

NEVIS :—An Act to prevent the Separation of Slaves by Sale or Transfer in certain cases, without their Consent.

WHEREAS the hardships or inconveniences imputable to the separation of slaves, being husband and wife, or parent and child, or reputed parent and child, and members of one and the same family, or belonging to one and the same owner, or to the same owners, by sale or transfer, in large colonies, can scarcely arise in this small island, yet it being expedient to prevent the possibility of such occurrence, by means or by virtue of any legal process, except in criminal cases, without the consent of the slaves; May it please Your most excellent Majesty, that it may
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be enacted, and be it and it is hereby enacted, by the Commander-in-Chief for the time being of His 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 after the passing and publishing of this Act, it shall not be lawful to separate, by means of sale or transfer under or by virtue of any legal process, except in criminal cases, any slaves being lawful husband and wife, and belonging to one and the same owner, or to the same owners, and living upon one and the same plantation or establishment in this island, nor any child or children under the age of twelve years, from the father and mother, or from the reputed father or the reputed mother, under like circumstances, unless it be with the free will and consent of such parent or parents, as the case may be, or of such husband and wife respectively, but that such slave shall, unless with such free will and consent as aforesaid, be levied upon, and except in criminal cases, be sold respectively together, and to one and the same purchaser, or to the same purchasers; and every sale made contrary to the true intent and meaning of this Act, shall be and the same is hereby declared to be absolutely null and void, to all intents, constructions and purposes whatsoever.

And be it further enacted, that if the provost marshal of this island, or his lawful deputy, or any other ministerial officer making any levy upon any slave or slaves, under or by virtue of any writ of execution, or judgment or process in any civil suit, shall not, before the time appointed for sale, be able to ascertain whether any such slave or slaves have or have not a lawful husband or wife, or any child under the age of twelve years, as the case may be, and under the circumstances hereinbefore mentioned, it shall be the duty of such provost marshal, or his deputy, or other ministerial officer aforesaid, to make a special return of any and every such matter to the court out of which such writ or process may have issued, or to any judge or justice thereof; and the judges or justices of such court, or any two or more of them, shall, either in or out of court, forthwith examine into the same, and decide thereon according to law, and to this Act; whereupon such court, or such judges or justices thereof as aforesaid, shall make or grant a rule upon such provost marshal, or his deputy, or on such other ministerial officer, requiring him either to proceed to the sale of the slave or slaves levied upon, or finally and absolutely to stay the same, as the case may require, by virtue of this Act.

And it be further enacted, that it shall be also the duty of any such provost marshal, or his deputy, or any ministerial officer levying as aforesaid upon any slave, to insert or cause to be inserted, in the usual notice, advertisement or publication of sale, a clause, calling upon all persons who may have or know of any claim of affinity or kindred within the meaning of this Act, with respect to such slave, to declare and show the same, and also to interrogate such slave touching such affinity and kindred, and to enter in his book of sales a memorandum thereof, and of the substance, being material of the answers, and to sign his name to such memorandum in the presence of the persons who may attend at such sale, and to govern himself thereupon, according to the circumstances and to the regulations prescribed by this Act; and such memorandum, so entered and signed, shall be deemed and taken to be sufficient evidence of such interrogation and answers having been made and entered.

And be it further enacted, that if after such notice, advertisement or publication of sale as aforesaid, any such claim as aforesaid shall not have been declared, and if after such interrogation as aforesaid, any affinity or kindred as aforesaid shall not have been made known, and a sale thereupon shall have ensued, and it shall be afterwards discovered that a separation was thereby occasioned, which it is intended by this Act to prevent, such sale nevertheless shall be and is hereby declared to be valid and effectual, anything in this Act contained to the contrary thereof in anywise notwithstanding: Provided always, that such provost marshal, or his deputy, or other ministerial officer, shall not otherwise have had *bond fide* any knowledge or information directly or indirectly of the existence of such claim, affinity or kindred.

And be it further enacted, that if such provost marshal, or his deputy, or other ministerial officer as aforesaid, shall wilfully and knowingly omit to insert, or to cause to be inserted in the usual notice, advertisement or publication of sale, a clause as aforesaid, or to enter and sign such memorandum as is hereinbefore directed to be entered and signed, or shall wilfully and knowingly make any false entry concerning the matters hereinbefore specified, or any of them, or if such provost marshal, or his deputy, or other ministerial officer or other person whoso-

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ever, shall wilfully and fraudulently erase, alter, obliterate, cancel or destroy any such memorandum, after it shall have been entered and signed as aforesaid, such provost marshal, or his deputy, or other ministerial officer or other person, shall be deemed and taken to be guilty of a misdemeanor, and being duly convicted thereof as hereinafter mentioned, shall be liable to such penalty or imprisonment, or both, as hereinafter prescribed.

And be it further enacted, that if any officer or person whosoever, such person being of free condition, shall offend against any provision of this Act, such officer or person so offending shall be liable to be prosecuted by indictment in the Court of King's Bench and Common Pleas of this island for each and every offence, and upon conviction, to be fined at the discretion of the court, in any sum not exceeding fifty pounds, current money, or imprisoned in the common gaol for any time not exceeding twenty days, or shall be both fined and imprisoned as aforesaid, and such fine or imprisonment shall not be a bar to any action or suit, nor allowed to be any mitigation of damages to or by the party grieved; and if such offender shall be a slave, such slave shall be proceeded against, prosecuted and punished in such manner as the law directs in the case of misdemeanors committed by slaves: Provided always, that such indictment, or suit or action or prosecution, be instituted, commenced or prosecuted respectively, within twelve calendar months next after the commission of such 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.