

amount of salvage as the Governor in Council may in each case determine, shall pay the same into the Colonial Treasury for the general uses of the Colony.

4. That the Ordinance shall come into operation from the day of the passing thereof. Commencement of Ordinance.

(L.S.) (Signed) G. D'ARCY, *Governor*.

Passed the Legislative Council this 22nd day of May, 1871.

(Signed) M. GALLWEY HURST, *Acting Clerk of the Council*.

*Ordinance for Regulating the Disposal of Crown Lands in the Falkland Islands.*

In the Year 1871.—No. 4.

WHEREAS it is expedient to consolidate and amend the Laws and Regulations relating to the disposal of the waste lands of the Crown in the Falkland Islands and their Dependencies. Be it therefore enacted by the Governor of the said islands with the advice and consent of the Legislative Council as follows :— Preamble.

1. The Proclamations of the 31st July, 1849, of the 4th April, 1861, of the 24th June, 1867, of the 21st August, 1867, and the 37th Section of the "Summary Jurisdiction Ordinance, 1853," are hereby repealed, saving nevertheless all estates, interests, rights, and renewals created or accruing under or by virtue of such Proclamations or Ordinance respectively. Repeal of previous law.

2. This Ordinance may be cited as the "Land Ordinance, 1871." Short title.

3. In this Ordinance the word "block" shall signify 160 acres of land, the word "section" shall signify 6,000 acres of land, and the word "station" shall signify the whole extent of land comprised in one lease, and (if not inconsistent with the text or subject-matter) words of one number or one gender shall import both numbers and all genders respectively. The words "Governor," "Colonial Secretary," and "Surveyor-General," shall signify the officers who may be appointed to perform those duties. Interpretation clause.

4. Except as hereinafter mentioned the waste lands of the Crown shall be sold in fee simple and by public auction only. Crown lands to be sold by auction only.

5. It shall be lawful for the Governor, with the advice of the Executive Council, to reserve and set apart any waste lands of the Crown for harbours, defence and internal communications, or for the sites of towns, villages, places of public worship, interment, education or recreation, or for any other public purpose whatsoever. Reserves for public purposes.

6. The size of the lots and the upset price for town, suburban and country lands respectively shall be fixed by the Governor, with the advice of the Executive Council, but the upset price shall not be lower than at the rate of £100 per acre for town lots, of £2 per acre for suburban lots, and 4s. per acre for country lands. Size and upset price of lots to be fixed by Governor in Council.

7. Country lands if not sold when put up at auction shall afterwards be open for selection and purchase at the upset price: Provided that the Governor may withdraw any such lands from selection and again submit them to public auction and so on from time to time till the lands be sold. Country lands may after auction be purchased at upset price unless withdrawn from sale.

8. The upset price of town, suburban, and country lands respectively may from time to time be raised or lowered by Her Majesty and her successors by any instruction addressed to the Governor under Her or their Sign-Manuel and Signet, or through one of the Principal Secretaries of State. Upset price may be raised or lowered by Her Majesty.

9. All intended sales by auction of Crown lands shall be notified by public advertisement in the usual manner not less than one month nor more than three months before the day of sale. Lands to be advertised previous to auction.

10. It shall be lawful for the Governor in his discretion to grant to settlers licences to occupy sections of the waste lands of the Crown on the following terms and conditions :—(1.) Each section shall consist of 6,000 acres as near as may be; (2.) A sum of £5 shall, at the time of application for a licence, be paid to the Colonial Secretary for the public use in respect of each section applied for; (3.) The Licenses for pastoral purposes

licence shall endure for one year only unless it comprises not less than two sections when its duration shall be extended to two years; and (4.) No licence shall be renewable.

Leases for pastoral purposes.

11. Before the expiration of a licence, the licensee may obtain from the Governor a lease of the land comprised in his licence for twenty-one years determinable, at the option of the lessee, at the end of the seventh or fourteenth year, provided he proves to the satisfaction of the Governor that each section is at the time of applying for the lease stocked with not less than in the proportion of fifty head of tame cattle or horses, or 100 sheep, and that on each section a habitable house of reasonable dimensions has been erected. If, however, the lessee holds two or more adjacent sections, which, in the judgment of the Governor can be properly superintended together, it shall be sufficient if there be only one suitable house erected in respect of such sections. The rent to be reserved in such leases shall be at the rate of £6 a year for each section during the first ten years, and of £10 during the remainder of the term. The rent shall be paid yearly in advance to the Colonial Secretary, and if not paid within three calendar months after it has become due, or if the land for the like space of three months shall cease to be stocked to the extent hereinbefore specified, the lease shall be null and void, and the land comprised in it shall revert to the Crown.

Rent.

Forfeiture.

Governor empowered to prescribe other conditions in lease.

12. The Governor shall have power, at his discretion, to insert in every lease to be granted by him on behalf of the Crown, such reservations, conditions and restrictions as may seem expedient. Such leases shall contain a clause that every dispute as to boundaries of any station or section shall be settled by arbitration in the usual way at the expense of the parties interested.

[Clause 13 repealed by No. 1 of 1872. *Vide* p. 75.]

Occupiers entitled to kill wild cattle on their lands. But not on Crown lands without permission.

14. Every person holding land, whether in fee simple or by way of lease or licence, shall be entitled to kill and appropriate to his own use any wild cattle that may be on his land. But any person hunting or killing the wild cattle on the lands of the Crown without having first obtained the permission in writing of the Governor, shall be subject to the penalties prescribed for that offence by the Ordinance No. 2 of 1869.

Pastoral leases transferable by endorsement.

15. Every lease under this Ordinance shall be transferable by endorsement on the back of the lease, signed by the lessee or his attorney, subject to the condition that due notice of such transfer is given to the Colonial Secretary or the officer acting as Colonial Secretary.

Ordinance not to apply to lands within six miles of any town.

16. This Ordinance shall not apply to any land within six miles by land of Stanley, or of any township which may hereafter be proclaimed.

Water frontage of station.

17. Every section leased, and every block of land sold, under these regulations shall be, as far as possible, of a rectangular figure, of which not more than one side shall have available water frontage: Provided that no leaseholder under this Ordinance shall be allowed to purchase more than one-third of his leasehold land having water frontage without the special leave of the Governor.

Portion of land transferable.

18. Should any lessee at any time wish to part with or exchange a portion of his leasehold, he shall be permitted to do so on application to, and with the sanction of, the Governor; the boundaries of such portion to be defined by the Surveyor-General, or by a competent sworn surveyor, at the expense of the parties concerned; and such portion to be indicated in the chart of the Colony as a separate lot and numbered accordingly, after such transfer shall be duly concluded, in the Colonial Secretary's office, the rent of the land so parted with shall be charged to the person who thus becomes the lessee: Provided that no transfer of any land less than a section be made under this clause.

Reservation on the part of the Crown.

19. Every lease shall confer on the lessee the right to use the land for pastoral purposes only, and shall be subject to all such reservations as are contained in the printed Crown grants of land in this Colony, and the Governor shall have power at any time to proclaim a public road through any Station.

Six months' warning to be given to Governor previous to an extension of lease being granted.

20. If the lessee of any Station under this Ordinance shall be desirous of obtaining an extension of his lease, he shall give notice thereof to the Governor six months before the expiration of his lease, and the Governor in Council shall determine whether it is expedient that the land should be sold or reserved for any public purpose: Provided that the former lessee shall have priority of claim over other persons applying for the lease. If the land be sold, the value of any improvements made upon it by the lessee (such value to be determined by the Surveyor-General, but in no case exceeding their actual cost) shall be added to the upset price, and shall be paid to the

lessee by the purchaser of the land, or shall be allowed to the lessee in case he shall be the purchaser.

21. Every Section and Station of land shall be defined with reference to the nautical chart of the Colony, without requiring any further survey, but the boundaries will be subsequently made by the Surveyor-General or by a competent sworn surveyor, and submitted for approval to the Governor. Boundaries defined.

(Signed) G. D'ARCY, *Governor.*

Passed the Legislative Council this fourteenth day of September, one thousand eight hundred and seventy-one.

(Signed) M. GALLWEY HURST, *Acting Clerk to the Council.*

35.

### Pilot Ordinance.

In the Year 1871.—No. 5.

Clause.

1. Repeal of Pilot and Harbour Ordinance No. 8, 1853, and Pilot and Harbour Regulations, 1857.
2. Governor to appoint pilots and make regulations.
3. Vessels anchoring to pay pilotage.
4. Government not responsible for acts of pilots.
5. Governor to make harbour regulations.
6. Governor may require declarations, deposit of papers, and notice of departure.
7. Penalty of disobedience to regulations.
8. Misconduct of pilots.
9. Penalty for keeping on board or firing a cannon loaded with ball.
10. Unlawful quantities of gunpowder.
11. Throwing ballast into the harbour.
12. Limits of Stanley Harbour.
13. Commencement of Ordinance.

By His Excellency Colonel GEORGE D'ARCY, Governor and Commander-in-Chief in and over the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof.

WHEREAS it is expedient to make better provisions for the Pilotage and Harbour Regulations; Be it enacted,—

1. That the Pilot and Harbour Ordinance No. 8, 1853, be hereby repealed, and that the Pilot and Harbour Regulations published on the twenty-fourth day of September, 1857, in pursuance of the power vested in the Governor in that behalf by the aforesaid Ordinance, be hereby annulled. Repeal of Pilot and Harbour Ordinance No. 8, 1853, and Pilot and Harbour Regulations, 1857.
2. That the Governor shall from time to time appoint, in the Form A hereunto annexed, pilots or a harbour master for any harbour within the Falkland Islands, and may revoke such appointment; and make regulations respecting the duties of and payment to pilots and other matter connected therewith. Governor to appoint Pilots and make regulations.
3. That every vessel (except vessels of war and colonial vessels trading between Cape Horn and Montevideo) anchoring to the westward of and within a line drawn from Cape Pembroke to William Point, shall pay to the Shipping Master of the Port of Stanley the sum of sixty shillings for every vessel drawing less than 10 feet, and for every vessel drawing 10 feet or more, 6s. per foot. The rate of pilotage outwards shall be one-half the rate inwards. Vessels anchoring to pay pilotage.  
Rate of pilotage.
4. That the Government shall not be responsible for any loss or damage occasioned by the acts of any pilots in this Colony. Governor not to be responsible for acts of pilots.
5. That the Governor may from time to time make regulations respecting the anchoring and mooring of vessels, the package, landing, deposit and removal of gunpowder (save and except on board any vessel of war), the safe keeping thereof, the watering, ballasting, or discharging of ballast of or from vessels, and all other matters relating to the safe and commodious navigation of any such harbour, and the order and management of vessels resorting thereto. Governor to make harbour regulations.
6. That the Governor may from time to time make regulations requiring a declaration to be made by the master of any vessel arriving at any of the said harbours, the deposit of the ship's papers and the return thereof to the master a reasonable time That the Governor may require declarations, deposit of papers and notice of departure.