

Form No. 11.

Declaration before Justice of Peace.

Falkland Islands.

Port of
Importer's name

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
<i>Here state the particulars according to the above headings.</i>			

Marks.	Numbers.	Number of Packages. Quantity, description and value of Goods.

I, _____ the Importer, do hereby solemnly declare that the above is a true account of all the dutiable goods imported by me in the above vessel.

Dated this _____ day of _____ 188
(Signed)

Importer.

Declared before me _____ this _____ day of _____ 188
(Signed) _____
Justice of the Peace.

FEEES TO JUSTICES OF THE PEACE.

	£	s.	d.
For receiving Report from Master (Form 1)	0	5	0
For taking Declaration (Form 11)	0	5	0
Any Warrant issued or Order made under the provisions of this Ordinance	0	10	0
Travelling expenses (if necessary) the actual cost incurred.			

72.

An Ordinance to Consolidate and amend the Spirit License Ordinances and to provide for Licensing Billiard and Bagatelle Tables, and for other purposes.

In the year 1882.—No. 11.

Whereas it is expedient to consolidate and amend the Laws relating to the Licensing of Public Houses and the sale of Intoxicating Liquors in this Colony, and to provide for licensing Billiard and Bagatelle Tables, and for other purposes: 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. All licenses held at the commencement of this Ordinance and all licensed persons and licensed premises holding or in respect of which a license shall be held at the commencement of this Ordinance shall except where otherwise specially provided be under and subject to the provisions of this Ordinance.

Preamble.

Licenses already hold subject to provisions of this Ordinance. Except where otherwise specially provided.

- Ordinance not to apply in certain cases. 2. Nothing in this Ordinance shall apply to any person selling any spirituous or distilled perfume bona fide as perfumery; nor to the prescription or administration of any liquor simply as medicine, or for medical purposes by or under the direction of any known or practising physician, surgeon, or medical practitioner, nor to any person who holds a licence as auctioneer, selling liquor at public auction in quantities of not less than two gallons at any one time, nor shall any license be required by the master or commander of any vessel for the supply of any allowance of liquor to the crew of such vessel.
- The various kinds of licenses. 3. Licenses may be granted under this Ordinance of the several descriptions following (that is to say)
 (A.) Publican's retail licenses.
 (B.) Billiard table licenses.
 (C.) Packet licenses.
 (D.) Wholesale licenses.
- Schedule. Such licenses respectively shall be in such one of the forms in the Schedule as shall be applicable, and shall be in force for six months, with the exception of wholesale licenses, which shall be in force for twelve months.
- Effects of publicans license. 4. A publican's retail license shall authorise the licensee to sell and dispose of any liquor in any quantity less than two gallons on the premises specified, on any lawful day between the hours of eight in the morning and ten at night.
- Effects of a billiard table license. 5. A billiard table license shall authorise the licensee to keep and maintain billiard or bagatelle tables on the premises thereon specified and to allow such tables to be used between ten in the morning and ten at night.
- Effect of packet license. 6. A packet license shall authorise the master of the vessel therein mentioned being a vessel by which passengers are conveyed from any place within the Colony or its dependencies to any other place within or without the Colony and exercising such license to sell and dispose of liquor during her passage between such places to any passenger on board such vessel: Provided that no license shall be necessary to authorise the granting of allowances of liquor to the crew of such packet or vessel.
- Wholesale license. 7. A wholesale license shall authorise the licensee to sell any liquor in quantities not less than two gallons.
8. The fees which shall be paid for licenses shall be as follows:—
 (A.) For a publican's retail license for six months, ten pounds.
 (B.) For a billiard table license for six months—to licensed publicans two pounds ten shillings—to other persons five pounds.
 (C.) For a packet license five pounds.
 (D.) For a wholesale license, twenty pounds.
- How certain licenses may be obtained. 9. Any person may by application to the Colonial Treasurer, obtain a "publican's," "billiard table," or "packet" license, on production of a certificate of good character and fitness signed by two justices of the peace not holding licenses under this Ordinance, and approved by the Governor, and on payment of the fee hereinbefore set forth: Provided always that every such application shall first have been published by the Treasurer for fourteen days in the Official Gazette and that the objections (if any) to such license being granted shall have been heard and determined in manner hereinafter provided.
- Objections to be heard by Governor in Council. 10. All objections to the granting or renewal of licenses shall be heard and determined by the Governor in Council.
- Objections to licenses. 11. The objections that may be taken to the granting of an application for a license may be one or more of the following: That the applicant is of bad fame and character or of drunken habits, or has within twelve months previously forfeited a license, or that the applicant has been convicted of selling liquor without a license within a period of three years, or that the premises in question have not reasonable accommodation, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situate will be disturbed if a license be granted. The objections which may be taken to the renewal of a license may be one or any of the following: That the applicant is of bad fame and character or of drunken habits, or that the premises in question are not maintained at the required standard, and also in case of any other objection, (whether or not of the same kind as any of the preceding objections) which appears to the Governor in Council to be sufficient; Provided that at least three days' notice of such objections shall be given to the applicant before the day of hearing the same.
- Renewal of licenses. 12. All licenses held at the commencement of this Ordinance or granted during its operation may be renewed by the Colonial Treasurer on the terms and according to

the provisions of this Ordinance without certificate, provided no objections be taken to such renewal. In any case where objections are taken the license will not be renewed until such objections are heard and determined by the Governor in Council in favour of the license.

13. It shall be lawful for the Colonial Treasurer to grant to any person, company, or mercantile firm, or to the agent of such company or mercantile firm a wholesale licence for twelve months on payment of the fee of twenty pounds.

Grant of wholesale licenses.

14. Every licensed person shall cause to be painted or fixed, and shall keep painted or fixed on the front of the premises in respect of which his license is granted, in a conspicuous place, and in letters at least three inches in length his name with the addition after the name of the word "licensed" and of words sufficient to express the business for which his license has been granted, and no person shall have any words or letters on his premises importing that he is licensed in any way other than that in which he is in fact duly licensed. Every licensed person who acts in contravention of or who fails to comply with the provisions of this section shall be liable to a penalty not exceeding for the first offence five pounds and not exceeding for the second and any subsequent offence ten pounds.

Name of licensed person to be affixed on premises.

15. Any person who shall (except as the agent or servant of a licensed person, and then only in accordance with such person's license) sell any liquor without a license authorising such sale, shall forfeit and pay for a first offence any sum not less than twenty-five pounds and not more than fifty pounds, or shall be liable to imprisonment for any term not less than one month nor exceeding three months, and for a second and any subsequent offence shall be liable to imprisonment with or without hard labour for any term not less than three months nor exceeding six months and shall also for a first as well as any subsequent offence forfeit all liquor in his possession with the vessels containing the same.

Penalties on sale by unlicensed persons.

16. Every licensed publican shall keep a lamp with white light affixed over the door of his premises or within twenty feet thereof, lighted during the whole of every night from sunset to sunrise and every person who acts in contravention or fails to comply with the provisions of this section shall forfeit and pay for each offence a penalty not exceeding forty shillings.

Out-door lamp to be kept burning all night.

17. Every holder of a publican's license shall thoroughly cleanse and disinfect all the rooms, passages, stairs, floors, walls, ceilings, closets, cesspools, and drains of the licensed premises, to the satisfaction of and as often as shall be required by or in accordance with the directions of any inspector appointed by the Governor.

Sanitary precautions.

18. If any licensed person shall permit any room or portion of his licensed premises, or the appurtenances thereof to be used or occupied as a dancing, concert, or theatrical saloon or as a place of common resort to which persons may be admitted by ticket or otherwise he shall be liable to forfeit his license. But nothing herein contained shall extend to prevent private societies or assemblies of persons from hiring and using such room or place, and keeping the exclusive control over admission to such room or place, independent of or unconnected with the proprietor or keeper of such house; and, on every occasion of the hiring of such room or place, special leave shall be applied for in writing by one or more of the persons desiring such leave, and such leave shall be obtained in writing from and under the hand of the Police Magistrate countersigned by the Colonial Secretary; and the occasion on which, and the name or names of one or more of the persons by or on behalf of whom such room or place is required shall be stated on the face of such written application and leave respectively: Provided that the Police Magistrate and the Colonial Secretary may, if they think fit, altogether refuse to grant such application.

Penalty for permitting room to be used as dancing saloon.

19. If any master employing journeymen, workmen, servants or labourers, shall pay, or cause any payment to be made to any such journeymen, workmen, servants or labourers in or at any licensed premises or in any house in which liquor shall be sold, he shall for every such offence forfeit and pay a sum not exceeding ten pounds: Provided always that nothing herein contained shall extend to any licensed person paying his own journeyman, workmen, servants, or labourers employed solely in his business as licensed person in his licensed house.

Penalty for paying wages in licensed premises.

20. No licensed person shall recover any debt or demand on account of any liquor supplied by him to any person for consumption on the premises; but such licensed person may sue for and recover the value of any liquor supplied in moderate quantity with meals to any person bona fide lodging in the house.

No debts for liquor recoverable.

21. If any licensed person shall receive in payment or as a pledge for any liquor or entertainment supplied in or from his licensed premises anything except current money, he shall for each such offence pay a penalty not exceeding ten pounds. The

Liquor to be sold for money only.

person to whom belongs anything given as a pledge as aforesaid shall have the same remedy for recovering such pledge, or the value thereof, as if it had never been pledged.

No licensed person shall receive payment in advance for any liquor to be supplied; and any payment so made in advance may be recovered notwithstanding that any liquor may have been supplied subsequently to such payment.

Penalty for supplying children with liquor.

22. Any licensed person who allows to be supplied in his licensed premises by purchase or otherwise to be consumed on the premises—Any description whatever of spirits or of wine, ale, beer, or porter to any person apparently under the age of sixteen years of either sex, not being resident on the premises as a bona fide guest, lodger or traveller—shall, as well as the person who actually gives or supplies the spirits, wine, ale, beer or porter, be liable to a penalty not exceeding ten pounds for every such offence. Upon a conviction for a first offence against this section, the convicted person, if licensed, shall be liable to have his license suspended for six months; and in case of a second or any subsequent offence, he shall be liable to forfeit his license, and the premises in respect of which such license is granted shall be liable to be declared disqualified for a period of not less than two years, nor exceeding five years.

Selling or delivering liquor to children.

23. Any person who sells or delivers any liquor to any child apparently under twelve years of age, to be taken away from the premises, shall be liable to a penalty not exceeding five pounds.

Penalty for harbouring constable.

24. If any licensed person knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty, or supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty, unless by the authority of some superior officer of such constable, or bribe or attempt to bribe any constable, he shall be liable to a penalty not exceeding for the first offence ten pounds and not exceeding for the second or any subsequent offence twenty pounds.

Supply of liquor to drunkards prohibited.

25. Where it shall be made to appear in open Court that any person by excessive drinking of liquor mis-spends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the police magistrate or any two justices presiding in such Court shall by writing under their hands forbid any licensed person to sell to him or her any liquor for the space of one year, and such police magistrate or justices, or any other two justices may, at the same or any other time, in like manner prohibit the selling of any such liquor to the said drunkard by any such licensed persons of any other district to which such drunkard shall or may be likely to resort for the same.

Prohibition renewable.

26. The said police magistrate or justices or any two of them shall in like manner from year to year renew any such prohibition as aforesaid as to all such persons as have not in their opinion reformed within the year; and if any licensed person shall, during any such prohibition, after service of a copy thereof upon him or her, or with a knowledge thereof in other manner acquired, sell to any such prohibited person any liquor, he or she shall forfeit upon conviction for every such offence a sum not exceeding ten pounds.

Penalty for providing liquor for prohibited persons.

27. Whenever the police magistrate or justices shall, in execution of the foregoing provisions, have prohibited the sale of liquor to any such drunkard, if any other person shall, with a knowledge of such prohibition, give, sell, purchase, or procure for or on behalf of such prohibited person, or for his or her use, any such liquor, he or she shall forfeit upon conviction for every such offence a sum not exceeding five pounds.

Sales by auction forbidden on licensed premises.

Penalty for permitting gaming.

28. No licensed person shall permit any sale by auction to be made on his premises under a penalty not exceeding five pounds for each offence.

29. If any licensed person suffers any unlawful game or any raffle, lottery or betting to be carried on in his premises, or opens, keeps or uses, or suffers his premises to be opened, kept or used for the purpose of fighting or baiting any dog, cock, or other kind of animal—whether of domestic or wild nature—he shall be liable for the first offence to a penalty not exceeding ten pounds, and not exceeding for the second or any subsequent offence twenty pounds. The penalties in this section mentioned shall be irrespective of and in addition to any other penalties to which any person may be liable under any law relating to gaming or cruelty to animals respectively.

Forfeiture of license for permitting house to be a brothel.

30. If any licensed person is convicted of permitting his premises to be a brothel, he shall be liable to a penalty not exceeding twenty pounds, and shall forfeit his license, and he shall be disqualified for ever from holding any licence for the sale of liquors.

31. Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is drunken, or who is violent, quarrelsome or disorderly, whether drunken or not, and any person whose presence on his premises would subject him to a penalty under this Ordinance, and may refuse to serve any such person with liquor if demanded only as a pretext for remaining on the premises.

Power to exclude persons from premises and to refuse liquor.

32. Any such person who, upon being requested by such licensed person, or his agent or servant, or any constable, to quit such premises, refuses or fails to do so, shall be liable to a penalty not exceeding five pounds; and all constables are required on the demand of such licensed person, agent or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

Penalty for refusing to quit premises on demand.

33. Subject as hereinafter mentioned, all licensed premises shall be closed as follows, that is to say:—

Closing hours for licensed premises.

(A.) On Saturday night, from ten o'clock until eight o'clock on the following Monday morning.

(B.) On the nights of all other days from ten o'clock until eight the following morning.

All such premises shall be closed on Christmas Day and Good Friday respectively as if Christmas Day and Good Friday were respectively Sunday:—Provided always that it shall be lawful to sell liquors to be taken away from the premises between the hours of one and three o'clock on the afternoon on Sunday, Christmas Day and Good Friday respectively, but no liquor shall be drunk on the premises upon the aforesaid days.

34. Any person who, during the time at which licensed premises are directed to be closed by or in pursuance of this Ordinance, sells or exposes for sale on such premises any liquor, or opens or keeps open such premises for the sale of liquors, or allows any liquors, although purchased before the hours of closing, to be consumed on such premises, or during such aforesaid time allows anyone whomsoever to play at billiards or bagatelle or any other game on such premises, shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

Penalty for sale of liquor at unauthorised times.

35. Nothing in this Ordinance shall preclude a person who is licensed to sell liquor to be consumed on the premises from selling such liquor at any time to *bond fide* travellers, or to persons lodging in his house.

Saving as to *bond fide* travellers and lodgers.

36. If, in the course of any proceedings which may be taken against any licensed person for infringing the provisions of this Ordinance relating to closing, such person (in this section referred to as "the defendant") fails to prove that the person to whom the liquor was sold (in this section referred to as "the purchaser") is a *bond fide* traveller, but the magistrate or justices are satisfied that the defendant truly believed that the purchaser was a *bond fide* traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the magistrate or justices shall dismiss the case against the defendant; and if they think that the purchaser falsely represented himself to be a *bond fide* traveller, it shall be lawful for the justices to direct proceedings to be instituted against such purchaser under the next following section of this Ordinance.

Onus of proof in such cases.

A person, for the purpose of this Ordinance, shall not be deemed to be a *bond fide* traveller unless he shall reside at least five miles from the licensed premises where he shall be supplied with liquor or refreshment, or shall have travelled at least that distance on the day where he shall be so supplied.

37. Every person who, by falsely representing himself to be a traveller or lodger, buys or obtains, or attempts to buy or obtain, at any premises, any liquor during the period during which such premises are closed in pursuance of this Ordinance, shall be liable to a penalty not exceeding five pounds.

Penalty for false representation as a traveller.

38. The occupier of any unlicensed premises on which any liquor is sold, or, if such premises are occupied by more than one person, every occupier thereof, shall, if it be proved that he was privy or consenting to the sale, be subject to the penalties imposed upon persons for the sale of liquors contrary to license.

Occupier of unlicensed premises liable for the sale of liquor.

39. If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks such liquor on the premises where the same is sold, the seller of such liquor shall, if it shall appear that the drinking was with his privity or consent, be subject to the following penalties, that is to say:—

Seller liable for drinking on premises contrary to license.

For the first offence he shall be liable to a penalty not exceeding ten pounds.
For the second or any subsequent offence he shall be liable to a penalty not exceeding twenty pounds.

For the purposes of this section the expression "premises where the same is sold" shall include the premises adjoining or near the premises where the liquor is sold, if belonging to the seller or under his control or used by his permission.

A record of every conviction for an offence against this section shall be endorsed on the license of the person convicted.

Evasion of law as to drinking on premises contrary to license.

40. If any person having a license to sell liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person with his privity and consent, and such licensed person shall be punished accordingly in manner provided by this Ordinance.

A record of every conviction for an offence against this section shall be endorsed on the license of the person convicted.

In any proceeding under this section it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to or were hired, used or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license.

Penalty on internal communication with unlicensed premises.

41. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty not exceeding ten pounds for every day during which such communication remains open.

In addition to any penalty imposed by this section, any person convicted of an offence under this section shall, if he be the holder of a license, forfeit such license.

Penalty on using bars beyond the number licensed.

42. After the grant of a publican's license no bar, beyond the number stated on the license, shall be opened or used in or upon the licensed premises except with the consent of the Police Magistrate and the Colonial Secretary, which consent shall be endorsed on the license.

Fees for additional bars.

If any person shall open or use any such bar for the sale of liquors, or shall knowingly permit the same to be opened or used for such sale, without such consent as aforesaid and the payment of a license fee at the rate of five pounds per annum for every additional bar, and the endorsement of the same upon the license, he shall be deemed to have been guilty of selling without a license.

Evidence of sale or consumption of liquor.

43. In proving the sale or consumption of liquor for the purpose of any proceeding relative to any offence under this Ordinance, it shall not be necessary to show that any money actually passed or any liquor was actually consumed, if the court hearing the case be satisfied that a transaction in the nature of a sale actually took place; or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor, on premises to which a license under this Ordinance is attached, by some person other than the occupier of or a servant in such premises, shall be evidence that the liquor was sold to the person consuming, or being about to consume, or carrying away the same, by or on behalf of the holder of the license.

Unlawful sale of liquor provable by purchaser thereof.

44. The evidence of any person shall be admitted in proof of unlawful sale of liquor, although he may have himself purchased the same, and such evidence, if otherwise good, shall be sufficient to support a conviction for such offence.

Persons deemed unlicensed if not producing license.

45. In all proceedings against any person for selling or allowing to be sold any liquor without a license, such person shall be deemed to be unlicensed unless he shall at the hearing of the case produce his license.

Prima facie evidence of unlicensed premises.

The fact of any person, not being a licensed person, keeping up any sign, writing, painting, or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that any is sold or served therein, or of there being on such premises more liquor than is reasonably required for the use of the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person.

Forging, counterfeiting license, &c., felony.

46. Every person shall be guilty of felony who shall forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, any license, or any seal or signature to any license, or shall use or tender in evidence any such forged, counterfeited, or

altered license or seal or signature, knowing the same to be forged, counterfeited or altered.

47. If any licensed person permits drunkenness or any violent, quarrelsome, riotous conduct take place on his premises, or sells any liquor to any person already in a state of intoxication, or by any means encourages and incites any person to drink, he shall be liable to a penalty not exceeding for the first offence, twenty pounds, and not exceeding for the second or any subsequent offence, fifty pounds.

Penalty for permitting drunkenness.

48. Every house for which a publican's licence shall be granted, shall be considered as a common inn, and no goods or chattels whatsoever bona fide the property of any lodger or stranger, and being in such licensed house or the appurtenances thereof, or any place used and occupied therewith in the ordinary course of resort at such licensed house, shall be subject to be distrained or seized for or in respect of any claim of rent for such licensed house or appurtenances or in respect of any other claim whatsoever against the said house or appurtenances, or the owner thereof.

Protection of property of guests.

49. If any such goods or chattels shall be distrained or seized for rent or in any other manner contrary to the provisions of this Ordinance it shall be lawful for the police magistrate or any two justices to inquire into any complaint made in such respect in a summary manner and to order such goods or chattels to be restored to the owner or proprietor thereof, and to order the payment of such reasonable costs as shall be incurred by such summary proceedings.

Remedy in case of distress.

50. No publican shall be liable to make good to any lodger or guest any loss of or injury to goods or property brought to his licensed premises to a greater amount than the sum of thirty pounds, except in the following cases, that is say :

Limit of liability of landlord for property.

(1.) Where such goods or property shall have been stolen, lost, or injured through the wilful act, default, or neglect of such licensee, or any servant in his employ.

(2.) Where such goods or property shall have been deposited expressly for safe custody with such licensee :

Provided always, that in the case of such deposit it shall be lawful for such licensee, if he think fit to require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

51. No claim for money lent or goods sold to any lodger or customer shall be recoverable by any publican before any magistrate or court.

Money lent to lodgers or customers, not recoverable by law.

52. Every licensed publican is required to provide suitable accommodation with bed and board for at least one traveller, under a penalty of five pounds for every default.

To provide accommodation for at least one traveller.

53. All licensed publicans shall be liable upon the order of the Governor or of the police magistrate confirmed by the Governor to act as special constables and warders of the gaol and to perform all duties necessary for the preservation of order and in the aid of the administration of justice as shall be required of them, under a penalty of five pounds for each neglect, omission or default.

Licensed publicans to act as special constables and warders of the Gaol.

54. No publican's retail license shall be issued to any person, until an accurate description of the premises in writing with a diagram or plan of the same attached thereto, shall have been furnished by the applicant, and approved by the police magistrate and the Colonial Secretary, and should the description so furnished by such applicant be found to be false or inaccurate, the party making such false or inaccurate statement shall be liable to a penalty of ten pounds, and shall also forfeit any license which have been granted to him by reason of such false or inaccurate description.

Accurate description of premises to be given.

The description given by the applicant shall in all cases be endorsed on or embodied in the license.

55. If any person holding any retail license as aforesaid shall be desirous of removing from the premises described in the license, to any other premises or of altering the bar, or external doors or premises, it shall be lawful for the police magistrate and the Colonial Secretary to authorise such removal or alteration should they see fit :— provided that all the conditions of the last preceding section be first complied with :— Provided also that objections to the removal of any license, may be made in manner provided herein in respect to objections to the granting of licenses.

Change or alteration of premises.

56. No publican's retail license shall be transferred to any person except with the consent in writing of the police magistrate and the Colonial Secretary, and on the production by the person to whom the license is proposed to be transferred, of a certificate of good character and fitness as provided in Section 9 of this Ordinance.

Transfer of retail licenses.

57. Where any person holding a publican's retail license, employs any other person as his manager or agent, such manager or agent must first be approved by the

Managers or agents to be approved.

police magistrate and the Colonial Secretary, which approval must be in writing, signed by them, and the name of such manager or agent must be endorsed upon the license.

Any person acting in contravention of this section shall be liable to a penalty of ten pounds for every breach thereof.

Provision in case of the death of licensee.

58. In case of the death of any person holding a publican's retail license, his widow or any executor or administrator, or person appointed by them may, if approved by the police magistrate and the Colonial Secretary, carry on the business of the deceased on the licensed premises until the expiration of the license. Provided always that such approval must be endorsed upon the license and be signed by the police magistrate and the Colonial Secretary.

Governor or Justices may order licensed houses to be closed.

59. It shall be lawful for the Governor, the police magistrate, or any two justices of the peace, when any riot, tumult, breach of the peace or disorderly conduct shall happen, or be expected to take place, to order any person holding a publican's retail license or transfer thereof to close his house at any time which the Governor, the police magistrate, or the justices shall direct: and if any such licensed person shall keep his house open during such time he shall pay a fine not exceeding one hundred pounds.

Magistrate or constable may enter and search.

60. It shall be lawful for any justice or constable from time to time, and at all times by day or night to enter and search any house or premises licensed as aforesaid; and if any person shall cause any unnecessary delay in giving admission to such justice or constable, or to any justice either alone or with any constable, entering any unlicensed house as hereinafter mentioned, or any person duly executing a warrant to search any unlicensed house, as hereinafter mentioned, or shall obstruct or use any abusive language or conduct towards such justice or constable duly searching in compliance with this Ordinance such person shall pay a fine not exceeding twenty pounds.

Persons obstructing.

Searching unlicensed houses.

61. Upon reasonable cause of suspicion that any liquor is in or upon any house, premises, vessel or boat, which has been illegally sold, or is there for the purpose of illegal sale, or that any person is there illegally purchasing liquor, it shall be lawful for any justice, alone or with any constable or constables, to enter and search any such house, premises, vessel, or boat, or any part thereof, at any hour; and it shall be lawful for any justice to grant a warrant to search any such house, premises, vessel or boat, and such justice either alone or with any constable or constables, or such person to whom such warrant may be addressed shall and may seize and remove to the police office all such liquor, together with the casks or bottles and packages containing the same as shall be found there, and shall and may arrest any person found there illegally purchasing or selling liquor; and the justice before whom the case shall be heard shall in addition to any fine which he may impose, declare such liquor, together with the casks or bottles and packages containing the same, to be, and the same shall thereupon be forfeited to the use of Her Majesty, unless the defendant shall prove that such liquor was not illegally sold, or there for the purpose of illegal sale.

Constable may stop any person removing liquor.

62. If any person shall knowingly remove or convey any liquor for the purpose of being, or that shall have been illegally sold, he shall pay a fine not exceeding fifty pounds; and it shall be lawful for any constable to stop any person conveying in any manner any liquor, and if such person shall not upon request satisfy the constable that such liquor has not been illegally removed or sold as aforesaid, to detain and convey such person and liquor, together with the packages, before any justice, and to seize and take into his possession the horse, cart, boat, vessel, or other conveyance used in removing the same; and if such person shall not upon the hearing of the information, prove to the satisfaction of the justice that such liquor had not been illegally removed or sold as aforesaid, the justice shall declare the same to be, and the same shall be forfeited to Her Majesty, as well as the horse, cart, boat, vessel or other conveyance, if any, used in removing the same.

Forfeiture of license for felony, &c.

63. If any licensed person shall be convicted of felony, perjury, infamous offence, or misdemeanour followed by sentence of imprisonment, he shall forfeit his license.

No licensed person to act as a justice.

64. No justice holding a license under this Ordinance shall act as a justice under any of the provisions of this Ordinance, under a penalty not exceeding fifty pounds.

Adulterating liquor.

65. If any licensed person shall mix or suffer to be mixed with any liquor any unwholesome ingredient, or shall receive or have in his possession an unwholesome ingredient with intent to mix the same with any liquor, he shall for such offence be liable to a penalty not exceeding one hundred pounds and also to forfeiture of his license, and all such unwholesome liquor and ingredients shall be destroyed.

Continuance of forfeited license to owners of premises in certain cases.

66. Where any licensed person is convicted of any offence, and in consequence either becomes personally disqualified or has his license forfeited, the police magistrate and the Colonial Secretary on the application by, or on behalf of, the owner of the

premises in respect of which the license was granted (where the owner is not the occupier) and upon being satisfied that such owner was not privy to, nor a consenting party to, the act of his tenant, and that he has legal power to eject the tenant of such premises, may by order authorise an agent to carry on the business of such premises until the end of the period for which such license was granted in the same manner as if such license had been formally transferred to such agent.

67. If any person holding a wholesale license, or transfer thereof, shall sell or suffer to be sold on his premises any liquor by retail, or if any person holding a retail license or transfer thereof, shall directly or indirectly, sell or suffer to be sold in or upon his house or premises at one time to one person any quantity of liquor amounting to or exceeding two gallons, he shall for such offence pay a fine not exceeding fifty pounds; and upon a second conviction the justice shall, in addition to a fine, declare his license or the transfer thereof to be, and the same shall thereupon be forfeited and void. Provided always that it shall be lawful for persons holding both wholesale and retail licenses to sell liquor either by wholesale or retail on the same premises.

Penalty on persons holding a wholesale license selling by retail, or retailer selling by wholesale.

Proviso.

68. Nothing in this Ordinance contained shall extend or be construed to prevent any employer from supplying liquor, without license to shepherds and other persons employed on stations or places at a distance of not less than six miles from Stanley, or from any other township which may hereafter be proclaimed. Provided always that such liquor shall be procured from some person duly licensed to sell liquor within this Colony.

Supply of liquor without license by employers to persons employed by them in certain districts.

69. The Governor may appoint any proper persons to be inspectors of licensed premises (herein called "Inspectors") and may remove any such person and supply any vacancy thereby or otherwise occurring. The Chief Constable shall by virtue of his office be an inspector of licensed premises under this Ordinance.

Governor to appoint inspectors.

Chief Constable to be ex officio Inspector.

70. Every inspector of licensed premises shall have all the powers, duties, and authorities of an inspector of nuisances.

Inspectors to have the powers, &c., of Inspectors of Nuisances.

71. It shall be the duty of the inspectors to enforce and superintend the carrying out of this Ordinance in every respect.

Duties of Inspectors.

72. Any inspector may at all times during business hours, and after such hours for reasonable cause, enter on any premises licensed under this Ordinance and may examine every room and part of such premises, and take an account of all liquor therein, and may demand, select, and obtain any samples of liquor which may be in such house or premises, and on paying or tendering payment for such samples of liquor may remove the same for the purpose of analysis or otherwise. If any licensed or other person in charge of any premises refuses or fails to admit any inspector demanding to enter in pursuance of this section, or refuses to permit any inspector to select or obtain such samples, or refuses or fails to furnish him with such light or assistance as he may require, or obstructs such inspector or causes or permits him to be obstructed or delayed in the discharge of his duty, such licensed or other person shall be liable to a fine not exceeding twenty pounds.

Inspectors may enter premises and search for adulterated drink.

Penalty for obstructing Inspector.

73. All prosecutions under this Ordinance for penalties, fines, or forfeitures shall be commenced within six calendar months after the same shall have been incurred, and shall and may be recovered in a summary manner before the Police Magistrate or any two justices of the peace.

Summary jurisdiction for recovery of penalties.

74. All forfeitures shall be sold or otherwise disposed of in such manner as the magistrate or justices making the order may direct, and the proceeds of such sale or disposal (if any), and all fees, fines, and penalties imposed by this Ordinance shall be paid to the Colonial Treasurer for the use of the Government.

Application of fines, penalties, &c.

75. The court committing any person to prison for non-payment of a penalty under this Ordinance may order him to be imprisoned with hard labour.

On committal, hard labour may be added.

76. The description of any offence under this Ordinance in the words of such Ordinance, or in similar words, shall be sufficient in law. Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Ordinance, may be proved by the defendant, but need not be specified or negatived, in the information: and if so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Description of offence in words of Ordinance sufficient.

Excuse, exception, &c.

77. No conviction or order made in pursuance of this Ordinance relative to any offence, penalty, forfeiture, or summary order shall be quashed for want of form, or be

Conviction not to be quashed for want of form.

No certiorari.

removed by certiorari or otherwise, either at the instance of the Crown or of any private party, into any superior court. Moreover no warrant of commitment in any such matter shall be held void by reason of any defect therein. Provided that there is a valid conviction to sustain such warrant, and it is alleged in the warrant that the party has been convicted.

Repeal of certain Ordinances.

78. The following Ordinances are hereby repealed, viz.: The Spirit License Ordinance, 1853, No. 9. The Spirit License Amendment Ordinance, 1868, No. 2. The Supplementary Spirit License Ordinance, 1869, No. 3; and the Spirit License Amendment Ordinance, 1876, No. 4, are hereby repealed.

Short title.

79. This Ordinance may be shortly cited as "The Licensing Ordinance, 1882."

(Signed) T. KERR, *Governor*.

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

H. F. BLISSETT, *Acting Clerk to the Council*.

No. 1.—*Publican's Retail License*.

WHEREAS A B of _____ hath deposited in this office a certificate as required by the 9th section of the Licensing Ordinance, 1882, and hath applied for (*or the renewal of*) a Publican's retail license for the premises known as _____ situate in (*here describe the locality*), and whereas the said A B has paid the sum of _____ sterling as the fee on such license. Now I by virtue of the powers vested in me by the said Ordinance do hereby license the said A B to sell liquors according to law on the aforesaid premises but not elsewhere. This license commences on the _____ day of _____ next (*or instant*), and shall continue in force until the _____ day of _____ now next ensuing, both days included, provided it be not forfeited in the meantime.

Given under my hand and seal at Stanley this _____ day of _____ 18
C. D., *Colonial Treasurer*.

No. 2.—*Billiard Table License*.

WHEREAS A B of _____ hath deposited in this office a certificate as required by the 9th section of the Licensing Ordinance, 1882, and hath applied for (*or the renewal of*) a billiard table license for the premises known as _____ situate in (*here describe the locality*). And whereas the said A B hath paid the sum of _____ sterling as the fee on such license. Now I by virtue of the powers vested in me do hereby license the said A B to keep, set up, and maintain billiard (*or bagatelle*) tables not exceeding _____ in number in the said house or rooms but not elsewhere, and to allow such tables to be used during the hours sanctioned by law. This license commences on the _____ day of _____ next (*or instant*) and shall continue in force until the _____ day of _____ next ensuing, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand and seal at Stanley this _____ day of _____ 18
C. D., *Colonial Treasurer*.

No. 3.—*Packet License*.

WHEREAS A B of _____ being the master or commander of the passenger steamer (*if any other kind of vessel describe it*) _____ conveying passengers in the Colony of the Falkland Islands _____ (or between _____ in the Colony of the Falkland Islands and _____) hath deposited in this office the certificate required by the 9th section of the Licensing Ordinance, 1882. And whereas, the said A B hath paid the sum of _____ sterling as the fee on such license. Now I by virtue of the powers vested in me, do hereby license the said A B to sell liquors to any passenger on board such vessel during her actual passage between the said places. This license commences on the _____ day of _____ next (*or instant*) and shall continue in force until the _____ day of _____ now next ensuing, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal at Stanley this _____ day of _____ 18
C. D., *Colonial Treasurer*.

No. 4.—*Wholesale License*.

WHEREAS A B hath paid the sum of _____ sterling, being the fee for a wholesale liquor license. Now I by virtue of the powers vested in me by the 13th section

of the Licensing Ordinance 1882, do hereby license the said A B to sell liquor in any quantity not less than two gallons. This license commences on the day of next (*or instant*) and shall continue in force until the day of now next ensuing, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal at Stanley this day of 18
C. D., *Colonial Treasurer.*

73.

Naturalisation Ordinance.

In the year 1882.—No. 12.

WHEREAS Berndt Herder Hendricksen, a native of Sweden, and Andrew Julius Winther, a native of Denmark, both of whom are at present domiciled in this Colony, have prayed that they the said Berndt Herder Hendricksen, and Andrew Julius Winther, may be admitted to enjoy the privileges of British-born subjects.

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council, as follows:— Preamble.

1. The said Berndt Herder Hendricksen, and Andrew Julius Winther, when and so soon as they shall have taken the Oath of Allegiance before the Governor, which Oath the Governor is hereby authorized 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. Oath of Allegiance to be administered.

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. Certificate to be recorded.

(Signed) T. KERR, *Governor.*

Passed the Legislative Council this first day of December, One thousand eight hundred and eighty-two.

H. F. BLISSETT, *Acting Clerk to the Council.*

74.

An Ordinance to amend the Pilot Ordinances.

In the year 1882.—No. 13.

WHEREAS the Governor is empowered by the Pilot Ordinances, No. 5, of 1871, and No. 1, of 1878, to make Harbour Regulations, and whereas no provision is made in the said Ordinances for the punishment of persons acting in contravention of the said Harbour Regulations. Preamble.

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. Any person acting in contravention of any of the provisions of the above recited Pilot Ordinances, or of any of the regulations made by the Governor under the authority of the same, for which no penalty is provided in the said recited Ordinances, shall be liable for a first offence to a penalty not exceeding Ten pounds, and for a second or any subsequent offence to a penalty not exceeding Fifty pounds. Penalty.

2. All penalties incurred under the provisions of the said recited Ordinances or of this Ordinance may be recovered before any two Justices of the Peace, or before a Police Magistrate on the complaint of the Harbour Master or his lawful Deputy. Penalties, how to be recovered.

(Signed) T. KERR, *Governor.*

Passed the Legislative Council this first day of December, One thousand eight hundred and eighty-two.

H. F. BLISSETT, *Acting Clerk to the Council.*

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