

An Act to prevent Burning or Breaking of Canes

1702-06-13, Montserrat

Transcription

Be it and it is hereby Enacted and Ordained by his Excellency the General and Governor in Chief in and over her Majestys Charibbee Leeward Islands the Honourable the Lieutenant Governor Council and Assembly of the said Island of Montserrat that if any person whatsoever White or Black shall presume to carry and fire, Torches [19] or Smoak Tobacco through any Canes Paths or Ranges on either Side of which Canes are Planted (if a White shall forfeit for each time he or she shall offend five shillings the one Moiety to the Poor of the Parish the other to him or them that shall inform to be recovered immediately by a Warrant from the next Judge Justice of the Peace or Assistant of Court or Courts who are hereby Empowered to grant the same directed to the Constable for Levying the said Fine and if a black he shall Suffer a Severe Whipping not exceed Thirty nine Lashes.

And if by their or any of their carrying Fire or Smoaking Tobacco through Canes Paths or Ranges as aforesaid any Canes Shall happen to be burnt then and is such Case the party who shall be a sufferer Shall have his Damages Viewed by the next two Freeholders and accordingly shall on their Report under their hands and by the Oath of one or both of them recover in any Court of Record within this Island the full Value of the Damages so Reported to be done that is to say from a White if free of a Servant or black there from the owner and if the Damages appear to be more than the said Servants time or Negro shall be worth then it shall be at the Election of the Proprietor of said Servant or Slave either to pay the Damages or deliver up his right and Title in either to him or them whose Canes were so burnt together with all Costs and Charges he or she shall be at in executing the same any Law Usage or Custom to the contrary in any wise notwithstanding.

And in as much as many or most of the Inhabitants through Covetousness or Some other Evil ends do not leave sufficient distance or Ranges betwixt their's and their Neighbours Canes on the borders or bounds of their respective Plantations whereby Several times Damage is done by Fire: Be it and it is hereby Enacted by the Authority aforesaid that on the Bounds or Borders of all Plantations within this Island where Canes are or shall be planted that there shall be a Range of ground left to consist of thirty five feet in breadth at the least whereof the windermost Plantation must allow twenty foot to windward of the Line or mark Trees and the Leeward fiveteen foot And least the said Portion or allowance of ground Should be too little to prevent Fire it is further Enacted that when and as often as there shall be occasion for burning the ground or Trash on either side or the bounds or Line then the party that shall have occasion to Fire or burn his ground shall give the other twenty four hours warning or Notice before hand at the least to the end all dangers may be prevented.

And it is likewise Enacted and Ordained that where any Canes shall be burnt Joyning to the Bounds of any Plantation or Plantations and the said Range or Distance of Ground not left or warning not given then all Damages Sustained shall be born and made good [remainder of line obscured by crease] of his or their neglect or nonperformance of either to be recovered in any Court of Record within this Island And to the end the said Damages may be ascertained, Be it enacted that the same Shall be Valued and appraised by two freeholders of the Parish where it shall so happen upon whose Estimate or Report under their hands together with the Oath of one or both of them the Judgement Shall be grounded Provided that this Clause shall not be in force or take its due Effect in any place or places where Canes are planted within the bounds aforesaid until they shall be ripe or cut off.

And it is hereby Enacted and Ordained that where any White shall be taken or found breaking a Cane or Canes in any Plantation within this Island he she or they shall immediately forfeit and pay ten Shillings one half to the owner or Informer the other half to the Poor of the Parish to be recovered after the same manner as a Fine for carrying Fire through Canes is by this Act and if the said white shall not have whereon to Levy the said Fine then he or she shall be whipt on the bare back, not exceeding Twenty Lashes and where any Negro or Slave shall be caught or found doing the like he or she shall suffer a Severe whipping not exceeding Thirty Nine Lashes and when any black shall be seen breaking of Canes as aforesaid and will not Stand to be caught or taken then it shall be lawful for the Owner of the Canes or any other Person or person whatsoever to use all possible means to take them and if in pursuit it Shall so happen that any Negro shall be wounded or killed, there shall no remedy or satisfaction be made for the same any Law Usage or Custom to the contrary in any wise notwithstanding. Dated in Montserrat the thirteenth of June in the first Year of the Reign of our Sovereign Lady Anne Anno Domm: 1702.

Jos. Littell Speaker

Signed Chr. Codrington

Confirmed by Her Majesty in Council the Eighth Day of May 1703.

By Order of the Lords Commissioners for Trade and Plantations } A True Copy Examined

Edward [?] Popple, Secretary

Whitehall September 26: 1724

[20]

Montserrat September the 4th 1725. Published by Order of the Lieutenant Governor & Council

John Hartt

D. P. Marshall

Recorded the foregoing Act by Order of the Honourable the Lieutenant Governor and Council (Intituled an Act to prevent burning or Breaking of Canes) and is a true Copy taken and Examined from a Copy sent from the Lords Comissioners for Trade and Plantations and under the Seal of the Office

Mountserratt December 16: 1725.

Geo. Ffrench Jun. D. Secretary

Citation

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