

foreign vessel, prosecuted by the master for any such offence committed within the Falkland Islands, except that it shall not be necessary to prove an entry in any log of any offence upon any such prosecution.

Proof of desertion.

4. 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.

Punishments.

5. That any offence punishable under this Ordinance, or the Merchant Shipping Act of 1854, by fine or imprisonment, or both, shall, in this colony, be punished in the same way that other offences committed in the colony are punishable by law.

Repeal of inconsistent Ordinances.

6. That the "Ordinance to appoint a shipping master to perform the duties committed to officers of customs by the Merchant Seaman's Act of 1844, and the Mercantile Marine Act of 1850,—Number Four, 1853," and so much of the "Summary Jurisdiction Ordinance,—Number Eleven, 1853," as is contained in Clause 23, and relates to offences committed by seamen, be, and the same are hereby, repealed.

Commencement of Ordinance.

7. Whereas the delay incident to a previous communication with Her Majesty to know Her Royal pleasure hereupon would be productive of serious inconvenience; Be it therefore enacted, that this Ordinance shall take effect and come into operation from the day of the passing hereof.

(Signed) THOS. E. L. MOORE, *Governor*.

(L.S.)

Passed the Legislative Council this Tenth Day of December, One Thousand Eight Hundred and Fifty-seven.

(Signed) J. R. LONGDEN, *Colonial Secretary*.

12.

Marriage Ordinance.

In the Year 1858.—No. 1.

Clause.

1. Repeal of Marriage Ordinance of 1857.
 2. Registrar of Land, &c., to be Registrar of Marriages.
 3. Notice of marriage to be given to Registrar.
 4. Notice to be entered in book.
 5. Notice to be published in Registry Office.
 6. Certificate may be issued after twenty-one days, unless forbidden.
 7. Mode of forbidding Certificate.
 8. Who may forbid Certificate to be issued.
 9. Appeal when Certificate is refused.
 10. Caveat against Certificate.
 11. Notice and Certificate for marriage void after three months.
 12. Marriage may be contracted in Registry Office.
 13. Marriage to be registered.
 14. Evidence of consent not necessary.
 15. Registrar may ask particulars.
 16. Registrar unduly issuing Certificate to be guilty of felony.
 17. Marriages void if unduly contracted with the knowledge of the parties.
 18. Governor may grant licences.
 19. Marriages may be solemnized according to the rites of the Church of England, by Governor's Licence or Registrar's Certificate.
 20. Vexatious Caveats.
 21. False Declaration.
 22. In case of fraudulent marriages, the guilty party to forfeit all property accruing from the marriage, as in 4th Geo. IV. c. 76.
 23. Marriages after banns excepted.
 24. Fees.
 25. This Ordinance to be taken as part of Registration Ordinance.
 26. Punishment for felony or misdemeanor.
 27. Ordinance to commence on the 1st of January, 1858.
- Schedules.

By his Excellency THOMAS EDWARD LAWS MOORE, 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 the Marriage Ordinance, Number One, of the Year One thousand eight hundred and fifty-seven be, and the same is, hereby repealed.

Repeal of Marriage Ordinance of 1857.

2. That the Registrar appointed under the Registration Ordinance shall be, in right of his office, registrar of marriages. Registrar of land, &c., to be Registrar of marriages.
3. That in every case of marriage intended to be solemnized in this colony, otherwise than by virtue of such licence as hereinafter is provided, or after publication of banns, one of the parties shall give notice under his or her hand to the registrar of all the particulars in Schedule A. hereunto annexed. Notice of marriage to be given to Registrar.
4. That the Registrar shall keep all such notices with the records of his office, and shall, upon the receipt of any such notice, enter a copy thereof in a book to be called the "Marriage Notice Book," which book shall be open, without fee, at all reasonable hours, to any person desirous of inspecting it. Notice to be entered in book.
5. That an exact copy of every such notice of marriage shall be suspended in some conspicuous place in the office of the Registrar during twenty-one successive days before the marriage be solemnised in pursuance of such notice. Notice to be published in Registrar's office.
6. That upon the expiration of the said period of twenty-one days from the entry of such notice, the Registrar, upon being requested so to do, by or on behalf of the party by whom the notice was given, and upon one of the parties intending marriage making oath or affirmation of the particulars set forth in Schedule B hereunto annexed, shall issue under his hand, a certificate of such notice having been given, and such oath or affirmation having been made in the form in Schedule C to this Ordinance annexed; provided that no lawful impediment be shown to the satisfaction of the Registrar why such certificate should not issue, and the issue of such certificate shall not have been forbidden in manner hereinafter mentioned. Certificate may be issued upon twenty-one days, unless forbidden.
7. That any person authorised as hereinafter mentioned may forbid the issue of the Registrar's certificate by writing at any time the word "*forbidden*" opposite to the entry of the notice of such intended marriage in the marriage notice book, and by subscribing thereto his or her name and his or her character, in respect of either of the parties by reason of which he or she is authorised; and in case the issue of any such certificate shall have been so forbidden, the notice and all the proceedings thereon shall be utterly void: Provided always, that if either of the parties intending marriage allege that the person forbidding the issue of such certificate is not authorised so to do, the Registrar shall examine into such allegation, and if he is satisfied that such person is not authorised, he shall act in like manner, and the like proceedings may be had in relation to such marriage, as if the issue of such certificate had not been forbidden. Mode of forbidding certificate.
8. That the father, if living, of any party under twenty-one years of age, (such party not being a widower or widow), or if the father be dead, the guardian of such party, or in case there shall be no such guardian, the person who shall be authorised by the Magistrate's Court in that behalf, shall have authority to give consent to the marriage of such party, and to forbid the issue of the Registrar's certificate, and such consent as aforesaid is hereby required for the marriage of such party. Who may forbid certificate to be issued.
9. That in every case where the Registrar has refused a certificate as aforesaid, it shall be lawful for either of the parties intending marriage to apply by petition to the Magistrate's Court, which court shall examine into the allegations of the petition in a summary way, and shall decide thereon, and the decision of such court shall be final, and the Registrar shall proceed in accordance therewith, anything hereinbefore contained notwithstanding. Appeal, when certificate is refused.
10. That any person may enter a caveat with the Registrar against the grant of a certificate, and if any caveat be entered stating the grounds of objection upon which the same is founded, such caveat being duly signed by or on behalf of the party who enters the same, no certificate shall issue until the Registrar shall have examined into the matter, and be satisfied that it ought not to obstruct the grant of the certificate, or until the caveat be withdrawn by the party who entered the same. Caveat against certificate.
11. That whenever a marriage shall not be had within three calendar months after the day of the entry of the notice thereof by the Registrar, the notice and certificate which may have been granted thereon shall be utterly void, and no person shall proceed to solemnise the marriage, nor shall the Registrar register the same until new notice shall have been given, and entry made, and certificate thereof issued, at the time and in the manner aforesaid. Notice and certificate for marriage void after three months.
12. That after the expiration of the said period of twenty-one days the parties described in the notice and certificate may contract and solemnise marriage at the office and in the presence of the Registrar and two witnesses, with open doors, and between the hours of eight and twelve in the forenoon; each of the parties before the said Registrar and witnesses making the following declaration: "I do solemnly declare, that I know not of any lawful impediment why I, A.B., may not be joined in Marriage may be contracted in Registry Office.

matrimony to *C.D.*," and saying to the other, "I call upon these persons here present to witness, that, I, *A.B.*, do take thee, *C.D.*, to be my lawful wedded wife (or husband):" Provided also, that there be no lawful impediment to the marriage of such parties.

Marriages to be registered.

13. That the Registrar shall forthwith register each marriage solemnised in his presence in a marriage register book, according to the form in Schedule D, and each entry of such marriage shall be signed by the Registrar and each of the parties and witnesses, and every such entry shall be made in order from the beginning to the end of the book, and the Registrar shall upon demand give to any person a copy and certificate thereof in the Form E annexed.

Evidence of consent not necessary.

14. That it shall not be necessary, in support of any marriage so solemnised, to give proof of the consent of any person whose consent thereto is hereby required, nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

Registrar may ask particulars.

15. That it shall be lawful for the Registrar before whom any marriage is solemnised to ask of the parties to be married the several particulars hereby required to be registered.

Registrar unduly issuing certificate to be guilty of felony.

16. That if the Registrar shall knowingly and wilfully issue any certificate for marriage, after the expiration of three calendar months after the notice shall have been entered by him as aforesaid, or before the expiration of twenty-one days after the entry of such notice, or any certificate, the issue of which shall have been forbidden by any person authorised as aforesaid, and which forbidding has not been annulled, or shall knowingly and wilfully register any marriage herein declared to be null and void, or shall knowingly and wilfully allow to be solemnised in his office or presence any marriage herein declared to be null and void, he shall be guilty of felony.

Marriages void if unduly contracted with the knowledge of the parties.

17. That if any person shall knowingly and wilfully intermarry otherwise than according to the rites of the Church of England in any place other than the office of the Registrar, or without due notice to him, or without his certificate duly issued, or in his absence, or if any persons shall knowingly and wilfully intermarry according to the rites of the Church of England without publication of banns, and without such licence or certificate as herein are mentioned, the marriage of such persons shall be null and void.

Governor may grant licences.

18. That it shall be lawful for the Governor to grant a licence in the Form F, hereunto annexed, to any person in holy orders of the Church of England, authorising him to solemnise a marriage without the publication of banns between the hours of eight in the forenoon and four in the afternoon, in any place the parties intending marriage may request and the Governor may deem fit, and the licence shall be sealed with the seal of the Colony: provided that the oath or declaration set forth in Schedule B annexed be made previous to the issue of any such licence: provided also, that before receiving the licence the party requiring it shall pay to the Governor the sum of three pounds for his own use: provided also, that if any caveat be presented to the Governor against the grant of any such licence, stating the ground of objection on which the caveat is founded, and signed by or on behalf of the party who presents the same, no such licence shall issue until the Governor shall have examined into the matter of the caveat, which he is hereby empowered to do, by oath of the parties or witnesses or otherwise, as he may think fit, and is satisfied that it ought not to obstruct the grant of the licence, or until the caveat be withdrawn by the party who presented the same.

Marriages may be solemnised according to the rites of the Church of England, by Governor's licence or Registrar's Certificate.

19. That where any marriage may by law be solemnised according to the rites of the Church of England, after the publication of banns, such marriage may be solemnised in like manner, on production of the Governor's licence or Registrar's certificate, as herein provided; and if either of the parties to any intended marriage to whom the Registrar shall have issued any such certificate as aforesaid shall require of the Registrar to be present and officiate at the solemnisation of such marriage in manner aforesaid, and the said Registrar shall without reason refuse, or for forty-eight hours wilfully neglect to be present and officiate at such marriage, such Registrar shall be guilty of a misdemeanor, and shall also be liable for damages, to be recovered in a special action on the case, by each of the parties whose marriage shall have been so delayed.

Vexatious Caveats.

20. That any person who shall present a caveat to the Governor against the issue of a licence, or enter a caveat with the Registrar against the issue of a certificate, on grounds which the Governor or Registrar shall declare to be frivolous, shall be liable for the costs of the proceeding, and for damages, to be recovered in a special action

on the case, by the party against whose marriage such caveat shall have been presented or entered.

21. That any person who shall knowingly and wilfully make any false declaration, or sign any false notice or certificate required by this Ordinance, for the purpose of procuring any marriage, and any person who shall forbid the issue of any certificate by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall be guilty of a misdemeanour. False Declarations.

22. That if any valid marriage shall be had under the provisions of this Ordinance by means of any wilfully false notice, certificate or declaration made by either party to such marriage, as to any matter to which a notice, certificate or declaration is herein required, it shall be lawful for any person duly appointed for that purpose by the Governor to sue for a forfeiture of all estate or interest in any property accruing to the offending party by such marriage, and the proceedings thereon and consequences thereof shall be the same as are provided in the like case with regard to marriages solemnised in England by licence before the passing of this Ordinance, according to the rites of the Church of England. In cases of fraudulent marriage the guilty party to forfeit all property accruing from the marriage, as in 4 Geo. IV. c. 76.

23. That nothing in this Ordinance contained shall extend to any marriage solemnised after due publication of banns according to the rites of the Church of England, except in so far as relates to the fees on such marriage set forth in Schedule G. annexed. Marriage after banns excepted.

24. That any minister solemnising a marriage under the provisions of this Ordinance, the clerk to such minister and the Registrar may demand and receive to their own use respectively the fees specified in Schedule G; provided that a copy of the said schedule be hung up and exposed to view in the registry office and vestry room of the church or chapel wherein the marriage is solemnised. Fees.

25. That this Ordinance shall be deemed and taken to be a part of the Registration Ordinance No. 12, 1853, as fully and effectually as if incorporated therewith, and all the provisions and penalties of the said Ordinance relating to any Registrar, or register of marriage, or certified copies thereof, shall be taken to extend to the Registrar and register of marriages solemnised under this Ordinance, and to the certified copies thereof, so far as the same are applicable thereto. This Ordinance to be taken as part of the Registration Ordinance.

26. That any person convicted of any offence made felony by this Ordinance shall be liable, at the discretion of the Court, to be transported beyond the sea for the term of seven years, or to be imprisoned and kept to hard labour for any term not exceeding two years; and any person convicted of any offence made a misdemeanour by this Ordinance shall be liable, at the discretion of the Court, to any fine not exceeding one hundred pounds, or to be imprisoned, with or without hard labour, for any period not exceeding six months. Punishment for felony or misdemeanour.

27. Whereas the delay incident to a previous communication with Her Majesty, to know Her Royal pleasure hereupon, may be productive of serious inconvenience: Be it therefore enacted, That this Ordinance shall take effect and come into operation from the day of the passing hereof. Ordinance to commence forthwith.

SCHEDULES.

A.—(SECTION 3.)

Notice of Marriage.

To the Registrar at Stanley.

I hereby give you notice that a marriage is intended to be had within three calendar months from the date hereof between me and the other party herein named, that is to say :—

Name.	Condition.	If of age.	Residence.	Where Marriage is to be solemnised.	Name of Person giving Consent to Marriage of a Minor.
James Smith ... Martha Green ..	Bachelor ... Spinster	Of age ... Minor ...	Stanley Hope Place.	} The Church at Stanley	John Green, father.

Witness my hand this Sixth day of May, 1858.

(Signed)

James Smith.

(To be filled up as the case may be.)

B.—(SECTIONS 6 AND 18.)

Oath or Affirmation.

I hereby make oath [*or* solemn affirmation, as the case may be], that there is no impediment of kindred or alliance to a marriage between Martha Green and me, James Smith, and that the consent of John Green, her father, has been obtained thereto.

Sworn [*or* declared] this 27th day of May, 1858.

(Signed) *James Smith*
[*or* one of the parties intending marriage].

C.—(SECTION 6.)

Registrar's Certificate.

I, *A. B.*, Registrar, do hereby certify that on the 6th day of May, 1858, notice was duly entered in the Marriage Notice Book of the marriage intended between the parties herein named, and described in the notice delivered to me by James Smith, and that the issue of this certificate has not been forbidden by any authorised person, and that the necessary oath [*or* declaration] was made and subscribed by one of the parties in my presence on the 27th day of May, 1858.

Name.	Condition.	If of age.	Residence.	Where Marriage is to be solemnised.	Name of the Person giving Consent.
James Smith ... Martha Green..	Bachelor ... Spinster.....	Of age ... Minor ...	Hope Place... Stanley	} The Church at Stanley	John Green, father.

This certificate will be void unless the marriage be solemnised before the 6th day of August, 1858.

Witness my hand this 27th day of May, 1858

(Signed) *A. B., Registrar.*

D.—(SECTION 13.)

Form of Registry of Marriage.

1858. Marriages solemnised at Stanley, Falkland Islands.

No.	When Married.	Names.	If of Age.	Condition.	Residence.	Father's Name.	Where Married.
1	17th March, 1858.	William Hastings Sophia Mitchell...	Of age... Minor ...	Bachelor... Spinster ...	2, John St. 17, High St.	Peter Hastings Geoffry Mitchell	Registry Office, Stanley.

This marriage was solemnised between us,
William Hastings, } in the presence of us { Peter Hastings,
Sophia Mitchell, } { Geoffry Mitchell.
Married on certificate granted by me,

(Signed) *A. B., Registrar.*

E.—(SECTION 13.)

Marriage Certificate.

[*Insert an exact copy of the Register.*]

I, *A. B.*, Registrar, do hereby certify that this is a true copy of the entry of the marriage of _____ and _____, numbered _____ in the Marriage Register Book.

Witness my hand this _____ day of _____, 1858.

(Signed) *A. B., Registrar.*

[*To be filled up as the case may require.*]

F.—(SECTION 18.)

Governor's Licence.

To the Reverend *I. K.*, Colonial Chaplain [*or*
as the case may be].

Whereas *L. M.* has made the necessary oath [*or* declaration] that there is no impediment of kindred or alliance or other lawful hindrance to a marriage between the said *L. M.* and *N. O.* and the consent of *G. H.* the father [*or* guardian], of *N. O.*, whose consent to her marriage is required by law, has been obtained; and whereas they are desirous to be married according to the rites of the Church of England: Now, therefore, I hereby grant to you full licence, according to the authority on that behalf in me vested, to solemnise a marriage between the said *L. M.* and *N. O.* according to the rites and ceremonies of the Church of England in [*here state where the ceremony is to be performed*] on any day within three calendar months from the date hereof, between the hours of eight in the forenoon and four in the afternoon.

Given under my hand, and sealed with the Public Seal of the Falkland Islands, at Government House, Stanley, in the said Islands, this
day of _____ one thousand eight hundred and

E. F., Governor.

G.—(SECTION 23.)

Table of Fees.

To whom payable.	For what duty.	Amount.
		£ s. d.
The minister	Marriage by Governor's licence	2 0 0
The clerk	The same	0 10 0
The minister	Marriage after banns or on Registrar's certificate	0 10 0
The clerk	The same	0 5 0
The minister	Publication of banns of marriage	0 2 6
"	Who performs a marriage under a Governor's licence elsewhere than in Stanley, for travelling expenses, for every mile beyond Stanley	0 3 6
The Registrar	Entry of notice of marriage	0 2 6
"	Receiving oath or declaration and issuing certificate for marriage	0 10 0
"	Entering caveat	0 5 0
"	Marriage by Registrar	0 5 0
"	Copy of registry of marriage certified by Registrar	0 2 6
The Registrar or minister	Searching the marriage register books; each name within ten years	0 1 0
"	Every year beyond in addition... ..	0 0 6
The minister	Copy certified by minister of entry in registry kept by minister	0 2 6

(Signed) THOS. E. L. MOORE, *Governor.*

Passed the Legislative Council this seventeenth day
of August, one thousand eight hundred and
fifty-eight.

(Signed) W. R. PYNE, *Clerk to the Councils.*

Auctioneers' Amendment Ordinance.

In the Year of our Lord 1858.—No. 2.

By his Excellency THOMAS EDWARD LAWS MOORE, Governor and Commander-in-Chief of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof.