

**SUMMARY JURISDICTION.**

Ordinance No. 5 of 1902.

*As amended by No. 2 of 1909.*

[30th September, 1902.]

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

1. In this Ordinance unless the context otherwise requires:—

Definitions.

“ The Court ” shall mean one or more Justices sitting to hear any cause which they may be empowered to hear by this or any other Ordinance or a Magistrate sitting either alone or with other Justices.

“ Complaint ” shall include information, claim, debt, damage or injury.

“ Criminal ” includes quasi-criminal and with reference to matters of jurisdiction, comprehends all such matters not falling within the term “ civil.”

2. The town of Stanley, for the purposes of this Ordinance, shall extend to such place as the Governor shall from time to time define by any proclamation for that purpose issued.

Limits of Stanley.

3. The Governor may appoint from time to time such Stipendiary Magistrates and Justices as he may deem necessary, and every such Magistrate or Justice shall have and may exercise jurisdiction in civil and criminal cases as hereinafter provided over and within the district defined and specified in his warrant of appointment, and if no limits be defined or specified in such warrant, then he shall have jurisdiction throughout the whole Colony.

Appointment of Stipendiary Magistrates and Justices.

Jurisdiction  
when no  
Magistrate.

4. The jurisdiction of the Court when no Magistrate is present shall be as follows :—

(1) When one Justice is sitting alone he may hear and determine any information relating to an offence against any law containing no provision to the contrary, but he may not impose a larger fine than five pounds.

(2) When two or more Justices are sitting together they may hear and determine any information relating to—

(i) Any contravention of any law containing no provision to the contrary; or

(ii) Any offence for which the offender is liable under any law, containing no provision to the contrary, upon summary conviction to be imprisoned or fined or otherwise punished.

Powers of  
Magistrate  
sitting alone.

5. Whenever by any law which shall not contain an express provision to the contrary any act, matter or thing is required to be done by more than one Justice, all such acts, matters or things may be done and performed by a Magistrate of this Colony sitting alone, and, subject to the provisions of this or any other law, a Magistrate shall have full power, authority and jurisdiction—

(1) To receive and inquire into all charges of indictable offences, and make such order in respect thereof as may be required.

(2) To hear, try and determine all complaints cognisable on Summary Judication and to adjudicate upon any information in case of non-payment of any sum of money upon any recognisance taken before any Court of Justice and afterwards forfeited.

(3) In all suits where the claim, debt, or damage or balance sought to be recovered shall not exceed the sum of fifty pounds, and in all suits for the recovery of the possession of a tenement where the annual rent or value thereof shall not exceed the said amount, and every such suit shall be originally instituted in the Summary Court; and

(4) Generally to do any such act, matter or thing as may by any law appertain to the office of a Magistrate or to any Justice, but he shall not have power to impose a longer term of imprisonment than one year.

6. Subject to the provisions of the Administration of Justice Ordinance, 1901, and of Section 25 of the Interpretation and General Law Ordinance, 1900, an appeal shall lie to the Supreme Court from any judgment, decision, or order of the Court in the exercise of its criminal or civil jurisdiction, except from any order—

Appeal to Supreme Court.

(1) For the adjournment of any case or matter.

(2) In respect of an indictable offence.

(3) For the remand of any person to prison.

And when the case involves any question of fact the same may be tried *de novo* by the Supreme Court either with or without a jury.

7. A Magistrate may summon two Justices to sit with him as assessors on the trial of any civil or criminal case, and the provisions relating to assessors summoned in the Supreme Court shall apply to assessors summoned by a Magistrate under this section.

Assessors to Magistrate.

8. One Justice may issue any summons, and any warrant of arrest, distress or commitment, even in cases where the complaint must be heard by two or more Justices :

One Justice may issue summons, etc.

Provided that when two or more Justices are required to hear any case they must be present and acting together during the whole of the hearing and determination of the case.

9. Every information shall be laid within twelve months from the time when the matter of such information arose, unless any time is specially limited for the laying thereof.

Information must be laid within 12 months.

Appointment of  
constable.

10. The Governor may for any period he may think fit appoint any person to be a constable, by either of the following forms, that is to say:—

“ I hereby appoint (*his name*) to be a constable for the Falkland Islands [to hold the said office until the                      day of                      ].  
(*Signature*).”

and revoke any such appointment; and any Justice, upon the production of any such appointment, shall, if required, administer to the person appointed the following oath, that is to say:—

Oath.

“ I (*his name*), do swear that I will well and truly serve our Sovereign Lord the King in the office of constable for the Falkland Islands, without favour or affection, malice, or ill-will, and that I will, to the best of my power, cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof according to law. So help me God.”

And the said Justice shall thereupon certify the same upon such appointment, and if any constable shall act before he has taken the oath as aforesaid, he shall pay a fine not exceeding five pounds.

Constables to  
have powers of  
parish con-  
stables.

11. Any constable so appointed and sworn shall in the Falkland Islands have, exercise, and enjoy all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities as any constable duly appointed in England.

Penalty for  
neglect of duty.

12. Any constable who is guilty of any neglect or violation of his duty as constable, or shall resign, absent, or withdraw himself from his duty, unless allowed so to do by the Governor, or unless he shall have given to the Colonial Secretary one month's notice of his intention so to do, shall be liable to a fine not exceeding twenty pounds.

Powers of con-  
stables.

13. Any constable may apprehend any loose, idle or disorderly person, whom he shall find disturbing the public peace, or any person whom he shall have



reasonable cause to suspect of having committed or being about to commit any offence, and any person whom he shall find between sunset and the hour of eight in the morning lying or loitering in any street, yard or other place, and not giving a satisfactory account of himself, and any person found by any constable committing any offence punishable by this or any Ordinance, and any constable may also stop, search, or detain any boat, cart, or carriage in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen, or unlawfully obtained.

May search boats, etc.

14. Any constable having reasonable cause to suspect that any felony or misdemeanour has been or is about to be committed in or on board of any boat or other vessel lying in any harbour or port in the Falkland Islands, may enter at all times, as well by night as by day, into and upon such boat or other vessel, and therein take all necessary measures for the effectual detection or prevention of all such felonies or misdemeanours, and take into custody all persons suspected of being concerned in such felonies or misdemeanours, and also take charge of all property so suspected to be stolen.

Constables may search vessel on suspicion of felony.

15. Any person taken into custody without a warrant by any constable, except a person detained for the mere purpose of ascertaining his name and residence, shall be forthwith delivered into the custody of the constable in charge of the nearest lock up or gaol, in order that such person may be secured until he can be brought before a Justice, and dealt with according to law.

Persons apprehended to be taken to the lock-up.

#### PROCEDURE BEFORE HEARING.

16. Whenever an information is laid before a Justice that any person has, or is suspected to have committed any act for which he is liable by law to be imprisoned or fined or otherwise punished, and also in cases where a Summary Court has authority by law to make any order for the payment of money or

Summonses and warrants.

otherwise such Justice may issue a summons or warrant as hereinafter provided, and every such summons or warrant shall be under the hand and seal of the Justice issuing the same.

Summons how served.

17. A summons shall state shortly the matter of the complaint, and shall name a day and hour for the defendant to appear at the Court, and such summons shall be served by delivery to the person to whom it is directed or by leaving it at his usual place of abode, or in such other special manner as the Justice may direct :

Provided that nothing herein shall oblige any Justice to issue any summons in any case where the application for an order is to be made *ex parte*.

Proof of service.

18. A witness may be summoned by any Justice upon the oath of a credible person that such witness is able to give material evidence and will not come voluntarily. Proof of the service of a summons upon a defendant or witness shall be upon oath.

When warrant of arrest may issue.

19. It shall be lawful for a Justice to issue a warrant of arrest in any of the following cases; that is to say—

(1) Where an information of a felony or of an offence punishable on conviction by imprisonment is supported on oath, and it shall appear to him advisable that the person charged with committing the same should be immediately arrested to secure the ends of justice.

(2) Where any person fails to appear at the time and place mentioned in any summons, and due proof of the service of such summons is given, and that such service has allowed a reasonable time for the defendant to appear, and that the case cannot or should not be heard in the absence of the defendant or his representative :

Provided that the Court may, instead of issuing a warrant, proceed *ex parte* to hear the complaint and adjudicate thereon as fully and effectually as if such party had personally appeared.

(3) Where any witness shall neglect or refuse to attend and no just excuse shall be offered for such neglect or refusal, and proof has been given that the witness was summoned and that a reasonable sum was tendered to him for his expense in that behalf :

Provided that instead of committing such witness to prison the Court may in a summary way impose a fine not exceeding ten pounds.

(4) Where such Justice is satisfied by evidence upon oath that it is probable that a witness will not attend and give evidence if summoned.

A warrant may be executed by any constable or person to whom it is directed, and shall state shortly the matter of the information, and the name or some description of the person against whom it has been issued, and such warrant shall remain in force until it is executed, and any constable or other person directed to execute such warrant may apprehend the said defendant. When executing such warrant the constable or other person shall have the said warrant with him, except in cases of felony.

20. Any person who shall aid, abet, counsel, or procure, or attempt to commit or procure the commission of any offence punishable on summary conviction shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable on conviction to the same penalty to which such principal offender shall be by law liable.

Aiders and abettors.

21. If any information shall be given upon oath to any Justice that there is reasonable cause to suspect that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, ship, or other place, it shall be lawful for such Justice by warrant under his hand directed to any constable to cause any such dwelling-house, ship, or other place to be entered and searched at any time of the day or by night (if power for that purpose be given by such warrant), and the said Justice, if it shall appear to him necessary, may empower such constable, with

Search warrants.

such assistance as may be found necessary (such constable having previously made known such his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such thing shall be found, then to convey the same before a Justice, or otherwise dispose thereof in some place of safety, and to take into custody and carry before a Justice any person found in such house, ship, or place, who shall appear to have been privy to the deposit of any such thing knowing or having reasonable cause to suspect the same to be stolen or otherwise unlawfully obtained.

#### PROCEEDINGS ON HEARING.

Complaints to  
be heard in  
open Court.

22. Every complaint cognisable on summary judication shall be heard and determined (either on the oath of one or more credible witnesses or on the confession of the person charged) in an open Court to which the public shall have access so far as the same will conveniently contain them, and the Court shall, in every case, take notes in writing of the evidence, or of so much thereof as is material, in a book to be kept for that purpose.

Procedure on  
hearing.

23. On the hearing of any complaint cognisable on summary judication, the Court shall state to the defendant the substance of the complaint and shall ask him what answer, if any, he desires to make thereto :—

(1) If the defendant thereupon admit the truth of the complaint and show no sufficient cause why an order should not be made against him, the Court shall make such order against him as the justice of the case requires.

(2) If the defendant does not admit the truth of the complaint the witnesses on both sides shall, unless the Court in any case makes order to the contrary, be placed out of Court.

(3) The Court shall then proceed to hear the complainant and such witnesses as he may examine and then the defendant and such witnesses as he may examine and then such wit-

nesses as the complainant may examine in reply if the defendant has examined any witness or given any evidence other than as to his the defendant's general character, but the complainant shall not be entitled to make any observations in reply upon the evidence given by the defendant, nor shall the defendant be entitled to make any observations in reply upon the evidence given by the complainant in reply as aforesaid.

24. It shall be lawful for the Court to order that no person shall be present without the permission of the Court at the holding of a preliminary investigation when the offence charged is only triable before the Supreme Court, and the Court is of opinion that the ends of justice will be best answered by making such order.

Power of Court to sit with closed doors.

25. All evidence given at a preliminary investigation shall be taken down in writing, and such depositions shall be read over to and signed respectively by the witnesses who shall have been examined, and shall also be signed by the Court.

Deposition.

26. After the examination of all the witnesses on the part of the prosecution the Court shall read to the accused the whole of the depositions taken against him and shall say to him these words or words to the like effect:—*“Having heard the evidence do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence against you on your trial.”*

Charge.

27. The Court may at any stage in the hearing of any case adjourn the hearing of the same to a certain place and time to be then appointed, and in the meantime the Court may—

Adjournment.

- (1) Suffer the defendant to go at large, or
- (2) Commit him to prison or a place of security, or

(3) Discharge him on his entering into a recognisance with or without sureties conditioned for his appearance at the time and place to which such hearing shall be so adjourned.

Judgment.

28. Upon the conclusion of the hearing the Court shall, either immediately or at an adjourned sitting, give its decision on the case by dismissing the complaint, or committing the accused person for trial to the next sessions, or adjudging the defendant to enter into a recognisance and find sureties to keep the peace, or to be of good behaviour, or by making such order as the justice of the case requires.

Costs.

29. Any Justice who shall hear and determine any complaint under this or any Ordinance, whether or not a summons shall have been issued, may award such costs as to him shall seem meet, to be paid to or by either of the parties, and if such costs be not paid at the time ordered, such Justice may issue a warrant of distress for the recovery thereof, or commit to prison the person so fined.

First conviction.

30. When any person shall be convicted of any offence and shall not previously have been convicted of any offence, the Court may discharge the offender upon his making satisfaction to the party aggrieved for any damage or costs.

Committal to prison.

31. The Court may commit to prison in any of the following cases, that is to say :—

(1) Whenever the law under which the case is heard—

(a) Imposes the penalty of imprisonment.

(b) Imposes the penalty of a fine or, in default, imprisonment, and such fine and any costs ordered by the Court to be paid be not paid at once or at the time named in any order made in regard thereto.

(c) Empowers a warrant of distress to be issued for the satisfaction of a penalty or sum in the nature of a penalty and no sufficient goods and chattels to levy the sum directed can be found.

(d) Empowers the Court to make an order for the payment of a sum of money, in the nature of a penalty, or the doing of any act or the refraining from doing any act, and the order so made is not complied with :

Provided that the person so imprisoned shall be discharged as soon as the order made has been complied with.

(2) Where an information has been dismissed and the complainant has been ordered to pay costs, and such costs are not paid and no satisfactory security for their payment is tendered.

(3) Where the hearing of a case has been adjourned and the Court is of opinion that the release of the defendant on recognisance might defeat the ends of justice.

(4) Where any person shall refuse to be examined as a witness upon oath or to answer such questions concerning the matter before the Court as shall then be put to him, without offering any just excuse, he may be imprisoned for any time not exceeding seven days, unless he shall in the meantime consent to be examined.

32. Where a warrant of distress is issued under this Ordinance, the Court may order the detention of the person against whom it is issued until a return be made to such warrant or sufficient security be tendered to meet the amount required to satisfy it, or security be given for the appearance of the defendant when a return shall be made to the warrant of distress.

Warrants of distress.

33. A warrant of distress shall be executed after sunrise and before sunset, and the wearing apparel and bedding of the defendant and the tools and implements of his trade to the value of five pounds, shall be exempt from seizure under such warrant.

When executed.

Exemptions.

34. In all cases where any person shall tender to the constable having execution of a warrant of distress the sum therein mentioned, together with

To lapse on payment.

the expenses of such distress up to the time of such tender, such constable, on receipt of the money, shall cease to execute the same.

Made of enforcing fines.

35. In any case where the imposition of a fine is authorised, the Court may, instead of so doing, order that the person shall be imprisoned, with or without hard labour, for any term not exceeding the period specified in the following scale :—

For any sum				Not exceeding	
Not exceeding 10s.				...	One week.
Exceeding 10s., but not exceeding £1				...	Two weeks.
"	£1	"	"	£2	Twenty-one days.
"	£2	"	"	£5	One month.
"	£5	"	"	£10	Two months.
"	£10	"	"	£20	Three "
"	£20	"	"	£30	Four "
"	£30	"	"	£40	Five "
"	£40	"	"	£50	Six "
"	£50	...	...	...	One year.

In any case where any person is ordered to be imprisoned in default of the payment of a fine, forfeiture, duty or sum, the Court may order that, in default of payment as directed, the person shall be imprisoned for any term not exceeding the period specified in the aforesaid scale, the imprisonment to be determinable on payment of the amount and costs.

36. When the Court shall adjudge the defendant to be imprisoned, and such defendant shall then be undergoing imprisonment for some other offence, the Court may order that the imprisonment upon such subsequent order shall commence at the expiration of the term of imprisonment then running.

Rewards to informers.

37. In every case where a pecuniary penalty is recovered and it appears to the Governor that the informer or person prosecuting ought to be rewarded, the Governor may, in his discretion, direct any part not exceeding one moiety of such penalty to be paid to such informer or person.

Common informers.

38. In order to discourage corrupt practices by common informers, it shall be lawful for the Court, although any part of a penalty shall be directed by any law to be paid to the informer, to adjudge that



no part or some part only of the penalty shall be paid to the informer.

39. Any fine, penalty, forfeiture, sum of money, duty or costs imposed under the provisions of this or any Ordinance containing no provisions to the contrary, or any sum of money upon any recognisance taken before any Court of Justice and afterwards forfeited in case of non-payment thereof, shall be sued for and recovered upon information in a summary way before the Court, and it shall be lawful for the Court to hear and determine (either on the oath of one or more credible witnesses or on the confession of the person against whom the information shall be laid) any information relating to any offence, claim or other matter under any of the provisions of the said Ordinances, and to order such fine, penalty, forfeiture, imprisonment, compensation, expenses and sums, or to make such other order relating to each offence or other matter as such person shall be liable to under the said provisions, and all proceedings as to compelling the appearance of any such person or of any witness, and as to the hearing and determination of such information, and as to the making and executing such orders shall, so far as is consistent with the provisions of this Ordinance, and so far as the said provisions can be applied, be carried on in the manner directed by and be subject in all respects to the provisions of the Statutes which regulate summary prosecutions before Justices of the Peace in England.

Recovery of  
fines, etc.

40. If a verdict of murder or accessory before the fact shall be found by a jury upon any information or Coroner's inquisition against any person, the Coroner holding the inquest and the Court, the Sheriff and his deputy, or if there be no Sheriff the Chief Constable and his deputy duly appointed, the gaoler and all other officers, shall have and be deemed to have had the same powers respectively for the commitment, trial and execution of the person so charged and convicted as by law is possessed in England by the Coroner or the Justices of oyer and terminer and gaol delivery, the Sheriff and his deputy, the gaoler and other officers, with regard to

Powers of  
Court, Coroner,  
Sheriff, etc., in  
cases of murder  
or accessory  
before the fact.

the commitment, trial and execution of the sentence upon any person in England convicted of either of the said offences upon any indictment or Coroner's inquisition.

PENALTIES (CRIMINAL).

Perjury.

41. If in any case, civil or criminal, or in any proceeding connected therewith, it shall appear to the Court that any person examined as a witness upon oath has committed wilful and corrupt perjury, or that any person, in any affidavit, declaration or affirmation required to be made before the Court, has been guilty of the like offence, it shall be lawful for the Court to direct a prosecution for perjury to be forthwith instituted against any such person; or where such perjury is committed by any person examined as a witness in open Court, it shall be lawful for the Court, instead of directing such prosecution to be instituted as aforesaid, either to commit such witness, as for a contempt of the Court, to prison for any term not exceeding three months, with or without hard labour, or to fine such witness in any sum not exceeding twenty pounds :

Provided that the powers hereinbefore given shall be in full force and operation, notwithstanding any irregularity or want of form in the administration of the oath, declaration or affirmation.

False declarations.

42. Any person who shall make and subscribe any declaration required to be made on the doing of any act, matter or thing, or for verifying any book, account, entry or return, or for any purpose whatsoever, and shall wilfully make therein any false statement as to any material particular, shall be deemed guilty of a misdemeanour and shall be liable to a penalty not exceeding fifty pounds, and if proceeded against on indictment shall be liable on conviction to imprisonment, with or without hard labour, for a term not exceeding one year or to a fine not exceeding three hundred pounds.

Damage to property.

43. Any person who shall unlawfully and wilfully commit any damage to or upon any real or personal property whatever, either of a public or

private nature, for which offence no punishment is already otherwise provided (the injury done being under the value of fifty pounds), shall pay to the party aggrieved such reasonable amount of compensation for the injury done as the Magistrate shall see fit; and shall also be liable to a fine not exceeding the sum of forty shillings.

44. It shall be lawful for any Magistrate or two Justices to hear and determine any information relating to the following offences; that is to say :—

(a) Robbing any goods, chattels, money, or valuable security from the person of another, or stealing or obtaining goods, chattels, money, or valuable security under any false pretence, or receiving the same, knowing the same to have been robbed, stolen or unlawfully obtained :

Robbery.

Provided that it be proved by the evidence that the value of such goods, chattels, money, or valuable security charged to have been robbed, stolen or falsely or fraudulently obtained or received does not exceed the sum of five pounds.

(b) Unlawfully and maliciously wounding or inflicting any bodily harm upon any person :

Wounding.

Provided that it be proved by the evidence of a medical officer, if one was called in, and if not by other evidence, that such wound was not serious or likely to disable.

And any person convicted of any of the foregoing offences may be imprisoned with hard labour for a period not exceeding six months :

Provided that the Court may if it think fit abstain from adjudicating upon any charge under this section, and deal with the case in all respects as if it had no authority finally to hear and determine the same.

45. Any person shall be liable to a fine not exceeding five pounds who shall commit any of the following offences—

(a) If he shall have had possession of anything, and shall have had reasonable cause to

Unlawful possession.

suspect the same to have been stolen or unlawfully obtained, or if, on being charged with having in his possession or conveying in any manner anything which may reasonably be suspected of being stolen or unlawfully obtained, he shall not give account to the satisfaction of the Justice before whom he is brought how he came by the same.

Receiving  
stolen goods.

If any person shall be brought before any Justice charged with having or conveying anything stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Justice is hereby authorised and required to cause every such person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same shall have passed to be brought before him and examined, and to examine witnesses upon oath touching the same.

horses  
or con-

(b) If without the authority of the owner he shall catch, ride, or use any horse.

ing  
by

(c) If he shall obtain any sum of money or other reward from any person by threatening, directly or indirectly, to lodge any information or make any complaint before any Justice, or as an inducement for forbearing to lay such information or to make such complaint.

(d) § If he shall unlawfully assault or beat any other person.

Causing bodily  
hurt.

46. Any person who by offending against this or any Ordinance shall cause hurt or damage to any person shall, on conviction, pay such sum not exceeding ten pounds as shall appear to the Court reasonable amends to the person aggrieved, in addition to any fine or punishment to which he may be liable for the offence, and the evidence of the person aggrieved may be admitted in proof of the offence.

§ NOTE.—For the protection of a married woman whose husband has been convicted of an aggravated assault, Summary Jurisdiction is conferred by 58 & 59 Vict., Cap. 39, upon a Magistrate to make an order equivalent to a decree of judicial separation, to give her the legal custody of their children under 16 and to compel the husband to maintain her.

47. (1) No person shall bring on board any of His Majesty's ships any liquor without the previous consent of the officer commanding; and any officer may with or without persons under his command search any vessel hovering about or approaching, or which may have hovered about or approached any of His Majesty's ships and seize any liquor found on board such vessel, and all liquor so seized shall be forfeited to His Majesty; and any person who, without such previous consent as aforesaid, brings any liquor on board any of His Majesty's ships, or approaches or hovers about any of His Majesty's ships for the purpose of bringing any liquor on board the same, or of giving or selling it to men in His Majesty's service; and any person who approaches or hovers about any of His Majesty's ships for the purpose of aiding or assisting any one in His Majesty's service to desert or improperly absent himself from his ship shall be liable to a penalty not exceeding ten pounds, and may be arrested by any officer without warrant or other process.

Supplying  
liquor to His  
Majesty's ships  
without con-  
sent.

(2) For the purposes of this section—

The expression "Officer" shall include a warrant or petty officer of the Royal Navy and a non-commissioned officer of Marines and a police constable.

The expression "liquor" shall mean spirituous or fermented liquor of any description.

The expression "ship" shall mean any of His Majesty's ships or vessels.

48. If any goods shall be stolen or unlawfully obtained, or being lawfully obtained shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint shall be made to a Justice that such goods are in the possession of any person who shall have advanced money upon the credit of such goods, it shall be lawful for the Justice to issue a summons or warrant for the appearance of such person and for the production of such goods, and to order such goods to be delivered to the owner thereof, either without payment or upon payment of such sum, and at such time as the Justice shall think fit, and any person so

Restoration of  
stolen goods  
may be ordered.

ordered who shall refuse or neglect to deliver up the goods, or who shall dispose of or make away with the same, after notice that such goods were stolen or unlawfully obtained, shall forfeit to the owner of the goods twice the value thereof, to be determined by the Justice.

Offences in towns. Fine 40s.

49. Any person shall be liable to a fine not exceeding forty shillings who within the town of Stanley or any town hereafter defined and declared a town by the Governor in Council shall commit any of the following offences, that is to say :—

Furious riding.

(a) Who shall ride or drive furiously, so as to endanger the life or limb of any person, or to the common danger or annoyance of the passengers.

Profane language.

(b) Who shall use any profane, indecent, or abusive language, or be guilty of any riotous, indecent, or disorderly behaviour, or make any disturbance, or sing any obscene song or ballad, to the annoyance of the inhabitants, or make causeless cry of murder, or other false alarm in any way.

Threats.

(c) Who shall use any threatening, abusive or insulting words or behaviour with intention to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

Throwing stones.

(d) Who shall throw or discharge any stone or other missile to the damage or danger of any person or property, or make any bonfire or throw or set fire to any firework without the permission of the Colonial Secretary.

Discharging fire-arms.

(e) Who shall discharge any fire-arms loaded with shot, slugs or ball without lawful cause, or any gun loaded with ball from the harbour or from the land on the opposite side of the harbour towards the town, or shall discharge any gun to the common danger of the inhabitants or passengers.

Persons under 14 debarred from possessing fire-arms.

Or who, being of the age of fourteen years or under, shall have in his possession any fire-arms or ammunition whatever :

Provided that in such case it shall be lawful for the convicting Justice to direct that the offender be privately whipped in addition to or in lieu of fine; and the said Justice may order some fit and proper person to inflict such punishment of whipping when ordered to be inflicted out of prison.

(f) Who shall wantonly disturb any inhabitant by ringing or pulling any door bell or knocking at any door without lawful excuse, or who shall wilfully and unlawfully extinguish the light of any lamp.

Putting out  
lamps and ring-  
ing bells.

(g) Who in any public place, other than such as may be authorised for that purpose by the Governor, shall throw or lay or cause to be thrown or laid any dirt, ashes, litter or any carrion, fish, birds, offal or rubbish, broken glass, delf or bottles or any other sharp substances.

Rubbish on  
public places.

(h) Who shall place any filth or rubbish or shall leave the carcass of any animal belonging to him unburied so as to become a nuisance.

Filth or carcass  
of animal.

(i) Who, being the owner or occupier of a house, tenement or land, shall not keep sufficiently swept and cleansed all public footpaths, drains and watercourses adjoining his premises.

Footpaths,  
drains, etc.

(j) Who shall suffer to be at large any dangerous dog not effectually muzzled, or set on or urge any dog to attack, worry or put in fear any person or animal; and it shall be lawful for any Justice to issue a warrant to any constable directing him to seize or kill any such dangerous dog which shall have been so at large contrary to the provisions of this Ordinance; and any constable may accordingly seize or kill any such dog.

Dangerous  
dogs.

(k) Who, being the owner or keeper of any bitch, shall suffer her when on heat to be off the chain or not shut up in some secure place.

Bitches on  
heat.

(l) Who wilfully sets or causes to be set on fire any chimney :

Setting chim-  
ney on fire.

Provided that nothing herein contained shall exempt such person from liability to be indicted for felony.

Chimneys  
accidentally on  
fire.

(*m*) Who occupies or uses premises in which any chimney accidentally catch or be on fire :

Provided that such penalty shall not be incurred if such person shall prove to the satisfaction of the Court that such fire was in no wise owing to omission, neglect or carelessness of himself or servant.

Offences in  
towns.  
Fine £5.

50. Any person shall be liable to a fine not exceeding five pounds who, within the town of Stanley or any town hereafter defined and declared a town by the Governor in Council, shall commit any of the following offences, that is to say :—

Slaughtering  
cattle.

(*a*) Who shall slaughter any cattle save in a slaughter-house licensed by the Government.

Turf-houses.

(*b*) Who shall erect or cause to be erected any building for human habitation constructed wholly or in part of turf.

Privies.

(*c*) Who shall build any dwelling-house and permit the same to be occupied without a sufficient earth or water closet or privy.

Keeper of  
coffee houses,  
etc., permitting  
drunkenness.

(*d*) Who shall keep any house, shop, room or place of public resort wherein provisions, liquor, coffee or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere), who shall wilfully or knowingly permit drunkenness or other disorderly conduct therein, or permit any unlawful games or permit any gaming whatsoever therein; and it shall be lawful for any Justice or constable to enter and search any part of such premises at any hour, and any person who shall obstruct or use any abusive language or conduct to any such Justice or constable may be arrested.

Drunkenness.

51. If any person shall be drunk in Stanley he shall pay upon conviction, for the first offence, five shillings; upon the second conviction, a sum not



exceeding twenty shillings; and upon any subsequent conviction, a sum not exceeding two pounds.

52. And with respect to the public roads and jetties in the town of Stanley, any person—

Injuries to  
roads and  
jetties.

(a) Who, without the authority of the Governor, shall deepen, widen or fill up any public ditch or drain more than may be necessary for the cleaning thereof, or who shall build any wall or make any ditch, drain or watercourse, or dig any pit or hollow on or otherwise break up the surface of any public road, shall pay a fine not exceeding forty shillings.

Deepening  
ditches, break-  
ing up roads,  
etc.

(b) Who in any manner shall cause any unnecessary obstruction to any public road or jetty shall pay a fine not exceeding five pounds.

Obstructing  
roads or jetties.

(c) Who shall throw any dirt, ashes, litter, broken glass, delf, bottles or other sharp substances, carrion, fish, birds, offal, filth or rubbish, or permit any offensive matter to run from his premises on any public road or jetty or into any public drain, well, watercourse, or reservoir, shall pay a fine not exceeding five pounds.

Throwing  
rubbish.

(d) Who shall not carefully sweep or clean any public road or place in which any night soil or other offensive matter shall have been stopped or spilled by him, shall pay a fine not exceeding forty shillings.

Removing night  
soil.

(e) Who shall play at any game or make or use any slide upon ice or snow to the damage or annoyance of passengers, or contrary to any order made by the Governor, shall pay a fine not exceeding twenty shillings.

Games or slides.

(f) Who shall have been required by any Justice or by direction of the Governor to remove any obstruction caused by him to or material placed by him contrary to the provisions of any Ordinance upon any public road, jetty or other place, or in any public well, watercourse or reservoir, in addition to any fine he may be liable to, shall also pay a further fine not exceeding forty shillings for every twelve hours the same

Fine for leaving  
material on  
road after  
notice to  
remove.

shall be allowed to remain there after being required to remove the same.

Removal of  
nuisances.

53. It shall be lawful for any person, duly authorised by the Governor or any constable duly authorised in writing by any Justice, to remove any of the objects specified in the preceding section, subsection (f), which may be left, contrary to the provisions of this or any Ordinance, on any public road, jetty or other place, or in any public well, water-course or reservoir, at the expense of the offender; and it shall be lawful for any Justice, upon complaint of such person or constable, as the case may be, and, upon proof of the expense incurred, to issue a warrant for the levying of such expenses by distress and sale of the goods and chattels of the offender.

Roads under  
repair.

54. It shall be lawful for the Governor to forbid any person from passing on, riding or driving any kind of beast or carriage on any new road or any road whilst under repair, for such space of time as to him shall appear necessary, not exceeding six months; and any person who shall wilfully disobey such order (the same being duly notified by a notice affixed to a board erected upon such road) shall pay a fine not exceeding forty shillings, unless otherwise expressly provided in any regulations made under Section 27 of the Stanley Fire Brigade Ordinance, 1898.

Gunpowder,  
penalty for  
keeping unlaw-  
ful quantity.

55. Any person being a dealer in gunpowder, who shall keep in Stanley at any one time more than twenty-five pounds of gunpowder, and not being a dealer more than five pounds in or upon his premises or elsewhere (except in any building approved of by the Governor for keeping unlimited quantities of gunpowder), shall pay a fine of one hundred pounds; and all beyond the quantity hereby allowed to be kept, and the barrels in which the same shall be, shall be forfeited; and any Justice (upon reasonable cause assigned upon oath) may issue his warrant for searching in the daytime any place in which gunpowder, so suspected to be kept contrary to this section, and all such gunpowder together with the barrels, shall be seized by the searcher, who shall with all convenient speed remove the same to such authorised place as

aforesaid, and may detain there such gunpowder and barrels till it shall be adjudged, on the hearing of the case, whether the same shall be forfeited :

Provided that this section shall not extend to any gunpowder belonging to His Majesty.

56. Any person who whilst removing or in any boat loaded with gunpowder shall bring, have, or use any fire or lucifer match, or shall smoke, shall be liable to a fine of five pounds.

Smoking in boat loaded with gunpowder.

57. Any person who shall take and use or cause to be taken and used any boat in Stanley Harbour without the consent of the owner shall be liable to a fine not exceeding ten pounds, and such sum as the Justice shall award as a compensation for the loss, use of, or damage done to his boat.

Taking boat without leave.

58. Any person who shall unlawfully and wilfully prevent or assault or threaten to prevent or assault or unlawfully obstruct any person employed by authority of the Governor in surveying or measuring for the Crown, or who shall wilfully destroy, pull up, deface or injure any instruments or implements used in any such survey, or who shall wilfully break, deface, pull down, or take away any marks or posts or stones out of any battlement, wall, mound, fence, or out of any bridge, pipe, arch, or gullet, or from any land belonging to the Crown, shall for any such offence pay a fine not exceeding ten pounds.

Obstructing surveyor.

59. Any unauthorised person who shall tear or deface any notice placed on the *Gazette* board may, upon conviction, be imprisoned and kept to hard labour for a term not exceeding ten days, or if a boy under fourteen years of age, he shall be liable to be once privately whipped instead of such imprisonment, and the convicting Justice may order some fit and proper person to inflict such punishment of whipping when ordered to be inflicted out of prison.

Defacing notice on *Gazette* board.

60. Any person who shall wilfully or negligently set on fire any grass or other herbage on land not in his own possession, and if on Crown land, without the consent of the Governor for the time being, if on

Setting fire to grass.

land in the possession of any other party without his authority, shall pay a fine not exceeding twenty pounds.

Cutting peat on  
Crown lands.

61. Any person who shall cut, or cause to be cut, any peat upon land the property of the Crown, without the consent of the Governor, shall pay for every day the peat shall be so unlawfully cut a fine not exceeding forty shillings.

Penalty for  
assaulting con-  
stable.

62. Any person who shall assault, resist, or obstruct or shall use any abusive, threatening, obscene or profane language towards any constable in the execution of his duty, or towards any person in the execution of any act under the provisions of this Ordinance, shall for such offence pay a fine not exceeding ten pounds.

Weights and  
measures.

63. Such of the provisions of the Statutes relating to weights and measures as are applicable to and in force in England shall be applied to and be in force in the Falkland Islands, so far as the same can be applied, from and after the appointment of an Inspector of Weights and Measures, and when there shall be provided one complete set of the imperial standard weights and measures, verified and stamped at the Exchequer, together with the proper beams, scales and stamps, the Justices resident in Stanley assembled at a meeting, or at any adjournment thereof, to be called from time to time by the Magistrate are hereby empowered from time to time to appoint an Inspector of Weights and Measures, and to dismiss any Inspector so appointed as occasion may require; and the Inspector so appointed shall possess and exercise all the powers and authorities within the Falkland Islands, and be subject to the like penalties for any neglect or offences in the discharge of his duty which any Inspector may possess or exercise, or be liable to by virtue of the said Statutes; and the weights, measures, scales and stamps so provided shall be kept by the Inspector for the time being, unless the Justices shall otherwise order, and shall be considered to all intents the same for all purposes as if they had been provided under the authority of the said Statutes and the fees

authorised to be levied in England by the said Statutes shall be leviable in the Falkland Islands and shall be paid into the Treasury.

64. Any person who shall use any weight or measure other than those authorised by the preceding section for the sale of any article shall on conviction thereof be liable to a fine not exceeding five pounds; and any contract, bargain, or sale by fraudulent weights or measures so used shall be void, and every such light or unjust weight or measure so used shall, on being discovered by any constable, be seized by him; and upon the conviction of the person so using or possessing the same shall be forfeited and forthwith destroyed.

False weights and measures, penalty for using.

65. Whenever any domestic servant, artificer, labourer, or other person, shall have contracted verbally or in writing to serve any person at any time and in any capacity, and he shall not enter into or commence his service according to such contract, or whenever having entered into such service he shall absent himself before the expiration of his contract, or shall neglect to fulfil the same, or shall be guilty of any misconduct in the execution of the same, or in any way respecting the same, it shall be lawful for any Justice to hear and determine any such complaint made against him by his employer, or by the steward, manager, or agent of his employer, and upon conviction to punish him by fine not exceeding five pounds, and to abate the whole or part of his wages; and also to hear and determine all complaints concerning breach of contract or ill-usage which shall happen and arise between any such domestic servant, artificer, labourer, or other person and his employer, or the steward, manager, or agent of his employer, and to impose any fine not exceeding five pounds, and to make such order for payment of wages as shall seem just, and every such order may be enforced by execution against the goods, effects or other property of the party against whom such order shall be made.

Power of Court to determine complaints between employer and workman, etc.

66. Any person with whom such domestic servant, artificer, labourer, or other person shall have so contracted may maintain an action on the case against any person who shall employ, retain, har-

Action by employer against person employing or interfering with such employer's workman.

bour, or conceal any such domestic servant, artificer, labourer, or other person during the existence of such contract, knowing that he was under such contract.

Claims to  
tenements.

67. The decision of claims to tenements shall be subject to the following provisions:—

Whenever the term or interest of the tenant of any house or of any part of a house situate in Stanley, which shall be held by him for any term not exceeding twelve months shall have ended or shall have been duly determined by a legal notice to quit, if such tenant (or where such tenant shall not himself occupy the premises, or only a part thereof if the person by whom the same or any part thereof, shall be occupied) shall neglect or refuse to deliver up possession of the same, it shall be lawful for the landlord or his known agent to cause such tenant or occupier to be served with a summons in writing signed by any Justice to show cause why possession of the premises should not be delivered up; and—

If any such tenant or occupier shall not appear at the time and place so appointed, or shall appear but shall not show to the satisfaction of the Court reasonable cause why possession should not be given up, and shall still refuse or neglect to deliver up possession of the said premises to the said landlord or agent, it shall be lawful for the Court upon proof of the holding and of the end and determination of the tenancy, with the time and manner thereof (and where the title of the landlord shall have accrued since the letting of the premises, upon proof of the right by which he claims), to issue a warrant to any constable requiring and authorising him, within a period to be therein named, to give possession of the premises to such landlord or agent, and such warrant shall be a sufficient warrant to the said constable to enter upon the premises with such assistants as he shall deem necessary, and to give possession accordingly at any time between the hours of nine in the morning and four in the afternoon.

68. If the master of any vessel lying in Stanley Harbour shall apply to have any members of his crew lodged in gaol, he shall, on the conviction, first pay towards the prison maintenance of such persons the sum of one shilling and sixpence per diem for each man, to be deducted from their several wages according to the provisions of the Merchant Shipping Act, 1894, and shall take a receipt for the same from the Court:

Payment by master of vessel for prison maintenance of crew.

Provided that if any master shall obtain the release of any of his crew thus imprisoned before the expiration of their confinement, he shall receive the balance of the sum paid for their support, which sum shall be endorsed on the receipt given at the previous conviction.

69. The provisions of the Merchant Shipping Act, 1894, prescribing the punishment for any offence committed by any seaman or apprentice belonging to a British vessel shall extend and apply to any seaman or apprentice on board any foreign vessel, prosecuted by the master for any such offence committed within this Colony:

Merchant Shipping Act as to offences committed by seamen extended to foreign vessels.

Provided that it shall not be necessary to prove an entry in the log of an offence upon any such prosecution, and provided also that on the prosecution of any seaman or apprentice for desertion, after the departure of the vessel from which he shall have deserted, it shall be sufficient to prove that the fact of the desertion was endorsed on the agreement.

70. The Chief Justice may from time to time make rules for regulating the process and practice in the Summary Courts, the forms to be used, the fees to be paid and the conduct of all civil and criminal business coming within their cognisance, and with regard to all other matters relating to the said Courts not otherwise specially provided for, and such rules shall come into force when approved by the Governor in Council and duly published.

Rules.

71. This Ordinance may be cited as "The Summary Jurisdiction Ordinance, 1902."

Short title.