

suffered by Workmen in their service," shall be in force in this Colony in so far as its provisions can be applied and as local circumstances will permit.

(Signed) T. KERR, *Governor.*

Passed the Legislative Council this twelfth day of January, one thousand eight hundred and eighty two.

(Signed) ALAN KERR, *Acting Clerk to the Council.*

67.

## An Ordinance to provide for carrying out Capital Punishment in Prisons.

In the year 1882.—No. 6.

WHEREAS it is expedient that capital punishment should be carried into effect within prisons: Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Ordinance No. 2, of 1881, entitled an Ordinance to extend to these settlements the Capital Punishment Amendment Act, 1868, is hereby repealed.

Repeals Ordinance No. 2 of 1881.

2. Judgment of death to be executed on any prisoner sentenced after the passing of this Ordinance on any indictment or inquisition for murder shall be carried into effect within the walls of the prison in which the offender is confined at the time of execution.

Judgment of death to be executed within walls of prison.

3. The sheriff charged with the execution, and the gaoler, chaplain and surgeon of the prison, and such other officers of the prison as the sheriff requires, shall be present at the execution.

Sheriff, &c., to be present.

Any justice of the peace for the colony, and such relatives of the prisoner or other persons as it seems to the sheriff or the visiting justices of the prison proper to admit within the prison for the purpose, may also be present at the execution.

4. As soon as may be after judgment of death has been executed on the offender, the surgeon of the prison shall examine the body of the offender and shall ascertain the fact of death, and shall sign a certificate thereof, and deliver the same to the sheriff.

Surgeon to certify death; and declaration to be signed by sheriff, &c.

The sheriff and the gaoler and chaplain of the prison, and other persons present (if any) as the sheriff requires or allows, shall also sign a declaration to the effect that judgment of death has been executed on the offender.

5. The coroner shall within twenty-four hours after the execution hold an inquest on the body of the offender, and the jury at the inquest shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender; and the inquisition shall be in duplicate, and one of the originals shall be delivered to the sheriff.

Coroner's Inquest on Body.

No officer of the prison or prisoner confined therein shall in any case be a juror on the inquest.

6. The body of every offender executed shall be buried within the walls of the prison within which judgment of death is executed on him; provided that if the Governor is satisfied on the representation of the sheriff or visiting justices of the prison that there is not convenient space within the walls there for the burial of offenders executed therein, he may, by writing under his hand appoint some other fit place for that purpose, and the same shall be used accordingly.

Burial of the body.

7. The Governor in Council shall from time to time make such rules and regulations to be observed on the execution of judgment of death in prison as he may from time to time deem expedient for the purpose, as well of guarding against any abuse in such execution, as also of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place.

Power to Governor to make rules, &c., to be observed on execution of judgment of death.

8. All such rules and regulations shall be laid before the Legislative Council, and be published in the official gazette.

Such Rules to be laid before Legislative Council.

9. If any person knowingly and wilfully signs any false certificate or declaration required by this Ordinance he shall be guilty of a misdemeanor, and on conviction thereof shall be liable at the discretion of the Court to imprisonment for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Penalty for signing false certificates, &c.

Certificate, &c., to be sent to Governor and exhibited on or near entrance to prison.

Provisions as to duties and powers of Sheriff, &c., extended.

Form in Schedule.

Saving Clause as to legality of execution.

General saving.

Short title.

10. Every certificate and declaration and the duplicate of the inquisition required by this Ordinance shall in each case be sent with all convenient speed to the Governor, and written or printed copies of the same several instruments shall as soon as possible be exhibited on or near the principal entrance of the prison within which judgment of death is executed.

11. The duties and powers by this Ordinance imposed on or vested in the sheriff, may be performed by and shall be vested in his under sheriff or other lawful deputy acting in his absence, and with his authority, and any other officer appointed by the Governor and charged in any case with the execution of judgment of Death.

The duties and powers by this Ordinance imposed on or vested in the gaoler of the prison may be performed by and shall be vested in the deputy gaoler or other officer duly appointed by the Governor to act in that behalf.

The duties and powers by this Ordinance imposed on or vested in the surgeon may be performed by and shall be vested in the medical officer holding the office or performing the duties of colonial surgeon.

The duties by this Ordinance imposed on the chaplain may, in the absence of the chaplain, be performed by any other minister of religion duly appointed by the Governor to act in that behalf.

12. The forms given in the schedule to this Ordinance with such variations or additions as circumstances require, shall be used for the respective purposes in that schedule indicated, and according to the directions therein contained.

13. The omission to comply with any provision of this Ordinance shall not make the execution of judgment of death illegal in any case where such execution would otherwise have been legal.

14. Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if this Ordinance had not passed.

15. This Ordinance may be cited for all purposes as "The Capital Punishment Amendment Ordinance, 1882."

(Signed) T. KERR, *Governor*.

Passed the Legislative Council this twenty-third day of February, one thousand eight hundred and eighty-two.

(Signed)

ALAN KERR, *Acting Clerk to the Council*.

#### THE SCHEDULE.

##### *Certificate of Surgeon.*

I, A. B., the surgeon (or as the case may be) of the (*describe prison*), hereby certify that I this day examined the body of C. D., on whom judgment of death was this day executed in the (*describe same prison*); and that on that examination I found that the said C. D. was dead.

Dated this                      day of

(Signed) A. B.

##### *Declaration of Sheriff and others.*

We, the undersigned, hereby declare that judgment of death was this day executed on C. D. in the (*describe prison*) in our presence.

Dated this                      day of

(Signed)

E. F., Sheriff of  
L. M., Justice of the Peace for  
G. H., Gaoler of  
I. K., Chaplain of  
&c., &c.

68.

#### An Ordinance to amend the Ordinance No. 3, of 1881, entitled "An Ordinance to remove doubts concerning the validity of certain marriages, and to amend the Marriage Ordinances."

In the Year 1882.—No. 7.

Preamble.

Whereas it is expedient to amend the Ordinance No. 3, of 1881, entitled "An Ordinance to remove doubts concerning the validity of certain marriages, and to amend the Marriage Ordinances."