

# An Act for further improving the condition of the Slave Population in the Island of St. Christopher.

1828-06-03, St. Christopher

## Transcription

WHEREAS it is expedient that certain parts of the laws now in force relating to the slave population of this island should be repealed, and that other regulations for improving their condition should be made; We, therefore, your Majesty's most loyal and dutiful subjects, the Commander-in-Chief, for the time being, in and over St. Christopher, Nevis, Anguilla, and the Virgin Islands, and the Council and Assembly of St. Christopher, humbly pray your Most Excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the authority aforesaid –

First. That from thirty days after the publication of this Act, all markets to be held within the said island on Sunday shall be limited to the hour of eleven o'clock in the forenoon, and that from and immediately after the hour of eleven in the forenoon of the Lord's-day, no person or persons whatsoever shall shew forth or expose for sale in any market or other place, any meat, poultry, vegetables, provisions, fruits, herbs, wares, or merchandize, goods or effects, or shall remain in any market, upon pain of forfeiting the goods so exposed for sale, which may be seized by any constable, and be divided by any justice of peace, between the person who shall seize the same and the poor of the parish, and if a free person, upon pain of forfeiture, also, of the sum of nine shillings, by every such free persons remaining in such market exposing for sale, or purchasing any such goods, wares, or merchandize as aforesaid, on the Lord's-day, after the hour of eleven of the clock in the forenoon, to be levied by order in writing, under the hand and seal of any such justice of peace, and paid to the person who will inform for the same: Provided always, that nothing contained in this clause shall be construed to affect or interfere with the market now held every other day in the week.

2.– And for giving facility to the more effectual breaking up markets at the appointed time on Sunday, and to prevent the nuisance of extraneous markets, Be it further enacted, that the markets in the town of Basseterre shall be held in part of the Gaol-yard, and at the foot of the Girt leading towards Irish Town, and no where else in the town; and that all and every markets or market held, or attempted to be held, in any street or corner of streets, or on the steps appertaining to houses leading into the streets, or otherwise than the places herein appointed to be held, shall be at all times broken up by the supervisor or any constable, and the articles exposed for sale shall be forfeited, one moiety to the supervisor or constable seizing the same, and the other moiety to be distributed to the poor of the parish where the offence is committed, by the order of any such justice as aforesaid, and the person or persons committing the offence, upon conviction, on examination before any two justices of the peace, shall, if free, also pay a fine not exceeding nine shillings, and stand committed, for want of payment, for any time not exceeding three days, by warrant under the hands and seals of such justices of the peace before whom such complaint is made; and the places of holding the markets in the town of Sandy Point, Old Road, and elsewhere, shall be regulated by any two justices of the peace of those parishes, and all and every person or persons offending against such regulations, shall be subject to the like forfeiture and penalties as aforesaid, and the weekly sitting magistrates, or any other justice, in the several towns within this island, shall, on the Lord's-day, direct some one or more of the constables within his parish, to repair to the market places of the said towns, one half-hour before the aforesaid hour of eleven o'clock in the forenoon, and there loudly, and three successive

times, by the ringing of a bell, declare that the said market must cease and determine as aforesaid ; and all and every person neglecting to obey the said declaration as aforesaid, after the said hour of eleven o'clock in the forenoon, shall be and are hereby subject to the pains and penalties as hereinbefore enacted.

3.— Be it further enacted, by the authority aforesaid, that it shall not be lawful for any person whatsoever, to employ their slaves at any kind of work on Sunday, except domestics, slaves employed in watching, stock-keepers, water-drawers, and such slaves as are employed in potting sugar; nor shall it be lawful for any person to put about, or cause to be worked any sugar-mill between the hour of ten o'clock on Saturday night and day-light on Monday morning, under the penalty, in such case, of fifty pounds current money.

4.— And be it further enacted by the authority aforesaid, that it is, and shall henceforth be, illegal for any person or persons within the said island to carry any such instrument of correction as is commonly called a cart-whip, while superintending the labour of any slave or slaves in or upon the field or cane-pieces upon any plantation within the said island, or to use any such cart-whip for the purpose of impelling or coercing any slaves or slave to perform any labour of any kind or nature whatever, or to carry or exhibit upon any plantations, or elsewhere, any such cart-whip, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same over any slaves or slave; and in case any person or persons so carrying or exhibiting the same over any slaves or slave, and in case any person or persons shall carry any such cart-whip, while superintending the labour of any slave or slaves in or upon any plantation or cane-piece within the said island, or shall use any cart-whip for the purpose of impelling or coercing any slave or slaves to perform any labour of any kind or nature whatsoever, or shall carry or exhibit, upon any plantation or elsewhere, any such cart-whip as a mark or emblem of their, his, or her authority over any slave or slaves, the person or persons so offending, and each and every person who shall or may direct, authorise, instigate, procure, or be aiding, assisting, or abetting in any such illegal driving, use, or exhibition of any such cart-whip, shall be, and be deemed, adjudged, and taken to be guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is hereinafter provided: Provided, nevertheless, that if the person or persons so offending shall be a slave or slaves acting otherwise than under the authority of the master or driver, he, she, or they shall be tried by any two justices of the peace; and if convicted of the offence aforesaid, shall be sentenced to receive any number of lashes not exceeding twenty-five.

5.— And be it further enacted by the authority aforesaid, That all owners and possessors of slaves, and their agents, attornies, or representatives, shall, as much as in them lies, use his, her, or their endeavours to instruct his, her, or their slaves in the principles of the Christian Religion, and as soon as conveniently can be, cause to be baptized all such adult slaves, (not already baptized) as they make sensible of a duty to God and the Christian Faith, and all slaves hereafter to be born, within six months after their respective births, which ceremony the clergymen of the respective parishes wherein such slaves are resident, shall, and they are hereby required to perform gratis, and also to attend any slave or slaves in sickness, when their spiritual aid may be required; and the clergymen of each parish within this island shall, under a penalty of ten pounds for each name omitted, enter into the parish register the names of such slave or slaves, and the estate or owner to whom such slave or slaves shall belong as such clergyman shall baptize, and shall, and they are hereby required to give such slave so baptized a certificate of such baptism, so often as the same may be required.

6.— And be it further enacted by the authority aforesaid, that no person shall from henceforth be rejected as a witness, or considered as incompetent to give evidence in any court of civil or criminal justices in the said island, by reason of his or her being in a state of slavery, if the person producing or tendering him or her as a witness, shall produce and exhibit to the court a certificate, under the hand of any clergyman of the Established Church of England, or any minister of the Kirk of Scotland, that the slave named is sufficiently instructed in the principles of religion to understand the nature and obligation of an oath: Provided that such certificate shall have been duly registered in the secretary's office of the said island, at least three months before the same shall be so produced in court: Provided, nevertheless, that no person being in a state of slavery shall be admitted to give evidence in

any criminal or civil suit or action in which his or her owner, or the attorney, manager, or director of the estate to which such slave belongs, is directly concerned, or in any case where any white or free coloured person may be charged with, or prosecuted for, any offence punishable with death: Provided always, that nothing herein contained shall extend, or be construed to extend, to render any slave a competent witness, in any case in which such slave would be incompetent to give evidence, if he or she were of free condition.

7.— And be it further enacted by the authority aforesaid, that in all cases where the evidence of slaves is admitted to be given in any court or courts of justices in this island, under and by virtue of this Act, a writ of subpœna shall and may issue under the hand of the secretary of this island, or his lawful deputy, and under the seal of the court, in the usual manner, upon the application of any person or persons requiring the testimony of such slaves, directed to the owner or possessor of such slave or slaves, or the person under whose immediate charge such slave or slaves may be, requiring him, her, or them, under the penalty of twenty pounds, to bring and produce, or cause to be brought and produced, in court, such slave or slaves, for the purpose aforesaid: Provided, nevertheless, that the expences of such slaves who shall be subpœnaed as aforesaid, shall be at the time of serving the subpœna, tendered to the said master, owner, proprietor, or director of the said slave, at the rate of nine shillings per day for the attendance of said slave, and that in cases where the attendance of the said slave or slaves may be prolonged beyond the time for which such expence shall be tendered, the person or persons on whose behalf he, she, or they may be so subpœnaed as aforesaid, shall be, and are hereby declared to be, liable to pay all further expences attendant thereon, at the said rate of nine shillings per day for every slave over and above the time for which the expences of the said slave or slaves may have been so tendered at the time of serving the subpœna as aforesaid: Provided that every slave who shall attend any trial as a witness, under or by virtue of any subpœna, shall be protected and exempted in going to, attending at, and return from, such trial, in such manner as other witnesses are by law protected; and that no slave attending as such witness under subpœna, shall, ingoing, attending, or returning as aforesaid, be taken upon or by virtue of any execution or process issued against his master; Provided also, that if any such slave or slaves shall be guilty of corrupt, wilful, and false swearing, upon the trial of any cause, or in any matter or proceeding in which such corrupt, wilful, and false swearing, if committed by a witness of any other description, would amount to wilful and corrupt perjury, such slave or slaves, upon conviction of so swearing corruptly, wilfully, and falsely, shall be punished by imprisonment, with hard labour, for any term not exceeding six months, or by any number of stripes not exceeding one hundred, at the discretion of the court before which he, she, or they shall be tried and convicted; and such slave and slaves shall be utterly afterwards disabled from being a witness or witnesses in any cause or matter whatever: Provided, nevertheless, that the owner be paid for the time the slave be so confined in prison, at the rate of six shillings per day, at the public expence; and all and every such offence or offences of corruptly, wilfully and falsely swearing, by slaves hereinbefore mentioned, shall and may be tried at or before any special sessions of the justices of the peace, to be held under and by virtue of an Act of this island, intituled, “An Act for settling and regulating the trial of criminal slaves by jury,” in the manner and according to the provisions of that Act, and of another Act of the said island, intituled “An Act to alter and amend an Act, intituled ‘An Act for settling and regulating the trial of criminal slaves by jury,’” except that the owner, manager, or director of every slave charge with such corrupt, wilful, and false swearing, may, if he, she, or they shall think fit so to do, give bail or security for the appearance of such slave or slaves at the time and place of trial, for the purpose of standing such trial, and upon such bail obtain the liberation of such slave or slaves from prison in the mean time.

8. – And be it enacted by the authority aforesaid, that it shall be lawful for persons in the state of slavery to contract marriage either with slaves [56] or persons of free condition, with the consent of their owners, or the attornies of such owners, expressed in writing; but if any such owner, or attorney of such owner, shall refuse such consent, or omit to give the same, then it shall be lawful, in every such case, for such slave to apply to the Court of King’s Bench, by summary petition, to be presented by the Attorney General (or other superior Crown Officer in his absence) upon application made by such slave to him, and thereupon the owner of such slave, or his attorney or attornies, shall be duly summoned to appear before the said court, at a time to be appointed for

the purpose, to state his or their objection to such marriage; and if such owner or owners, or his or their attorney or attorneys, being duly summoned, shall fail to attend, or attending shall not shew just and sufficient or reasonable cause for withholding his, her, or their consent to such marriage, the court shall order that such marriage shall be solemnized, and therefore it shall be lawful for any clergyman of the Established Church of England, or any minister of the Kirk of Scotland, to solemnize the marriage of such slave after due publication of banns, or by licence obtained from the ordinary, or his lawful deputy, and the same, when so solemnized, shall be binding and effectual in the law: Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to render any such marriage valid or effectual, which would be illegal or void if such persons were of free condition: Provided also that no such marriage shall alter, impair, abridge, or in any manner prejudice the property of the owner, or respective owners, of such slaves of, in, and to such slaves, and their issue and progeny.

9. – And whereas persons in a state of slavery in this island have been permitted to acquire, hold and enjoy property free from the controul or influence of their owners, and it is expedient that the said laudable custom should be recognized and established by law, Be it therefore enacted by the authority aforesaid, that no person in this island being in a state of slavery, shall be, or be deemed or taken to be, by reason or on account of such his condition, incompetent to purchase, acquire, possess, hold or enjoy, alienate or dispose of property,, but every slave shall, and is hereby declared to be, competent to purchase, acquire, possess, hold, enjoy, alienate, and dispose of money, cattle, household furniture, or other effects of such or the like nature, of what value or amount soever, except slaves, arms, and ammunition, and to bring maintain, prosecute, and defend any suit or action in any court of justice for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition: Provided that no slave shall be liable to be arrested or taken in execution, or imprisoned, or detained in custody, for or on account or by reason of any action, cause of action, suit, judgment, or execution, which may be had, taken, or obtained against such slave, by reason of any thing hereinbefore contained, nor for any costs which may be incurred by any such slave in any such suit or proceeding, either as plaintiff, or defendant, or otherwise however: Provided also that nothing herein contained shall repeal an Act of this island, intituled “An Act to restrain thefts committed by negro slaves, and to prevent the dishonest traffic carried on by such as deal with them,” or to the following articles, that is to say, sugar, syrup, molasses, rum, canes, sprouts, megass, pewter, brass, lead, iron, copper, oats, lumber, and plantation utensils.

10. – And be it further enacted by the authority aforesaid, that whenever any question shall arise touching the liberty of any person detained or claimed as a slave, who shall not actually have been in the possession of any person as a slave, for the space of three months before the claim made, or the detainer complained of, other than any slave who may have been so long out of possession of his owner, by reason of his being a runaway slave, the proof of the slavery shall, in all such cases, lay upon the claimant of such person as a slave; and that when the competency of any person as a witness, in any court of justice, or other tribunal, shall be disputed, on the ground of his or her being a slave, the party taking such objection, shall be bound to prove the slavery of the person so challenged or objected to as aforesaid.

11. – And be it further enacted by the authority aforesaid, that it is, and shall from henceforth be, illegal for any person or persons to inflict, in any one day, upon any slave, for any crime or offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding twenty-five in the whole, or to inflict upon any such slave any punishment or correction by the whipping, scouring, or beating of his, her, or their person or persons, unless the person of such slave shall, at the time of such punishment or correction, be free from any laceration occasioned by any recent former whipping, scouring, or beating, or to inflict upon any such slave any punishment or correction by the whipping, scouring, or beating of his person, beyond twelve stripes, until the day after the commission of the offence for or in respect of which any such punishment or correction may be inflicted, or to inflict upon any such slave any such punishment or correction beyond twelve stripes, as aforesaid, unless one person of free condition shall be present at and witness the infliction of such punishment. And in case

any person or persons shall inflict, in any one day, upon any such slave, any number of stripes or lashes exceeding twenty-five in the whole, or shall whip, scourge, or beat any such slave, at any time when there may be upon his or their person or persons any laceration occasioned by any recent former whipping, scouring, or beating, or shall inflict upon any such slave any such punishment or correction beyond twelve stripes, as aforesaid, previous to the day next after the commission of the offence, for or in respect of which the same may be so inflicted, or without the presence and attendance during the whole of such punishment of some person of free condition, other than and besides the person by or by the authority of whom the same may be so inflicted, the person or persons so offending, and each and every person who shall or may direct, authorise, instigate, procure, or be aiding, assisting, or abetting in any such illegal punishment of any slave, shall be, and be deemed to be, guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as hereinafter provided: Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishment which may be inflicted upon any slave, under or by virtue of any sentence or judgment of any court of competent jurisdiction within the said island. Provided always, that no female slaves shall be flogged or punished by the exposure of her or their person or persons, but all punishments by flogging, inflicted on any female slave, shall be inflicted on the back and shoulders of such female slave. Provided also, that in all cases when the owner, proprietor, attorney, manager, or other person having charge of any slave or slaves, shall conceive the fault committed (the same not being cognizable by law) to be of such enormity as to deserve more exemplary punishment than is hereinbefore allowed to be inflicted, it shall and may be lawful for such owner, proprietor, attorney, manager, or such other person as aforesaid, to cause such offenders, slave or slaves, to be carried before any two or more justices of the peace, and such justices are hereby authorised and required to hear and examine every such complaint, and to directed such corporal punishment as the offence shall in their discretion merit; after which punishment, inflicted by the order of the justices as aforesaid, no further or other punishment whatever shall be inflicted on such slave for that offence, by any person or persons whomsoever, under a penalty not exceeding one hundred pounds current money; and the justices before whom such slave or slaves shall be brought, shall enter, or cause to be entered, in a book to be kept for that purpose, the nature of the complaint, and the punishment inflicted by their order.

12. – And be it also enacted by the authority aforesaid, that there shall be kept upon every plantation and estate throughout the said island, a book, to be called “The Plantation Record Book,” and that it be the duty of the owner, proprietor, manager, or other person having the direction of and the chief authority in the said plantation, to enter and record in the said book, at or immediately after the time of the infliction of any corporal or other punishment whatsoever, a statement of the nature and particulars of the offence, for or in respect of which such corporal [58] or other punishment may be inflicted; and the time at which, and the place where, such punishment was inflicted, and of the nature, extent, and particulars of the punishment, together with the names of the persons by whom, and by the authority of whom, the punishment was inflicted, and of the persons or person of free condition present and attending at the infliction of every such corporal or other punishment: Provided always, nevertheless, that it shall not be necessary to enter into such book any corporal punishment not exceeding twelve lashes, or any confinement not exceeding forty-eight hours for one continuance; and such record, so to be kept, shall be produced, when called for by any justice of the peace, or any court having jurisdiction herein.

13. – And be it further enacted, that if any person being the owner, proprietor, or manager of any plantation or estate within the said island, or having the management thereof, or the chief authority therein, shall neglect, or omit to make in the said plantation record book, any entry, which, according to the provisions of this Act, ought to be made therein, or shall not make such entry within forty-eight hours next after the infliction of each and every punishment to which the same may refer, the person so offending shall incur, and become subject and liable to a penalty not exceeding fifty pounds, nor less than five pounds, current money, to be fixed and determined by the court before whom such offender shall be tried, and to be recovered and applied in manner hereinafter mentioned. And if any person or persons shall wilfully or fraudulently make, or cause or procure to be made, any false entry or fraudulent erasure in any such plantation record book, or shall willful or fraudulently

burn, destroy, cancel, or obliterate the same, or any parts or part thereof, the person or persons so offending shall be, and be deemed and taken to be, guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as hereinafter provided.

14. – And be it further enacted by the authority aforesaid, that if any proprietor, attorney, manager, overseer, or other person, having the charge or direction of slaves, shall, upon any pretence whatsoever, take upon himself or herself to inflict, or cause, or knowingly suffer to be inflicted, on any slave or slaves any heavier, greater, or other kind of corporal punishment than hereinbefore limited and prescribed, or to inflict punishment at other and different times than hereinbefore mentioned, such proprietor or attorney, manager, overseer, or other person having the charge or direction of such slaves, shall, for every such offence, be proceeded against by indictment in a court of criminal jurisdiction to be holden for this island, and if found guilty, shall be punished by fine or imprisonment, or both, at the discretion of the court before whom such offender shall have been tried and convicted.

15. – And be it further enacted, that upon the prosecution of any person being the owner, proprietor, or manager of any plantation, for inflicting, or cause or procuring to be inflicted, on any slave or slaves any punishment hereby declared illegal, if the slave so alleged to be illegally punished shall be produced in open court, and if the marks or traces of recent flogging or laceration shall appear on the person of such slave; and if such slave shall in open court declare such traces to be the consequences of any such unlawful punishment or correction, and being duly examined by the said court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, and in every such case, although such slave may not be a competent witness within the provisions of this Act, the owner, proprietor, manager, or other person having the charge of such slave, shall be bound to shew, to the satisfaction of the court and jury, or prove upon his own oath, that the punishment, of which the marks and traces may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or to prove that such punishment was a lawful punishment within the meaning of this Act, and was inflicted in the presence of one such witness of free condition, as is required by this Act, and in default of his shewing to the court and jury, or giving proof on his own oath, or otherwise, such owner, proprietor, manager, or other person as [59] aforesaid, shall and may be convicted and adjudged to be guilty of the offence imputed to him.

16. – And be it enacted, that it shall not be lawful, in the execution of any judgment, sentence, decree, or order of any tribunal of any court of justice within the said island, to seize and sell, in satisfaction thereof, any slave having a husband or wife, or a child under the age of twelve years, or a reputed husband or wife, or child under the age aforesaid, who may be the property of the same persons or person, unless such husband and wife and child, or reputed husband, wife and child, shall be sold together, and in one and the same lot, and to the same person or persons. And if in the execution of any such judgment, sentence, decree, or order, any slave or slaves shall be sold separate or apart from any such husband or wife, or child, as aforesaid, then, and in every such case, such sale and execution shall be, and the same is hereby declared to be, absolutely null in the law to all intents and purposes whatsoever: Provided that no such sale of a slave shall be void or invalid by reason or on account of the husband or wife, or child under twelve years, or the reputed husband or wife, or child under twelve years, belonging to the same owner, not being sold together with such slave in the same lot, if such slave being questioned thereto by the marshal, or other officer who shall make such sale, which such marshal, or other officer, is hereby required so to do, under the penalty of fifty pounds current money, to be recovered as hereinafter mentioned, shall not give to the said marshal, or other officer, information thereof, and declare the name or names of such his or her husband, wife, or child under twelve years, or reputed husband, wife, or child under twelve years, belonging to his or her owner; and if the marshal, or other officer, who shall make any such sale of any slave without selling any husband or wife, or child or children, with such slave, shall enter a memorandum in his book of sales of his having made inquiry of such slave as to his or her having a husband, or wife, or child, or children under twelve years, or a reputed husband, or wife, or child under twelve years, or

belonging to his or her owner, and his or her having failed to give such information thereof as aforesaid, which memorandum, duly signed by the marshal, or other officer making such sale, shall in all courts be had and taken as sufficient evidence that such inquiry as hereinbefore directed was made, and of such default in such slave of giving such information of his or her having such husband, wife, or child, or reputed husband, wife, or child, belonging to such owner. And it is further enacted and declared, that in case the marshal, or other officer who shall make any such sale, after having made such inquiry as hereinbefore directed, upon which no such information shall have been given by such slave so sold of his or her having such husband, wife, or child, or children under twelve years, or reputed husband, wife, child, or children under twelve years, belonging to his or her owner, shall neglect and omit to enter and signed such memorandum thereof, as hereinbefore mentioned, in his book of sales, as hereinbefore directed, or shall make or enter any false entry or memorandum concerning any such inquiry and want of information, or shall fraudulently and wilfully destroy, cancel, erase, alter, or obliterate any such entry made in such sales' book, all and every such marshal, or other officer, shall be deemed and taken to be guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as hereinafter provided.

17. – And whereas by the usage of this island, slaves have been permitted to acquire, hold and enjoy personal property, free from the controul or influence of their owners; and it is expedient that such laudable custom should be continued and established by law, Be it therefore enacted by the authority aforesaid, that if any person or persons whatsoever shall unlawfully take away from, or purchase from, and neglect to pay, any slave or slaves, or in any manner deprive, or cause him, her, or them, to be deprived, of any species of personal property by him, her, or them possessed, such person or persons shall forfeit and pay a sum not exceeding ten pounds current money, over and above the value of any such property so taken away, or purchased and not paid for as aforesaid, to be levied by warrant under the hands and seals of any two or more magistrates, and directed to the provost-marshal, or any constable of the said island.

18. – And it is further enacted, that the treasurer of this island is hereby authorized to receive into the public treasury of this island, any money which any slave may be desirous to deposit therein, for which an interest of five per cent. per annum shall be allowed and paid out of the public revenue of this island; and any slave making any deposit of money in the public treasury of this island, shall be at liberty to make a declaration of the manner in which, and the name of the person or persons to whom, in the event of his or her death, the amount of his or her deposit in the said treasury shall be paid, applied, and disposed of, and such declaration shall be recorded in a book to be kept for that purpose at the treasurer's office, where such deposit shall be made; and upon the death of the slave making such declaration, the same shall be deemed and taken to be the last will and testament of such slave, in the absence of any other last will; and in case any such slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be, a revocation in the law of such declaration. And it is also enacted, that in case any slaves or slave in the said island shall die intestate, and without having made such declaration as aforesaid, which may remain unrevoked at the time of his death, then, and in every such case, the property of every such slave shall go, and be disposed of, to and in favour of such persons or person, as by virtue of the several Acts of Parliament for the distribution of intestate's estate would, according to the law of England, be entitled to any such property; and in cases where any slave or slaves may die intestate, without leaving any relations in and amongst whom his, her, or their property, could or might descend by course of law, or become distributable according to the several statutes of distributions, that in such and every such case, the property of the said slave or slaves, of any value or kind soever, shall, and it is hereby declared to be revertable, and of right to belong and vest in the owner or owners of such slave or slaves so dying intestate, and without such next of kind as aforesaid. And be it further enacted, that no deposit of money shall, at any one time, or within any one week, be received at the public treasury from any slave, exceeding the sum of twenty dollars in the whole, unless such slave, at the time of tendering any such deposit, shall produce the consent in writing of his owner or manager, or the attorney of such owner, to such deposit being made; and in case any slave shall be desirous, at any one time, or in any one week, to make any such deposit of money, exceeding the

sum of twenty dollars, and the owner, attorney of such owner, or manager of such slave, shall refuse his consent to such deposit being made; then, and in every such case, any two or magistrates, upon application to them for that purpose made, shall issue a summons under their hands, requiring the owner or manager of the slave, or the person or persons under whose direction the said slave may be, to appear before them, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner or manager, or other persons as aforesaid, being duly cited, shall fail to appear before the said two or more magistrates, or appearing, shall fail to lay before them good and sufficient cause why such deposit ought not to be made; then, and in every such case, the said two, or any other two or more magistrates, shall issue an order under their hands and seals, requiring the treasurer of the said island to receive the amount of such deposit, and the same shall be received by him accordingly.

19. – And be it further enacted by the authority aforesaid, that no master, owner, or possessor of any slave or slaves, whether in his or her own right, or as attorney, guardian, trustee, or otherwise howsoever, shall under any pretence whatsoever, discard or turn away any slave or slaves rendered in capable of labour or service, by reason of sickness or disorder, age or infirmity. But every master, owner, or possessor, shall keep such slave or slaves upon his, her or their respective properties or premises, and feed and provide them with wholesome food, and decent comfortable clothing and lodging and other necessities; and not suffer them for want thereof to wander about at large and become a nuisance and burthensome to others for subsistence. And it shall and may be lawful for any white or free coloured person to take upon all such diseased or infirm slave or slaves who may be found going about at large as above-mentioned, and to carry him, her, or them before any of His Majesty's justices, who shall, and he is hereby directed to make immediate inquiry into the conduct of the master, owner, or possessor of such slave or slaves; and if it shall appear to such justice that the slave or slaves going about at large be owing to neglect or maltreatment from the owner or possessor, he, she, or they so offending, shall forfeit, for each offence, a sum not exceeding fifty pounds current money, and such owner or possessor shall forthwith enter into recognizance in the sum of one hundred pounds, with two sufficient sureties in the sum of fifty pounds each, that such slave or slaves in future shall be well treated, lodged, fed, and clothed. But in case of neglect or refusal to enter into recognizances as aforesaid, then it shall and may be lawful for the justice to commit the slave to the charge of the cage-keeper of the nearest town where taken up, to be by him lodged and fed, for which he shall be entitled to receive from the owner or possessor, at the rate of one shilling and sixpence per diem, recoverable on his goods and chattels weekly, by warrant under the hand and seal of any justice of the peace, until he, she, or they shall enter into said recognizance as aforesaid.

20. – And be it further enacted by the authority aforesaid, that any person who may be convicted of any act hereby declared to be a misdemeanour, shall, if of free condition, be and become liable to a fine not exceeding one hundred pounds of current money, or to imprisonment for any time not exceeding six months, or both to fine and imprisonment, at the discretion of the court before which any such person may be convicted, and in case any person be convicted of cruel and unlawful punishment of any slave, and that if such person so convicted be the owner of such slave, the said court is hereby authorised, at their discretion, to order and direct a sale of such slave or slaves by the deputy provost marshal, and the money arising therefrom to be paid over to the said court, to be by them paid over to such person or persons as may be the owner or owners of such slave or slaves, or have the legal interest therein, and all such offences shall be tried in the Court of King's Bench and Common Pleas of the said island, and all fines and pecuniary penalties shall be recovered by indictment, and shall be divided and paid, one half to His Majesty for the use of the public of this island, and the other half to the use of the person or persons who shall prosecute for the same: Provided that all and every indictment, suit, or prosecution to be instituted by any private prosecution for any offence committed under or against this Act, shall be sued and brought within six months from and after the commission of the offence or offences for which the same may be prosecuted, if there should have been a Court of King's Bench and Common Pleas actually held within six months after the commission of such offence, and if not then, such indictment or suit may be prosecuted at the next Court of King's Bench and Common Pleas which shall be held after the expiration of six months from the



commission of such offence, and not after, and every indictment or prosecution, other than such as shall be instituted by private prosecutors, for any offence or offences under this Act, shall be prosecuted within one year after the commission of such offence or offences, and not after.

21. – And be it further enacted, that the third, fifth, twelfth, and fifteenth clauses of an Act of this island, intituled “An Act for attainting several negroes therein mentioned, and for the more effectual preventing negroes from running away from their master’s service, and for explaining and rendering more effectual an Act intituled an Act for the better government of negroes and other slaves,” shall from and after the passing of this Act, stand and be absolutely and entirely repealed; and also that such part of the tenth section of the said Act, as relates to the prosecution of any slave who shall have absented himself from his master’s service above the space of six months, be repealed from and after the passing of this Act.

22. – And be it further enacted by the authority aforesaid, that no fee or gratuity shall be demanded or received by any magistrate, constable, or other persons for any duty to be performed under this Act.

Passed the Assembly, this 20th day of December 1827, (Signed) JOHN HAZELL, junior, Clerk of the Assembly.

(Signed) W.K. WATTLEY, Speaker.

Passed the council, this 3d day of January 1828. (Signed) THOMAS HARPER, Clerk of the Council.

Dated at St. Christopher, the 7th day of January 1828, and in the 8th year of His Majesty’s reign. (Signed) STEDMAN RAWLINS (L.S.)

A true Copy, (Signed) THOMAS HARPER, Colonial Secretary.

## Citation

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