

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.

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1. Short Title.
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4. The Magistrate's Court to be styled the Supreme Court and to be held before a Chief Justice.
5. Appointment of Chief Justice and Salary.
6. Governor may be Chief Justice if qualified.
7. Provision in case of illness or absence of Chief Justice or vacancy of office.
8. General Powers of Chief Justice.
9. Power to summon Assessors.
10. Mode of summoning Assessors and penalty for neglect or refusal to serve
11. Assessors to have no voice in decision but may record protest.
12. Appeal to Governor in Council abolished.

The Police Magistrate's Court.

13. The Police Court to be styled Police Magistrate's Court and to be held before a Stipendiary Magistrate.
14. His appointment and Salary.
15. Criminal Jurisdiction.
16. Civil Jurisdiction.
17. Power to remove suits from one Court to another.
18. General powers of Police Magistrate.
19. Power to summon Assessors.
20. Appeal to Supreme Court.

Miscellaneous Provisions.

21. Power to make General Rules.
22. Power to appoint officers.
23. Pending Suits.
24. Notarial powers of Chief Justice.
25. The two Ordinances to be read together.

SCHEDULE.

Form of Summons to Assessors.

By His Excellency THOMAS FITZGERALD CALLAGHAN, Lieutenant 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 reconstitute the Magistrate's Court and the Police Court, established under Ordinance No. 10, of 1853, and to make further provision for the administration of Justice in the Falkland Islands:—

Be it enacted by the Governor with the advice and consent of the Legislative Council as follows:

1. This Ordinance may be cited for all purposes as "The Administration of Justice Ordinance 1876."

2. The following terms and expressions shall be understood as hereafter defined or explained, unless there be something in the subject or context repugnant to such definition or explanation; that is to say:—

The expression "principal Ordinance" shall mean Ordinance No. 10, of 1853, entitled "An Ordinance for the Administration of Justice."

"The Court" shall mean the Court or the presiding Judge.

"The Colony" shall mean the Colony of the Falkland Islands.

"Gazette" shall include any publication in which Government notifications are usually inserted in the Colony.

"Secretary of State" shall mean one of Her Majesty's principal Secretaries of State.

"The Chief Justice" shall include the person for the time being discharging the functions of that office.

3. This Ordinance shall come into force and operation on such day after the passing thereof as shall be fixed by the Governor and shall be notified in a proclamation under the hand of the Governor to be published in the Gazette or in such other manner as the Governor shall direct.

4. From and after the commencement of this Ordinance the Magistrate's Court established by the principal Ordinance shall be styled "The Supreme Court of the Falkland Islands" and shall be held before one judge who shall be styled the Chief Justice.

5. The Chief Justice shall be a member of the Bar of England, Scotland, or Ireland of not less than seven years' standing, and except in cases provided by the next following section, shall be appointed by letters patent under the seal of the Colony by

the Governor, in accordance with such instructions as he may receive from the Secretary of State, and he shall hold the said office of Chief Justice during the pleasure of Her Majesty, and receive such salary as the Secretary of State may from time to time direct.

Governor may be Chief Justice if qualified.

6. It shall be lawful for the Governor to fill the office of Chief Justice concurrently with that of Governor of the Colony, if he shall possess the professional qualification specified in the last preceding section, and shall have been appointed to the said office by Her Majesty; and the assumption of the said office and the exercise of the duties thereof by the Governor shall be conclusive evidence of his qualification for and of his appointment to the said office.

Provision in case of illness or absence of Chief Justice or vacancy of office.

7. In case the office of Chief Justice shall become vacant by death or otherwise it shall be lawful for the Governor *ex-officio* to fill the said office or to appoint some other person to fill the said office until Her Majesty's pleasure be known; and in case of the temporary illness or absence of the Chief Justice it shall also be lawful for the Governor *ex-officio* to fill the said office or to appoint some person to fill the said office until the Chief Justice shall resume the duties thereof. Provided always that in case the Governor so acting *ex-officio* or the person so appointed by him to act as Chief Justice temporarily shall not be a member of the Bar of England, Scotland, or Ireland, the Court shall be held before the Governor or other acting Chief Justice as Chairman in conjunction with three or more justices, in accordance with the provisions in that behalf contained in the principal Ordinance which said provisions shall for such purpose only be deemed to remain in force; but such Acting Chief Justice may exercise alone all the powers vested by this Ordinance in the Chief Justice other than the trial of causes civil and criminal.

General Powers of Chief Justice.

8. All the powers and authorities vested by the principal Ordinance in the Chairman of the Magistrate's Court, and three or more Justices, or in such chairman alone, or in such chairman with the approval of the Governor are hereby transferred to and may be exercised by the Chief Justice.

Power to summon Assessors.

9. It shall be lawful for the Chief Justice if he shall in his discretion think fit, to summon any Justices of the Peace to sit with him as Assessors on the trial of any cause, or the hearing of any proceeding, civil or criminal.

Mode of summoning Assessors, and penalty for neglect or refusal to serve.

10. The Assessors shall be summoned by notice in the form in the schedule hereto, or any other form which the Court shall approve, and any Assessor who without reasonable cause shall fail to attend the Court in pursuance of such notice, or refuse to act as such Assessor, unless excused or discharged by the Court, shall be liable to a fine not exceeding £10, which fine may be imposed by the Court summarily.

Assessors to have no voice in decision but may record Protest.

11. The Assessors shall have no voice in the decision of any case, but the name of every Assessor who shall dissent from the judgment of the Court, together with a note of the grounds of such dissent, shall be recorded on the proceedings and signed by the Assessor so dissenting.

Appeal to Governor in Council abolished.

12. There shall be no appeal from the Supreme Court to the Governor in Council, except when the Court shall be held before an acting Chief Justice as chairman, together with three or more Justices as provided by Section 7.

The Police Magistrate's Court.

Police Court to be styled Police Magistrate's Court and to be held before Stipendiary Magistrate.

13. From and after the commencement of this Ordinance, the Police Court established by the principal Ordinance shall be styled The Police Magistrate's Court and shall be held before a Stipendiary Magistrate, sitting alone, who shall be styled "The Police Magistrate" and shall have all the usual powers and authorities of a Justice of the Peace.

His appointment and Salary.

14. The Police Magistrate shall be appointed by the Governor and shall receive such salary as the Secretary of State shall direct.

Criminal Jurisdiction.

15. The Police Magistrate shall have Jurisdiction to try summarily all crimes and offences mentioned or referred to in Section 14 of the principal Ordinance, but he shall not have power to impose a longer term of imprisonment than six months, with or without hard labour, or a larger fine than £20, and in case he shall be of opinion that the crime or offence with which a person is charged before him deserves a greater punishment by way of imprisonment or fine, or both, than is herebefore limited, or that such crime or offence ought to be tried before the Chief Justice, he shall commit the accused for trial at the Supreme Court.

Civil Jurisdiction.

16. The Police Magistrate shall have and exercise a summary jurisdiction without the intervention of a jury, in all suits where the claim, debt or damages or balance sought to be recovered shall not exceed the sum of £20, and in all suits for the recovery of the possession of tenements where the annual rent or value thereof shall not exceed

the said amount, and every such suit shall be originally instituted in the Police Magistrate's Court, unless the Chief Justice shall on application of the Police Magistrate or of either party to the suit, permit the same to be instituted in the Supreme Court.

17. It shall be lawful for the Chief Justice on such application as aforesaid, by Summary Orders to remove into the Supreme Court, any suit instituted in the Police Magistrate's Court, and also of his own motion to remove from the Supreme Court into the Police Magistrate's Court any suit which shall involve directly or indirectly any claim, demand or question to or respecting property or any civil right amounting to or of the value of not more than £50, and which can, in his opinion, be properly tried in the Police Magistrate's Court; and thereupon such last mentioned suit shall be tried summarily by the Police Magistrate in manner aforesaid.

Power to remove Suits from one Court to another.

18. All the powers and authorities vested in the chairman of the Police Court, established under the principal Ordinance, or in the said chairman and two or more Justices, are hereby transferred to the Police Magistrate so far, and to such extent as may be necessary for the exercise of the jurisdiction conferred on him by this Ordinance, and subject to all the provisions thereof, and all other jurisdiction vested in the Police Court by the principal Ordinance is hereby transferred to the Supreme Court.

General powers of Police Magistrate.

19. It shall be lawful for the Police Magistrate, if he shall in his discretion think fit, to summon two Justices of the Peace to sit with him as assessors on the trial of any civil or criminal cause or proceeding, and the provisions of Sections 10 and 11 of this Ordinance relating to assessors summoned by the Chief Justice, shall apply to assessors summoned by the Police Magistrate under this section.

Power to summon Assessors.

20. Either of the parties may by petition within ten days from any judgment or order of the Police Magistrate, or within such further time as the Chief Justice shall allow either before or after the expiration of such period of ten days, appeal to the supreme Court, which Court on hearing the petition and the evidence taken in the Police Magistrate's Court (unless the Court shall think fit to examine further in the matter) shall make such order as justice shall seem to require. And where the case involves any questions of fact the same may be tried *de novo* by the Supreme Court either with or without a jury, as the Court shall determine.

Appeal to Supreme Court.

Miscellaneous Provisions.

21. It shall be lawful for the Chief Justice to make general rules for regulating the practice and procedure of the Supreme Court, and of the Police Magistrate's Court, the forms to be used, and the fees to be payable therein, the fees of council and the costs of attorney, and also to define the duties of the officers of the said courts, and such rules from time to time to alter, amend or revoke, as occasion may require: Provided always that no such rules or any alteration, amendment or revocation thereof, shall be deemed binding until the same shall have been approved of by the Legislative Council, and shall have been published in the Gazette, but all such rules and all such alterations, amendments, and revocations thereof, when so approved and published as aforesaid, shall have the same force and effect for all purposes as if the same had been made by Ordinance, and shall in like manner come into immediate operation, subject to disallowance by Her Majesty.

Power to make General Rules.

22. The Governor may from time to time appoint such officers as shall appear to be necessary for the administration of justice, and the due execution of the powers and authorities which are granted and committed to the said courts by this Ordinance, and such officers shall receive such salaries as shall be fixed by the Governor in Council, with the approval of the Secretary of State.

Power to appoint Officers.

23. All causes, matters, or proceedings whatsoever, whether civil or criminal, pending at the date of the commencement of this Ordinance, shall be continued and concluded in the Supreme Court or in the Police Magistrate's Court according as the Chief Justice shall direct, and under the provisions of this Ordinance.

Pending suits.

24. Section 58 of the principal Ordinance is hereby repealed, and in lieu thereof the person for the time being discharging the functions of Chief Justice under this Ordinance shall have and may exercise within the colony all the powers and authorities, and shall be entitled to receive for his own use such and the like fees as a notary public appointed by the law of England; and for the purpose aforesaid a separate seal shall be provided for the court, with the inscription, "Supreme Court of the Falkland Islands, Notarial Seal."

Notarial Powers of Chief Justice.

The two Ordinances
to be read together.

25. All provisions contained in the principal Ordinance, which may be repugnant to or inconsistent with this Ordinance shall be deemed to be hereby repealed or suspended, but subject thereto the principal Ordinance, and this Ordinance shall be read and construed together as one Ordinance, with such verbal modifications in the principal Ordinance not affecting the substance as may be necessary for the purpose aforesaid.

SCHEDULE.

Form of Summons to Assessors under Section No. 9.

In the Supreme Court of the Falkland Islands.

To
You are hereby summoned to appear and serve as an assessor to the Chief Justice at the Supreme Court on the trial of a certain cause or proceeding therein depending on the day of at the hour of in the forenoon, and there to attend from day to day until you shall be discharged by the Court.

(Signed)

By order of the Court.

N.B.—The penalty for disobedience hereto is a fine not exceeding £10.

(Signed) T. FITZGERALD CALLAGHAN, *Lieutenant Governor.*

Passed the Legislative Council this twenty-ninth day of June, one thousand eight hundred and seventy-six.

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

48.

An Ordinance for making certain verbal alterations in the Summary Jurisdiction Amendment Ordinances and other Ordinances.

In the year 1876.—No. 3.

By His Excellency THOMAS FITZGERALD CALLAGHAN, Lieutenant 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 as follows :

Recital.

WHEREAS in consequence of the passing of Ordinance No. 2, 1876, it becomes necessary to amend the Ordinances in the schedule hereunto annexed by making certain verbal alterations therein. Be it therefore enacted that the said Ordinances are hereby amended as follows.

“Supreme Court of the Falkland Islands” to be substituted for “Magistrate’s Court.”
“Police Magistrate” to be substituted for “Chairman of the Courts.”
Ordinances to remain in force as before save as herein altered.
Commencement of Ordinance.

1. That wherever the words “Magistrate’s Court” occur in any of the provisions of the said Ordinances the words “Supreme Court of the Falkland Islands,” shall be substituted and used therefor.

2. That in Section 1 of Ordinance No. 2, of 1862, the words “Police Magistrate” shall be substituted and used for the words “Chairman of the Courts.”

3. That save and except as to the alterations hereby made the said Ordinances shall remain and be in force as hitherto.

4. That this Ordinance shall take effect and come into operation on the third day of July, 1876.

(Signed) T. FITZGERALD CALLAGHAN, *Lieutenant Governor.*

Passed the Legislative Council this twenty-ninth day of June, one thousand eight hundred and seventy-six.

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