

NEVIS.

No. 1.

Extract from a Letter from James Colquhoun, Esq. Colonial Agent for Nevis, to Earl Bathurst, dated 1st September 1826.

“ AS the enclosed Bill, although not signed by the Governor, has been passed by the Council and Assembly, and officially signed by the Speaker and Clerk of the Assembly, and by the Clerk of the Council, I take the liberty to transmit it to your Lordship, in the hope that it may be presented to Parliament, should any untoward circumstance prevent the receipt in due time, of the Bills intended to supersede it.”

NEVIS.

An Act to legalize the Marriages of Slaves in the Island of Nevis, to declare their property secured to them by Law; to render them competent witnesses under certain restrictions; to regulate proceedings at Law respecting them in Civil and Criminal cases; and further to ameliorate their condition.

WHEREAS the two branches of the Legislature of this your Majesty's Island of Nevis, have for some time past had under their most serious and anxious consideration the recommendation of your Majesty's Government relating to the Slave population, and more especially your Majesty's Royal Order in Council for improving the condition of the Slaves in Trinidad, and after having examined and viewed the subject in all its bearings, are humbly but firmly of opinion, that the pre-existing Laws of this Island may, by means of certain alterations and amendments, be rendered fully adequate to all the objects of those recommendations and of the said Order in Council, which can be pursued with due regard to the civil existence and welfare of these Colonies: Wherefore, and for the prudent and cautious attainment of those objects, may it please your Most Excellent Majesty, That it may be enacted, and be it and it is hereby enacted, by his Excellency the Captain General and Governor-in-Chief of your Majesty's Islands of Saint Christopher, Nevis, Anguilla, and the Virgin Islands, and the Council and Assembly of this Island of Nevis, and by the authority of the same, that from and after the expiration of three calendar months from the publication of this Act, and until Sunday markets may by Law be wholly abolished, in consequence of the improved condition of the Slave population in religion and morals, the markets holden on Sundays throughout the said Island shall be limited to the hour of eleven in the forenoon, and that the ringing of the usual ten o'clock church bell in the several parishes of this Island, or of any other bell or bells established or to be established for this purpose by the vestries of the said parishes respectively, shall be sufficient warning to all persons to prepare to depart from the said markets, and for all marketing to cease; and that from and after the hour of eleven of the clock on the Lord's day, if any person or persons whosoever shall publicly shew forth or expose to sale any article or articles whatsoever in any of the said markets, such article or articles shall and may be seized by any constable or other peace officer, and shall be forfeited and disposed of, either in part or in the whole, at the discretion of any Magistrate before whom the matter may be brought, after conviction of the offender, upon confession or by the oath of one credible witness, such offender having been duly summoned to answer for such offence; and in case the offender be a white or free person, such person shall moreover, on conviction as aforesaid, be fined in any sum not exceeding five pounds, or be imprisoned in the common gaol for any time not exceeding five days; and that a verbal summons of the party offending, by the constable or other peace officer,

Preamble.

Royal Order in Council, for improving the condition of Slaves in Trinidad, and recommendation of His Majesty's Government, relating to the Slave population, cited; and the pre-existing Laws of this Island, with certain alterations and amendments, alleged to be susceptible of being made adequate to the objects thereof.

Clause I.

Sunday markets partially abolished after the expiration of three calendar months from publication of Act, and to cease at eleven o'clock in the forenoon of the Lord's day.

Articles exposed to sale after that hour forfeited.

Penalty of £5 on party offending, if a white or free person.

to appear before any Magistrate on the Monday following, shall be deemed and taken to be a sufficient summons.

2. After the expiration of three calendar months from publication of Act, no shop, &c. to be open for sale of articles, nor spirituous liquors, &c. sold during the Sabbath day. Penalty of £5, not more than £10.

Proviso.

Not to extend to any tavern, &c. nor to carrying or crying about for sale (except during the time of Divine Service) butcher's meat, or fresh fish.

And be it enacted by the authority aforesaid, that from and after the expiration of three calendar months from the passing and publishing of this Act, no shop for the sale of any article whatever, nor any grog shop, punch house, or place where any kind of strong or spirituous liquors shall be sold, or kept for sale, shall be open during the Sabbath Day; nor shall any strong or spirituous liquor be sold, or distributed, or exposed for sale by any person whatever, under the penalty of not less than five pounds, or more than ten pounds, to be levied as hereinafter is directed. Provided nevertheless, that nothing in this, nor in the last preceding clause contained, shall extend, or be deemed or taken to extend, to any tavern, hotel, or boarding house, nor to any baker, nor to the preventing of butcher's meat and fresh fish from being carried or cried about for sale on the Lord's Day, except during the hours for Divine Service of the established parish church.

3. Marriages between Slaves, or between a Slave and a free person, declared to be lawful, but with previous consent in writing of Slave's owner, &c.

In case of refusal of consent, how to proceed.

Ordinary to determine the matter, and any Minister of the Established Church to solemnize the marriage, upon Ordinary's licence, after publication of banns.

Proviso.

As to the effect of marriage of Slaves upon the rights of the owner, and not to extend the civil rights of marriage to the parties to such marriages.

And be it enacted by the authority aforesaid, that if any Slave or Slaves hereafter shall be desirous of entering into the holy state of matrimony with any other Slave, or with any free person, it is hereby declared to be lawful for him, her, or them so to do. Provided always, that such Slave or Slaves shall first obtain and produce the consent in writing of his, her, or their owner, lawful possessor, manager, or director, to the celebration of the intended marriage; but in case the owner, lawful possessor, manager, or director of any such Slave, shall refuse to give his or her consent as aforesaid, then, and in such case, it shall and may be lawful for such Slave or Slaves to represent the same to the ordinary, or the deputed ordinary of this Island for the time being, and such ordinary or deputed ordinary is hereby authorised and required to summon before him such owner, lawful possessor, manager, or director, so refusing as aforesaid; and if thereupon such owner, lawful possessor, manager, or director, shall fail to appear, or appearing, shall not show just and reasonable cause for withholding his or her consent, then, and in every such case the said ordinary or deputed ordinary shall grant a licence, under his hand and seal, thereby authorising any minister of the Established Church of the United Kingdom of Great Britain and Ireland, to solemnize such marriage, after publication of banns, in the same form, mode, and manner, as he would do if the parties were of free condition. Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, in any manner whatsoever, by means or by reason of any intermarriage with a Slave, or between Slaves, to take away, alter, or annul any right, title, or property, which the owner or master of such Slave or Slaves might or could have in or to them, or either of them, or in or to their issue, by any law or custom of this Island heretofore established, or give any authority to the husband over the wife or her children, nor endow the wife with any property of the husband, nor to give any rights whatsoever, except those of a religious nature, nor to render any such marriage valid or effectual, which would be illegal or void if such person were of free condition.

4. No marriage, where a Slave is a party, to be valid, unless solemnized by a Minister of the Established Church.

Penalty of £50, or imprisonment not exceeding thirty days, on other persons pretending to celebrate such marriage; and marriage null and void.

And be it further enacted, that no marriage from henceforth to be celebrated within this Island, wherein a Slave shall be a party, shall be legal or valid, or be deemed or taken so to be, unless the same shall be solemnized by a minister of the Established Church of the United Kingdom of Great Britain and Ireland. And if any person or persons shall illegally celebrate, or pretend to celebrate, such marriage, contrary to the true intent and meaning of this Act, he or they shall be liable to be prosecuted for a misdemeanor, by indictment or information in the Court of King's Bench and Common Pleas of this Island, and, upon conviction, to be punished by fine, not exceeding fifty pounds, or imprisonment not exceeding thirty days, at the discretion of the Court, as for an offence against this Act; and every such last mentioned marriage shall be null and void, and of none effect in law.

5. Slaves competent to purchase, acquire, possess, &c. any kind of property, except real estates, slaves, boats, and vessels, &c. and to dispose thereof by sale, gift, or bequest.

And whereas Slaves in this Island have always been, by the custom of the Island, allowed to possess and dispose of property at their discretion, and it is expedient that such possession and power to dispose of property, and to bequeath the same, be declared and established by law; Be it therefore enacted and declared, that every Slave in this Island shall be competent to purchase, acquire, possess, hold, and enjoy, any kind of property whatsoever, save and except real estate, Slaves, and boats or vessels of any description, and may dispose of the

same either by sale, gift, or bequest; and if any Slave, possessed of or entitled to any such property in this Island, as Slaves are hereby declared competent to acquire and hold, shall happen to die intestate, the property of such intestate Slave shall go and be divided, according to the statutes of distribution.

And be it further enacted, that from and after the passing and publishing of this Act all the property belonging to any Slave or Slaves in this Island, and all and singular the rights in respect thereof shall be vested, and the same is and are hereby declared to be vested in the owner of such Slave or Slaves, for the sole purpose nevertheless of bringing or defending suits, or instituting or carrying on proceedings at law or in equity for the same, if need be, for the benefit of such Slave or Slaves.

And whereas it is expedient, that a Saving Bank be established in this Island: Be it, and it is hereby further enacted, that a Saving Bank shall be established in Charles Town, to be holden by the Treasurer of this Island or his Deputy at the usual place of his office, and that he shall open a book, to be called a Saving Bank Book for the purpose of making entries therein, as hereinafter directed, and that it shall be lawful for every Slave or other person of serving condition, although free, to pay into such Bank any sum or sums of money not exceeding at any one time the sum of ten pounds current money, nor less than the sum of one pound like money, which the said Treasurer or his Deputy is hereby required to receive, and to enter the same in the said book, together with the name of the person paying and the date of such payment, and which sum so paid shall be chargeable with the interest at six per centum per annum, and at such rate for a less time on the public funds of this Island.

And be it further enacted, that the said Treasurer is hereby authorized and required whenever he shall be called upon by any person having paid in any money as aforesaid, or by the executors, administrators, or lawful representative or assignee, to make out the amount of such person's money at the rate of six per centum per annum, and that in all cases, when such sum shall have remained twelve months in the public treasury, the interest shall and may be added to the principal, and become thereby principal, and so on for every year such sum may remain; and after making out such account, the said Treasurer or his Deputy shall pay such person the balance due to him, and take his receipt in the said book at the foot of his account, which shall be a discharge for the sum paid by the said Treasurer.

And be it further enacted, that the Council and Assembly for the time being, shall be, and they are hereby constituted Directors of the said Bank, and that they shall have power and authority to make such rules and regulations respecting the said Saving Bank as they shall deem best adapted to carry the same into effect, and that once at the least, on the first day of June in each year, the Treasurer or his Deputy shall make up all accounts of persons in the said book, and shall exhibit and leave with the Speaker of the Assembly for the time being a true copy of the said book in which he hath entered as aforesaid, the names, dates, and sums paid in, and kept the accounts of the said persons paying; and the Speaker and Council, or a Committee of the same shall examine the said book and accounts, and if right shall certify the same by their Chairman; and if otherwise, shall and may examine the Treasurer or his Deputy or any other person or persons as witness on oath, and make such order as they shall deem just, which the Treasurer is hereby directed to obey, under the penalty of one hundred pounds, to be recovered, with the full costs of suit, by action of debt in the name of His Majesty, in which no essoin nor more than one imparlance shall be allowed, and which penalty shall and may be sued for by any Crown Officer, and when recovered, shall be paid to the Treasurer in aid of the said Saving Bank, after paying thereout the taxed costs of suit.

And be it further enacted, that the said Treasurer be hereby allowed and be permitted to deduct from any money in his hands at and after the rate of two pounds per centum per annum, upon all monies paid into his hands towards the said Saving Bank as a compensation for his services, and that no other fees or compensation whatsoever be allowed to him, or may be received or taken, under penalty of fifty pounds, to be recovered, with full costs of suit, and to be paid as aforesaid.

And be it further enacted, that if any person or persons shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully aid or

In cases of intestacy property to go and be divided according to Statutes of Distribution.

6. Property, &c. of Slaves, vested in their owners, for sole purpose of protecting and defending same, either at Law or in Equity, for benefit of the Slave.

7. Saving Banks established, to be holden by Treasurer of Island in Charles Town.

Payments at one time not to exceed £10, nor be less than £1.

Interest 6 per cent. per annum, and how secured.

8. Treasurer to account for money paid in when required.

Interest to be added to principal, and the sum become principal.

9. The Council and Assembly for time being Directors.

Regulations.

10. Treasurer to be allowed 2 per cent. per annum upon sums paid in, for his trouble; under £50 penalty for exacting more.

11. Forging or counterfeiting, &c. any letter of attorney, &c. to be

ceive money, &c. from Treasurer, &c. felony without Benefit of Clergy.

12.

Monies in Saving Bank belonging to Slaves dying intestate, chattels, & subject to Statutes of Distribution.

13.

Slaves, or other persons in their behalf, allowed to purchase their freedom.

In cases of disagreement thereon between Slave and owner, &c. legal disabilities, and other difficulties, how to proceed.

Application by Slave, &c. to Magistrate.

Statement of case to be exhibited to Chief Justice, or presiding Magistrate, at Court of Sessions, and by him laid before a Jury, to be impannelled to try the same. — Verdict final.

14.

Verdict in favour of Slave, money to be paid to Treasurer.— Deed of manumission to be executed by him, and the regulations prescribed by Act 54 Geo. III. No. 271, and the requisitions of this Act conformed to within ten days, else verdict and proceedings null and void.

assist in the forging, counterfeiting, or obtaining any letter of attorney or other authority or instrument, or letter of administration, or probate, or will, or bill, note, or instrument whereby any monies payable by the Treasurer under this Act may be receivable or with any intent to receive the same, or to enable any other person to receive the same, any such person shall be adjudged guilty of felony without benefit of clergy, and shall suffer death accordingly.

And be it further enacted, that all monies in the said Saving Bank, belonging to Slaves who shall die intestate, shall be considered personal estate, and shall go and be distributed according to the Statutes of Distribution.

And whereas it would be a manifest violation of justice, by legislative enactment, to compel any person to sell any property against his consent, without some legal necessity, while it is consonant to sound policy, and to the feelings of humanity, to reward faithful servants in a state of bondage with facility of emancipation upon just and reasonable terms, in difficult or doubtful cases, it is therefore hereby further enacted, that in case any faithful or well-disposed Slave of or belonging to this Island, or any person on his or her behalf, shall hereafter be desirous of purchasing his or her freedom, and it shall so happen that the owner of such Slave, or other person having the lawful power of manumitting, shall object to selling his or her freedom, or that such Slave, or person in his or her behalf, and the owner or other person having the lawful power of manumitting, shall not agree about the consideration for the manumission of such Slave, or on the terms, mode, or manner thereof, or the owner of such Slave shall be a minor, or married woman, or idiot, or lunatic, or be under any legal or other disability, or shall be absent from this Island without a lawful and authorised representative here, or shall not be found or ascertained, or any suit or action shall be depending in any court, either in this Island or elsewhere, touching the right or title to such Slave, then and in every such case it shall be lawful for any such Slave, or person on his or her behalf, to apply to and represent the same to any Magistrate, who shall, within ten days after such application, exhibit a statement of the case before the Chief Justice of this Island, or, in his absence or inability, to the next assistant Justice present, or before the presiding Magistrate of the Court of Sessions, who are hereby authorised and required respectively, at the next Court of King's Bench and Common Pleas, or then holding of the Court of Sessions, to lay the whole case in a summary way before a jury, which shall be empannelled and sworn to try the said case; and the said jury shall be competent, and is hereby enjoined to determine all matters and points in difference between the parties; and after hearing the evidence on both sides, and being satisfied that such application by or on the part of the Slave was not promoted by any malicious, base, immoral, or unworthy motive or design, shall give a verdict for or against either party, according to the evidence; and if such verdict shall be in favour of the Slave, it shall express if such Slave be likely or not to become chargeable to any parish of this Island, by reason of youth, old age, or any disease or infirmity, and also such sum of money as the said jury shall deem to be an equivalent for the loss of the services of such Slave, in consequence of his or her manumission; which decision shall be final, except in the cases hereinafter expressly declared to be excepted.

And be it further enacted, that within ten days after the giving of such verdict as aforesaid in favour of the Slave, if he or she shall be thereby found to be likely to become chargeable to any parish of this Island, such bond as is required previously to manumission in such cases in and by an Act of this Island, made and passed in the fifty-fourth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal an Act, intituled, An Act to regulate the Manumission of Slaves," shall be delivered by the said Slave at his or her expence, or by some person in his or her behalf, duly executed, to the Treasurer of this Island, or his lawful Deputy, and the sum of money awarded by the said verdict in any case, paid into his hands; and the said treasurer, or his lawful deputy, is hereby required to receive such bond and sum of money, or sum of money only, as the case may be, and thereupon to execute, when called upon, a deed of manumission, according to the form in the schedule to this Act contained, and deliver the same to the Slave, or to the Magistrate, or other person acting on his or her behalf, which deed shall be proved and recorded, and the bond disposed of as in ordinary cases of manumission; where-

upon such Slave shall be reputed and taken, and is hereby declared to be, from the time of the execution of such deed, free, to all intents, constructions, and purposes whatever. Provided always, nevertheless, and it is hereby expressly declared, that if the requisitions hereinbefore prescribed shall not be duly conformed to by or on the part or behalf of such Slave, within the time hereinbefore limited, such verdict and proceedings shall be absolutely null and void, and of no effect, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

And be it further enacted, by the authority aforesaid, that every sum of money which shall be received by the Treasurer of this Island, or his lawful Deputy, as herein before directed for the manumission of Slaves, shall be paid over by him on demand to the owner or other person who had the lawful power of manumitting such Slave; but in case the owner or other person who had the lawful power of manumitting shall refuse or neglect to demand or to receive the same, or in cases of doubt of title to the Slave, disability, or other difficulties hereinbefore mentioned, then, and in every such case respectively, every such sum of money shall remain in the public Treasury for the use of the Island, and shall be a lien upon the public revenues of the same, and bear interest at and after the rate of six pounds per centum per annum, for the benefit of the person or persons, or his, her, or their heirs, executors, administrators, or assigns, who may have been legally or equitably entitled thereto, or to the Slave so manumitted as aforesaid, and shall be under and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands whatever, as such Slave would have been under or subject unto if he or she had never been manumitted; and shall, together with the interest accrued thereon, in every case respectively, be paid over by the said Treasurer or his lawful Deputy to such person as shall produce to him any authentic voucher in writing or a judgment of a Court of Law, or decree in equity, or an exemplification or office copy thereof, shewing him or her to be entitled to receive such money.

And be it further enacted, that it shall be henceforth utterly unlawful to carry, use, exercise, or employ the whip, commonly called the cart whip, either as an emblem of authority, or as an instrument of punishment, or of driving or coercing of Slaves to their labour, and the same is hereby abolished; but nothing herein contained shall extend or be construed to extend to prevent any master, owner, manager, or director of Slaves within this Island from permitting, or causing to be carried and exercised or employed, such emblem of authority, and moderate and innoxious means of stimulating the idle or the lazy to due exertion, as he in his discretion may think fit, so as that such emblem of authority, or means of stimulating exertion, be not repugnant to the rational and acknowledged principles of humanity.

And whereas it is necessary to prevent the indecent exposure of the persons of female Slaves for punishment, but as the exemption of this description of Slaves altogether from whipping, and just but seasonable corporal punishment in cases of insubordination, disobedience, violent obstinacy, insolence, or other refractory or atrocious misconduct, would lead to the subversion of all order and discipline; and although cruel and wanton maltreatment are sufficiently guarded against or are properly punishable by the law already in force, yet, for the more effectual prevention thereof, be it further enacted, that the unnecessary or indecent exposure of the persons of female Slaves for punishment, be hereby strictly prohibited and abolished, and that in future no female Slave shall be corporally punished by whipping beyond twenty stripes over the bare back and shoulders at any one time, and by any instrument more severe than a bunch of rods, in such cases only and in such manner as now allowed by law, upon pain of fine or imprisonment, or both, for each and every offence upon conviction of the offender, as hereinafter mentioned.

And whereas the hardships or inconveniencies imputable to the separation of the families of Slaves in large Colonies, by sale or transfer in this small Island can scarcely arise, yet, in order to prevent the possibility of such occurrence, be it enacted, that from and after the expiration of three calendar months from the passing and publishing of this Act, it shall not be lawful to separate, for the purposes aforesaid, any Slaves, being husband and wife, and belonging to one and the same owner, and living upon one and the same plantation or establishment, nor any child or children, or reputed child or children, under the age of

15. Monies received by Treasurer to be paid over, on demand, to owner, &c. of Slave, in case of doubt of title, to remain in his hands, subject to same lien, &c. as Slaves, and to be paid to person shewing right and title to receive the same.

16. Cart whip abolished.

17. Indecent exposure of the persons of female Slaves for punishment prohibited; but whipping them retained, under restrictions.

No female Slave to be punished by whipping beyond twenty stripes over bare back and shoulders, nor with any instrument more severe than a bunch of rods, on pain of fine or imprisonment, or both, for every offence.

18. Separation of Slaves, being husband and wife, belonging to same owner, and living on same plantation, &c.; or children under fourteen years, from parents, without consent, except for freedom, and on levy and sale on execu-

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tions, prohibited. Any sale, &c. contrary to Act, void.

fourteen years, from the father or mother, under like circumstances, unless it be with the free will and consent of the parent or parents, or of such husband and wife respectively, or for the sole purpose of freedom, whether the same be by means of private transfer, public contract, or otherwise, save and except on levy and sale on executions; but that such Slaves shall, unless with such free will and consent as aforesaid, be transferred, contracted for, or sold together; and every transfer, contract, or sale made contrary to the true intent and meaning of this Act, shall be absolutely null and void.

19
Slaves declared competent witnesses, as free persons, under restrictions.

And be it further enacted, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any Court of civil or criminal justice or otherwise, in the said Island, by reason of his or her being in a state of slavery; but the testimony of such person shall be taken and received in the same form and manner, and subject to the same rules and exceptions, as the evidence of a person of free condition would be, or by law ought to be; Provided always, that in the case of a white or free person, no Slave shall be admitted or be competent to give evidence of or relating to any matter or thing concerning a white or free person, antecedent to the passing and publishing of this Act, nor in any case whatsoever, either for or against the master, mistress, possessor, owner, manager, or director of any such Slave, nor for nor against any other person having the immediate authority or control over such Slave, nor for nor against any individual, being a domesticated inmate of the family of such before excepted person as aforesaid, nor any other individual, being within the first and second degrees of kindred or affinity of such family, except in cases of charges or prosecutions for buying or receiving stolen goods, any law, usage, or custom to the contrary thereof in anywise notwithstanding.

Not as to any matter concerning a white or free person, antecedent to publishing of this Act.

Not in any case of the master, mistress, possessor, owner, manager, or director of the Slave. Not in the case of any other person having the immediate control over the Slave. Not in the case of any domesticated inmate of the family of any of the above excepted persons, nor in the case of any individual within the first and second degrees of kindred or affinity of such family, except in cases of buying or receiving stolen goods.

and second degrees of kindred or affinity of such family, except in cases of buying or receiving stolen goods.

20.
Process for attendance of Slaves.

And be it further enacted, that in all cases where the attendance of any Slave shall henceforth be judicially required in any Court, or before any Magistrate, as a witness, or for any other purpose, the same process shall and may issue as should or might be used in the case of a white or free person; but the same shall be directed to and served upon the master, mistress, owner, director, manager, possessor, or employer, or other person, having the immediate authority or control over such Slave, and shall name the Slave and express the purpose for which he or she may be required, and command such persons respectively, to procure his or her attendance, according to the exigency of the process, and if such persons as aforesaid respectively, shall not do their utmost to cause obedience thereto; they and each of them respectively, who shall offend herein, shall be liable to, and suffer the same pains, penalties, or forfeitures as in ordinary cases; Provided always, that nothing herein contained shall extend to any writ of *capias* or warrant to take or attack the body of any Slave whatsoever.

21.
All and singular the Justices named in the General Commission of the Peace for the time being, declared Public Guardians and Protectors of Slaves, and enjoined to be vigilant and attentive to their complaints.

And whereas the Magistrates of this Island are, upon all occasions, fully competent to support and maintain the rights and interest of the Slave; be it, therefore, further enacted, that all and every the Justices for the time being, named and appointed, or hereafter to be named and appointed, in and by the general commission of the peace for this Island, shall be, and they and every of them are hereby declared and constituted to be, jointly and severally public Guardians and Protectors of Slaves by virtue of such their office, and they and every of them are hereby enjoined and required respectively, to be vigilant and attentive to all complaints whatsoever made by Slaves for wrongs, but more especially to every complaint made before any one or more of them, by any Slave against any person, for or against whom such Slave is, by this Act, debarred from giving evidence, whether such last-mentioned complaint be, for either a civil wrong or a criminal misdemeanor; and if such complainant shall have no legal evidence to prove his or her case, being a case of the nature last mentioned, such Justice or Justices shall briefly state the complaint in writing, and give notice thereof within three days to the party accused, requiring him or her personally to be and appear before such Justice and Justices, and any other Justice or Justices, appointed at the election of the first Justice or former Justices, to compose a Bench of not less than three such Justices, at the time and place to be specified in the said notice; and if such accused

Special Court of Associated Justices, for trial of persons charged with wrongs to Slaves, who are debarred by this Act

party shall thereupon fail, without reasonable and lawful cause, to appear according to such notice, or appearing, shall not establish a lawful defence by legal testimony, or not having such testimony, shall not acquit or exculpate himself or herself by his or her own affidavit in writing, to the satisfaction of the said associated Justices, or the major part of them, he or she shall, in every such case, be deemed and taken to be convicted of the complaint, and the said associated Justices, shall thereupon, in a civil case assess the damages, and in a criminal case award sentence, and proceed to judgment and execution thereof in the same manner, to the same effect, and by the same means, as the Judges of the Court of King's Bench and Common Pleas of this Island by law might, could, or should do upon conviction on a verdict, and judgment had in such a case before them in that Court; Provided always, that if such last-mentioned complaint shall be proved to be groundless, or if the party accused shall be acquitted or exculpated by any of the means as aforesaid, to the satisfaction of the said associated Justices, or the major part of them, they shall or may, if they think fit, impose such fines, or order such lawful corporal punishment to be inflicted upon the complainant, as, according to the circumstances of the case, they in their discretion may judge proper; and in case of the death of any of the associated Justices, during the investigation, it shall be no bar to the survivor or survivors of them proceeding to judgment and execution.

And be it further enacted, that the Secretary of this Island or his lawful Deputy, or some person duly authorised by him, shall attend such Associated Justices under this Act, for the trial of the last-mentioned complaints, as Clerk of the Court, and shall briefly minute and record in a book for that purpose all proceedings, file papers, issue and pass all process and writs, and generally do and perform all other things incident to the said Court and Office, in such manner and form as he might or should do if the same were to be had and done in or out of the Court of King's Bench and Common Pleas, or other Court of Record of this Island.

And be it further enacted, that any constable of this Island shall be directed by the said Associated Justices to attend them in such their Sessions, and is hereby required so to do, and shall do, execute and perform all and all manner of things incident, relating, or appertaining to the said office.

And be it further enacted, that all and every the pecuniary fines, penalties, or forfeitures, on summary convictions before Magistrates, imposed by this Act, shall be deemed and taken to be payable in gold and silver money current within this Island, and the same shall and may be recovered by warrant, under the hand and seal of any one of the Magistrates before whom such conviction shall have been had, directed to the Provost Marshal of this Island or his lawful Deputy, or to any constable, who respectively are hereby authorized and required to levy the same, and full costs, according to the tenor of such warrant, and to proceed to the sale of such levy in the same manner as on executions out of the Court of King's Bench and Common Pleas, save and except that nothing but current gold or silver money shall be tendered or received at such sale in satisfaction thereof, and for want or in default of such levy the offender shall be committed by warrant under the hand and seal of such Magistrate to the common gaol of this Island, there to remain without bail or mainprize, for any space of time not exceeding one calendar month.

And whereas an Act of this Island, made and passed in the sixtieth year of the reign of His late Majesty King George the Third, intituled, "An Act to alter and amend an Act entitled an Act for settling and regulating the trial of criminal Slaves by Jury, to ascertain and regulate the fees of Justices of the Peace, and the charges of Constables; and to authorise the said Justices to compel the payment of such fees and charges by the parties on whom the same shall be chargeable," is found to be in many respects inexpedient, and after the passing of this present Act will become more so, and ought to be partially repealed. Be it therefore further enacted, that from and after the expiration of three calendar months from the passing and publishing of this Act, so much of the said cited Act as relates to the proceeding against, and bringing to trial Slaves accused of felonious offences, shall be and is hereby declared to be repealed, and that thenceforth every person in a state of slavery in this Island accused of any felonious offence shall be proceeded against, prosecuted, and brought to trial, either in the Court of King's Bench and Common Pleas, or other Court of competent jurisdiction, in the

from becoming witnesses against them.

Party accused to exculpate himself, upon affidavit in writing, in default of lawful evidence.

Damages to be assessed, executions to issue, &c. as in Court of King's Bench and Common Pleas.

Complaint groundless, complainant to be punished at discretion of Associated Justices.

Death of any of Associated Justices not to bar survivors or survivor proceeding to judgment and execution.

22. Secretary of Island to attend such Court. Any Constable to attend such Court.

23.

24. Pecuniary fines, &c. payable in current gold and silver money. Recovery thereof by warrant of distress.

Nothing but money a tender at sales of distress.

For want of distress, party to be imprisoned not more than one calendar month.

25. Act 60. Geo. III. No. 297. partially repealed.

Three Calendar Months after publication of this Act,

Slaves accused of felonious offences to be proceeded against, and tried in any Court of

competent jurisdiction the same as free persons.

Prosecution always to be conducted by the Attorney General, the Solicitor General, or Senior King's Counsel, or in their absence by Counsel to be assigned by Commander on the Island for time being at the public charge.

Special Court of King's Bench and Common Pleas may be holden at any time, on application of such Counsel for prosecution.

Trial of Slaves for misdemeanors, as now by law established, not to be altered by this Act, except as therein expressed.

26.
Act 22 Geo. II. No. 135.
Court of Sessions to be holden on the first Tuesday, Wednesday, or Thursday, in January, April, and July, as well as in October, annually.

27.
No writ of Certiorari to remove summary convictions under this Act.

28.
Costs, &c. under this Act, to be taxed by presiding Magistrate.

29.
Judge, &c. refusing to do, or neglecting duty under this Act, to be prosecuted in superior Courts, and on conviction punished by fine or imprisonment, or both, at discretion.

30.
Other persons offending against this Act, not provided for, to be prosecuted, and penalties, &c. not disposed of, to be recovered at suit of Crown in Superior Courts; amount to be paid into Treasury, and applied as by order of Governor or Commander on Island,

same manner and form, and by the same ways and means, to all intents, constructions, and purposes whatsoever, as such person by Law might, could, or should be if he or she were of free condition, except that every such prosecution shall always be conducted by His Majesty's Attorney General or Solicitor General of this Government, or Senior Counsel resident and present in this Island, in succession, or in case of the absence from the Island, or inability of either of them, and there shall be no other resident Crown lawyer present, then by such Counsel as shall be assigned for such purpose by the Commander on this Island for the time being at the public charge; and it shall be lawful for the Chief Justice, or in case of his absence or inability, the next senior assistant Justice of the Court of King's Bench and Common Pleas, on the application of any such counsel for the prosecution, to award and issue writs of Venire and all other usual and requisite process for holding a Court, and to hold a Court in the usual manner at any time which shall be deemed expedient for the prosecution and trial of any party accused of a felonious offence, and such Court shall have the same power and authorities, and their proceedings shall be as valid and effectual to all constructions and purposes whatever, as if the same were to have been holden on the regular Court day, any law, usage, or custom to the contrary thereof in any wise notwithstanding: Provided always, that nothing in this Act contained shall alter, or be deemed or taken to alter the trial of Slaves for misdemeanors in a summary way as now by law established, otherwise than by this Act expressed, nor to render Slaves competent to be jurors in any case whatsoever, nor to prevent their being admitted as witnesses for or against, or between each other as in and by the hereinbefore cited Act is directed.

And whereas by an Act passed on the twenty-seventh day of June, in the twenty-second year of the reign of His late Majesty George the Second, intituled, "An Act for holding a Court of Sessions once every year;" it is amongst other matters enacted, that a "Court of Sessions shall be held every year in Charles Town, in the Island of Nevis, on the first Tuesday, Wednesday, or Thursday in "October."—And whereas it hath been found that one Court of Sessions is not sufficient to administer justice in the said Island, in regard the Court of King's Bench does not sit from the month of August until March following: Now be it further enacted, that the said Court of Sessions shall also sit on the above-mentioned or either of the said days in January, April, and July, in this and every year following, and shall be constituted, and shall have the same powers and authority as the Court of Sessions established by the said recited Act.

And be it further enacted, that no writ of Certiorari shall be sued out or shall be allowed either on the part of His Majesty, or of any other party, either in a civil or criminal case, on any summary conviction or convictions in any inferior Court not being for felony had by virtue of this Act, any law, custom, or usage to the contrary thereof in any wise notwithstanding.

And be it further enacted, that all Bills of costs and charges for any thing had or done by virtue of this Act in any Court or Sessions, save and except the Court of King's Bench and Common Pleas, shall and may be taxed by the presiding Judge, Justice, or Magistrate before whom or under whose immediate jurisdiction or authority such matter may have been had or done.

And be it further enacted, that every Judge, Justice, Magistrate, Constable, or other officer or person refusing or wilfully neglecting or omitting to do and perform any duty required of him, or prescribed by this Act, shall for each and every offence be liable to be prosecuted at the suit of the Crown in any of the Superior Courts of Record in this Island, and, being duly convicted thereof, shall suffer such punishment, by fine or imprisonment, or both, as the Court in which he shall be convicted may think fit to adjudge, as for an offence against this Act.

And be it further enacted, that all and every other person and persons offending against this Act, and not hereinbefore specifically provided for, shall be prosecuted, and all penalties and forfeitures not hereinbefore disposed of or appropriated, shall be recoverable at the suit of the Crown, in any of the Superior Courts of Record of this Island, and such penalties and forfeitures, when recovered and received, or levied, shall be paid into the public Treasury of this Island, to be applied to such uses as the Captain-General and Governor-in-Chief, or Commander-in-Chief for the time being, or the Commander of this Island for the time being, by and with the advice and consent of His Majesty's

Council, and approbation of the House of Assembly, may think fit to direct, and not otherwise.

And be it further enacted, that in all proceedings and summary convictions to be had and done by virtue or under the direction of this Act, the forms hereinafter set forth in the Schedule hereunder written shall be used, and that no advantage shall be taken or allowed in any Court whatsoever for any departures therefrom, or any omissions or defects in matters of form, but that the same shall be good and sufficient for the purposes intended by this Act; and that no higher or greater fees than those enumerated in the Schedule aforesaid shall be payable to the several officers or persons therein mentioned, or to any person or persons acting under them or any of them; and if any such officer or person shall ask, demand, take, or accept any higher or greater fee than is therein set forth, for the several matters and things therein contained and specified, he or they shall be liable to be prosecuted at the suit of the Crown for extortion.

And be it lastly enacted, by the authority aforesaid, that if any action, suit, or prosecution shall be commenced or prosecuted against any Judge or Judges, Justice or Justices, Officer or Officers, or any other person or persons, for any matter or thing done or performed under or by virtue of this Act, over and above the protection provided in and by an Act of this Island, intituled, "An Act for rendering Justices of the Peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants," and which Act is hereby extended to all such Judges, Justices, Officers, and other persons as aforesaid, it shall and may be lawful to and for the defendant or defendants in any such action, suit, or prosecution, to plead the general issue, and to give this Act, and the special matter in evidence; and if the plaintiff or plaintiffs, prosecutor or prosecutors in such action, suit, or prosecution, shall be nonsuited or discontinue such action, suit, or prosecution, or judgment shall be given against such plaintiff or plaintiffs, or prosecutor or prosecutors, he or they shall pay to such defendant or defendants treble costs of suit, for which such defendant or defendants shall have the like remedy as any other defendant or defendants have or may have in any other actions or suits: Provided always, that this Act shall not be in force until it shall have received the Royal Assent, and be published in Charlestown in this Island.

Dated at the day of in the seventh year of the reign of our Sovereign Lord George the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord one thousand eight hundred and twenty-six.

(Signed) WM. PEMBERTON, Speaker.

Passed the Assembly, this 27th day of April 1826.

(Signed) E. L. HOWE, Clerk of Assembly.

Passed the Board of Council, this 27th day of April 1826.

(Signed) BENJAMIN LORD, Clerk of Council.

with consent of Council and Assembly, and not otherwise.

31. Forms in Schedule to be used. No advantage to be taken or allowed for departures, &c. therefrom, in matters of form; and no higher fees than those in docket to be demanded or received, under pain of prosecution for extortion.

32. General Indemnity Clause.

Act not to be in force until it receives His Majesty's Assent, and be published in Charles Town.