

Expenses, &c.  
incident to survey  
how payable.

12. All moneys payable in respect or by reason of the survey or detention of a ship under this law shall, in the first instance, and subject to the right by this law provided of recovering such moneys from complainant, or owner of the ship, be paid out of the general revenues of this Colony, on warrant of the Governor.

Meaning of "ship."

13. The term "ship" in this law shall include the colonial schooners, and all decked vessels of whatsoever tonnage and howsoever propelled, having a British or British colonial register.

(Signed)

G. D'ARCY, *Colonel and Governor.*

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

(Signed)

G. TRAVIS, *Clerk to the Council.*

45.

### Quarantine Ordinance.

In the Year 1875.—No. 3.

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.

Preamble.

Title of Ordinance.

Interpretation of  
terms.

"Infected places."

"Vessel."

"Master."

"Governor."

"Justice."

Appointment of  
Officers.

Power to Governor  
to make rules.

Governor may  
declare "infected  
places."

Vessels and persons  
liable to quarantine.

Vessels to be  
visited by Health  
Officer.

WHEREAS it is desirable to pass a law relating to Quarantine. Be it enacted—

1. This Ordinance may for all purposes be cited as the Quarantine Ordinance, 1875.

2. In this Ordinance the term "infected place," means any port or place where yellow fever, the plague, cholera, or any epidemic disease of a contagious or infectious character in fact prevails, or any port or place which the Governor in Council may declare to be an infected port or place.

The word "vessel" means any ship, vessel, or boat; and the word "Master" means the master, officer, or other person for the time being in charge or command of such vessel. The word "Governor" means the officer for the time being lawfully administering the government of this Colony, and the word "Justice" means any police magistrate or justice of the peace within the Colony.

3. The Governor is hereby authorised to appoint such officers as may be necessary to carry out the laws, rules and regulations relating to quarantine.

4. The Governor in Council may from time to time make such rules and regulations to be enforced by such fines and penalties as to him shall seem fit, for the more effectual carrying out the provisions of this law, and to secure the due performance of quarantine, and for the government of all vessels or persons coming from any infected place. Such regulations shall be duly published in the usual manner and form, and after such publication shall have the same force and effect as if the same had been herein particularly specified.

5. Whenever it shall appear to the Governor in Council that any disease of a contagious or infectious character prevails at any port or place, or that it is probable that any such disease might be brought into the colony from any port or place, it shall be lawful for him to declare by public notification that such port or place is an infected port or place.

6. All vessels arriving at this Colony, together with all persons, goods and merchandise whatsoever thereon, coming from any infected place, or having on board any person who has come from such infected place, or who is ill of any contagious or infectious disease, or on board of which vessel any person shall have died from any such disease during the passage to this Colony, shall be liable to perform quarantine in such place, for such time and in such manner as hereinafter provided.

7. Every vessel arriving at any of the ports of this Colony from any infected place shall immediately on arrival, and before having any communication with the shore, be visited by the Health Officer of the port to which such vessel shall come, who is hereby authorised and required at a convenient distance from such vessel to put the following questions, or such of them as may be necessary, and any other questions which he may consider desirable.

1. What is the name of the vessel and of the master?

2. To what port or place does she belong?

3. From whence do you come ?
4. To what port or place are you bound ?
5. At what ports or places have you touched in the course of the voyage ?
6. What vessels have you had any intercourse or communication with during your voyage, and from whence did they come.
7. Have you any and what Bill of Health? Produce it?
8. Did you carry any Bill of Health with you to the port or place where you took in the cargo or passengers you now have on board? From what place? Were the said Bills of Health clean, unclean, or suspected?
9. Did any contagious or infectious disease prevail in any degree at the port or place from which you sailed, or at any of the ports or places at which you touched? If yes, say what disease prevailed and at which port or place?
10. What number of officers, crew, passengers, or other persons have you on board?
11. Were any of these taken or board at any port or place during the voyage to this colony? If yes, who were so taken on board, and at what port or place, and on what day or days?
12. Are any persons on board your ship suffering under any contagious or infectious disease, or have any persons died or been ill of a disease of that nature in your passage to this colony; and if any, what number?
13. If any have died or been ill of any such disease, were their bedding and clothes destroyed?
14. In the course of your voyage have any persons on board suffered from sickness of any kind? What was the nature of the sickness, and when did it prevail? How many persons were affected by it?
15. How had the persons attacked been employed before they came on board? Had they been employed in loading or unloading the vessel?
16. Did the persons who were ill fall sick nearly about the same time or within a few days of each other, or did the disorder spread successively from one to another and increase considerably?
17. What is the number of persons now ill on board your vessel? Are the convalescents able to be on deck? If so parade them on the gangway.
18. Have there been any deaths on board during the voyage? If yes, what were the causes of the deaths, and when did such deaths take place?
19. Have you any person on board who has left (name of infected port or place) within fourteen days?
20. Where did you take in the cargo now on board, and when? If at more than one place state the places?
21. Was any cargo, or were any letters, parcels, or articles of any kind put on board at (name of infected port or place)? If yes, state what was put on board, and when and whether any special precaution was taken with respect to such things.

8. The said Health Officer may, if he thinks it necessary, go on board any such vessel and examine the master, officers, crew, and passengers thereof respectively, as to their state of health then, and during the voyage, and demand to see the journal or log, and ship's papers of such vessel, and put any of the questions set forth in the preceding section, or any other questions which he shall think desirable.

Health Officer may go on board.

9. Any master or other person who shall conceal from any such Health Officer the true state of the health of the crew or other persons on board of such vessel, or shall give an untrue answer to any inquiry made by such Health Officer under the authority of this law, shall be liable to a penalty not less than £5, and not exceeding £100.

Penalty for concealment or untrue answer.

10. No master or other person belonging to or on board of any such vessel, and no pilot or pilot's assistant, who shall have proceeded on board such vessel, shall quit the same for the purpose of landing or communicating with the shore before such vessel shall have been visited by the Health Officer, unless permission to do so be granted in writing by the Health Officer.

Penalty for quitting vessel before visit of Health Officer.

11. No person, the pilot or his assistant excepted, shall proceed on board such vessel before she shall have been visited by the Health Officer, unless permission to do so be granted to him in writing by the Health Officer.

Proceeding on board without permission.

12. Any person offending against the provisions of either of the two preceding sections, shall be liable to a penalty not less than £5, and not exceeding £50.

13. If any vessel shall have arrived from or touched at any infected place, or have on board any person who has come from such place, or on board which any person

Vessels from infected places may be ordered to Quarant-

- tine ground until further directions. may have died during the passage to this Colony, or may be ill of any contagious or infectious disease, or if the Health Officer shall have good grounds to suspect that such vessel or some person on board thereon, has arrived from or touched at any such place, the said Health Officer is required to cause the said vessel to hoist the Quarantine Flag, and to anchor at the Quarantine ground until further directions from the Governor.
- Health Officer to report to Governor. 14. The Health Officer shall forthwith, after making such inquiry and examination as aforesaid, report thereon to the Governor, who shall upon such report, or upon further inquiry, if thought necessary, decide whether the said vessel is to remain in Quarantine, and for how long.
- Duration of Quarantine. 15. Subject to any special rules and regulations of the Governor in Council, the following rules as to the duration of Quarantine shall be observed :—
1. All vessels on board of which any person shall be sick, or shall have been sick of any contagious or infectious disease, or shall have died of such disease within fourteen days before her arrival at this colony, shall remain in Quarantine until the expiration of fourteen days from the day when such sickness shall cease, or shall have ceased, or from the day when such death shall have occurred.
  2. All vessels that shall have sailed from or touched at any infected place, or shall have any person on board who shall have come from any such place, shall remain in Quarantine for such time, not being less than two days nor exceeding fourteen, as shall be directed by the Governor in consultation with the Health Officer on a due investigation of all the circumstances of the case.
  3. If, during the continuance of a vessel in Quarantine, any person on board such vessel falls sick of any contagious or infectious disease, such vessel shall be liable to remain in Quarantine for a further period of fourteen days from the day when such sickness shall cease.
- Selection of Quarantine grounds. 16. The Governor shall appoint suitable places for Quarantine grounds, and shall have power from time to time to change such places.
- Removal of vessel to Quarantine ground. 17. Any master of a vessel liable to the performance of Quarantine who shall not, after notice, cause such vessel to proceed to the Quarantine ground, shall be liable to a penalty of not less than £10 and not exceeding £50 ; and it shall be lawful for the Health Officer, or any person called to his assistance, to enforce the removal of any such vessel to the Quarantine ground, and to use all necessary means for that purpose.
- A flag to be hoisted during Quarantine. 18. The master of every vessel subject to Quarantine shall, during the day, hoist and keep flying a yellow flag, which shall be provided by the Government, and shall, during the night, hoist and keep alight a signal lantern, which, when necessary, shall be provided by the vessel, and every master offending herein shall be liable to a penalty not less than £5 and not exceeding £50.
- No person to land and no cargo to be taken from such vessel. 19. Until any vessel, as aforesaid, shall have performed and been duly discharged from Quarantine, no person on board of or belonging to such vessel, nor any part of the cargo, stores, or lading of the same, nor any articles or things belonging to the passengers, master, officers, or crew thereof, shall be permitted to leave or be removed or taken from such vessel, either to go or be put on shore, or on board of any other vessel in any port of this Colony, unless by the direction of the Governor, in consultation with the Health Officer, and every such vessel, and all persons, goods, and merchandize thereon, and all vessels and persons having communication with the same, shall be subject to such rules and regulations as may be made by the Governor.
- No person or thing to go or be taken on board without permission. 20. Until any vessel as aforesaid shall have performed and been duly discharged from Quarantine, no person, except the health officer, or such other person as may be authorized by the Governor, shall go on board such vessel ; and no article or thing shall be taken or received on board such vessel except by the direction of the Governor.
- Penalty on any person for infringement of the Act. 21. Any person offending against the provisions of sections 19 and 20 shall be liable to a penalty not less than £5 and not exceeding £50.
- Penalty on Master for infringement of Act. 22. If, during the time that any vessel is in Quarantine, the master thereof shall, without the permission of the Governor or of the Health Officer, quit or knowingly suffer any passenger, seaman, or other person on board to quit such vessel, or any goods, articles, or things whatsoever, to be taken from such vessel he shall be liable to a penalty not less than £10 and not exceeding £100.
- Unlicensed person may be compelled to return on board. 23. Any person who, during the continuance of Quarantine, leaves the vessel without proper permission in that behalf, may, in addition to the penalty, hereinbefore mentioned, be apprehended by any constable or other person and compelled to return to the said vessel or be taken before a justice who may order that such person be

returned to the said vessel, or be confined in some lazaretto or other suitable place of confinement, for such period not less than two days nor exceeding fourteen, as he may think fit.

24. Any person who goes on board a vessel in the performance of Quarantine without permission as aforesaid may be compelled to remain on board the said vessel, and be subject to the rules and regulations thereof during the continuance of the Quarantine or until such time as to the Governor shall seem fit.

Unlicensed person may be compelled to remain on board.

25. The Governor in Council is hereby authorized, whenever it shall be thought necessary, to provide at the public expense, one or more vessel or vessels or buildings, and to cause the same to be fitted up as lazarettos for such use and purposes as the Governor shall, with the approval of the Health Officer, from time to time order and direct.

Governor in Council empowered to provide lazarettos.

26. The Governor in Council is authorized to frame such rules and regulations as may be deemed expedient for the Government and direction of the lazaretto or lazarettos, and of such persons as may belong thereto or be placed therein.

Governor to frame rules for lazarettos.

27. Any person, except the Health Officer, who enters or leaves any lazaretto, without permission from the Governor and Health Officer, may be dealt with in the manner hereinbefore provided in the case of a person, without permission, going on board or leaving a vessel in the performance of Quarantine and shall be liable to like penalties.

Penalties for entering or leaving lazarettos without permission.

28. Any officer or person appointed to enforce the performance of Quarantine, who shall desert from duty or shall infringe or knowingly suffer or permit any person to infringe the provisions of this Ordinance, and of any rules and regulations in force concerning Quarantine shall be liable to a penalty not less than £5 and not exceeding £50, and shall be subject to immediate dismissal.

Misconduct of Quarantine Officers.

29. Any person who shall knowingly conceal or clandestinely convey any letters, goods, wares, or merchandize from any vessel liable to, or in the performance of the Quarantine, or from any vessel, house, or other place where any persons or goods shall be subjected to Quarantine, shall be liable to a penalty of not less than £10, and not exceeding £50.

Concealment or conveyance of property from vessel or place in Quarantine.

30. As soon as any Quarantine shall have been fully performed by any vessel or person, the Health Officer, or other person appointed by the Governor in that behalf, shall grant a certificate to that effect; whereupon every such vessel or person, and all cargo and goods on board such vessel, shall be liberated from all detention on the ground of Quarantine.

Release from Quarantine.

31. All penalties incurred under this Ordinance may be recovered before the Stipendiary Magistrate or his deputy, who, in default of payment, is hereby authorized to commit the offender to the common goal for any period not exceeding six months. Provided always that upon payment by the offender of the penalties and costs after commitment his imprisonment shall cease.

Recovery of penalties.

32. All penalties which shall be recovered and paid under this Ordinance shall be paid to Her Majesty, her heirs and successors, for the public use of this colony.

Appropriation of penalties.

33. For the protection of persons acting in the execution of this Ordinance, all actions and prosecutions against any person for anything done in pursuance of this Ordinance shall be commenced within six calendar months after the act committed, and not otherwise, and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue and give this Ordinance and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit or discontinue any such action after issue joined, or if, upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and shall have the like remedy for the same as any defendant hath by law in other cases; and although a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon.

Protection of persons acting under this Ordinance.

34. It shall be lawful for the Governor to draw upon the treasurer for any expenses incidental to the execution of this Ordinance.

Expenses of Ordinance provided for.

35. Nothing in this Ordinance contained shall extend, or be construed to extend, to prevent the delivery by the officers in charge of Her Majesty's mails, or officers

Proviso with regard to Royal Mail Steam Packet Company or

other vessels carrying mails.

of the Royal Mail, or any other steam packet company, of any mails that may from time to time be on board of any such steam packet under such rules and regulations for the prevention of the introduction of any of the before-mentioned diseases as may from time to time be made by the Governor who is hereby empowered to make such rules and regulations in regard to the landing and receipt of the said mails, and in regard to the coaling of the said steamers in any port within this Government.

Suspension and revival of Ordinance.

36. It shall be lawful for the Governor in Council from time to time to suspend the operation of this Ordinance, or any part thereof, and for such period of time as may be thought expedient, and again to revive the same, or any part thereof.

The Ordinance to be applicable to Her Majesty's Ships.

37. That Her Majesty's vessels, and vessels-of-war belonging to other nations are subject to this Ordinance in the same manner as merchant ships.

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

Passed the Legislative Council this 27th day of September, 1875.

(Signed) G. TRAVIS, *Clerk to the Council.*

46.

### Naturalization Ordinance.

In the Year 1876.—No. 1.

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

Recital.

WHEREAS Edward Nilsson, a native of Sweden, and Charles Bender, a native of Germany, have prayed that they, the said Edward Nilsson and Charles Bender, may be admitted to enjoy the privileges of British-born subjects, Be it enacted :

1. That the said Edward Nilsson and Charles Bender, when and so soon as they shall have taken the Oath of Allegiance before the Governor, which oath the Governor if hereby authorised to administer, shall be to all intents and purposes whatsoever entitled, within the limits of this Colony, to all the privileges of British-born subjects of Her Majesty.

2. The Governor shall immediately after such oath shall have been taken before him certify the same and cause such certificate to be recorded in the office of the Registrar-General of this Colony.

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

Passed the Legislative Council the 11th day of May, 1876.

(Signed) G. TRAVIS, *Clerk to the Council.*

47.

### An Ordinance to make further provision for the Administration of Justice in the Falkland Islands.

In the year 1876.—No. 2.

#### ANALYSIS.

##### *Introduction.*

##### Sections.

- Preamble.
- 1. Short Title.
- 2. Interpretation of Terms.
- 3. Commencement of Ordinance.