

An ACT to establish Courts of Petty Sessions at stated times, for the Trial by Jury of Runaway or other Slaves in custody of the Provost Marshal, for Crimes under any of the Laws of this Island now existing, or hereafter to exist, for regulating, and in some instances varying their Punishment, as established by Laws now in force; for the more speedy Trial of Slaves committed for Misdemeanors or Petty Offences, by Justices of the said Court without a Trial by Jury; and to enable the Justices of the Courts of King's Bench and Grand Sessions of the Peace, immediately on the termination of their Sessions, to hold Courts of Petty Sessions for the Trial or Gaol Delivery of Slaves then in Custody of the said Marshal, and for other purposes connected therewith.

Preamble.

WHEREAS the irregular and frequent non-attendance of justices of the peace summoned to hold courts of special sessions under the laws of the Island now in force, has frequently occasioned great delay in bringing slaves committed for crimes or other offences to speedy trial, and considerable loss and expense to their owners, by paying burthensome gaol fees, and the loss of their labour: Therefore, and for remedy whereof, We, Your Majesty's loyal and obedient subjects the Governor in chief of this Your Majesty's Island of Dominica, the Council and Assembly of the same, do most humbly pray Your most Excellent Majesty that it may be enacted and ordained,—

Clause 1. And be it and it is enacted and ordained by the authority of the same, That a court of petty sessions hereby established, shall be holden the first Wednesday of April, June, October and December in every year, at the court-house in the town of Roseau, at the hour of ten o'clock in the forenoon of each day, and of any succeeding day by adjournment, not exceeding three days; which court shall consist of five justices of the peace, and not more, at each sitting, whereof, three if present, shall form a quorum, or number competent to hold a court and transact the business thereof; and the said court of petty sessions is hereby declared to be a court of record in the said Island to all intents and purposes, and shall meet and sit
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as aforesaid without any commission or public notice being necessary for holding the same, or any particular form to qualify the justices to sit thereat, and the provost marshal of the said Island, or person acting for him, shall summon or cause to be summoned five justices of the peace, as near as may be in rotation, residing in the town of Roseau, the parishes of St. George, St. Paul, St. Joseph, St. Luke and St. Patrick, by giving them seven days notice of the holding of such court, to attend which they are respectively summoned; and the said provost marshal shall summon twelve jurors to attend the said court, and also witnesses when required, by giving each of them the like previous notice for that purpose, of which jurors, six shall be sufficient to form a jury in the said court on the trial therein of causes then depending.

Clause 2. And be it, and it is hereby enacted and ordained by the authority aforesaid, That the said court of petty sessions is hereby authorized and required to inquire into, try or determine all such complaints, matters or things, and to bring to trial all and every such slaves respectively, as shall be brought before the same, of and concerning, or for all such crimes or offences as the said court is or shall or hereafter may be authorized to try, examine, or inquire into and determine by virtue of powers granted to justices of the peace, or courts of special sessions under any of the present or future laws of this Island, and shall be attended at each sitting by the proper officers; namely, His Majesty's attorney general, the secretary, marshal, coroner, and interpreter, who are bound to be present at, or who have usually attended courts of special sessions heretofore.

Clause 3. And be it, and it is hereby enacted and ordained by the authority aforesaid, That if any of the said justices shall not attend on the day appointed in the said summons, the absence of such justice shall, within twenty-four hours after the day specified for holding the said court, be reported in writing by the provost marshal, or person acting for him, to the chief justice of this Island, or in his absence therefrom, to the senior member of His Majesty's council on the Island, who shall forthwith make an order on such report to the provost marshal, directed in writing, to require such absenting justice or justices of the peace to attend the said chief justice or senior member of the council, at the place therein named, on any day therein specified, between five and within ten days after the date of such order, to account, or give a reasonable excuse for the cause of his or their absence; and if such account or excuse shall not appear satisfactory to the said chief justice, or in his absence to the senior member of the council, or if the said absenting justices, or any of them, shall not attend, then the said chief justice, or senior member of the council, shall and he is hereby empowered and required to impose a fine on such absenting justice or justices for such his or their absence, not exceeding ten pounds nor less than five, current money, and thereupon to issue his order or warrant in writing directed to the provost marshal to levy such fine on the goods and chattels of such absenting justice or justices of the peace, in the same manner that fines imposed by the courts of King's Bench and grand sessions of the peace are generally levied and applied for the benefit of this island, according to the one hundred and thirty-eighth clause of the act of this Island, commonly called the Court Act: Provided always, that it shall and may be lawful for such justice or justices of the peace so fined as aforesaid, to appeal from such order of the said chief justice or senior member of the council, to the Governor or Commander in chief of this Island, who is hereby authorized, on considering the same, to confirm the said order, or to remit or mitigate the fine thereby imposed.

Clause 4. And be it, and it is hereby enacted and ordained by the authority aforesaid, That when any cause, complaint, commitment, matter or thing, shall be brought forward, instituted or depending in the said court hereby established, and shall not be disposed of or determined during the session or sitting thereof, by reason of the non-attendance of parties, jurors, or witnesses, or for any other cause, then the said court may, at the discretion thereof, and it is hereby authorized to adjourn or continue the same to the next session of the said court, and so on *toties quoties*, until the same shall be disposed of, or determined by the court; and where any slave or slaves, or other person or persons shall be brought before the said court for examination, or trial for or relative to offences not capital, or where such trial or examination shall not be completed or determined during the session of the court, then the said justices thereof in open court, or any justice of the peace in consequence of or pursuant

DOMINICA.

suant to any order of the court, may out of court discharge such slave or slaves or other person or persons from the custody of the provost marshal, or of any constable (the marshal or constable being first satisfied for his lawful fees, if any are due) on bail being given and entered into by recognizance, in a sum to be fixed by the said court for the appearance of such slave or slaves, or other person or persons, at the then next sitting of the court; which recognizance, if the court shall determine it forfeited for non-compliance with the condition thereof, shall and may be prosecuted in the court of common pleas, in the same manner as forfeited recognizances returnable in the court of king's bench, and grand sessions of the peace are prosecuted, recovered, and the money levied or paid for the benefit of the Colony into the public treasury thereof; and to that end, all recognizances entered into or taken by virtue of this Act, shall before the next sessions of the court after it was returnable, if adjudged forfeited, be filed with the secretary of the said court, and due notice thereof be given by the said secretary, within three days afterwards, to His Majesty's attorney or solicitor general, in order that the same may be sued for, and the penalty recovered and applied as aforesaid; and all witnesses or jurors duly summoned as aforesaid not attending, or not giving a good and lawful reason or excuse at the next session for not attending, to be judged by the court; and all jurors who shall depart the court without the leave of the court, shall for each default, without a reasonable excuse, forfeit as a fine the sum of five pounds current money: but the court may nevertheless, during the sitting of the same, mitigate or wholly remit any fine whatever imposed by the court, but not afterwards, which fine shall be levied and recovered by a warrant or order issued by the authority of the said court, and signed by the secretary of the said court, directed to the provost marshal, and shall be applied as above directed when actually received by the said provost marshal.

Clause 5. And be it, and it is hereby enacted and ordained by the authority aforesaid, That it shall and may be lawful for the justices of every court of king's bench and grand sessions of the peace, hereafter to be holden for the said Island, as soon after the termination of the business before the said last-mentioned court as may be, but not before the final close of the session; and they are hereby authorized and required to adjourn the last-mentioned court, and to form themselves into a court of petty sessions and gaol delivery of and for the trial, punishment, or release of all and every slave and slaves, person or persons then confined in gaol, or in custody, or present in court, in consequence of being bailed for any of the offences aforesaid, cognizable by the court under this Act, and by a petty jury of six persons taken by ballot out of the number of jurors summoned for the common business of the said court of king's bench and grand sessions of the peace, in the same manner and to the same extent as the justices of the court of petty sessions hereby established, are authorized to proceed in similar cases; and the said court so adjourned into a court of petty sessions, is hereby empowered and authorized to make all such rules and regulations in and for the more orderly, regular, or speedy proceedings of or in the said court, or by or of the officers thereof, as they shall deem necessary for effecting the purposes of this Act, or any of them, as well when the said court shall be holden by or before them, as by or before the said justices of the peace at their sittings or sessions aforesaid, by virtue of this Act, and to alter or amend the said rules or regulations as they shall deem necessary for effecting the purposes of this Act, or any of them, or the furtherance of justice in the said court; which rules and regulations shall be as valid and binding in law as if made part of this Act, and inserted in the body thereof.

Clause 6. And be it, and it is hereby enacted and ordained by the authority aforesaid, That in all causes or cases of slaves brought to trial before the said courts, for crimes, offences or misdemeanors, where, on conviction thereof, the person or persons so convicted, would by law be liable to be sentenced to be banished from the Island, or to suffer imprisonment, or some corporal punishment authorized by law, it shall and may be lawful for the said courts, and they are hereby authorized, by the judgment or sentence thereof, to vary or mitigate such mode of punishment, or part thereof, and to order the party so convicted to be punished, in lieu thereof, by solitary confinement in any place now or hereafter to be appointed for the solitary confinement of slaves; or by being put, by way of correction, to work and labour with the gaol gang of slaves usually worked and employed in or about the town of Roseau, for such a length of time as the said court shall think fit, but in no case longer than twelve months, and the gaol fees of such slave or slaves to be charged to the Colony.

And

Assemblies.] TREATMENT OF SLAVES IN THE COLONIES. 39

Clause 7. And be it enacted by the authority aforesaid, That sixty copies of this Act be printed at the public expense, and that the treasurer do pay for the same.

DOMINICA.

Passed the Board of Council, this nineteenth day of August one thousand eight hundred and seventeen.

Arch^d Gloster, President.

F. H. Garraway, Act. Clk. of Council.

Passed the House of Assembly, this ninth day of September one thousand eight hundred and seventeen.

W^m Anderson, Speaker.

J. H. Newman, Clerk of Assembly.

Assented to, this ninth day of September one thousand eight hundred and seventeen.

Charles W. (Great Seal.) Maxwell.

Duly proclaimed in the town of Roseau, this tenth day of September one thousand eight hundred and seventeen.

Henry Trewo, Provost Mar. Gen.