

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 That Sections 28 and 29 of The Administration of Justice Ordinance No. 10 of 1853, shall be and are hereby repealed, and the two following sections substituted in lieu thereof.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

Amends Section 30 of Ordinance No. 10 of 1853.

4. That Section 30 of the aforesaid Ordinance No. 10 of 1853 shall be and is hereby amended by expunging the words "and shall be liable to be transported beyond the sea for the term of seven years," and substituting therefore the words "and shall be liable to penal servitude for the term of seven years," and the said section as hereby amended together with the other sections of this Ordinance shall be deemed and taken to be a part of the said Administration of Justice Ordinance as fully and effectually as if incorporated therein.

Commencement of Ordinance.

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

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

Passed the Legislative Council this fourteenth day of December, One thousand eight hundred and seventy-six.

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

50.

### An Ordinance to extend to these Settlements certain Acts of Parliament in force in England relating to the Criminal Law.

In the year 1876.—No. 5.

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

Certain Acts of Parliament extended to the Colony.

1. That the Acts of Parliament specified in the Schedule hereunto annexed shall be in force in these Settlements, and shall be applied to the administration of justice as far as they can be applied, and as local circumstances will permit.

Commencement of Ordinance.

2. That this Ordinance shall take effect and come into operation from the day of the passing thereof.

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

Passed the Legislative Council this fourteenth day of December, One thousand eight hundred and seventy-six.

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

#### SCHEDULE.

16 & 17 Vict. cap. 83, 20th August, 1853	An Act to amend An Act of the 14 & 15 Vict. cap. 99.
18 & 19 Vict. cap. 91, 14th August, 1855	An Act to facilitate the erection and maintenance of Colonial Lighthouses and otherwise to amend the Merchant Shipping Act of 1854.
24 & 25 Vict. cap. 66, 1st August, 1861	An Act to give relief to persons who may refuse or be unwilling from alleged conscientious motives to be sworn in criminal proceedings.
24 & 25 Vict. cap. 94, 6th August, 1861	An Act to consolidate and amend the Statute Law of England and Ireland relating to accessories to and abettors of indictable offences.
24 & 25 Vict. cap. 96, 6th August, 1861	An Act to consolidate and amend the Statute Law of England and Ireland relating to larceny and other similar offences.
24 & 25 Vict. cap. 97, 6th August, 1861	An Act to consolidate and amend the Statute Law of England and Ireland relating to malicious injuries to property.
24 & 25 Vict. cap. 98, 6th August, 1861	An Act to consolidate and amend the Statute Law of England and Ireland relating to indictable offences by forgery.
24 & 25 Vict. cap. 99, 6th August, 1861	An Act to consolidate and amend the Statute Law of the United Kingdom against offences relating to the coin.
24 & 25 Vict. cap. 100, 6th August, 1861	An Act to consolidate and amend the Statute Law of England and Ireland relating to offences against the person.
25 Vict. cap. 18, 16th May, 1862	An Act to amend the Law as to the whipping of juvenile and other offenders.
30 & 31 Vict. cap. 35, 20th June, 1867	An Act to remove some defects in the administration of the criminal law.
32 & 33 Vict. cap. 68, 9th August, 1869	An Act for the further amendment of the law of evidence.