

## BRITISH LETTERS PATENT OF 1908 AND 1917 CONSTITUTING THE FALKLAND ISLANDS DEPENDENCIES

[The following are the texts of the two Letters Patent defining the boundaries of the Falkland Islands Dependencies. They are reprinted here in view of the current political interest in this area. Some confusion has arisen owing to misrepresentation of the wording of these documents. The Letters Patent of 1908 made provision for the government of certain *specified land areas* lying between specified latitudes and longitudes. No claim was made to jurisdiction over the High Seas within these boundaries; still less was any claim made to that part of South America which lies to the south of latitude 50° S. The Letters Patent of 1917 defined the area more precisely in order to avoid this ambiguity. All subsequent British legislation for the administration of these Dependencies is based on the authority of these two documents.]

### LETTERS PATENT OF 21 JULY 1908

BRITISH LETTERS PATENT appointing the Governor of the Colony of the Falkland Islands to be Governor of South Georgia, the South Orkneys, the South Shetlands, the Sandwich Islands, and Graham's Land, and providing for the Government thereof as Dependencies of the Colony.—Westminster, July 21, 1908.<sup>1</sup>

EDWARD the Seventh, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these Presents shall come, Greeting.

Whereas the group of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the territory known as Graham's Land, situated in the South Atlantic Ocean to the south of the 50th parallel of south latitude, and lying between the 20th and the 80th degrees of west longitude, are part of our Dominions, and it is expedient that provision should be made for their government as Dependencies of our Colony of the Falklands;

1. Now We do hereby declare that from and after the publication of these our Letters Patent in the Government "Gazette" of our Colony of the Falkland Islands the said group of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the said territory of Graham's Land shall become Dependencies of our said Colony of the Falkland Islands.

2. And we do hereby further declare that from and after such publication as aforesaid the Governor and Commander-in-Chief of our Colony of the Falkland Islands for the time being (hereinafter called the Governor) shall be the Governor of South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the territory of Graham's Land (all of which are hereinafter called the Dependencies); and we do hereby vest in him all such powers of government and legislation in and over the Dependencies as are from time to time vested in our said Governor in and over our Colony of the Falkland Islands, subject, nevertheless, to any instructions which may from time to time be hereafter given him under our Sign Manual and Signet, or through one of our Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in the said Dependencies.

3. In the event of the death or incapacity of the Governor, or in the event of his absence from our Colony of the Falkland Islands otherwise than for the purpose of visiting the Dependencies, the officer for the time being administering the government of our said Colony shall be Governor for the time being of the Dependencies.

4. There shall be an Executive Council for the Dependencies, and the said Council shall consist of such persons as shall from time to time constitute the Executive

<sup>1</sup> Published in the *Falkland Islands Gazette*, 1 September 1908; and in *British and Foreign State Papers*, 1907-08, Vol. 101 (London, 1912), pp. 76-77.

Council of our Colony of the Falkland Islands; and the said Council shall exercise the same functions in regard to all matters arising in connection with the Dependencies as are exercised by the Executive Council of our Colony of the Falkland Islands in regard to matters arising in connection with our said Colony.

5. It shall be, and shall be deemed always to have been, competent for the Governor, by and with the advice and consent of the Legislative Council of our Colony of the Falkland Islands, to make laws for the peace, order, and good government of the Dependencies.

6. The Governor is, and shall be deemed always to have been, authorised and empowered to make and execute, in our name and on our behalf, grants and dispositions of any lands which may lawfully be granted or disposed of by us within the Dependencies, either in conformity with instructions under our Sign Manual and Signet, or through one of our Principal Secretaries of State, or in conformity with such laws as may from time to time be in force in the Dependencies.

7. We do hereby reserve to us, our heirs and successors, full power and authority from time to time to revoke, alter, or amend these our Letters Patent as to us or them shall seem meet.

8. The Governor shall cause these our Letters Patent to be published in the Government "Gazette" of our Colony of the Falkland Islands, and the same shall thereupon come into force.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, this 21st day of July, in the eighth year of our reign.

By Warrant under the King's Sign Manual  
[Signed] MUIR MACKENZIE

#### LETTERS PATENT OF 28 MARCH 1917

LETTERS PATENT, passed under the Great Seal of the United Kingdom, providing for the further Definition and Administration of certain Islands and Territories as Dependencies of the Colony of the Falkland Islands. [Dated 28th March 1917.]<sup>1</sup>

GEORGE the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India: To all to whom these Presents shall come, Greeting.

WHEREAS doubts have arisen as to the limits of the groups of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the territory of Graham Land otherwise known as Graham's Land; and whereas it is expedient that provision should be made for the government, not only of these islands and territory but also of certain other of Our islands and territories adjacent thereto as Dependencies of Our Colony of the Falkland Islands:

1. Now We do hereby declare that from and after the publication of these Our Letters Patent in the Government Gazette of Our Colony of the Falkland Islands, the Dependencies of Our said Colony shall be deemed to include and to have included all islands and territories whatsoever between the 20th degree of West longitude and the 50th degree of West longitude which are situated south of the 50th parallel of South latitude; and all islands and territories whatsoever between the 50th degree of West longitude and the 80th degree of West longitude which are situated south of the 58th parallel of South latitude.

2. And We do hereby vest in the Governor and Commander-in-chief of Our Colony of the Falkland Islands all such powers and authorities in and over the lands hereby

<sup>1</sup> Published in the *Falkland Islands Gazette*, 2 July 1917; and in *British and Foreign State Papers*, 1917-18, Vol. 111 (London, 1921), pp. 16-17.

included in the Dependencies of Our said Colony as are exercised by him over the Dependencies in virtue of certain Letters Patent bearing date at Westminster the Twenty-first day of July 1908.

3. We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter or amend these Our Letters Patent as to Us or them shall seem meet.

4. The Governor shall cause these our Letters Patent to be published in the Government Gazette of Our Colony of the Falkland Islands and the same shall thereupon come into force.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster the Twenty-eighth day of March in the Seventh Year of Our Reign.

By Warrant under the King's Sign Manual.  
[Signed] SCHUSTER

### SOUTH AFRICAN PROCLAMATION ON THE PRINCE EDWARD ISLANDS, JANUARY 1948

[The following is the text of a Proclamation recorded in the South African *Government Gazette Extraordinary* for 30 January 1948.]

#### "OFFICE OF THE PRIME MINISTER AND DEPARTMENT OF EXTERNAL AFFAIRS

No. 248.

30 January 1948

#### GOVERNMENT NOTICE

"The following Proclamation was promulgated at the Prince Edward Islands on the 24th January, 1948, and is now published for general information:

No. 12, 1948.

#### PROCLAMATION

By His Excellency the Right Honourable Gideon Brand van Zyl, a Member of His Majesty's Most Honourable Privy Council, Governor-General of the Union of South Africa.

#### PRINCE EDWARD ISLANDS

"Whereas the National Flag of the Union of South Africa was hoisted by the Commander of His Majesty's South African Frigate *Transvaal* on Marion Island, situate latitude 46° 53' S., longitude 37° 45' E., on the 29th December 1947, and on Prince Edward Island, situate latitude 46° 36' S., longitude 37° 57' E., on the 4th January, 1948;

"And whereas effective occupation and administration of the said Islands by His Majesty's Government in the Union of South Africa were established as from the aforesaid dates and will continue permanently;

"Now, therefore, by virtue of the powers vested in me by Section *six* of the Royal Executive Functions and Seals Act, 1934, I do hereby proclaim and declare that His Majesty's sovereignty over Marion Island and Prince Edward