveys of Vessels in certain cases.

In the year 1875.—No. 2.

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

Preamble.

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

Power to appoint inspectors of ships in certain cases.

1. Where the Governor has received a complaint, or has reason to believe that any ship is, by reason of the defective condition of her hull, equipments or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, he may, if he think fit, appoint some competent person or persons to survey such ship, and the equipments, machinery and cargo thereof, and to report thereon to him.

Powers of inspectors.

2. Any person so appointed may, for the purposes of such survey, require the unloading or removal of any cargo, ballast or tackle, and shall have all the following powers, that is to say:—

1. He may go on board any ship, and may inspect the same, or any part thereof, or any of the machinery, boats, equipments or articles on board thereof to which the provisions of this law apply, not unnecessarily detaining or delaying her from proceeding on any voyage:
2. He may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make:
3. He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make:

4. He may require and enforce the production of all books, papers or documents which he considers important for such purpose :
5. He may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

And every witness so summoned as aforesaid shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before any court of record, and in case of any dispute as to the amount of such expenses, the same shall be referred by the inspector to the clerk of the supreme court, who, on a request made to him for that purpose under the hand of the inspector, shall ascertain and certify the proper amount of such expenses; and every person who refuses to attend as a witness before any such inspector, after having been required so to do in the manner hereby directed, and after having had a tender made to him of the expenses, if any, to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which any such inspector is hereby empowered to require, shall for each such offence incur a penalty not exceeding ten pounds.

3. Any person who (having notice of the intention to hold such survey) wilfully does, or causes to be done, any act by which the person appointed to make such survey is prevented from or obstructed in ascertaining the condition of the ship, her equipments, machinery and cargo shall be liable to a penalty not exceeding fifty pounds.

Penalty on obstructing inspector.

4. The Governor may, if he think fit, order that any ship be detained for the purpose of being surveyed under this law, and thereupon any officer of customs may detain such ship until her release be ordered by the Governor.

Power to detain ship for survey.

5. Upon the receipt of the report of the person making any such survey, the Governor may, if in his opinion the ship cannot proceed to sea without serious danger to human life, make such further order as he may think requisite as to the detention of the ship, or as to her release, either absolutely or upon the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or re-loading of cargo, as the Governor may impose. He may also from time to time vary or add to such order.

Powers to detain or release ship after report of inspector

6. A copy of any such order and of the report upon which it was founded, and also of any variation of or addition to such order, shall be delivered as soon as possible to the owner, consignee or master of the ship to which it relates.

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

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

Closing of register not to effect detention.

8. If upon the survey of a ship under this law she is reported to have been at the time of the survey, having regard to the nature of the service for which she was then intended, unfit to proceed to sea without serious danger to human life, the expenses incurred in respect of the survey shall be paid by the owner of the ship to the treasurer, and shall, without prejudice to any other remedy, be recoverable by suit or other proceeding at the instance of the Stipendiary Magistrate in the same manner as salvage is recoverable.

Expenses of survey of ship reported unseaworthy.

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

Expenses of survey and damages if ship not reported unfit.

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

Power to demand security for expenses and damages.

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

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

Expenses, &c.  
incident to survey  
how payable.

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

Meaning of "ship."

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

(Signed)

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

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

(Signed)

G. TRAVIS, *Clerk to the Council.*

45.

### Quarantine Ordinance.

In the Year 1875.—No. 3.

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

Preamble.

Title of Ordinance.

Interpretation of  
terms.

"Infected places."

"Vessel."

"Master."

"Governor."

"Justice."

Appointment of  
Officers.

Power to Governor  
to make rules.

Governor may  
declare "infected  
places."

Vessels and persons  
liable to quarantine.

Vessels to be  
visited by Health  
Officer.

WHEREAS it is desirable to pass a law relating to Quarantine. Be it enacted—

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

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

The word "vessel" means any ship, vessel, or boat; and the word "Master" means the master, officer, or other person for the time being in charge or command of such vessel. The word "Governor" means the officer for the time being lawfully administering the government of this Colony, and the word "Justice" means any police magistrate or justice of the peace within the Colony.

3. The Governor is hereby authorised to appoint such officers as may be necessary to carry out the laws, rules and regulations relating to quarantine.

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

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

6. All vessels arriving at this Colony, together with all persons, goods and merchandise whatsoever thereon, coming from any infected place, or having on board any person who has come from such infected place, or who is ill of any contagious or infectious disease, or on board of which vessel any person shall have died from any such disease during the passage to this Colony, shall be liable to perform quarantine in such place, for such time and in such manner as hereinafter provided.

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

1. What is the name of the vessel and of the master?

2. To what port or place does she belong?