

5. If any party feels aggrieved by any conviction before a Magistrate under this Ordinance, the party so aggrieved may appeal therefrom to the Judge of the Supreme Court of the Colony, upon the appellant entering into a recognisance with or without sureties, conditioned personally, to try such appeal and to abide the judgment of the Court thereon and to pay such costs as may be awarded by the Court.

Right of appeal.

6. Upon the hearing and determination of any case under Sections 2 and 3 of this Ordinance, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses.

Regulations as to evidence.

7. In this Ordinance the word "Magistrate" shall include and mean the Police Magistrate of the Colony or the Stipendiary Magistrate of the West Falklands.

Interpretation clause.

8. This Ordinance may be cited as "The Conspiracy Ordinance, 1896."

Short title.

STANLEY FIRE BRIGADE.

Ordinance No. 3 of 1898.

[3rd March, 1898.]

An Ordinance to provide for the better protection of the town of Stanley against fire, and for the establishment of a Volunteer Fire Brigade.

Whereas it is expedient to provide for the protection of Stanley against fire, and for the establishment of a Volunteer Fire Brigade,

Preamble.

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

FORMATION OF BRIGADE.

1. It shall be lawful for the Governor to accept the services of any persons desiring to be formed into a Volunteer Fire Brigade, and upon such acceptance

Formation of Brigade.

being published in the *Gazette*, the proposed Brigade shall be deemed lawfully formed under this Ordinance, and shall be designated "The Stanley Volunteer Fire Brigade."

Appointment
of officers.

2. The officers shall consist of a Superintendent, appointed by the Governor, and such other officers as may be deemed necessary, who shall be elected by the members, subject to confirmation by the Governor.

Enrolling of
members.

3. Every member shall before being enrolled take and subscribe to the oath set forth in the Schedule to this Ordinance, such oath to be administered by a Justice or the Superintendent.

Brigade to have
charge of all
appliances.

4. The Brigade shall upon its due formation assume and have charge of all fire appliances in Stanley, subject to the same being kept always in a clean serviceable condition, always ready for instant use, and to the same being promptly and efficiently handled when called into action at a fire.

Inventories.

5. The Superintendent shall within seven days after assuming charge of the fire engines cause a complete inventory to be made and kept of all engines and apparatus in charge of and pertaining to the Brigade, and shall post one copy in the fire engine station and send another to the Colonial Secretary. These inventories must be checked by him on the 1st of January and July, or within one week thereafter in each year, and all additions or losses noted and explained.

DISCIPLINE.

Power to make
rules.

6. The Superintendent may make rules relating to attendance at practice and fire drill, the proper and secure maintenance of all appliances in charge of the Brigade, for ensuring method and discipline, and for encouraging smartness and *esprit de corps* among the members, for providing penalties for any breach of the rules, and for any other purpose in connection with this Ordinance, and such rules upon being approved by the Governor shall come into force.

7. Any member may resign, provided that—

Resignation of members.

(1) He has given to the Superintendent fourteen days' notice of his intention.

(2) He has delivered up to the Superintendent or other officer deputed by him, in good order, any uniform or equipment, the property of Government or of the Brigade, which may have been issued to him or be in his charge.

(3) He has paid any money due or becoming due by him to the Brigade under any rule thereof.

8. Any member who fails to deliver up in good order upon demand by the Superintendent any clothing or fire appliances in his charge or use shall be liable to pay to the Superintendent for the benefit of the Brigade the full cost landed in the Colony of any such articles, such payment and cost to be recovered in a summary way before a Magistrate.

Delivering up Brigade property.

9. Any person, or any member who shall by negligence or otherwise wilfully damage any one of the fire appliances, or any part thereof, shall be liable upon summary conviction before a Magistrate to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months, and to pay the cost of the damage.

Wilful damage of appliances.

10. Any member may be called upon by the Superintendent to resign, or, failing to do so, may be dismissed from the Brigade upon the votes of not less than two-thirds of the members.

Dismissal by vote.

11. A member convicted before any Court in its criminal jurisdiction, or who is guilty of conduct to the prejudice of good order and discipline, or to the damage of any of the fire appliances, may be dismissed by the Superintendent, subject to appeal to the Governor.

Dismissal by Superintendent.

FISCAL.

12. All moneys subscribed by, or to, or for the use of the Brigade, and all appliances belonging to or lawfully used by the Brigade, being its own or public

Moneys and appliances vest in Superintendent.

property, and the power to sue for and recover moneys due to the Brigade, shall vest in the Superintendent for the time being and his successors in office, and any proceedings, civil or criminal, shall not be abated or discontinued by his ceasing to hold office, but may be carried on by and in the name of his successor.

Mode of
recovery of
moneys.

13. If any member or person who has been a member of the Brigade shall neglect or refuse to pay anything subscribed or undertaken to be paid by him to the Brigade, or payable by him under the rules, or to pay any fine incurred by him under the rules, such money shall be recoverable from him with costs any time within twelve months after the same has become due, in a summary way in the Police Magistrate's Court, even though the amount may exceed twenty pounds.

All moneys to be
paid to
Secretary.

14. All moneys payable or received under this Ordinance or by virtue of any of its provisions, or of any of the rules made thereunder, shall be paid to the Secretary and credited by him to a fund styled the "Fire Brigade Fund," and no disbursements therefrom shall be made save and except for purposes of *bona-fide* protection against fire, or in the purchase of equipment for the Brigade, or the payment of wages, and no payment whatever shall be made except by approval of the Governor.

Charge to ship-
ping for use of
manual engine.

Insurance
companies to
contribute.

15. It shall be lawful for the Superintendent to charge for the services of the manual engine rendered to shipping a sum not exceeding five pounds, for each day or part of a day during which the engine may be utilised, and all fire insurance companies, new or which may hereafter carry on business in Stanley, shall contribute to the maintenance of the steam fire engine an annual payment equal to one-eighth per cent. of the capital assured.

PREVENTIVE.

No wood roof.

Penalty.

16. From and after the passing of this Ordinance it shall not be lawful to build or erect any house, tenement, shed or warehouse, having a roof of wood, or of any material other than iron or slate, under a penalty on summary conviction before a Magistrate of a fine not exceeding twenty pounds, and imprison-

ment, with or without hard labour, not exceeding six months; and any roof erected in contravention of this Ordinance may be forthwith removed by order of the Court, at the defendant's risk and expense.

17. It shall be lawful for the Police Magistrate upon information being laid before him that any chimney, flue, stove pipe, or other outlet of a fire is from faulty construction, or otherwise, a source of danger, to direct any constable or other person forthwith to enter on such premises and inspect and report thereon; and to summon before him the occupant or owner of the premises to show cause why the danger should not be abated, and to make such order in Court thereafter as may seem to him expedient in the public interest.

Dangerous
flues.

FIRES.

18. Any person who assaults, resists, impedes, or obstructs a member in the discharge of his duty, shall be liable to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any period not exceeding six months. Any person present who when called upon by any member or by any constable to assist either in conveying any engine or fire appliances to a fire, or in extinguishing any outbreak of fire, declines, without reasonable cause, so to assist shall be liable upon conviction to a penalty not exceeding five pounds, or to imprisonment, with or without hard labour, for a term not exceeding fourteen days.

Penalty for
obstructing at a
fire.

19. It shall be lawful for any constable or any member working at a fire to break and enter, pull down, cut away, and destroy any building or curtilage which appears calculated to assist the conflagration, doing as little damage as possible, and he may take for use in extinguishing a fire any tanks, water, buckets, ladders, or other article whatsoever that may be at hand and required for service at such fire :

Measures to
prevent spread
of fire.

Provided that the owner of any property so damaged, taken or affected shall be entitled upon clear proof thereof to compensation upon the proper assessment of such loss made by two assessors to be appointed for the purpose by the Governor :

Compensation
for damage.

And provided further that no constable or member shall be personally liable for damage the result of action *bona-fide* taken in the effort to extinguish or to prevent the spreading of a fire, nor unless such action can be proved to have been malicious and wanton and unwarranted by any of the surrounding circumstances.

Value of injury to premises may be recovered from insurance company.

20. The damage to any building resulting from the carrying out of the provisions of this Ordinance shall be deemed to be damage by fire within the meaning of any policy of insurance against fire now or hereafter in force in this Colony, and shall be recoverable in any Court of Law in this Colony as if the said building so insured had been destroyed by fire.

GENERAL.

Inspection of Fire Brigade appliances.

21. It shall be lawful for the Governor to depute an officer of the Government from time to time to view and inspect the fire appliances, and to muster the Brigade for the purpose of testing and satisfying himself that proper efficiency is maintained; and in the event of receiving an unfavourable report the Government may withdraw either permanently or for a time the engines and appliances from the charge of the Brigade, and may make such other arrangements as may seem best likely to serve the public interests in the protection of life and property from fire.

Auditors.

22. It shall be lawful for the Governor to appoint an Auditor or Auditors for the purposes of this Ordinance, and by warrant under his hand to authorise the expenditure of such moneys as may from time to time be required in maintaining the fire engines, in replenishing damaged fire stock, and in keeping in proper repair and order all the appliances as well as in the purchase of new articles that may be found necessary; and for carrying into effect measures for increased protection against fire.

Police duties.

23. Nothing in this Ordinance shall be held to relieve or lessen the duties of the Police Force as to supervision over the fire appliances, assisting at fires, and maintaining order and protecting property thereat.

24. The Governor may direct and empower the Coroner or other person to hold, with or without the aid of a jury, an inquiry with or without closed doors into the origin or cause of any fire and in conducting such inquiry such person shall possess and exercise all the powers appertaining to the office of Coroner in the holding of inquests of death; and any expenses attendant upon such inquiry shall be borne by the person applying for the same, or by the Colonial Government as the Governor shall direct.

Inquiry into cause of fire.

25. Whenever any inquiry in terms of the preceding clause is authorised by the Governor on the motion of any private person, such person shall enter into a bond with two sufficient sureties for the payment of all expenses attendant upon such inquiry as the Governor may approve.

Cost of inquiry.

26. The person duly authorised and the jury may, for the holding of any inquiry as aforesaid, enter upon and examine any premises damaged or destroyed by any fire or by any act resulting from the carrying out of the provisions of this Ordinance.

Injured premises only be examined.

27. The Governor in Council may at any time prohibit the importation of any inflammatory, combustible, or explosive article, and may make regulations as to the building, manner and situation in which any such article shall be kept, and as to the quantity that may be kept in any building or place.

Importation, location and quantity of combustibles.

28. Any person convicted of a contravention of any prohibition or regulation made by the Governor under the preceding section shall be liable to a penalty not exceeding fifty pounds.

Penalty.

29. In this Ordinance—

Interpretation.

“Superintendent” shall mean and include the senior officer for the time being of the Fire Brigade.

“Officer” shall mean any member duly appointed as Superintendent, or elected and confirmed as provided for in Section 2.

"Appliances" shall mean and include all engines, hose, carts, reels, axes, ladders, lamps, branch pipes, buckets, and every article which can be used at a fire, and any article which may be purchased for use at fires, and all reservoirs, wells, tanks, or ditches, which may be constructed with the object of being available in case of fire.

"Member" shall mean a member of the Fire Brigade who has been duly enrolled.

Short title.

30. This Ordinance may be cited as "The Stanley Fire Brigade Ordinance, 1898."

SCHEDULE.

OATH OF MEMBER OF THE V. F. BRIGADE.

I, _____, do hereby make oath and swear that I will be faithful and bear true allegiance to H.M. Queen Victoria, her heirs and successors, and that I will well and faithfully serve and carry out to the best of my skill and ability and for the best interests of my fellow citizens all and every the duties pertaining to or which may be required of me as a member of the Fire Brigade.

So help me God.

GAOLS.

Ordinance No. 5 of 1898.

[7th April, 1898.]

Title.

An Ordinance relating to Gaols.

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

Common gaols.

1. The building now used as a gaol in Stanley shall be a common gaol, and the Governor may from time to time appoint any place in the Colony to be a "common gaol," and any such gaol may be used for the confinement of any prisoner sentenced by any Court in this Colony, or sent to this Colony, under or by virtue of any Imperial Act of Parliament.