

be recovered by the plaintiff, unless the Court shall otherwise order. The Court may release the person so imprisoned on failure by the plaintiff to pay the subsistence.

Notary public.

32. The Governor may from time to time appoint any person to be a notary public :

Provided that if any notary public duly appointed by the law of England shall be available any appointment under this Ordinance shall determine, and whenever the Governor shall not have appointed any notary under this Ordinance the Chief Justice shall have and may exercise within the Colony all the powers and authorities of a notary public appointed by the law of England and shall use a seal with the inscription "Supreme Court of the Falkland Islands, Notarial Seal."

Rules.

33. The Governor in Council may make rules for regulating the process, practice and mode of pleading in the Supreme Court and the conduct of all civil and criminal business coming within its cognisance, and with reference to fees of court, costs of persons admitted to practice, the duties of officers of the Court and the powers of Commissioners and all other matters in connection with the business of the Court not otherwise specially provided for.

Short title.

34. This Ordinance may be cited as "The Administration of Justice Ordinance, 1901."

JURORS.

Ordinance No. 5 of 1901.

As amended by No. 5 of 1903.

[16th September, 1901.]

An Ordinance relating to Jurors and Trials by Jury.

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 :—

1. Every man, not being an alien, and except as hereinafter excepted, between the ages of twenty-

Who must
serve.

one and sixty years, residing in this Colony, and being the owner or occupier of any real estate of the value of not less than ten pounds per annum or being in receipt of an annual salary of sixty pounds and upwards shall be qualified and liable to serve on juries in all civil and criminal proceedings in this Colony :

Provided that no person whose usual place of residence is beyond a radius of six miles of Stanley shall, without the sanction of the Chief Justice, be summoned to serve, save on a Coroner's inquest or at a special court ordered under Section 20 of the Administration of Justice Ordinance, 1901.

2. The following persons shall be exempted from serving on juries :—Members and Clerk of Council, persons holding office under the Imperial Government, officers of the Court and gaol, Barristers, Solicitors and Attorneys, Consular agents not being British subjects, ministers of religion, duly qualified medical practitioners in actual practice, pilots and Customs officers when on actual duty, and Justices.

Exemptions.

3. No man who hath been convicted of any treason, felony or perjury, or of any crime that is infamous, unless he shall have obtained a free pardon, shall serve on any jury.

Not fit.

4. The Police Magistrate or some other person duly authorised by the Governor shall, on or before the 1st day of January in each year, prepare a list of all men liable to serve on juries and shall cause the same to be published in the *Gazette*, and a copy thereof to be affixed to the Court-house or other conspicuous place, and shall subjoin a notice that all objections to the said list will be heard on the third Monday in January at the Police Court.

Lists, annual.

5. The Police Magistrate or some other person duly authorised by the Governor may strike out of the said list any person who shall not be liable to serve, or who from any infirmity is incapable of serving as a juror, and shall correct all errors in the said list.

Correcting lists.

Corrected list to
be kept posted.

6. A corrected copy of the jury list in which each name shall be numbered consecutively shall be signed by the Police Magistrate and shall thereupon come into force and shall be kept posted in some conspicuous place at or near the Court-house, and such jury list shall be in force until superseded by the list of the year next following.

Chief Justice
may add or
remove names.

7. Any person whose name shall be upon any jury list, duly allowed and signed, may apply in open court to the Chief Justice for the removal of his own or any other person's name, and any person duly qualified whose name has been expunged from any list may likewise apply to have his name restored, and the Chief Justice may summarily hear and decide upon any such application.

General.

8. The Chief Justice may direct the summoning of jurors and give directions as to the time and place for which such jurors shall be summoned, and as to all such other matters as shall seem requisite.

Number
summoned.

9. Unless otherwise ordered by the Chief Justice, twenty-four persons shall be summoned when a jury of twelve is required and fourteen for a jury of seven, and every summons, except in the case of a Coroner's inquest, shall be sent by post or personally served upon or left at the usual place of abode of the juror three clear days before the day appointed for the sitting of the Court:

Provided that upon a Coroner's inquest the summons may be made returnable immediately or at such time and place as the Coroner shall specially order.

How.

10. Jurors shall be summoned in the order in which their names are placed in the jury list, and at the commencement of every year the names shall be taken from the new list, beginning with the person whose name stands next after the juror last summoned in the preceding list.

If absent.

11. Whenever a summons cannot be served by reason of a juror being absent and whenever any juror has failed to attend, in either case the juror who has not served in his turn shall be resummoned until he shall have served in his turn.

12. If any person, duly summoned, shall fail to attend as a juror when his name is called, or after appearance shall withdraw himself without the permission of the Court, the Court may in a summary way, either on the same or at any future day, impose a fine not exceeding ten pounds.

Failing to attend.

13. Every case in which the prisoner shall be arraigned on a capital charge shall be tried by a jury of twelve men, and no verdict shall be recorded unless such verdict be unanimous. Juries for the trial of all issues which are not capital shall consist of seven persons; and it shall be competent for any five of such jurors after having been in deliberation for two hours at the least to find a verdict, and such verdict shall have the same force and effect as if the whole jury had concurred therein :

Number on jury.

Provided that in delivering such verdict the foreman shall declare to the court in the presence of the jury that not less than five of their number have agreed thereto.

14. No alien in any case shall be entitled to a jury *de medietate lingue*, but every alien shall be triable in the same manner as if he were a natural born subject.

Aliens to be tried as subjects.

15. The jury to be empanelled for the trial of any cause shall be ballotted for in the following manner :—Numbered counters corresponding with the numbers opposite the names on the jury list of such persons as have been summoned shall be put into a box in open court and drawn out until a sufficient number of jurors shall be secured, and in case of a sufficient number of jurors not being in attendance the Chief Justice may complete the number from among the bystanders :

Ballot.

Provided no objection to such person be made and allowed, and any such bystander refusing to act may be fined ten pounds or committed for contempt for any term not exceeding thirty days.

Bystanders.

16. In any case where the jury consists of seven, each party shall be allowed three peremptory challenges and no more, and when the jury consists of

Challenge.

twelve each party shall be allowed six peremptory challenges and no more; any further objections made to any juror shall be decided by the Court.

View.

17. When a view shall be considered necessary by the Court the jury sworn to try the case shall make the view under the charge of some proper person to be appointed and, if necessary, of a shower, and the trial may be postponed to any other day.

Illness.

18. If during the trial of any case, not being a capital offence, one juror shall die or become incapable of acting or be absent, it shall not be necessary to discharge the jury or to add another juror, but the trial shall be proceeded with.

Release on adjournment.

19. Whenever it shall appear that any trial cannot reasonably be concluded in one day it shall be lawful for the Court to adjourn the trial and to permit any juror to depart, who shall in open court take the following oath:—

“ I swear that during the adjournment of the trial of I will not until the conclusion of the case or the jury shall be discharged, speak with, listen to or receive or hold any communication with any person whatsoever other than my fellows impanelled with me touching or relating to this trial, and that upon the termination of every adjournment thereof I will again come into and remain in this court.

“ So help me God.”

Refreshment.

20. Jurors after retiring to consider their verdict may, in the discretion of the Court, be allowed reasonable refreshment, and such refreshment shall in criminal cases only be provided at the expense of Government.

Pay.

21. Every juror summoned to try civil cases shall receive from the Registrar the sum of three shillings for attending the court, and if he shall serve as a juror he shall receive a further sum of five shillings for every day he shall serve as a juror,

and the party requiring the jury shall deposit with the Registrar a sum sufficient for the remuneration to such jurors for one day in advance.

22. Any person corruptly attempting to influence any juror and any juror consenting thereto shall be deemed to have committed a misdemeanour, and may, on proof thereof before the Supreme Court, be punished by a fine not exceeding one hundred pounds, or imprisoned with or without hard labour for any term not exceeding one year, or both.

Tampering
with.

23. All crimes and offences may be tried in the Supreme Court by information and without the intervention of a Grand Jury.

Grand Jury.

24. This Ordinance may be cited as "The Jury Ordinance, 1901."

Short title.

LIVE STOCK.

Ordinance No. 6 of 1901.

As amended by No. 1 of 1907.

[15th October, 1901.]

An Ordinance relating to Scab and other infectious and contagious diseases in sheep and other animals.

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 :—

1. In this Ordinance—

Interpretation.

"Destroy" shall mean kill and either bury at a depth of not less than two feet under the ground or consume by fire or boil down.

"Sheep" means any ram, ewe, wether or lamb.

"Travelling sheep" means sheep being driven over any road or land not in the occupation of the owner of the sheep.