

AN ACT more effectually to facilitate the Manumission of Slaves in the Island of Nevis, and to repeal all Acts and Clauses of Acts relating thereto.

WHEREAS it is expedient to afford every facility to the manumission of slaves in this island, which may be consistent with the general welfare, and with a due regard to the rights and interests of private property; May it therefore 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 for the time to come it shall be lawful, as it always hath been, for the owner or owners of any slave of, within or belonging to this island, to manumit and make free any slave, either by deed for a valuable consideration, or as a voluntary act of benevolence, or by last will and testament, to direct the same to be done, whether such will and testament be or be not executed and attested, or made so as to pass real estate, unless such manumission be fraudulent by the common law or by force of any law or statute: Provided always, that before any such manumission shall be allowed to be recorded or shall be deemed to make free any such slave, such slave shall be produced before any three or more justices of the peace, who shall examine such slave so as to be satisfied as to the identity of the same, and whether such slave be or be not incapacitated by reason of infancy, old age, or mental or bodily infirmity, or disease, or other cause, from earning or procuring a competent maintenance, or be or be not likely to become chargeable to any parish, or to the public of this island by reason thereof, or whether such slave be or be not possessed actually and *bonâ fide* of the means of sustaining himself; and if such justices of the peace shall be satisfied that such slave be not incapacitated as aforesaid, or be not likely to become chargeable as aforesaid, or be either capable of earning his livelihood or have the means of sustaining himself, then and in every such case such justices shall certify the same in writing under their hands and seals: But if the said justices shall be satisfied that such slave be incapacitated as aforesaid, or be likely to become chargeable as aforesaid, or be not capable of earning his livelihood, or have not the means of sustaining himself, then and in every such case such justices of the peace shall require the owner or owners of such slave, or the lawful representative of such owner or owners, or some person whom they the said justices shall approve, for or on behalf of such slave, to give security, either alone or with sureties, as they the said justices shall judge requisite, by recognizance to our Sovereign Lord the King, in the usual form, and for such sum of money as they the said justices shall deem right, and to be acknowledged before them or one of them, to indemnify and save harmless any and every parish of this island, and the public thereof, against such slave becoming after manumission chargeable thereto by reason of either or any of the causes or matters aforesaid, and to keep such slave after manumission in medical attendance, care and medicine, and in necessary and sufficient food, raiment and support; and thereupon such justices shall grant a certificate according to the fact, in like manner as hereinbefore directed, and shall cause such recognizance to be recorded in the secretary's

Clause 1.

Slave may be manumitted by owner if not likely to become chargeable to the public; or if likely to become so chargeable the owner to enter into a recognizance for such sum of money as three or more magistrates shall require, to indemnify the island.

## ST. KITTS.

office at the public expense, and after such record to be deposited with the treasurer of this island or his lawful deputy for the purposes hereinafter mentioned, and any certificate required by this Act, together with the deed of manumission, which shall in every case be executed within thirty days after the date of the certificate shall be duly proved and deposited for being recorded as aforesaid; and any slave manumitted or intended to be manumitted in manner aforesaid, shall not be nor be deemed or taken to be free until from and after the time when such deed of manumission and certificate shall have been actually deposited as aforesaid.

Clause 2.  
Secretary to record deed of manumission, &c. upon payment of his fees.

And be it further enacted, that the secretary of this island or his lawful deputy shall immediately receive and deposit, and regularly record any and every deed of manumission, with the certificate thereto belonging, which shall be presented to him for those purposes duly proved, and shall thereupon give a certificate under his hand gratis, which shall specify the names of the parties to such deed, and the date thereof, and also the hour of the day and date, in words at length, when the same shall have been so presented; provided that at the time of such presentation the fees established by law for registering, recording and certifying such deed, probate and certificate be tendered to him in money, or the payment thereof secured to his satisfaction.

Clause 3.  
In cases where freedom is bequeathed to a slave by will, executor, &c. to complete such manumission if testator shall leave sufficient assets or real estate.

And be it further enacted, that where any freedom may have been or shall be bequeathed or devised or directed by any such last will and testament as hereinbefore mentioned, the executor or administrator, next of kin, or heir-at-law or devisee, as the case may be, shall prove the said last will and testament, and shall confirm or complete such intended manumission by the means and in the manner hereinbefore directed, if such executor, administrator or next of kin shall have assets sufficient, or the heir-at-law or devisee shall take or inherit from the testator sufficient real estate; but that no executor or administrator, nor heir-at-law or devisee shall be bound to confirm or complete such manumission unless such executor or administrator, heir at-law or devisee shall receive sufficient assets, or inherit or take sufficient real estate, clear of debt, to enable him or them to confirm or complete such manumission as aforesaid: Provided always, that any slave to whom freedom may have been or shall be bequeathed, or intended or directed as aforesaid, shall not be assets in the hands of the executors or administrators for the purpose of raising money to pay any legacy.

Slaves shall not be deemed assets to raise money to pay a legacy.

Clause 4.  
Mode of redress for slave in cases where difficulty shall be raised by executors, &c.

And be it further enacted, that where any difficulty shall arise or be made by any executor, administrator, next of kin, heir-at-law or devisee, or any person claiming or pretending to any right or control over the property of any testator, who shall have by will manumitted, or intended or directed to have manumitted any slave, it shall be lawful for the slave intended by such will to be made free or manumitted who shall consider himself aggrieved, to apply to any magistrate, which magistrate is hereby authorized to present, either by himself or by counsel, to the chancellor or to the chief judge, or in case of his absence or disability, to any other judge of the Court of King's Bench and Common Pleas of this island, at the option of such magistrate, but at the charge and expense of such slave, a petition in the name of such slave, in which shall be stated briefly the case of such slave, and shall contain a prayer for redress; and the party complained of shall answer thereto upon oath, to be taken before a master in Chancery or such justice as aforesaid, or before the secretary of this island, or his lawful deputy for the time being, and briefly set forth the reasons or excuse for not complying with the will of such testator, and why the prayer of the petitioner should not be granted; and the chancellor or justice aforesaid may receive affidavits, sworn to as aforesaid on both sides, and on hearing shall make such order as to him shall appear just and equitable, which order shall be final and without appeal; and for doing and performing the several matters and things hereinbefore required, or such other matters and things as may be requisite and necessary by them to be done and performed, the chancellor or justice, officers of the court, counsel and solicitors, shall be entitled to receive the fees set down in the docket hereunto annexed, and no more, which the chancellor or justice shall or may direct to be paid by either party, or by and between both, as he shall deem right; and if he shall fix the costs on the complaining party, he shall or may, at his discretion, make an order in such case on the treasurer of the island for the payment of the costs, not exceeding the sum of twenty pounds current gold and silver money; and the amount of such order the said treasurer is hereby authorized and required to pay in cash, out of any public monies which may be in the treasury,

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to the solicitor for the complainant, who shall distribute the amount received as by the docket aforesaid is directed, or in proportion thereto.

And be it further enacted, that if at the time of passing and publishing this Act, or at any time thereafter, any impediment to effecting any manumission according to the true intent and meaning of this Act shall or may exist or arise by reason of the owner of any slave desirous of purchasing his freedom being a minor or married woman, or idiot or lunatic, or being under any legal or other disability, or by reason of the owner of such slave not being known, or by reason of any suit or action depending in any court of justice in this island or elsewhere, in which the title to such slave, or the right to the services of such slave, be in controversy, then and in every such case any such slave, or any person on his behalf, who may wish for redress may complain of such impediment to any magistrate, being a justice of the quorum, who shall immediately thereupon, or within ten days, associate with himself two or more magistrates, (also of the quorum,) and any such three or more justices shall by any lawful ways and means, without unnecessary delay, investigate the case, and if upon such investigation duly had, any such three or more justices shall be satisfied that such impediment as aforesaid doth absolutely and *bonâ fide* exist, then and in every such case any such three or more justices shall distinctly state and specify in writing such impediment according to the fact, and shall fully, fairly and justly, to the best of their skill and judgment, appraise such slave, and shall, without unreasonable delay, certify in writing under their hands and seals the amount of such appraisement, and of the particulars of such impediment, to the treasurer of this island or his lawful deputy; and such treasurer or deputy is hereby authorized and required to receive the amount of such appraisement when tendered to him in money, provided that in the meantime the owner shall not be discovered or his legal representative appear, and upon receipt thereof, and of such last-mentioned certificate, and on the production to him of such other certificate, or certificate and recognizance, as the case may be, as are hereinbefore directed respectively to be obtained and entered into previously to the execution of any deed of manumission, such treasurer or deputy is hereby authorized, empowered and commanded to execute in his own name, agreeably to the form set forth in the Schedule to this Act annexed, a deed of manumission in favour of such slave; and by force of such deed, and by virtue of this Act, such slave as last aforesaid shall be and he is hereby declared to be free, to all intents, constructions and purposes whatever, from and after the time of depositing such last-mentioned deed of manumission with the secretary of this island as hereinbefore prescribed, and not sooner nor otherwise.

Clause 5.  
In cases of difficulty arising from owner being a minor, &c. or under any legal disability, slave to be appraised, the treasurer to receive the amount, and execute a deed of manumission according to the form in Schedule.

And be it further enacted, that every sum of money which shall be paid into the treasury of this island in consideration of any manumission as last above mentioned, shall there remain and be a lien upon the public revenues thereof, and shall bear interest at and after the rate of four pounds per centum per annum, for the benefit of the person, or the heirs, executors, administrators, devisee or assigns of such person as shall or may have been lawfully or equitably entitled to the slave manumitted as hereinbefore last mentioned, and shall be under and subject to all such and the same claims and demands, of what nature or kind soever, as such slave was under and subject unto at the time of such manumission; and that every such sum and sums of money in every case, together with such interest as aforesaid which shall have accrued thereon respectively, shall be paid over by the treasurer of this island or his lawful deputy, upon summary application, to such person as shall produce to him an office copy of any judgment of a court of law, or exemplification of any decree or order of a court of equity, or any other authenticated document which shall show such person to be entitled to receive such money: Provided always, and be it further enacted, that as soon as any of the disabilities hereinbefore mentioned or intended shall be known to the treasurer of this island or his lawful deputy to have been removed, in the case of the manumission of any slave, pursuant to this Act, wherein the consideration money shall have been paid into the treasury of this island as hereinbefore directed, such treasurer or his deputy shall give notice to the person whose disability shall have been removed to receive such money, and interest accrued thereon, and that from and after such notice all interest shall utterly cease.

Clause 6.  
Money so paid to the treasurer to be a lien upon the revenues of the country at 4l. per cent for the benefit of the slave's owner, &c. but upon removal of disabilities, treasurer to give notice to the party entitled to the money, and interest to cease.

And be it further enacted, that if any person manumitted as hereinbefore directed shall, after such manumission and such security taken as hereinbefore required, become chargeable to any parish or to the public of this island, or if the recognizer shall not keep such person in, medical attendance, care and medicine, and in necessary

Clause 7  
If manumitted person, on account of whom a recognizance shall have

been taken, become chargeable, treasurer shall put the recognizance in suit, and apply the money recovered from the cognizor to indemnify the public.

sary and sufficient food, raiment and support, the treasurer of this island or his lawful deputy shall, and he is hereby authorized and enjoined to put in suit the recognizance which may have been taken by virtue of this Act, and shall use His Majesty's name for that purpose; and upon recovery and receipt of the debt shall apply the amount towards the indemnification of the parish, or of the public of this island to which such manumitted person may have become chargeable; and if any surplus shall remain, then such surplus shall be applied towards the future maintenance and support of such manumitted person.

Clause 8.  
If any person be excepted to, in or out of court, as being a slave, *onus probandi* to be upon the person challenging.

And be it further Enacted; That if any black or coloured person now or hereafter within this island shall be excepted to, or challenged in or out of court on the ground that such person be not free, and it shall happen that such person shall not have any authenticated voucher of his or her freedom or lawful manumission, it shall rest upon the person taking such exception or challenge to prove that such black or coloured person be a slave: Provided always nevertheless, that nothing herein contained shall be deemed, taken or construed to extend to the annulling or abrogating of the twenty-fourth clause of an Act, intituled, "An Act for establishing a Registry of Negro and other Slaves in the Island of Nevis," relating to the arrival in this island from other parts of every negro or person of colour professing himself or pretending to be free.

But nothing herein contained to annul the 24th clause of the Registry Act.

Clause 9.  
This Act not to compel the manumissions of slaves against consent of owners.

And be it further enacted, that this Act shall not extend, nor be deemed, taken or construed to extend, in any manner or degree whatsoever, to compel or enforce the manumission of any slave against the free will and consent of the owner or of the guardian, trustee or committee of such owner, as the case may be, except in the cases which are hereinbefore expressly provided for.

Clause 10.  
No fee to be taken except as provided by this Act.

And be it further enacted, that any judge, justice, officer or person whosoever doing or performing any matter or thing by this Act required of or by him in relation to manumissions to be done and performed, shall not demand any fee, reward or remuneration for the same, otherwise than as may be expressly provided for in and by this Act.

Clause 11.  
General indemnity clause.

And be it further enacted, that if any action, suit or prosecution shall be commenced or instituted against any judge, justice, officer or any person whomsoever, for any matter or thing done or performed under or by virtue of this Act, it shall and may be lawful to and for the defendant in such action, suit or prosecution, to plead, 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 and every such judges, justices, officers or persons as aforesaid, the general issue, and to give this Act and the special matter in evidence; and if the plaintiff in such action or suit shall discontinue such action or suit, or shall be nonsuited, or if judgment be given against him, or if the defendant in any such prosecution shall be acquitted, or if judgment be given in his favour, then and in every such case every such plaintiff, and every person who shall have caused such prosecution respectively, other than His Majesty's attorney-general, solicitor-general or counsel, acting *bonâ fide* officially, shall pay to such defendant treble costs, for which such defendant shall have the like remedy as he might have in any other the like cases.

Clause 12.  
Certain Acts cited, and all Acts now in force relating to the manumission of slaves repealed.

And be it further enacted, that as soon as this Act shall be in force, an Act intituled, "An Act for regulating the Manumission of Slaves," and the Act intituled, "An Act to repeal an Act intituled an Act to regulate the Manumission of Slaves," which by the repeal of the first-cited Act would be revived, shall be, and the same is and are hereby declared to be repealed; and also all and every Act relating to the manumitting of slaves, and all, every and any clause or clauses of any other Act whatsoever which relate thereto, and which may be in force within this island if any such there be, shall be and the same is and are hereby declared to be null and void within this island, to all constructions and purposes whatsoever, from and after the passing and publishing of this Act.

Dated at St. Christopher this 18th day of December, 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.