

NEVIS :—An Act to enable Slaves to acquire, possess and alienate Property.

WHEREAS by long continued and undisputed custom persons in a state of slavery in this island have always been permitted to acquire, possess, enjoy and dispose of property, free from the control of their owners; and whereas it is expedient that such possession, enjoyment and power of disposing of property should be recognized, established and secured by law; May it therefore please Your most excellent Majesty, that it may be enacted, and be it and it is hereby enacted by the Commander-in-Chief for the time being of your Majesty's Islands of St. 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 no person in this island being in a state of slavery, shall on account of such his condition be or be deemed to be incompetent to acquire, possess, enjoy, alienate or dispose of any kind of property, save and except as hereinafter provided, but every such person shall be and is hereby declared to be competent to purchase, acquire, possess, enjoy, alienate or dispose of any kind of property, save and except as hereinafter provided, either by sale, gift or bequest, and to bring, maintain, prosecute and defend any suit or action in any court of justice for or in respect thereof, as fully and amply, to all intents and purposes, as if such person were of free condition: Provided always, that this Act shall not extend to revoke or alter any law now in force in this island respecting the manner in which, or the means whereby, slaves may obtain redress for any civil wrong or criminal misdemeanor, nor to render the body of any slave in any manner liable to avert a levy on execution for any debts contracted by such slave, nor for any cause matter or thing relating to any civil suit at law or case in equity wherein such slave shall or may be a party, nor to authorize or render competent any slave to purchase, acquire, possess or hold, directly or indirectly, any lands, chattels real, leasehold property, houses, tenements or hereditaments, slaves, boats or vessels of any description, and gunpowder, fire arms or other munitions of war, nor to render any slave competent to become a juror in any case whatever.

And be it further enacted, that if at the time of passing and publishing this Act any slave shall be possessed or seised of any property which such slave is hereinbefore declared incompetent to possess or to hold, such property shall within six calendar months from and after the time aforesaid, be absolutely sold and conveyed by such slave, which he is hereby authorized and empowered to do, to any person competent to possess or hold the same; but in default of such sale by such slave, it shall be lawful for the owner of such slave, or for such owner's representative, to sell or cause such property to be sold or not at his discretion, to the best advantage, for the benefit of such slave, and pay over the amount thereof to the person entitled

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thereto, within three months after receiving the same, under the penalty of three times that amount; and such sale and any conveyance consequent thereon, in the name of such owner for the slave, is hereby declared to be valid and effectual in the law; and further, if at the time aforesaid, or at any time thereafter, any slave be or shall become entitled to any such property as such slave is hereby declared to be incompetent to hold or possess, the owner of such slave, or such owner's lawful representative, shall be and he is hereby declared to be competent to sue if need be, as the *prochain ami* of such slave in any court of justice for the same, and upon recovery thereof shall cause such property to be sold and conveyed as hereinbefore directed for the benefit of such slave, or upon the recovery or the receipt of the value thereof, shall pay over the amount within three months to such slave, or to such person as may be entitled to receive the same, under the penalty of three times the value or three times the amount aforesaid.

And be it further enacted, that if any slave possessed of or entitled to any kind of property whatever shall happen to die intestate, such property shall be distributed according to the provisions of the statutes of distribution of intestates estates, now or hereafter in force within this island; provided nevertheless, that in case such slave shall die intestate without any next of kin, the property of such intestate slave shall go to the owner of such slave for the sole purpose of being recovered and appropriated by such owner or his lawful representative, to or be distributed at his discretion among the reputed kindred of such intestate slave.

And be it further enacted, that if any slave possessed of property shall be convicted or attainted of any crime whereby such property would be forfeited to our Sovereign Lord the King, such property shall from and after the passing and publishing of this Act not be forfeited to His Majesty, but shall go to and be appropriated or distributed as hereinbefore provided in cases of intestacy.

And be it further enacted, that any contract by or between any slave and his or her owner, shall be and is hereby declared to be lawful and mutually binding between the parties thereto, in like manner as such contract would be in the case of free persons, and the same shall not affect or in any manner whatever annul, abridge or prejudice the proprietary or other rights of such owner over such slave, otherwise than according to the express terms of such contract, and the legal and equitable construction of such terms.

And be it further enacted, that all civil wrongs or criminal offences done to or committed against any slave by the owner of such slave, shall be investigated, tried and redressed, and such offender punished by the same means, and in the same manner as in the case of any indifferent white or free persons, except where such investigation, trial, redress or means of punishment may have been or may be expressly provided for by any positive law in force within this island.

And be it further enacted, that any person except a slave who shall or may offend against this Act, except as hereinbefore provided, shall or may be prosecuted by indictment in the Court of King's Bench and Common Pleas of this island, provided such prosecution be commenced within twelve calendar months next after the commission of the offence, and not afterwards.

Dated at St. Christopher, this 10th day of October, in the ninth 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 1828.

(signed)

Wm. Pemberton, Speaker.