

The two Ordinances
to be read together.

25. All provisions contained in the principal Ordinance, which may be repugnant to or inconsistent with this Ordinance shall be deemed to be hereby repealed or suspended, but subject thereto the principal Ordinance, and this Ordinance shall be read and construed together as one Ordinance, with such verbal modifications in the principal Ordinance not affecting the substance as may be necessary for the purpose aforesaid.

SCHEDULE.

Form of Summons to Assessors under Section No. 9.

In the Supreme Court of the Falkland Islands.

To
You are hereby summoned to appear and serve as an assessor to the Chief Justice at the Supreme Court on the trial of a certain cause or proceeding therein depending on the _____ day of _____ at the hour of _____ in the forenoon, and there to attend from day to day until you shall be discharged by the Court.

(Signed)

By order of the Court.

N.B.—The penalty for disobedience hereto is a fine not exceeding £10.

(Signed) T. FITZGERALD CALLAGHAN, *Lieutenant Governor.*

Passed the Legislative Council this twenty-ninth day of June, one thousand eight hundred and seventy-six.

(Signed) G. TRAVIS, *Clerk to the Council.*

48.

An Ordinance for making certain verbal alterations in the Summary Jurisdiction Amendment Ordinances and other Ordinances.

In the year 1876.—No. 3.

By His Excellency THOMAS FITZGERALD CALLAGHAN, Lieutenant 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 as follows :

Recital.

WHEREAS in consequence of the passing of Ordinance No. 2, 1876, it becomes necessary to amend the Ordinances in the schedule hereunto annexed by making certain verbal alterations therein. Be it therefore enacted that the said Ordinances are hereby amended as follows.

“Supreme Court of the Falkland Islands” to be substituted for “Magistrate’s Court.”
“Police Magistrate” to be substituted for “Chairman of the Courts.”
Ordinances to remain in force as before save as herein altered.
Commencement of Ordinance.

1. That wherever the words “Magistrate’s Court” occur in any of the provisions of the said Ordinances the words “Supreme Court of the Falkland Islands,” shall be substituted and used therefor.

2. That in Section 1 of Ordinance No. 2, of 1862, the words “Police Magistrate” shall be substituted and used for the words “Chairman of the Courts.”

3. That save and except as to the alterations hereby made the said Ordinances shall remain and be in force as hitherto.

4. That this Ordinance shall take effect and come into operation on the third day of July, 1876.

(Signed) T. FITZGERALD CALLAGHAN, *Lieutenant Governor.*

Passed the Legislative Council this twenty-ninth day of June, one thousand eight hundred and seventy-six.

(Signed) G. TRAVIS, *Clerk to the Council.*

SCHEDULE.

No. 2 of 1857.

Entitled Summary Jurisdiction Amendment Ordinance.

No 1 of 1868.

Entitled Marriage Ordinance.

No. 2 of 1862.

Entitled Summary Jurisdiction Amendment Ordinance.

No. 3 of 1867.

Entitled Sheep Ordinance.

No. 1 of 1869.

Entitled An Ordinance to provide for the appropriation of the casual revenues of the Crown arising from escheated estates.

No. 2 of 1871.

Entitled An Ordinance to declare the law and practice in cases of escheat.

49.

Penal Servitude Ordinance.

In the year 1876.—No. 4.

By His Excellency THOMAS FITZGERALD CALLAGHAN, Esquire, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof. Be it enacted :—

1. That Sections 28 and 29 of The Administration of Justice Ordinance No. 10 of 1853, shall be and are hereby repealed, and the two following sections substituted in lieu thereof. Repeals Sections 28 and 29 of No. 10 of 1853.

2. That when any person shall be convicted of any offence for which in England such person would now be liable to be sentenced to penal servitude for any term it shall be lawful to pass the same sentence in these Settlements for the same term, and every such sentence of penal servitude or order of penal servitude as hereinafter mentioned shall subject the convict during the term of such sentence to be imprisoned with hard labour, and to be otherwise dealt with under such sentence in the same manner as if sentenced to imprisonment with hard labour for the same term ; and every convict under any sentence or order of penal servitude or under any sentence of imprisonment with hard labour, either with or without whipping, may by order of the Governor be worked in any part of the Settlements or any of the Dependencies thereof without the precincts of any gaol or in any hulk or on the sea within the limits of the Settlements, or in any gaol or house of correction now established, or in any penitentiary or other building or buildings in these Settlements which shall hereafter be appointed for that purpose by the Governor by proclamation, and in any employment within the same, and be under the custody and management of any person the Governor shall direct. Sentence of Penal Servitude declared legal. Convicts to be kept to hard labour. Convicts may be worked in any part of the Settlements the Governor may order.

3. That whenever Her Majesty or the Governor having lawful authority shall be pleased to extend mercy to any offender convicted of any crime punishable with death on condition of penal servitude, and such intention of mercy shall be signified by the Governor to the Court before which such offender shall have been convicted such Court shall allow to such offender the benefit of a conditional pardon, and shall accordingly make an immediate order of penal servitude regarding such offender, and which order shall have the same force and effect as any sentence of penal servitude. The Court to make an order of Penal Servitude when the Crown intends mercy in a capital case.