

exceed a total number of twenty-four strokes in the case of adults and twelve strokes in the case of juvenile offenders.

Twenty-four strokes the maximum for breach of prison or other regulations.

3. When any sentence of flogging shall be passed by the lawful authority upon any prisoner for breach of any prison or other regulation or regulations, the total number of strokes to be inflicted under such sentence shall not exceed twenty-four in the case of adults and twelve in the case of juvenile offenders; and no prisoner shall be liable to more than one such sentence in respect of the act or acts or omission or omissions in respect of which he shall have been sentenced as aforesaid.

The instrument to be used.

4. No sentence of flogging shall be carried out except with an instrument approved by the Governor.

Females not to be flogged.

5. In no case shall a sentence of flogging be passed upon a female, either by the Courts or in the prisons of the Colony.

Short title.

6. This Ordinance may be cited as "The Flogging Regulation Ordinance, 1904."

TRESPASS.

Ordinance No. 5 of 1904.

[6th June, 1904.]

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 :—

Interpretation.

1. In this Ordinance—

"Animal" shall include mare, horse, foal, mule, bull, cow, calf, swine, sheep, goat.

"Lawful Occupier" shall include owner, tenant, or caretaker, and any one acting by order of the Government in or upon any Crown land, and any one acting with the written authority of the lawful occupier.

"Stanley" shall mean the town of Stanley bounded on the south, east and west by the common fence.

"Common" shall mean the fenced Crown land bounding Stanley on the south, east and west.

"Fenced Land" shall mean land surrounded by a "sufficient fence," in terms of the Land Ordinance, 1903.

"Owner" shall, unless such construction is repugnant to the context, include the person having the charge or custody of an animal.

2. Any animal found straying in Stanley, or upon any Crown waste land or trespassing on any private fenced land, or tethered on any Crown waste land without a licence, or tethered otherwise than in the manner and place specified in such licence, or so tethered that it can trespass upon road, path or drain, may be impounded in a public pound, and the poundkeeper shall, unless he shall have given notice to the owner, place upon the notice board a description of such animal within twenty-four hours of such impounding :

Animal straying or trespassing may be impounded.

Provided that no penalty shall be imposed in respect of any animal found trespassing upon land having a gate opening on to the common unless the Court shall be satisfied that such gate cannot be opened by an animal and was not left open.

3. The poundkeeper shall provide any impounded animal with a sufficiency of food and water under a penalty for neglect of any sum not exceeding five pounds.

Food and water to be supplied.

4. The owner of any impounded animal shall previously to such animal being released pay to the poundkeeper three shillings in respect of the first twenty-four hours or part thereof, and one shilling in respect of every subsequent similar period that such animal shall remain in the pound.

Pound fees.

Rescuing
animal.

5. Any person rescuing or unlawfully releasing any animal which has been lawfully seized and detained shall be liable to a penalty not exceeding two pounds.

Sale of un-
claimed animal.

6. Any animal that shall have been in the pound for six days may on the application of the pound-keeper and by order of any Justice be sold by public auction, and the proceeds of such sale, after paying the pound and trespass fees (if any) and any expenses incurred, shall be paid to the owner, if known, or disposed of in such manner as the Governor may direct :

Provided that two days' notice of the intended sale shall be given to the owner, if known, and if the owner be not known a particular description of the animal shall be posted up in some public place at least three days before such sale.

Owner tres-
passing to
remove stock.

7. Any person trespassing on any land for the purpose of driving off any animal being thereon shall be liable to a penalty not exceeding five pounds; unless he shall previously have obtained permission from the lawful occupier.

Certain animals
trespassing may
be killed.

8. The lawful occupier of any fenced town land may destroy any swine, sheep, or goat found trespassing thereon, and may remove the carcass to the boundary of his land without being responsible to the owner of the said animal or liable to an action at law or other process whatever.

Liquidated
damages for
trespass.

9. The lawful occupier of any fenced land may demand from the owner of any animal trespassing thereon the sum of two shillings for every animal so trespassing :

Provided that such payment shall be a bar to all further or other proceedings for the same cause.

Fees for
common.

10. Whenever any animal is found on the common and the fees set forth in the Schedule hereto have not been paid in advance in respect of such animal the owner thereof shall be liable to a penalty not exceeding ten pounds.

Neglect and
cruelty to,
unlawful
driving of, and
dogs worrying
animals.

11. Any person shall be liable to a penalty not exceeding five pounds who commits any of the following offences, that is to say :—

Who by negligence or ill-usage in driving any animal shall cause any mischief.

Who wantonly pelts, hurts or drives any animal.

Who is the owner of any dog which kills, worries, wounds or unlawfully drives any animal;

and the Court may award to the party aggrieved such portion of any fine imposed under this section as the Magistrate shall see fit.

12. Any person who shall wilfully, negligently or maliciously leave open any gate leading to or from the common shall be liable to a penalty not exceeding ten pounds.

Penalty for leaving common gate open.

13. The Governor may by notice in the *Gazette* constitute such public pounds as may be necessary, and from time to time appoint any persons to be the poundkeepers thereof, and whenever the Governor shall not have appointed a keeper of the pound in Stanley the Chief Constable shall *ex officio* be the keeper thereof, and a poundkeeper and any informer may receive such sum not exceeding one-half of any fees or fines imposed under this Ordinance as the Governor may approve.

Public pounds and keepers thereof.

14. The Governor in Council may from time to time make rules with reference to any matter, in connection with this Ordinance, not otherwise provided for.

Rules.

15. This Ordinance may be cited as "The Trespass Ordinance, 1904."

Short title.

SCHEDULE.

Commonage in respect of	For any period not exceeding one month.	For one year.
Any Sheep, Goat or Swine	5/-	£3
Any Calf or Foal not exceeding one year ...	—	Free.
Ditto, over one and under two years...	1/-	5/-
Any Horse, Mule or Cow	1/6	10/-
Any Bull	—	£6
Ditto, with sanction of Governor	—	Free.