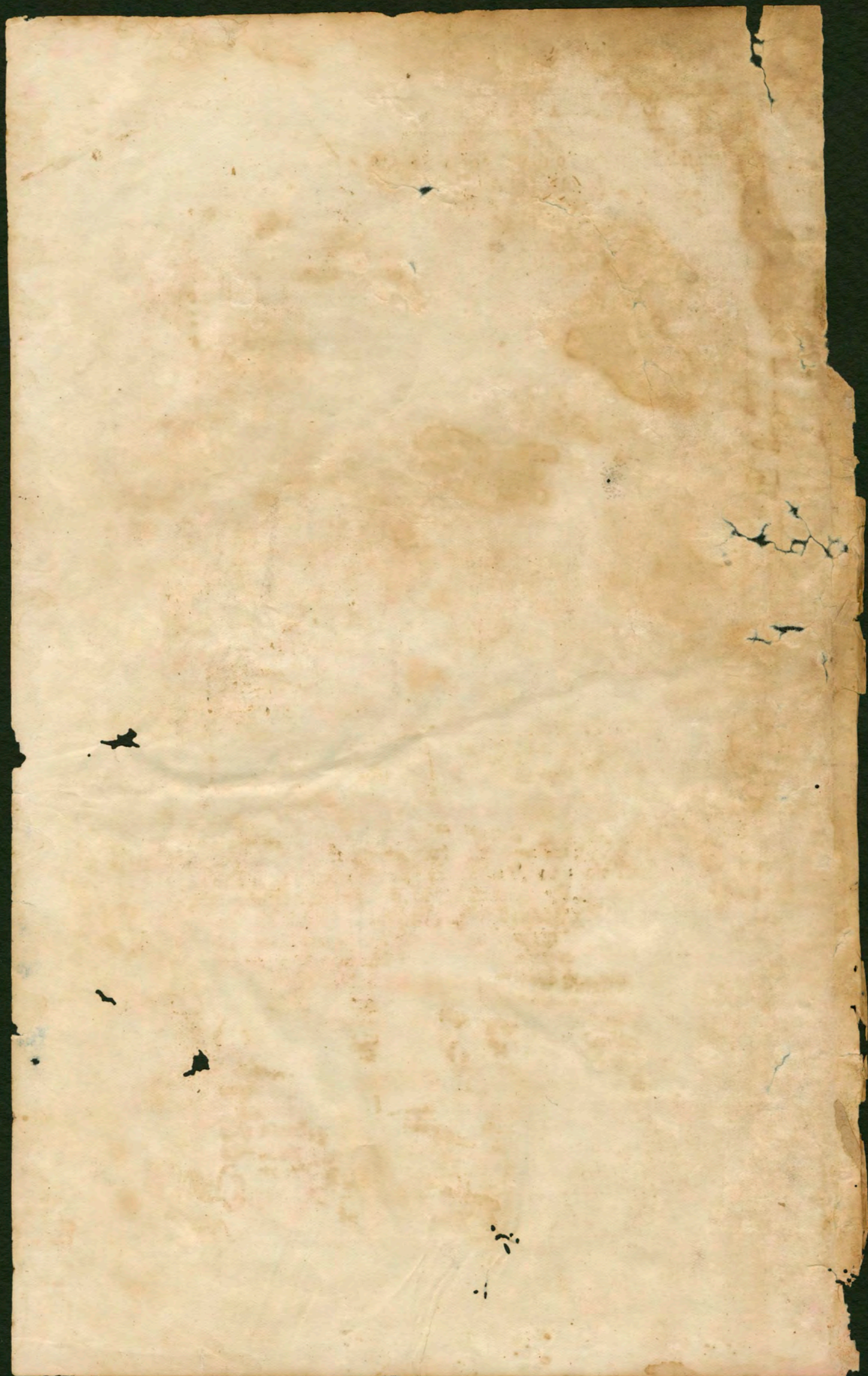


**Preliminary
leaves
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985.1/36

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The LAWS of NEVIS.

Island, after the Proportion, and in Manner and Form as hereafter set down and appointed; that is to say, upon all Commodities of the Growth or Production of this Island that shall be shipped off the same, shall be paid to our Sovereign Lord the King, his Heirs and Successors for ever, Four and a Half p. Specie, for every Five Score.

IV. And be it further Enacted and Declared, by the Authority aforesaid, That if any Goods before-mentioned, on which the said Custom is imposed and due by this Act, shall at any Time hereafter be shipped or put into any Boat or Vessel, the said Imposition due for the same not paid, compounded for, or lawfully tendered to the Collectors thereof, or their Deputies, or not having agreed with the Commissioners for that Purpose to be appointed, or their Deputies, for the same, according to the true Intent and Meaning of the said Act; that then, and from thenceforth, all the said Goods shall be forfeited; the one Moiety thereof to be to our Sovereign Lord the King, and the other to him that shall inform, seize, or sue for the same in any Court of Record in this Island; which Grants are left to your Excellency's own Way of levying, in full Confidence and Assurance that your Excellency will take such Course for the collecting and gathering the said Impost, without any other Duty, or Fees, as may be most for the Ease of the People, and: Provided nevertheless, That this Act, nor any thing therein contained, shall extend, or be construed to debar his Majesty, or his said Excellency from his or their Rights to any Lands, or any Encroachments made upon the Sea, or any waste Lands, taken up by Warrant, or otherwise, since the Year of our Lord One Thousand Five Hundred and Fifty, until the Publication of his Majesty's Commission, granted to Colonel James Russell, to be Governor of this Island, bearing Date the Twelfth Day of September, in the Year of our Lord One Thousand Six Hundred and Sixty.

V. Provided also, and it is further Enacted, That this Act, nor any Thing therein contained, shall extend to bar his said Majesty in any Matters, Cause, or Thing, due or belonging, or shall become due or belonging, to his Crown and Dignity; any Thing in this Act to the contrary in any wise notwithstanding.

An Act for ascertaining Lands, as also for affixing Slaves, Coppers, &c. to the Freehold.

A. D. 1680
No. 2.
Confirmed
Feb. 8, 1681

Forasmuch as many the first Inhabitants of this Island, after some small settlement made upon their respective Lands and Plantations, held under our Sovereign Lord the King that now is, or his Majesty's Royal Predecessors, or from the Earl of Carlisle, late Lord Proprietor of this and other the Leeward Islands, did, many Years since, to the great Detriment and Hazard of this his Majesty's Island, leave and desert their Estates, transporting themselves, with all their Chattels moveable, to Jamaica, or elsewhere, leaving the said Lands and Plantations void of Inhabitants, or in the Hands of Trustees,

The LAWS of NEVIS.

A. D. 1680.

Trustees, Attornies, &c. after the Death of such Inhabitants, or Deserters, for want of Claim or Title, made good by any under, or in the Name of the Persons deserting as aforesaid, or by any in the Name, or from any Power derived or accruing to them from such Trustees, Attornies, &c. the said Lands and Plantations, Tenements and Hereditaments, have been disposed of; viz. some of the said Lands and Plantations, Tenements and Hereditaments, by Patent from ancient and former Governors; some Lands, &c. by his Excellency *Francis Lord Willoughby*, sometime since the said former Governor, Captain-General, and Chief Governor in and over these his Majesty's *Charribbee* Leeward Islands in *America*, by virtue of his Majesty's Commission to him the said *Francis Lord Willoughby* directed, or by his Deputy Governor in this Island; some Lands, &c. by his Excellency *William Lord Willoughby*, succeeding him the said *Francis Lord Willoughby*, commissioned as aforesaid; some Lands, &c. by his Excellency *Sir Charles Wheeler*, late Captain-General, and Chief Governor in and over these his Majesty's Leeward Islands aforesaid; some Lands, &c. disposed of, and confirmed by Patent, from or by his Excellency *William Stapleton*, now *Sir William Stapleton*, Baronet, Captain-General and Chief Governor in and over these his Majesty's *Charibbee* Leeward Islands aforesaid, in his Majesty's Name, in Fee and Common Soccage to the respective Patentees, their Heirs, Executors, and Assigns, for ever; some Lands, &c. by Lease and Demise in his Majesty's Name, by some or all of the said said Governors preceding his Excellency *Sir William Stapleton* aforesaid; as also by his said Excellency *Sir William Stapleton* (to his Majesty's Use for Years) reserving some certain Annual Rents, Acknowledgements, and Services, payable to his Majesty, his Heirs and Successors, in Consideration of such their Lands, &c. in Tenure, to the great Security of this his Majesty's Island; others, the now Inhabitants, Possessors of divers Parcels of Lands, &c. have been put into Possession of the same; viz. some of them by Deeds of Sale, Conveyance, or other just Instruments of Writing, made and confirmed to the Buyers or Purchasers by such ancient Possessors, or first Settlers, or Proprietors, deserting as aforesaid, or their Trustees, Attornies, &c. impowered therein, or the Executors, Administrators, or Assigns, of such former Possessors, or first Settlers, or Proprietors, who have both paid the full Value thereof, when purchased as aforesaid, and by great Charge and Industry much improved the same; other some by Letters of Administration, heretofore granted by any former, or the present Governor of this Island, to any the present Inhabitants or Possessors of such Lands or Plantations, Tenements and Hereditaments, or Persons buying and purchasing Lands, Plantations, Tenements, &c. of such Administrators; others also, as Creditors thereunto, having been put in Possession thereof by the Marshal or Marshals then being, upon Outcries, according to a former Act of this Island, as also by the Marshal or Marshals since, and now being, according to a latter Act, by Appraisements upon Judgements of Courts at Common Law, or Decrees in Courts of Chancery, had and recovered against the same Lands or Plantations, Tenements or Hereditaments,

ditaments, both which relating to the Prosecutions against the same A. D. 1680
 by the respective Creditors of the Persons, Owners, and Proprietors
 of such Lands and Plantations, Tenements or Hereditaments, &c.
 others by Law obtaining Judgements or Decrees against the Lands
 or Plantations, Tenements or Hereditaments, &c. others buying
 or purchasing of Lands or Plantations, Tenements or Heredita-
 ments, &c. at Outcries, or by Appraisement, or that have bought
 or purchased such Lands, &c. of those that so bought at Outcries
 or Appraisement: And forasmuch as the said Deserters of Lands,
 Plantations, &c. in this Island, or their Heirs, Executors, Admini-
 strators, or Assigns, after such great Improvement by the present
 Possessors, as aforesaid, may by Law-suits disturb, implead, and
 molest, and occasion many Contentions amongst his Majesty's
 Subjects in this Island, relating to their said Estates of Land, Plan-
 tations, Tenements, or Hereditaments now in Possession, and not-
 withstanding the present possessors thereof in their own Right,
 having paid the former Value thereof, as aforesaid, or otherwise
 possessed thereof in any the Manner or Ways as before expressed,
 and being so possessed of the said Lands, &c. the same have much
 improved, as aforesaid, to the great strengthening and securing of this
 his Majesty's whole Island; and for that no such Suits at Law against
 such Possessors, being possessed by any manner of Ways or Means, as
 aforesaid, shall be hereafter allowed of, but that the respective In-
 habitants so possessing, as aforesaid, their Heirs, Executors, or As-
 signs, may quietly and peaceably enjoy their and every of their
 respective Lands or Plantations, Tenements or Hereditaments, in
 this Island, so purchased or otherwise possessed thereof in any Man-
 ner or Way as before expressed (whereby they, and every of them,
 have hitherto enjoyed the same) without any just Cause of Fear to be
 disturbed, sued, vexed, or ejected from or out of their Possessions
 and Estates, as before-mentioned, and for the secure and quiet
 Possession of all such Possessors in their present Right, of and for any
 Lands or Plantations, Tenements and Hereditaments, in this Island,
 and also for the avoiding Law-suits touching the same, which may be
 unjustly commenced and prosecuted by any unjust pretended Propri-
 etor or Proprietors, deserring as aforesaid, or by the Heirs or Execu-
 tors of such Pretenders, their Trustees or Attornies, to any Lands
 or Plantations, Tenements or Hereditaments, in this Island, as
 aforesaid, or any other Person or Persons whatsoever: It is there-
 fore Ordered, Ordained, and Enacted, by his Excellency Sir *William*
Stapleton, Baronet, Captain-General, and Chief Governor in and
 over his Majesty's *Charibbee* Leeward Islands in *America*, by Virtue
 of his Commission, under the Great Seal of *England*, bearing Date
 the Tenth Day of *February*, One Thousand Six Hundred Seventy
 and One, as also by Order of his Majesty in Council, bearing Date
 the Thirtieth Day of *October*, One Thousand Six Hundred Seventy
 and Eight, empowering him to ascertain and make firm Estates in
 this Island, and by the Gentlemen of the Council and of the Assem-
 bly, and he it hereby Ordered, Ordained, and Enacted, by the
 Authority aforesaid, That at any Time or Times after the Date
C
hereof

A. D. 1680.
 Right of
 Lands, &c.
 confirmed to
 the present
 Possessor.

hereof, all and every Person or Persons, Inhabitants in, or Possessors of Lands, Plantations, Tenements, or Hereditaments, in this Island, at or before this present Time, in their or any of their own Right, being seized or possessed thereof in or by any Way, Manner, or Form, as before is expressed, or any other just Cause, by which he or they have been seized, possessed, or have entered the same; the said Land or Lands, Plantation or Plantations, Tenements or Hereditaments, are hereby ascertained and made firm to the present Possessors respectively, and their Heirs, Executors, and Assigns, for ever, together with all the Benefits and Privileges thereof; and that all Law-suits that shall be hereafter at any Time from the Day of the Date hereof, commenced by any such Pretenders or Deserters as aforesaid, or by the Heirs, Executors, Administrators, Assigns, Trustees, Agents, or Attornies of such Pretenders or Deserters, or any other Person or Persons, against the present Possessors or Inhabitants of such Lands or Plantations, Tenements or Hereditaments, in this Island, possessing or inhabiting the same, or their Heirs, Executors, Administrators, or Assigns, in any Manner, Way, or Form, as is before expressed, be, and shall be utterly debarred and thrown aside; and that the said present Possessors or Inhabitants of Lands, Plantations, Tenements, or Hereditaments, their Heirs, Executors, and Assigns, are by Virtue of this Act, lawfully confirmed in their and each of their Possessions of Lands, Plantations, &c. in this Island, by them or either of them seized or possessed, in any Way, Manner, or Form, as before-mentioned, at this Time, and henceforward for ever, notwithstanding any old Claim or Title thereunto, that shall be made by any Person or Persons whatsoever; any former Act, Usage, or Custom to the contrary in any wise notwithstanding.

Slaves and
 Utensils be-
 longing to
 Plantations
 not to be ali-
 enated.

II. Also it is likewise Ordered, Ordained, and Enacted, by the Authority aforesaid (for preventing Demolishment, Waste, and great Detriment to the Estates of Freehold in this Island) That all Negro Slaves, and other Slaves whatsoever, belonging or appertaining to any Plantation or Plantations of Freehold in this Island; as likewise all Sugar-mills, Coppers, and Stills, once fastened or fixed thereon, for Service of grinding Sugar-canes, or Sugar-boiling, &c. shall, to all Intents and Purposes, remain upon the freehold, and not thence be removed or alienated, excepting only for the paying and satisfying the Debts of the Proprietors thereof, by virtue of Executions laid or to be laid upon the same, or by the Will of the Owner or Proprietor so desiring or ordering the removal thereof; any Law, Usage, or Custom, in any wise to the contrary notwithstanding.

No. 3.
 Confirmed
 Feb. 8, 1681.

An Act for preventing making dangerous Fires in Charles Town, &c.

Whereas it hath been the Practice and Custom of many the Dwellers in Charles Town and Morton's Bay, in this Island, in a careless Manner, not regarding the evil Consequences that may ensue

enue thereby, to kindle and maintain Fires for boiling Pots, and dressing Victuals in the Streets, and other Places of Danger, very near unto Houses in the said Towns, whereby the said Houses, and likewise the Towns have been in great Peril and Danger of being burned; for preventing and avoiding such Dangers by Fire as aforesaid, it is Ordered, Ordained, and Enacted, by his Excellency Sir William Stapleton, Baronet, Captain-General and Chief Governor in and over his Majesty's Leeward Charribbee Islands in America, by virtue of his Commission under the Great Seal of England, for making of Laws, bearing Date the Tenth Day of February, One Thousand Six Hundred Seventy and One, and by the Gentlemen of the Council and Assembly, and be it hereby Ordered, Ordained, and Enacted, by the Authority thereof, That whatsoever Person or Persons, from and after the Publication hereof, shall kindle any Fire or Fires, in the Street or Streets, or other Places of Danger aforesaid, for boiling or dressing of Victuals in Charles Town or Morton's Bay aforesaid, that upon due Proof thereof, made before any the respective Justices of the said Charles Town or Morton's Bay, shall by the said Justice or Justices be forthwith fined the Sum of One Hundred Pounds of Muscovado Sugar for every such Offence so committed by the Person or Persons aforesaid, to be paid to the Treasurer for the Time being; the one Half thereof to and for the Use of the Poor of the Parish where the said Offence is committed, and the other half to the Informer; and in case of Refusal of Payment of such Fine or Fines, then the Treasurer to prosecute the Delinquent or Delinquents, according to the Act made in case of Refusal of Payment of Fines, &c. If the said Offenders are not able to pay their respective Fines, then to be compelled to work it out upon the Forts, or other public Works, according to the usual Rate of Labourers for public Work, otherwise to suffer corporal Punishment, not extending to Death or Maiming.

A. D. 1680.

Penalty on Persons kindling Fires in the Streets, or Places of Danger.

An Act for preventing the landing infected Persons, &c.

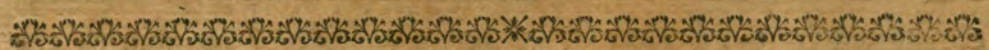
No. 4
Confirmed
Feb. 8, 1681

Whereas several Places abroad are infected with the Small-pox, Spotted-fever, or other Contagion, as appears by sundry Persons in a Ship lately arrived in this Road, having such Contagion on Board now amongst them; the Premises being duly considered, and the evil Consequence that might or should fall upon his Majesty's Subjects, the Inhabitants, and others here upon this Island, if any Person from any infected Place, or from and out of any infected Ship, or other Vessel, should be permitted to come and land on Shore here, by reason of Infection, that, in all likelihood, would be here amongst us; for Prevention whereof, it is Ordered, Ordained, and Enacted, by his Excellency Sir William Stapleton, Baronet, Captain-General and Chief Governor in and over his Majesty's Charribbee Leeward Islands in America, by virtue of his Commission under the Great Seal of England, for making Laws, bearing Date the

A. D. 1680.

Penalty on Masters of Ships suffering Persons to land without Licence from the Governor.

the Tenth Day of February, one Thousand Six Hundred Seventy and One, and by the Gentlemen of the Council and Assembly, That if any Person or Persons whatsoever, arriving in any Road or Roads, Ports or Creeks, in this Island, in any Ship or other Vessel, shall land or come on Shore upon this Island, without Licence first had and obtained from his Excellency the General, that then, upon due Proof thereof, the Master, Merchant, Owner, or Seller of such Person or Persons, and for every of them, or the Master or Merchant of such Ship or other Vessel, from which any such Person or Persons shall be landed or brought on Shore, as also the Master of every Seaman coming on Shore from such infected Vessel, shall pay for every such his Seaman's Default the Sum of Ten Thousand Pounds of Sugar, to be paid to the Treasurer of this Island, to and for the erecting and repairing his Majesty's Fortifications in this Island; as also that the like Penalty be inflicted upon the Buyer or Buyers of any such Person or Persons, and for every of them respectively, if so be it be made appear that such Buyer or Buyers did know of any such Distemper or Contagion upon the Person or Persons so brought on Shore, or landed as aforesaid.



No. 5. Confirmed Feb. 8, 1681.

An Act for the repeal of a former Act, touching Payment of Sugar for Money contracted out of this Island, at Fifteen Shillings per Cent.

Rate of Sugar for the Payment of Debts contracted out of this Island.

BE it Ordered, Ordained, and Enacted, by his Excellency Sir William Stapleton, Baronet, Captain-General and Chief Governor in and over his Majesty's Charribbee Leeward Islands in America, by virtue of his Commission under the Great Seal of England, for making Laws, bearing Date the Tenth Day of February, One Thousand Six Hundred Seventy and One, and the Gentlemen of the Council and Assembly, That an Act formerly made in this Island, intituled, An Act for Rates of Sugar in Money, bearing Date the Twenty-sixth Day of May, One Thousand Six Hundred Seventy and Five, and in the Twenty-seventh Year of his now Majesty's Reign, and all and every Clause and Clauses, Thing and Things therein contained, are hereby utterly annulled and made void; and that for any Sum or Sums of Money, lent or contracted for by any Person or Persons, to any Person or Persons in Europe, for the Future, that the Payment of such Money Debts here in this Island, in Muscovado Sugar, shall be by the respective Debtors paid, at the Rate of Twelve Shillings and Six-pence for every Hundred Pound Weight of such Sugar, containing Five Score Pounds to the Hundred, according to the Custom of this Island, for paying Debts otherwise contracted.

Am

An Act for preventing of fraudulent Accounts of Handicraftsmen, &c. A. D. 1680.

Whereas it has been the common Practice of several Handicraftsmen and Labourers in this Island, that have wrought at their respective Trades, or other Work or Labour done for any the Inhabitants here, when their Accounts for such Work or Labour have by such Inhabitant or Inhabitants aforesaid been paid and satisfied, by and in the Hands of some Merchant or Merchants in this Island, as oftentimes is that way paid, by the Desire of such Handicraftsmen, or Labourers aforesaid; which being done, the Merchant or Merchants aforesaid, forthwith, upon such Discount, charge the said Inhabitant for the same; but the said Handicraftsmen and Tradesmen, through want of Care and Skill in keeping their Accounts, usually forget or omit to give Credit in their Books to the Inhabitant (their first Debtor) by which Means it oftentimes hath happened, that after the Death or Removal off the Island of such Inhabitant or first Debtor, or their Heirs, Executors, Administrators, or Assigns, several Years after such Discount and Satisfaction to them made as aforesaid, the Handicraftsmen or Labourers aforesaid, or their Heirs, Executors, &c. have, notwithstanding, brought in the same Account of Charge against the Estate of the said Inhabitant removed or deceased as aforesaid, or his Executors, Administrators, &c. who, by reason of the great Distance of Time, have not been able to prove Satisfaction, but have been forced (upon Suits in Courts commenced by the Handicraftsmen, &c. as aforesaid) to pay the same again, not knowing, or not being able to prove the former Payment: For Prevention of such Wrongs for the future, done by such Handicraftsmen, &c. or by the Heirs, Executors, or Administrators of them, or any of them, to the Inhabitant or Inhabitants, his or their Heirs, Executors, Administrators, &c. it is Ordered, Ordained, and Enacted, by his Excellency Sir William Stapleton, Baronet, Captain-General, and Chief Governor in and over his Majesty's Leeward Charribbee Islands in America, by virtue of his Commission under the Great Seal of England, for making Laws, bearing Date the Tenth Day of February, One Thousand Six Hundred Seventy and One, and by the Gentlemen of the Council and Assembly, and be it Ordered, Ordained, and Enacted, by the Authority of the same, That whatsoever Work or Labour shall by any Handicraftsman or Tradesman, or Labourer, in this Island, for any Inhabitant of the same, be done, from and after the Day of the Date hereof, if such Handicraftsmen, Tradesmen, &c. or his or their Heirs, Executors, Administrators, or Assigns, shall, for the Space of Two Years, after the Date of the first Article of his or their Account of such Work or Labour done as aforesaid, omit or neglect receiving the same from the said Inhabitant, or that shall omit or neglect suing the said Inhabitant, his Heirs, Executors, or Administrators; that then, and all and every such Handicraftsmen &c. so omitting and neglecting as aforesaid, shall, from and after the Expiration of the said Time of Limitation aforesaid, for ever after be debarred suing or prosecuting for the same

320. 6.
Confirmed
Feb. 8, 1681.

Debts for
Work done to
be sued for in
Two Years,
otherwise lost.

A. D. 1680 in any Court or Courts in this Island: *Provided* always, and it is herein to be understood, That any such Handicraftsman, Tradesman, or Labourer, is not by this Act stinted or limited, for or in respect of any Debt due to him or them from any Inhabitant, or others, by Bill, Bond, Specialty, or under the Hand of him or them, the Inhabitant, or others aforesaid; but only shall extend to Actions of Account of Work or Labour, charged and produced as aforesaid; any Thing before herein contained to the contrary notwithstanding.

A. D. 1681. No. 7. Confirmed Feb. 8, 1681. *An Act for repealing One Clause of the Act, intituled, An Act for preventing the Barbarism of Negroes.*

No Satisfaction to be made to the Owners of Negroes executed. **W**hereas by a former Act made in this Island, dated the Fourteenth Day of *January*, One Thousand Six Hundred Seventy and Seven, and in the Twenty-eighth Year of his now Majesty's Reign, intituled, *An Act for preventing of Barbarism of Negroes*, it was Enacted "That the Master of each Negro executed for "Felony or Robbery, should have, for every Negro executed, Three "Thousand Five Hundred Pounds of Sugar out of the Public "Stock;" which have been many Ways found grievous and burdensome to the Inhabitants of this Island: *It is therefore Ordered, Ordained, and Enacted*, by his Excellency Sir *William Stapleton*, Baronet, Captain-General and Chief Governor in and over his Majesty's *Charribbe Leeward Islands in America, &c.* by virtue of his Commission under the Great Seal of *England*, for making Laws, dated the Tenth of *February*, One Thousand, Six Hundred Seventy and One, and by the Gentlemen of the Council and Assembly, That no Master or Owner of any Negro executed, from and after the Day of the Date hereof, shall have any Satisfaction or Reparation made him for the Future; and that the said Clause, touching the Three Thousand and Five Hundred Pounds of Sugar, in the Act before recited, is hereby utterly annulled and made void.

No. 8. Confirmed Feb. 8, 1681.

An Act for Ministers Duties, &c.

Allowance to Ministers and Parish Clerks. **I**T being necessary, for the Encouragement of Ministers, for reading Divine Service, according to the Canons and Constitutions of the Church of *England*, and preaching the Word of God, that there should be a constant yearly Allowance for them in every Parish wherein they officiate in this Island, it is therefore *Ordered, Ordained, and Enacted*, by his Excellency Sir *William Stapleton*, Baronet, Captain-General and Chief Governor in and over his Majesty's *Charribbee Leeward Islands in America*, by virtue of his Commission under the Great Seal of *England*, dated the Tenth of *February*, One Thousand Six Hundred Seventy and One, for making Laws, and by the Gentlemen of the Council and Assembly, That the

the Inhabitants of each Parish in this Island shall pay unto their respective Ministers for the Time being, Sixteen Thousand Pounds of Sugar, free of all Charges of collecting, &c. for every Year he officiateth among them, besides all other Perquisites and Church-Dues; also Two Thousand Pounds of Sugar to each Clerk, who is to keep a Register of all Christenings and Burials in each Parish; and in case of the Clerk's Neglect thereof, he to be fined at the Pleasure of the General and Council for the Time being; which Sugar the Church Wardens and Vestrymen of each Parish are to assess their parishioners, according to the former Acts and Customs.

A. D. 1681.

Refer

An Act for encouraging Buyers of Servants.

NO. 9.
Confirmed
Feb. 8, 1682.

Whereas by a former Act made in this Island, bearing Date the Twenty-sixth Day of May, One Thousand Six Hundred Seventy and Five, in the Twenty-seventh Year of his now Majesty's Reign, intituled, *An Act for encouraging the Import of Servants by Indenture*; amongst other Things it was enacted therein, "That all and every Buyer of any white Servant or Servants imported in this Island, by Indenture, should, after the Expiration of the Time of such their Servant or Servants, pay them for their Wages the Sum of Eight Hundred Pounds of Sugar:" But it having been found tending much to the Discouragement of the Inhabitants of this Island, for buying Servants here imported, by reason of such great Wages, the Prices of Servants of late being also very considerable: It is therefore Ordered, Ordained, and Enacted, by his Excellency Sir William Stapleton, Baronet, Captain-General and Chief Governor in and over his Majesty's Charribbee Leeward Islands in America, by virtue of his Commission, under the Great Seal of England, for making Laws, bearing Date the Tenth Day of February One Thousand Six Hundred Seventy and One, and by the Gentlemen of the Council and Assembly, That all Servants imported in this Island, and sold here by Indenture, from and after the Day of the Date thereof, shall have and receive of and from the Buyer and Buyers of such Servants, after the Expiration of their Time with the said Buyers, or their Assigns, the Sum of Four Hundred Pounds of Muscovado Sugar, each and every such Servant so serving as aforesaid, and no more, according to an old Act and Custom of this Place; and that the said Clause, touching Eight Hundred Pounds of Sugar Wages, [in] the Act before recited, is hereby utterly annulled and made void.

Allowance to
Servants at
the Expiration
of their
Time.

An Act for the restraining and punishing Privateers and Pirates.

A. D. 1684 5.
NO. 10.
Obsolete.

An

A. D. 1687. An Act confirming former Wills and Testaments made in this Island.

No. 11.
Confirmed
May 28, 1691.

Whereas by reason of the great Distance that this his Majesty's Island is from the Kingdom of England, the Inhabitants thereof have been ignorant of the several Acts lately made there, and more especially the Act of Parliament made the Twenty-ninth Year of his late Majesty's Reign, of blessed Memory, intituled, *An Act for prevention of Frauds and Perjuries*, wherein Three Witnesses at least are required to all Wills; by reason whereof several of the Inhabitants of this Island dying, leaving their Wills and Testaments attested but by One or Two Witnesses; and for prevention of Law-suits which may accrue thereby, we therefore pray his Majesty it may be Enacted and Ordained, and be it hereby Ordered, Ordained, and Enacted, by the Chief Governor, Council, and Assembly, That all Wills and Testaments made as aforesaid, before the Publication hereof, shall be good and valid in Law.

Wills made
before this
Act, declared
valid.

No. 12.
Confirmed
May 28, 1691.

An Act for reinforcing a former Act, intituled, An Act against trading with Negroes.

Whereas by the said Act, bearing Date the Twenty-second Day of January, One Thousand Six Hundred Eighty and Three, it was therein Enacted and Ordained "That whatsoever Person or Persons trading with any Negro, shall forfeit Five Hundred Pounds of Sugar for every Time so trading; and if on the Lord's Day, should forfeit One Thousand Pounds of Sugar for each Offence;" notwithstanding the several Penalties contained in the said Act, the trading with Negroes has, by several evil-minded Persons, been continued, to the great Prejudice of the Inhabitants: And for the better Prosecution of the said Act, we therefore pray his Majesty it may be Enacted and Ordained; and be it hereby Ordered, Ordained, and Enacted, by the Chief Governor, Council, and Assembly, That what Person or Persons soever, trading as aforesaid, with any Negro or other Slave or Slaves, shall be fined or punished according to the aforesaid Act; which Fines and Forfeitures shall be applied, the one Moiety to his Majesty, for the support of Government, towards the defraying the Charge of Fortifications, and other public Charges of this Island; and the other Moiety to him or them that shall inform, and make Proof thereof, to the next Justice of the Peace.

The former
Act against
trading with
Negroes, in-
forced.

No. 13.
Confirmed
May 28, 1691.

An Act against ingrossing Provisions.

Whereas it hath been the frequent Custom of evil-minded Persons, intending nothing but their own private Gain, and the Ruin of the Poor, either to ingross and buy whole Cargoes of Provisions at a chep Rate, and to retail them again at excessive Prices,

Prices, thereby forestalling the Market, or if they cannot ingross them, to discourage the Importers of Provisions, and to hinder their Stay here, by the undervaluing the Market, that they may make the greater Profit of what they have by them; all which Practices being found alike pernicious to the Public, for Prevention thereof for the future, we pray his Majesty it may be Enacted, and it is hereby Ordered, Ordained, and Enacted, by the Chief Governor, Council, and Assembly, of this Island, That no Person or Persons, Merchant, or other, residing or being upon this Island, shall, after Publication hereof, upon Pretence of Consignment, or any other Pretence whatsoever, presume or dare to purchase, buy for Sale, treat of, or make Agreement, directly or indirectly, for any Quantities of Provision of any sort, imported hither (live Stock excepted) to sell or retail the same, or any Part thereof again, or to send the same, or any Part thereof, to any other Island; or presume or dare to discourage the Stay or Sale of such Provisions, by undervaluing the Market, or otherwise, till after it hath been here imported into some Road in this Island the Term of Eight natural Days, upon the Penalty of Fifty Thousand Pounds of Sugar, to be paid by him or them that shall buy or discourage as aforesaid, or go contrary to the true Intent or Meaning hereof.

A. D. 1687.

Persons buying Quantities of Provisions for Sale, or discouraging the Sale thereof, forfeit 50,000lb. of Sugar.

II. And also forasmuch as such Contracts, Agreements, and Discouragements, are so secretly contrived and acted, that no sufficient Proof thereof by Witnesses may be reasonably expected, upon Suspicion of any such Bargain, Treaty, or Discouragement, made or done; it shall and may be lawful for any Person or Persons, upon Information given them, or their own Suspicion, to compel the Seller, Master, or Supra-cargo of the Vessel so suspected, and all and every the Seamen, or Mariners, and Passengers, or either of them, to give Evidence against the suspected Buyer, and to make clear the same by their corporal Oaths, to be taken before the next Justice of Peace: And in case of their Refusal as aforesaid, we pray his Majesty it may be Enacted, and it is hereby Ordered, Ordained, and Enacted, by the Chief Governor, Council, and Assembly, That the Seller, Master, Supra-cargo, or Mariners, and Passengers, or either of them, of the Vessel's importing suspected, so refusing to be purged by Oath, as aforesaid, shall incur the Penalty of Thirty Thousand Pounds of Sugar, or a Twelve-month's Imprisonment: All which Fines are to be paid Ten Thousand Pounds to the Party informing, and the Remainder into the public Treasury of this Island, to be employed for his Majesty's Use, towards the Fortifications, and the paying other the contingent Charges of this Island.

Method of discovering offences against this Act.



An Act for granting and levying Executions, for the securing of Debts.

A. D. 1692.

No. 14.

Confirmed

Jan. 11, 1693.

Whereas by reason of the vast Expences and Charges this Island hath been at in this present War, the Lieutenant-Governor, Council, and Assembly, passed an Order for the putting a
 E Stop

A. D. 1692. Stop to the proceedings in Law; and although since Liberty hath been given for the entering of Actions and obtaining Judgements, yet no Executions have been granted, or at least suffered to be prosecuted; by means whereof several ill-minded Persons, who have had Judgements granted against them, as aforesaid, have taken Advantage of the same, sold, embezzled, and conveyed away Lands, Negroes, and Chattels, with a Design to defraud their Creditors: To prevent the like fraudulent Proceedings for the Future, we pray their Most Excellent Majesties that it may be Enacted; and be it Enacted, by his Excellency *Christopher Codrington*, Esquire, Captain-General, &c. and the Lieutenant-Governor, Council, and Assembly, That from and after the Publication hereof, Executions shall be issued forth for such Judgements as are already obtained, which the Provost Marshal of this Island is hereby required to levy, or cause to be levied, as formerly, except on Sugar-canes, Sugar, Indico, Cotton and Tobacco; but the Lands, Goods, Chattels, &c. on which the same shall be levied, shall be and remain in the Possession of the Defendant during this present War, unless sold by Consent of Plaintiff and Defendant; but shall so remain, and in such Manner, that it shall not be lawful for the Defendant, in whose Custody the same shall be left, or any other Person, to sell, dispose of, or alienate the Property of the same, under the Penalties of the Act, intituled, *An Act touching Executions, their serving, and Penalties*, in that Case made and provided.

Executions to be issued forth for Judgements already obtained, &c.

No. 15. *An Act for easing of Tenants, in Part, from the great Taxes already raised, and to be raised during this War; and assessing of Landlords.*
Confirmed
Jan. 11, 1693: 4

Whereas before this War with the French, or any Prospect thereof, several of the Inhabitants of this Island took Leases of Lands, Tenements, and Negroes, &c. at annual Rents, to their full Value, in hopes to enjoy the same according to their respective Leases; but upon Notice of the War, an Order was passed by the Governor, Council, and Assembly, to command Two Thirds of all the Negroes, and other Slaves of this Island, with the Masters of Families, and Overseers, to attend them, for the making and repairing the Breast-Works, and other Fortifications, for the Defence thereof, against so near and potent an Enemy, in which Service they were employed several Months, and are, by an Act, obliged to continue the same during the War; as also to attend on all Alarms, which were very frequent; the other Third of the Negroes that were left at Home, being scarce able to get Provisions for those so employed, in which Time the Lessees were not able either to plant Canes or Provisions, or to grind off what Canes lay spoiling in the Ground, which was then very considerable, and, to their Loss, at least One Third of their Crops; so that what they made was not sufficient to maintain their Families, the Relief of the People of *St. Eustatia*, and *St. Christopher's*, Prisoners billeted by [the] said Authority, and entertaining

entertaining the *Barbados* Regiment; which, with other Charges incident to War, occasioned great Taxes, and such, that never was the like in this Island, and the Landlords unburdened of any Charge, which the Tenants thought in Conscience ought, in some Part, to be borne by them; and therefore petitioned the Chief Governor of their Majesties Leeward Islands, the Council and Assembly of this Island, that they would seriously consider the Premises, and give them such Relief as should be thought agreeable to Equity and good Conscience; upon which the Chief Governor, Council, and Assembly, taking the Matter into serious Consideration, and having maturely weighed and debated the same, deemed it meet and convenient that some Relief to the said Lessees should be granted them, considering withal the said Tenants, notwithstanding the great Loss they had sustained by being Lessees, how chearfully they performed and obeyed all Orders and Laws relating to Taxes, &c, and their Readiness, on all Occasions, to venture their Persons for their Majesties Service, and the Defence of this Island; as also considering, that the Landlords, at the beginning of this War, and since, had no manner of Taxes laid on them, which was an Omission of the Government: Therefore, for the Relief of the said Tenants, We, your Majesties most humble and obedient Subjects, the Chief Governor of your Majesties Leeward *Charribbee* Islands, the Council and Assembly of this Island, do most humbly pray your Most Sacred Majesties that it may be Enacted; and be it, and it is hereby Enacted, by the Authority aforesaid, That all Tenants, whose Leases were made before the First Day of *May*, One Thousand Six Hundred Eighty-nine, and shall continue during this present War with the *French*, the Landlord, or any other that has Power to receive the said Rent, shall allow out of the Rent or Rents, payable by such Lease or Leases, from the aforesaid First Day of *May*, until the End and Term of this said War, unto such Tenant or Tenants, One Fifth Part thereof; and if any Leases that were made as aforesaid, shall expire within the aforesaid Time of the First Day of *May*, and the End of this War, such Tenant or Tenants shall be allowed One Fifth Part of what is or might be due from the said First Day of *May*, by virtue of such Lease or Leases, unto the Day of the Expiration of the same.

II. And be it further Enacted, by the Authority aforesaid, That any Tenant or Tenants shall be sued or impleaded by any Person or Persons (having lawful Power thereunto) that has not allowed the Fifth Part as aforesaid, for all or any Part of the Rent or Rents mentioned in any of the said Lease or Leases, the said Tenant or Tenants may plead, so often as he or they, or any of them, shall have Occasion, Payment by virtue of this Act, of One Fifth Part thereof, and give this Act in as Evidence; all Judges and Justices of any Courts within this Island being hereby to allow the same, having regard to the Time aforesaid, and give Judgement accordingly; which, for so much, shall be a Bar to the Plaintiff for ever; any Law, Usage, or Custom to the contrary notwithstanding.

A. D. 1692.

Tenants allowed One Fifth out of their Rent, from *May* 1. 1689, to the End of the War.

This Act to be pleaded, and allowed as Evidence.

An.

A. D. 1698.

No. 16.

Confirmed
Oct. 22, 1700.

An Act for regulating the Prices of fresh Provisions.

Rates of fresh
Provisions.Penalty of de-
manding
more,and of refus-
ing to sell, or
selling in any
Place, except
the public
Market,and of killing
Beef for Sa-
turday before
Friday Sun-
set.Fines how to
be levied and
applied.

Whereas the Butchers that kill Cattle, and other Stock for Sale in this Island, for want of an Act to regulate the Prices of fresh Provisions, do insolently refuse poor People small Pieces of Joints of Meat, and House-keepers any Meat at all, but as they please; for the better regulating the same for the future, We, your Majesty's most dutiful and loyal Subjects, the Governor in Chief of these your Majesty's *Charribbee* Leeward Islands in *America*, and the Council and Assembly of this Island, do pray your Most Excellent Majesty it may be Enacted; and be it, and it is hereby Enacted, by the Authority aforesaid, That from and after the Publication of this Act, all fresh Provisions shall be sold at the Rates hereafter mentioned, and for no more; that is to say, Beef, Mutton, Pork, fresh Turtle, and Goat, at the Rate of Six-pence *per* Pound; Veal, at the Rate of Seven-pence Halfpenny *per* Pound; and Pork, Beef, Legs, and Shanks, Salt Turtle, and Callopees of Turtle, at the Rate of Four-pence Halfpenny *per* Pound; and any Person or Persons that shall demand or receive more than the Rates above-mentioned, or refuse to sell at the said Rates, the Money being tendered, upon due Proof made of the same by one sufficient Evidence, before any of his Majesty's Justices of the Peace, shall, for every such Offence, forfeit and pay to the Treasurer for the Time being, the Sum of Three Pounds current Money.

II. Be it also Enacted, by the Authority aforesaid, That any Person or Persons whatsoever, that shall refuse the Poor small Pieces or Joints of Meat, or shall refuse any House-keeper, or other Person whatsoever, any Meat unsold, for their Money, under any Pretence whatsoever; or shall sell any fresh Meat in *Charles Town*, or in any other Place besides the public Market Place, shall forfeit and pay the Sum of Three Pounds of like Money, Proof being made thereof as aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That any Person or Persons that shall kill any Beef for *Saturday's* Market, before *Friday* Sunset, shall, for every such Offence, forfeit and pay the like Sum of Three Pounds, upon Proof made as aforesaid: All which Fines and Forfeitures are to be levied by way of Distress, by Warrant from the Chief Governor, the Lieutenant, or Deputy-Governor, or President, or any of his Majesty's Justices of the Peace, before whom the Proof shall be made; and be levied on the Goods and Chattels of the Delinquents, and sold at public Outcry by the Provost Marshal, or his lawful Deputy, within Ten Days, at the public Market Place in *Charles Town*, and paid to the Treasurer; to be employed towards the defraying the public Charges of this Island; and the Surplus, if any be, to be returned to the Owner or Proprietor.

An Act for Assemblymen to serve when chosen.

A. D. 1698.

No. 17.

Confirmed

O. S. 22, 1700.

Whereas several Gentlemen of this Island have heretofore refused to serve as Assemblymen, when chosen for the Assembly thereof (though very good Men, and fit to serve their Country) to the Delay of Business, and Injury of the public Weal thereof; to prevent the like for the future, We, your Majesty's most dutiful and loyal Subjects, the Governor in Chief of the Leeward *Charribbee* Islands in *America*, and the Council and Assembly of this Island, do pray your Most Excellent Majesty that it may be Enacted; and be it, and it is hereby Enacted, by the Authority of the same, That from and after the Date of this Act, all Persons duly qualified by Law, that shall be chosen by the major Part of the Freeholders of each of the Divisions of this Island, to serve as Assemblymen (and adjudged by the Governor in Chief, the Lieutenant, or Deputy-Governor, or President, and the major Part of the Council and Assembly for the Time being, when sworn, to be fit to fit and serve as a Member of their Houle) that shall refuse to serve as such, shall forfeit and pay for every such Offence, to the Treasurer for the Time being, the Sum of Twenty Pounds current Money of this Island, towards defraying the public Charges of the same: to be levied by way of Distress, by Warrant from the Governor in Chief, the Lieutenant, or Deputy-Governor, or President for the Time being, by the Provost-Marshal, or his lawful Deputy, on the Goods and Chattels of the Refuser or Refusers, and sold by public Outcry within three Days after the Sitting of the Assembly, if that Time he shall persist in his Refusal, returning the Overplus, if any be.

Persons chosen to be Assemblymen, refusing to serve, forfeit 20l.

An Act for making the Negroes, Coppens, Mills, and Stills, of Intestates Estates, Chattels.

A. D. 1698. 9.

No. 18.

Confirmed

O. S. 22, 1700.

Whereas in and by a certain Act, made in this Island the Eighth Day of *May*, which was in the Two and Thirtieth Year of the Reign of his late Majesty King *Charles* the Second, and confirmed by his said Majesty in Council, intituled, *An Act for ascertaining Lands, as also for affixing Slaves, Coppens, &c. to the Freehold*, it was (amongst other Things) therein Enacted and Ordained (for preventing Demolishment, Waste, and great Detriment to the Estates of Freehold in this Island) "That all Negro Slaves, and other Slaves whatsoever, belonging or appertaining to any Plantation or Plantations of Freehold in this Island, as likewise all Sugar-mills, Coppens, and Stills, once fastened or fixed thereon, for Service of grinding Sugar-Canes, or Sugar-boiling, &c. should, to all Intents and Purposes, remain on the Freehold, and not be thence removed or alienated, unless for Payment of Debts," as in and by the said Act more largely appears: And forasmuch as since the making of [the] said Act, many Persons

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have

A.D. 1693-9. have died intestate, leaving many Children, with a competent Estate of Lands and Negroes to maintain them, but for want of suitable Provision made in the said Act, their Plantations, Lands, Negroes, Coppers, and Stills, descended and came to the eldest Son and Heir, and the other Children had nothing left them to subsist withal: May it therefore please your Most Gracious Majesty to Enact and Ordain, and it is hereby Ordered, Enacted, and Ordained, by the President and Council of this Island of *Nevis*, executing the Office of Lieutenant-General, and Commander in Chief of all his Majesty's *Leeward Charribbee* Islands in *America*, together with the Assembly of the same Island, That if any Person or Persons, who now or hereafter shall or may have any Estate or Estates of Lands, Slaves, Copper Mills, or Stills, situate, lying, or being in this Island, and being thereof seized, shall die intestate, that then, in such Case, all Slaves, Coppers, Mills, and Stills, as such Intestate shall die seized, possessed, vested, or interested of or in, shall and are hereby made Chattels in Law, and shall be parted, shared, and divided as Chattels, to and amongst such Deceased's Children, in such Manner, Way, and Form, as the Law directs; the before recited Act, or any Thing therein contained to the contrary thereof in any way notwithstanding.

Lands, Slaves,
 &c. of Intes-
 tates, made
 Chattels.

Proviso.

II. Provided always nevertheless, and it is the true Intent and Meaning of this Act, That if the Heir or Heirs of all, every, and or either of such Person or Persons that so die Intestate as aforesaid, shall be willing and desirous to keep such Estate or Estates as shall descend to him or them, with all the Slaves, Coppers, Mills, and Stills thereon intire, and not to separate and divide the same; that then, in such Case, such Heir and Heirs, or their Guardians, are hereby empowered and enabled to hold and keep the same intire accordingly, for and during the full Term and Space of Seven Years, to commence from the Death of the Intestate, such Heirs, or Guardians, first giving in good Security to the Ordinary, not only for providing and giving their other Brothers and Sisters a competent Maintenance, with Education and Apparel suitable to their Degree, in the Interim, out of the Produce of such Plantation, and Slaves for the Use and Employ of their Share of such Intestate's Estate as shall belong to them as aforesaid; but also at the End and Expiration of the said Term, to pay, or cause to be paid, to each and every of them, or their Assigns, the full Value of their said several and respective Shares of such Intestate's Estates as shall belong to them, in current Money of this Island, or in good *Muscovado* Sugar, according as the same shall be appraised and valued, in the Inventory to be taken of such Intestate's Estate at the Time of the Intestate's Death; all such Deceased's Debts and funeral Expences being first deducted, to the Payment of which the Lands shall be accountable, proportionable to its Value, with the Chattels.

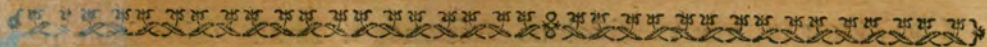
An Act to confirm all Estates in this Island, to and upon the Owners and Possessors thereof.

A.D. 1698-9.
No. 19.
Repealed.



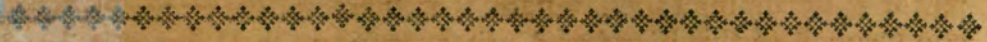
An Act of Indemnity for Administrators, Overseers, Trustees, Executors, &c.

No. 20.
Repealed.



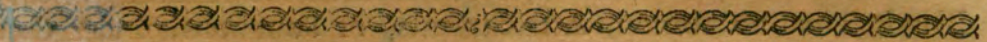
An Act to oblige Masters of Ships, and other Vessels, to give in Security, besides the Security by Act of Parliament.

No. 21.
Repealed.



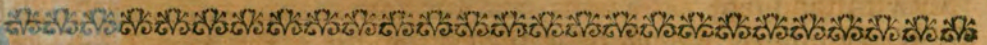
An Act to revive and continue divers Acts of this Island.

No. 22.
Repealed.



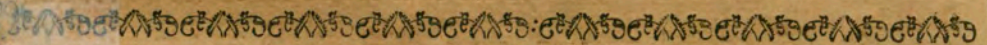
An Act to ascertain the value of foreign Coin to pass current in this Island.

No. 23.
Repealed.



An Act for all Vessels to pay Tonage, Powder, and Arms.

No. 24.
Repealed by an Act passed in 1761, vide No. 160.



An Act that Constables shall not refuse to serve.

A. D. 1699.
No. 25.
Confirmed Oa. 22, 1700.

In consideration of the Refusals and frivolous Pretences, sundry Persons have made, for the evading the Office of a Constable, who have been thought capable thereof, and that the Charge might not be wholly borne by some few Inhabitants of each respective Division within this Island, we pray your Most Excellent Majesty to Enact and Ordain; and it is hereby Ordered, Enacted, and Ordained, by the President and Council of this Island of Nevis, executing the Office of Lieutenant-General, and Commander in Chief of all his Majesty's Leeward Charibbee Islands in America, together with the Assembly of this Island, That if any Person or Persons, not bearing any Civil or Military Office, and inhabiting in this Island, who shall be required by any Justice of the Peace to perform and execute the Office of a Constable for that Division whereto such Person belong, and shall refuse, deny, or neglect, to serve in the said Office for One whole Year, shall, for each and every such Offence, forfeit and pay One Thousand Pounds of Muscovado Sugar; the same to be levied by way of Distreis on the Delinquent's Goods and Chattels, by virtue of a Warrant from any such Justice of the Peace, and paid into the Hands of the Treasurer for the Time being: All which Fines and Forfeitures shall be employed for the Use of his Majesty, his Heirs and Successors, towards the defraying the Charges and Fortifications, and other the contingent Charges of this Island: And any Justice of the Peace that shall refuse or neglect to swear another

Penalty on Persons refusing to serve as Constable when required by a Justice.

Fines how to be applied.

A. D. 1699. another Constable at the End of the former Constable's Year, shall
 forfeit and pay the Sum of Two Thousand Pounds of Sugar, if
 presented; to be levied and applied as aforesaid.

Penalty on a
 Justice ne-
 glecting to
 swear a Con-
 stable.

No. 26. An Act that no Actions shall be commenced at the Sessions, unless they
 be for above One Thousand Pounds of Sugar.

Confirmed
 Oct. 22, 1700.

Whereas many frivolous Actions of small Value have been
 commenced at the General Sessions within this Island, which
 might have been more conveniently tried at the Monthly Courts;
 we therefore pray your Most Gracious Majesty to Enact and Ordain,
 and it is hereby Ordered, Enacted, and Ordained, by the President
 and Council of this Island of Nevis, executing the Office of Lieute-
 nant-General, and Commander in Chief of all his Majesty's Leeward
 Charribbee Islands in America, together with the Assembly of this
 Island, That no Action, Attatchments, or Summons, under One
 Thousand Pounds of Sugar, or the Value thereof, shall, for the
 future, be commenced or prosecuted by any Person or Persons what-
 soever at any General Sessions held for this Island, unless by Appeal
 from any inferior Court.

No. 27.
 Confirmed
 Oct. 22, 1700.

An Act against running away with Boats and Canoes.

Persons run-
 ning away
 with Boats,
 &c. adjudged
 Felons, and
 shall be pu-
 nished as
 such.

Proviso.

In Consideration of the great Losses and Damages that many of
 the Inhabitants and Traders of this Island have sustained by idle
 Persons, as well Freemen as Servants, who frequently run away
 with Boats, Canoes, Bark-logs, and other small Vessels, from out of
 many of the Roads, Creeks, Bays, or Places of this Island; we pray
 your Most Excellent Majesty to Enact and Ordain; and it is here-
 by Ordered, Enacted, and Ordained, by the President and Council
 of this Island of Nevis, executing the Office of Lieutenant-General,
 and Governor in Chief of all his Majesty's Leeward Charribbee
 Islands in America, together with the Assembly of this Island, That
 if any Person or Persons whatsoever, bond or free, shall presume at
 any Time or Times hereafter to steal, take, or run away with, any
 fishing or other Boat, Canoe, Shallop, Sloop, Bark-log, or any
 other Vessel whatsoever, from out of any or either of the said Roads,
 Bays, Creeks, or Places of this Island, and shall be apprehended for
 the same, shall be forthwith committed to Gaol, without Bail or
 Mainprize, and shall be prosecuted and tried for the said Crime as a
 Felon, and being lawfully convicted thereof, shall suffer the Pains
 of Death, without the benefit of the Clergy: Provided always,
 That this Act, nor any Matter, Clause, or Thing herein contained,
 shall extend to the prosecuting or punishing, in Manner as aforesaid,
 any owner or Master of any Ship, Shallop, Sloop, or any other
 Vessel whatsoever, who shall depart this Island without Clearance
 from the King's Officers.

An Act against importing Rum and Melasses; also for raising an annual Tax on Vintners, and Retailers of Rum and Rum-punch; and for lessening the Number of Distillers.

A. D. 1699.

No. 28.

Confirmed

Oct. 22, 1700.

FOR the encreasing the Benefit of this Island, as to its Produce, which formerly have been much hindered, and much prejudiced, by the great Quantities of Rum and Melasses imported; we pray your Most Sacred Majesty to Enact and Ordain; and it is hereby Ordered, Ordained, and Enacted, by the President and Council of this Island of Nevis, executing the Office of Lieutenant-General, and Commander in Chief of all his Majesty's Leeward *Charribbee* Islands in *America*, together with the Assembly of this Island, That if any Person or Persons, shall, at any Time or Times hereafter, import and land any Rum into this Island, made in any other Place, or Melasses not of the Produce of this Island, shall, for every Gallon of Rum so imported, pay Two Shillings [current] Money, or Value in Sugar; and for every Gallon of Melasses, Four-pence; to be paid to the public Receiver of this Island towards the defraying the public Charges of this Island, with whom all Persons are hereby required to make entry of the same, on Penalty of having the same seized and confiscated, as Wines and other strong Liquors are.

Rum imported and landed, not of the Produce of this Island, Owner to pay 2s. per Gallon; and for every Gallon of Melasses 4d.

II. And be it further Enacted, by the Authority aforesaid, That, for the more easy defraying the public Charges of this Island, all and every Person or Persons, who now do, or at any Time hereafter shall keep a Tavern, or Victualling-house in this Island, and retail Wines, Rum, or Rum-punch, with or without Licence, shall yearly, and every Year they shall so sell as aforesaid, pay, or cause to be paid, unto the Treasurer for the Time being, after the several Rates and Proportions following; *viz.* every such Retailer of Wine, pay Five and Twenty Pounds current Money *per Annum*; and every such Retailer of Rum or Rum-punch, shall pay Six Pounds Five Shillings current Money *per Annum*; the same to be paid quarterly: And if any Person or Persons shall sell all, any, or either of the Liquors as aforesaid, refuse or neglect to pay the several annual Sums before-mentioned, in manner as aforesaid, or any Part thereof, as the same shall become due; then the Marshal, or his Deputy, is hereby required, on Receipt of any Note or Order in writing, from the Treasurer for the Time being, to him or them directed, forthwith to distrain on the Goods and Chattels of such Person or Persons as aforesaid, and for want thereof, on their Lands and Tenements; the same to be forthwith sold, and the Overplus to be returned to the Owner: But if such Person or Persons have no Goods, Chattels, Lands, or Tenements, then the said Marshal, or his Deputy, shall take into his Custody the Bodies of such Person and Persons as aforesaid, and them there to detain and keep until they shall pay the same, and every Part thereof: And that no Person or Persons shall be, for Time to come, permitted to give up their Licence, before they have kept it full Six Months; and if they keep their Licence above Six Months, then they shall not be permitted

Rates assessed on Retailers of Wine, and Rum, or Rum punch.

A. D. 1699. ted to lay down the same till the whole Year be expired; so may proceed onward, from Six Months to Six Months.

Penalty on Persons distilling Rum or Spirits of Melasses, &c, not their own Produce.

III. And whereas also many Persons, inhabiting in this Island, do buy Syrups, Sugar, and Melasses, of Negroes who steal the same, and do keep Stills and distil the same, making thereof Rum and Spirits, to the great Detriment of the Planters; for preventing whereof, it is hereby further Enacted, by the Authority aforesaid, That if any Person or Persons shall, for Time to come, presume to distil, and make any Rum or Spirits of any Melasses, Low Wines, or Juice of Canes, that shall not be the real Produce of their own respective Plantations (refining Houses excepted) shall, for each and every such Offence, forfeit and pay Ten Thousand Pounds of Sugar; the same to be levied by virtue of a Warrant from any Justice of the Peace, by way of Distress on the Delinquent's Goods, Chattels, Lands, and Tenements, and paid one Half to the Informer, and the other Half to the Treasurer; who is to Employ the same towards the defraying the public Charges of this Island.

1699-1700.
No. 29.
Confirmed
Oct. 22, 1700.

An Act how Trespasses shall be inspected into, and satisfied.

By whom Trespasses shall be viewed.

Whereas great Disturbances and Controversies do daily arise between Neighbour and Neighbour, by Trespasses done by Negroes, and by Horses and Cattle, or any other Stock; to determine which Differences by the Rules of the Law, would be to the great trouble of the Authority, and Charge of the Subjects; may it therefore please your Most Sacred Majesty to Enact and Ordain; and it is hereby Ordered, Enacted, and Ordained, by the President and Council of this Island of Nevis, executing the Office of Lieutenant-General, and Commander in Chief of all his Majesty's Leeward Charribbee Islands in America, together with the Assembly of this Island, That all such Trespasses shall be viewed by virtue of a Warrant from any Justice or Judge of this Island, directed to the Constable or Constables of that Precinct where such Trespass or Trespasses shall be committed, who shall be paid by the Plaintiff Three Shillings [current] Money, for serving each Warrant, and who by such Warrant shall be impowered and authorized to summon Three indifferent Persons, and also the Defendant, and Witnesses, Dwellers of that Division, such as the said Justice or Judge shall think fit to inspect into the same, who are hereby impowered to examine the Plaintiff and Defendant, as also the Witnesses upon Oath, and what they, or any Two of them shall really find the Complainant damnified, they shall, according to their best Skills and Judgments, and upon their Oaths, to be taken before such Justice, report the same under their Hands; and if the Trespasser shall neglect or refuse to make Satisfaction according to the Report, then, in such Case, it shall and may be lawful to and for the said Complainant, without any Suit or Prosecution in Law, to take out Execution on the same Report, and to have the same levied on so much

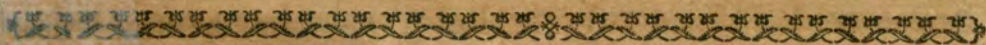
much of the Goods, Chattels, Lands, or Tenements, of the said Trespasser, as shall be sufficient to satisfy the said Complainant what shall be awarded him, according to the Report as aforesaid, with reasonable Costs; and such Goods and Chattels so levied on, to be sold at public Outcry at any of the Towns in this Island, and the Overplus, if any, to be returned to the Owner; and in Case the Party so trespassing has not, in Goods, Chattels, Lands, or Tenements, sufficient to satisfy the Complainant, then such Execution to be levied on his Body, and to be proceeded against according to Tenor of Executions, as usual; **Provided** always, That in Case it shall appear to be Three Days, or more, before such Viewers can be got together, to view as aforesaid, that then any Justice of the Peace shall grant to the Trespasser a Writ of Replevin for such Cattle as shall be taken up and detained by the Trespassed.

1699-1700.

Proviso;

II. **And be it further Enacted**, by the Authority aforesaid, That in Case the Defendant will not appear when warned, the Viewers shall proceed without him or them; and in case the Witnesses shall refuse to appear, if able, the Justice of the Peace shall immediately grant out his Warrant to the Constables, to take their Persons into Custody, and carry them before the Viewers, where, if they shall refuse to give their Oaths, then the Constables shall carry them thence to the Justice, who shall immediately grant a *Mittimus* to commit them to Gaol for the Space of Ten Days, or until they shall give their Oaths, if they will do it sooner than that Time.

Clause relating to Persons not appearing.



An Act for suppressing Thatcht Houses; and erecting Brick or Stone Chimnies in all Towns.

1700, 30th Confirmed Oct. 22, 1700

FOrasmuch as many sudden and dreadful Fires have happened in the several Towns within this Island, which have been occasioned by the Adjacency of several Thatcht Houses, and by not having Stone or Brick Chimnies in the Houses or Cook-rooms in the said Towns; we therefore pray your Most Sacred Majesty to **Enact and Ordain**; and it is hereby **Enacted and Ordained**, by the President and Council of this Island of *Nevis*, executing the Office of Lieutenant-General, and Chief Governor of this and all other his Majesty's Leeward *Charribbee* Islands in *America*, together with the Assembly of this Island, That no Thatcht House or Houses shall be hereafter built in, or within Two Hundred Yards from the main Street in *Charles Town*, *James Town*, or *Newcastle*; and that those Persons that now inhabit in such Houses, shall either shingle or remove them, within Two Months next after the Publication hereof; or in Default thereof, the Justice of the Peace of such Precinct is hereby required and authorized to direct his Warrant to the Constable or Constables of that Precinct, to cause the said Houses to be forthwith unthatcht.

No Thatcht Houses to be within 200 Yards from the main Street.

II. **And be it further Enacted**, by the Authority aforesaid, That there shall be no Cook-room, Kitchen, or Place for Fire, in any of the

No Cook-room, Kitchen, &c. to have the

1699-1700.
other Chim-
nies than
Brick or
Stone.

the Towns aforesaid, but what shall have Chimnies of Brick or Stone; which every Owner shall build, or cause to be built, within Six Months next after the Publication hereof, upon Penalty of One Thousand Pounds of *Muscovado* Sugar for every Six Months that such Person or Persons shall neglect to build a Chimney in Manner aforesaid; to be levied by way of Distress, and by Virtue of a Warrant from any Justice of the Peace, on the Goods and Chattels of the Delinquents; the same to be paid to the Treasurer or Receiver-General for the Time being, and to be employed for the Use of his Majesty, his Heirs and Successors, towards the defraying the Charges of Fortifications, and other the contingent Charges of this Island.

Inhabitants to
keep a Ladder
& six Buckets
to be ready in
case of Fire.

III. And be it also further Enacted, by the Authority aforesaid, That for the better security of the Towns aforesaid, each and every Merchant and Trader, inhabiting or residing in any or either of the Towns aforesaid, shall, at his and their own Cost and Charges, keep a sufficient Ladder, and Six Leathern Buckets, to be ready, on all Occasions, for quenching any Fires that shall or may happen in any or either of the Towns aforesaid, on the like Penalty of One Thousand Pounds of *Muscovado* Sugar; the same to be levied, paid, and applied in Manner as aforesaid.

Bounds for
Charles Town.

IV. And that the Constables, &c. may the better know what Houses to unthatch, by knowing the Bounds and Limits of the Town, Be it further Enacted, That the Bounds of *Charles Town* are as followeth; *viz.* from the House that was formerly Mr. *Thomas Fenton's*, to the North Line of Mr. *William Bates's* Land, South, the Sea on the West, and Two Hundred Yards from the main Street, East.

No. 31.
Confirmed
Oct. 22, 1700.

An Act for speedy Payment of Labourers Hire.

Debts under
1000lb. of
Sugar, how
to be recover-
ed.

As much as the great Trouble that daily attends poor Labourers and Artificers in this Island, in getting in and receiving their just Dues for their Work, being duly considered, we pray your Most Gracious Majesty that it may be Enacted and Ordained; and it is hereby Ordered, Ordained, and Enacted, by the President and Council of this Island of *Nevis*, executing the Office of Lieutenant-General and Commander in Chief of this and all other his Majesty's Leeward *Charribbee* Islands in *America*, together with the Assembly of this Island, That from and after the Publication hereof, it shall and may be lawful for any Field Day Labourer or Artificer, their Heirs, Executors, or Administrators as aforesaid, who have or shall have any Debt or Debts due to him or them in this Island, for their Labour, not exceeding One Thousand Pounds of *Muscovado* Sugar, within Thirty Days, or any Time after finishing and completing his said Labour, being first refused Payment, apply himself to any of his Majesty's Justices of the Peace for a Warrant under his Hand, who is required to Summon such Debtor before him, to hear and determine the same; and upon Proof made of any Debt

or

or Debts due as aforesaid, then the said Justice shall direct his Order, or Test thereof, to the Secretary or his Deputy, who is hereby required to grant out such Execution for the same, according to the Tenor of other Executions; any Act, Custom, or Usage to the contrary notwithstanding. ¹⁶⁹⁹⁻¹⁷⁰⁰

II. And it is further Enacted, by the Authority aforesaid, That if the Debtor shall neglect or refuse to appear, according to the Justice's Summons as aforesaid, that then the said Justice shall, within Three Days after the first Summons, send a second Summons to the Debtor, appointing a Time and Place for his second Appearance, where, if he shall a second Time refuse or neglect to appear, then the said Justice is hereby impowered and required immediately to take the Plaintiff's Evidence, or his own Oath, to the Truth of his Account, and give Judgement thereon as aforesaid. ^{Judgment to be given in Default of Debtor's Appearance.}

III. Provided always, and it is the true Intent and Meaning of this Act, That if any Labourer or Artificer, after having begun any Work, shall neglect or refuse to finish the same (Sickness excepted) he or they shall have no Benefit by this Act; any Thing herein, or in any other Act, contained to the contrary notwithstanding. ^{Proviso.}



An Act for the Relief of poor Prisoners.

No. 32.
Confirmed
Oz. 22, 1700.

Whereas divers poor Inhabitants of this Island have been imprisoned for their Debts: And forasmuch as the Prison Fees alone are sufficient to continue such in that Restraint, whose Liberties are necessary for the Payment of their Debts, and Maintenance of themselves and Family; we pray your most Gracious Majesty to Enact and Ordain; and it is hereby Ordered, Enacted, and Ordained, by the President and Council of this Island, executing the Office of Lieutenant-General, and Commander in Chief of this and all other his Majesty's Leeward Charribbee Islands in America, together with the Assembly of this Island of Nevis, That all such poor Prisoners, who, for the future, shall be imprisoned, may, within Eight Days next after his imprisonment, by One Judge, and Two of his Assistants, of that Division to which the Prisoner or Prisoners do belong, be put to work, if able, or be employed, according to his or their Capacities, by any Person or Persons the said Judge shall think fit, he being hereby impowered so to do: To the End the Creditor or Creditors of the Prisoner or Prisoners may in time be satisfied their just Debts, and the said Prisoner more easily enlarged (the Marshal being to take no more Fees after Eight Days be expired) one Moiety of such poor Prisoners Hire to be paid to the Creditors, and the other Moiety towards the Maintenance of such poor Prisoner and his Family: Provided always, That this Act shall not extend to no Prisoner, but those who shall, upon Oath, make appear, they are not, and were not, bona fide, worth Twelve Pounds current Money, in Goods, Chattels, and Estate, at the Time of their being imprisoned. ^{Persons imprisoned for Debt, to work out the same.} ^{Proviso.}

1699-1700.

No. 33.

Confirmed

Oct. 22, 1700.

An Act for regulating the Coroner's Office; and appointing the Fees for the Coroners in this Island, and Chirurgeons, that shall be commanded to inspect dead Bodies.

WHEREAS the Heat of this Climate doth sooner corrupt dead Bodies than the Northern part of Europe, whereby they become very nauseous to Coroners and others, when viewed by the Inquest: and for that it is therefore highly necessary to appoint Fees for such as shall be appointed Officers, or called upon the Inquest; may it please your Most Excellent Majesty to Ordain and Enact; and be it, and it is hereby Ordered, Ordained, and Enacted, by the Honourable the President and Council of this Island, executing the Office of Lieutenant-General, and Commander in Chief in and over his Majesty's Charribbee Leeward Islands, together with the Assembly of the same Island, and by Authority of the same, That from and after the Publication of this Act, all Coroners that are and shall be appointed for this Island, or the Divisions thereof, shall execute his or their Office pursuant and according to the Laws and Statutes of the Kingdom of England; and all Constables and Persons whatsoever, shall and are hereby made liable to undergo the same Penalty as by those Laws are appointed, without any Evasion whatsoever.

Coroners and Constables to be subject to the Laws of England.

Coroner's and Chirurgeon's Fee.

II. And be it further Enacted, by the Authority aforesaid, That every Coroner shall have for his Fee on each Body he shall make Inquest, the Sum of Three Pounds Fifteen Shillings [current] Money, to be paid him out of the Goods and Chattels of the Person or whose Body the Inquest is or shall be taken; and the Chirurgeon or Chirurgeons, that shall be commanded by the Coroner to inspect or open the dead Body, shall be paid each of them the Sum of Thirty Shillings [current] Money, out of the Goods and Chattels of the Deceased as aforesaid; but in case the deceased Person shall not have Goods and Chattels to pay as aforesaid, that then the said Coroners and Chirurgeons shall be paid the aforesaid Sums by the Treasurer for the Time being, out of the public Stock of this Island.

Proviso.

III. Always provided, and it is the true Intent and Meaning of this Act, That the Coroner shall, out of his Fee, pay unto each Person of the Inquest, the Sum of One Shilling [current] Money, on Forfeiture of his whole Fee hereby appointed.

Penalty on Coroner's refusing to serve or take the Oaths.

IV. And be it further Enacted, by the Authority aforesaid, That the Coroner or Coroners, that shall refuse to serve when appointed, or refuse the Coroner's Oath, and the Oaths appointed by Act of Parliament, shall, for such Refusal, forfeit and pay the Sum of Five Pounds [current] Money, to the public Treasurer of this Island; to be levied by Warrant from the Governor, Lieutenant-Governor, or President for the Time being, on his Goods and Chattels, and sold at public Outcry, as usual, returning the Overplus, if any, to the Owner: And in case the Body on whom Inquisition is taken, have been slain or murdered by another Person, then the Fees hereby appointed to be paid, shall be immediately paid out of the Goods and Chattels of the Slayer, by Warrant from any Justice of the

the Peace, to be levied as aforesaid; but if the Slayer have not Goods and Chattels, then the Fees to be paid by the Treasurer, as is herein before directed. 1699-1700.

V. And be it further Enacted, by the Authority aforesaid, That if any Surgeon shall refuse or neglect to come to inspect a dead Body, when thereunto required by the Coroner, such Surgeon shall forfeit and pay to the Treasurer for the Time being, the Sum of Three Pounds [current] Money, to be levied as aforesaid: And if any Person, that shall be warned by a Constable to be of the Inquest, shall refuse or neglect to appear, all and every such Person shall immediately forfeit and pay the Sum of One Pound [current] Money, to the Coroner, to be by him and the Inquest expended at the Time of holding the Inquisition; but if any such Person shall refuse to pay such Fine, then the Coroner is hereby empowered by his Warrant to the Marshal, to levy it on his Goods and Chattels, and sold at Outcry, returning the Overplus, if any, to the Owner as aforesaid.

Penalty on Surgeon's refusing to inspect a dead Body; and on Persons neglecting to appear when warned on the Inquest. Fines how to be levied.

An Act for renewing and continuing the Act to ascertain the Value of Foreign Coin to pass current in this Island. No. 34. Repealed.

An Act for the better governing of Negroes and other Slaves; and for the more speedy Trial and Punishment of them, for any Felonies, or any other Crimes that may be by them hereafter committed; and likewise for preventing any white Person to converse or keep Company with them for the future. A. D. 1700. No. 35. Obsolete, but re-enacted in 1717.

An Act for the better securing this Island against all Assaults, Alarms, &c. and for repairing the Brest-works and round Paths. 1700-1701. No. 36. Repealed.

An Act to preserve the Spring-waters near Charles Town, for the Benefit of Shipping, and the said Town; and to prevent noisome Stincks and Smells. No. 37. Confirmed Sept. 16, 1701.

Whereas it hath been found by long Experience, that the distilling of Skimmings, or Melassies, within the Limits of Charles Town in this Island, has proved of very pernicious Consequence to the Spring-water near the said Town, and doth occasion noisome Stincks and Smells, whereby the Shipping and Inhabitants of the said Town are very much annoyed; for the remedying whereof, we pray your Most Excellent Majesty to Enact and Ordain; and be it, and it is hereby Enacted and Ordained, by his Excellency Christopher Codrington, Esquire, Captain-General, and Commander in

1700-1701.

Penalty on
Persons distil-
ling Skim-
mings, &c.
within 100
Yards of
Charles Town.

Proviso.

Clause relat-
ing to keep-
ing the Streets
clean.

Finestowhom
to be paid,
and to what
Use applied.

in Chief in and over his Majesty's Leeward *Charribbee* Islands in *America*, the Honourable the Lieutenant-Governor and Council of this Island, together with the Assembly of the same, and by the Authority thereof, That no Person whatsoever shall, from henceforth, distil any Skimmings, Melasses, or other Liquors whatsoever, in *Charles Town*, or within One Hundred Yards of the Limits thereof, as it is now limited by a late Act, intituled, *An Act for suppressing Thatcht Houses in the said Town*, under Penalty that the said Person that shall offend against this Act, shall forfeit and pay the Sum of Fifty Pounds [current] Money for each Offence; to be levied by the Marshal of this Island, by Warrant under the Hand of a Justice of the Peace of this Island, on his, her, or their Goods and Chattels, and sold at Outcry, returning the Overplus, if any, to the Owner, after the Fine and other Charges are first paid: **Provided** always, and it is the true Intent and Meaning of this Act, That no Still shall be at any Time set up, or any Liquors distilled near the *Bath*, or the Town, so as it may in the least injure the Water thereof, or offend the Town (the refining Houses at the *World's End* excepted) under Penalty of Fifty Pounds [current] Money; to be levied, paid, and applied as aforesaid.

II. And whereas the Inhabitants of *Charles Town*, and other Towns of this Island, do not sufficiently clean the said Towns, but suffer their Servants and Slaves to throw out in the Streets Urine, Pickle, Blood, and other Filth; therefore, to prevent ill Smells and Infection, and to preserve and keep the said Towns sweet and clean for the future, **be it further Enacted**, by the Authority aforesaid, That the Master, Mistress, Owner, Proprietor, or Possessor of any House in the Towns of this Island, shall not wilfully throw, or permit to be thrown, into the Streets any Urine, Pickle, or the Blood of any Creature, or any other Filth whatsoever; but shall, on every *Wednesday* and *Saturday* Evening, by themselves, their Servants, or Slaves, sweep and clean before their and each of their respective Doors, Houses, and Walls, and carry away into the Sea, all Dung, Trash, Filth, or other Things that do or shall incumber or annoy the Streets, under the Penalty of Six Shillings [current] Money for every Offence; to be levied in Form and Manner as in case of distilling in *Charles Town*.

III. And **be it further Enacted**, That the one Third Part of the Fines and Forfeitures arising by this Act, shall be paid to the Informer; and the other Two Thirds to the Treasurer for the Time being; to be applied towards the defraying the public Charges of this Island.

No. 38.
Confirmed
Sept. 16. 1701

An Act to prevent Debtors from going off without paying or securing their Debts to be paid; and Servants and Slaves from being clandestinely carried off from this Island.

FOrasmuch as many of the Inhabitants and Traders of this Island have been very much prejudiced by the carrying off Debtors

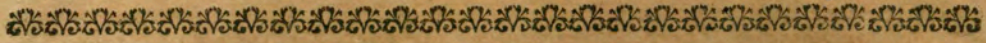
Debtors, Servants, and Slaves, in Ships and other Vessels, because ^{1699-1700.} the Masters or Owners had not given Bond in the Secretary's Office, to save the Traders and Inhabitants harmless from any Damage that may or shall accrue to any of them by such Master or Vessel's transporting or carrying off any Person in Debt, any hired, covenant, or bought Servants or Slaves; for prevention of which, for the future, we pray your most Excellent Majesty to Enact and Ordain; and be it, and it is hereby Enacted and Ordained, by the Chief Governor of your Majesty's *Charribbee* Leeward Islands in *America*, the Lieutenant Governor, and Council, together with the Assembly of this Island, and by the Authority of the same, That all and every Master and Masters of all and every Vessel and Vessels whatsoever, that shall at any Time or Times hereafter arrive in any Road of this Island, or do or shall belong to any of the Inhabitants or Traders in the same, Boats and Canoes included, shall, within Eight and Forty Hours after their Arrival in any or either of the Roads belonging to this Island, repair to the Secretary's Office, and there give Bond, with one sufficient Surety, in the Sum of One Thousand Pounds Sterling, to his Majesty, his Heirs and Successors, for the Use of the Person or Persons which shall or may be injured thereby, their Heirs, Executors, and Administrators, who are hereby enabled to sue for such Damage as he or they shall sustain: And in case any Master or Masters of any Ship or Vessel whatsoever, that shall land any manner of Goods on this Island, within Eight and Forty Hours after his Arrival, shall refuse or neglect to give such Bond, before landing such Goods, or, not landing Goods, shall refuse to give such Bond as aforesaid, before the Expiration of Forty-eight Hours after his Arrival; that then the Secretary of this Island at the Time being, or his Deputy, is hereby required to certify the same to the Marshal, or his Deputy, who shall forthwith inform the Justice of the Peace thereof, who shall thereupon immediately give out a Warrant, directed to the Marshal, or his Deputy, to take the said Master into his Custody, and to go on Board such Ship or Vessel, and bring all her sails on Shore, until he shall receive another Certificate from under the Hand of the Secretary, or his Deputy, as aforesaid, that such Master hath given such Bond as aforesaid, for which the Secretary is to receive Three Shillings [current] Money, and the Marshal Three Shillings [current] Money, from such Master, before he shall be discharged: And to the End that no Master may plead ignorance hereof, the Marshal, or his Deputy, for the Time being, shall keep a Duplication up of the Purport of this Act, at some public Place in *Charles Town*.

II. And be it further Enacted, That the Justice, Secretary, and Marshal, that shall neglect or refuse to perform his or their respective Duties hereby imposed on them, shall each of them pay, that shall so neglect or refuse, for every Offence Fifty Pounds current Money; to be levied by way of Distress, by Warrant from any other Justice of the Peace; one Half to the Informer, and the other to the Treasurer; to be applied to the repairing the Fortifications of this Island.

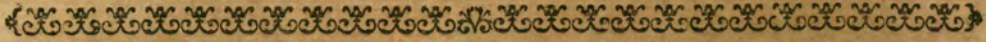
Masters of Vessels to give Bond in 1000^l. in the Secretary's Office, within 48 Hours after their arrival, &c.

Penalty on Justice, &c. neglecting his Duty.

1700-1701. *An Act for raising a Levy on the Freeholders, Householders, and Traders of the Towns in this Island, and on all Slaves belonging to the Plantations, and other Inhabitants of the same.*
 No. 39.
 Expired.



No. 40.
 Expired. *An Act for raising an Impost on strong Liquors imported.*



No. 41.
 Repealed by Act, No. 84, passed in 1717-18. *An Act to oblige all Persons to give in a List of their Negroes and other Slaves upon Oath.*



No. 42.
 Confirmed Nov. 20, 1701. *An Act to encourage the late disbanded Soldiers to remain on this Island, and to enlist themselves in the Service of the said Island.*

Whereas the Interest and Safety of this your Majesty's Island of Nevis require some additional Forts to be built, and others to be repaired and strengthened with a greater Force of good and able men; for the better Encouragement of the late disbanded Soldiers to engage and enlist themselves in the said Service, we pray your Most Excellent Majesty that it may be Enacted and Ordained; and be it, and it is hereby Enacted and Ordained, by his Excellency the Chief Governor of all his Majesty's Charribbee Leeward Islands in America, the Honourable the Lieutenant-Governor and Council together with the Assembly of this Island, and by the Authority of the same, That all such disbanded Soldier or Soldiers as are or shall be willing to serve this Island as Soldiers, to watch and guard their Forts, shall forthwith be entertained and enlisted by the Captain of the Forts of this Island.

Disbanded Soldiers to be enlisted by the Captain of the Forts.

Their pay.

II. And, for their better encouragement, be it further Enacted, by the Authority aforesaid, That the Treasurer of this Island for the Time being do pay, or cause to be paid, to each and every such disbanded Soldier, from the Day of his first enlisting into the said Service, the Sum of Fifteen Pounds current Money by the Year; to be paid them Quarterly, at Four equal Payments.

Captain may dismiss such of the present Guarders as are not qualified, and admit others in their stead.

III. And be it further Enacted, by the Authority aforesaid, That the Captain of the Forts of this Island for the Time being, shall have full Power and Authority, and is hereby required to dismiss and discharge any and all such of the present Guarders that are not qualified, or are incapable of the said Service, and shall admit and take into their Places such Soldiers as are willing to engage themselves in the Service aforesaid.



A. D. 1701. *An Act for the better securing and confirming the Titles of Lands in this Island.*
 No. 43.
 Repealed.

An Act for the Naturalization of Colonel Walter Hamilton, of Nevis.

A. D. 1701.

No. 44.

Private.

An Act for choosing Three Assemblymen for each Division in this Island for the Time to come.

No. 45.

Confirmed

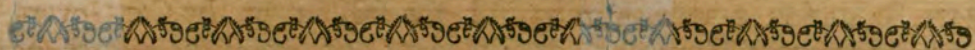
Dec. 21, 1701.

Whereas it hath been found by Experience, that the having but Two Assemblymen for each Division of this Island hath many Times caused great Delays, Lets, and Hindrances in the public Business of this Island; for remedying whereof, we humbly pray your Majesty that it may be Enacted; and be it, and it is hereby Enacted and Ordained, by the Chief Governor of his Majesty's Charribbee Islands in America, the Lieutenant-Governor and Council of this Island, together with the Assembly of the same, and by the Authority thereof, That for ever hereafter the Writs issued forth shall direct and empower the Freeholders of each and every Division of this Island of Nevis, to make choice of Three several Freeholders to be Assemblymen for each and every the several Divisions of this Island; and that they do for ever hereafter proceed in their Choice accordingly, and return Three several Assemblymen to serve for each and every of the said Five several Divisions of this Island; any Act, Statute, Law, Custom, or Usage, to the contrary in any wise notwithstanding.

3 Assemblymen to be chosen for each Division.

II. And it is further Enacted, by Authority aforesaid, That the Majority or Number to make a House of Assembly to pass Bills, shall not consist of less than Eleven Members or Assemblymen, all personally present in the Assembly at the same Time.

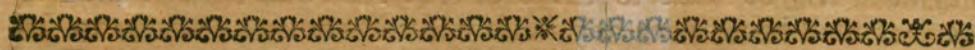
Not less than 11 Members to make a House.



An Act for encouraging Three Companies of Men to be ready for an Expedition, to assist the English Colony at St. Christopher's, and for providing Necessaries for their Accommodation.

No. 46.

Expired.



An Act to prevent Papists, and reputed Papists, from settling in this Island for the future; and for the better Governance of those that are already settled.

No. 47.

Repealed by an Act passed in 1751. Vide 145.



An Act to encourage the Importation of white Servants; and that all Persons shall be obliged to keep a white Servant to every Twenty Negroes living.

No. 48.

Confirmed Dec. 21, 1701.

Whereas Mortality and the late Wars have much lessened the Strength of this his Majesty's Island; it is therefore thought absolutely necessary that Encouragement be given for the Importation of white Servants, the Irish Papists excepted; which, that it may be,

A. D. 1701.

Owners of
Negroes to
keep one white
Servant to
every Twen-
ty Slaves.

Penalty.

Execution to
be granted a-
gainst Buyers
of Protestant
Servants re-
fusing Pay-
ment thereof.

Persons bring-
ing over more
white Ser-
vants than
they can sell,
Treasurer to
buy them and
pay 12l. each,
&c.

be, we, your Majesty's most dutiful and loyal Subjects, the Com-
mander in Chief of all your Majesty's *Charribbee* Leeward Islands in
America, and the Lieutenant-Governor, Council, and Assembly of
this Island, do pray your Most Excellent Majesty it may be Enacted
and Ordained; and be it, and it is hereby Enacted and Ordained, by
the Authority aforesaid, That all and every Person and Persons who
now are, or at any Time hereafter shall be the Proprietors or Own-
ers of any Negroes or other Slaves, belonging and being, or that
shall belong and be on this Island, shall, for every Twenty Negroes
or other Slaves, living and breathing, they are the Owners or Pro-
prietors of as aforesaid, always keep a Male White Servant (if such
white Servant can be procured) upon Forfeiture of One Thousand
Pounds of *Muscovado* Sugar annually, for every Twenty Negroes
or other Slaves, that shall be Owners or Proprietors of more than
the white Male Servant they shall keep as aforesaid; the same to be
levied by way of Distress, by virtue of a Warrant from the Gover-
nor, Lieutenant-Governor, or President for the Time being, or
any Justice of the Peace, upon such Delinquent's Goods, Chattels,
Lands, or Tenements, and paid into the Hands of the Treasurer,
or Receiver-General, and employed towards the defraying the
Charges of Fortifications, and other contingent Charges of this
Island.

II. And be it further Enacted, by the Authority aforesaid, That
if any Person or Persons shall bring and sell any Protestant Servant
or Servants in this Island to any Person or Persons whatsoever, and
such Persons, Buyers, shall neglect or refuse to pay for such Ser-
vants; that then the said Persons, Sellers, shall, on Complaint
thereof made to the Governor, Lieutenant-Governor, or President,
or any Justice of the Peace of that Division where the Buyer resides,
have Execution granted him against the said Buyer, by the Gover-
nor, Lieutenant-Governor, or President, or by such Justice of
Peace, without any other Process in Law; the same to be forthwith
levied by the Marshal or his Deputy, on the Goods, Chattels,
Lands, or Tenements, of the Buyer, whereby a speedy and certain
Payment may be made to the Creditor: And that if any Person or
Persons shall bring over any Male white Protestant Servants to sell
and dispose of in this Island, for a Term or Time not under Four
Years, and cannot sell them; that then, in such Case, the Treasurer
is hereby required, on Request to him thereof made, to buy such
Male white Protestant Servants, paying for each and every such
Servant, not under Sixteen Years of Age, and not above Fifty
Years of Age, Twelve Pounds current Money; and after such Pur-
chase made of such Servants, the said Treasurer is hereby required
forthwith to distribute and dispose of such Servants to and upon
such Proprietors or Owners of Negroes, and other Slaves, on their
Plantations, whose Compliment of white Servants are inferior to
their Number of Negroes and other Slaves, according to the Com-
putation before mentioned, who are hereby obliged to receive and
pay for such Servant or Servants, according to the Rate and Price
before-mentioned, with all contingent Charges, so that such con-
tingent

tingent Charges exceed not Twenty Shillings: But if such Proprietors or Owners will not receive and pay for such Servant or Servants, according to the Rate and Price before mentioned, together with the contingent Charges, not exceeding Twenty Shillings as aforesaid; then it shall and may be lawful to and for the Treasurer, or Receiver-General, to give a Note or Order in writing under his Hand, directed to the Marshal or his Deputy, who, on receipt thereof, is hereby required to distrain for the same on the Goods, Chattels, Lands, and Tenements, of such Person or Persons, and the Distress to be sold, and the Overplus, if any, returned to the Owner.

III. And it is further Enacted, by the Authority aforesaid, That all and every Master and Masters of such Person, and who shall be sold here as aforesaid, shall pay and give unto each respective Servant (not serving under Four Years) at the Expiration of his Service, Four Hundred Pounds of *Muscovado* Sugar, or Fifty Shillings current Money; provided the said respective Servants do behave themselves as they ought during the said Term of Four Years, and not absent themselves from their Master's or Mistress's Service, in which Case they are to forfeit the said Four Hundred Pounds of Sugar, or serve the Time over again that they absented themselves from their respective Services, at the Election of their Masters or Mistresses: **Provided** always, and it is the true Meaning of this Act, and the said Treasurer, or Receiver-General for the Time being, is hereby required and directed, that when he shall buy any Male Servants as aforesaid, he distribute them in Manner following; *viz.* First, that he dispose of such white Male Servants on those Plantations that have no white Male Servants on them, and afterwards to distribute white Male Servants on those Plantations who want the most Number of white Servants, equivalent to the Number of Negroes and other Slaves before-mentioned.

IV. And, that the Masters and Servants may better know their Duty to each other, it is further Enacted, by the Authority aforesaid, That every Male white Servant shall have provided and made for him, at his Master's Charge, Three Suits of Canvas yearly, with Hats and Shoes sufficient, unless the Masters or Mistresses will as well provide for them with other Clothes: And if it shall at any Time happen, that any Servant should have the Impudence to strike, or offer to strike his Master or Mistress, or shall abuse them, or their Family, then, in such Case, it shall and may be lawful to and for such Master or Mistress to give such Servant or Servants such moderate correction as in their discretion they shall think fit, according to the Heinousness of their Crime, so it doth not extend to breaking of Bones, or dismembring; but if the Servant or Servants shall be incorrigible, and persist in his abusive Manners, then the Master or Mistress shall complain to the next Justice of the Peace, who is hereby impowered and required to give such Servant public Correction, by the Marshal or his Deputy, in a public Market-place, not exceeding Thirty-nine Lashes, with a proper whip for such Use, on his or their bare Back, and then commit him to Prison by the Space

A. D. 1701

Servants be-
having well,
at the Expira-
tion of their
Time, to have
400lb. of Su-
gar, or 50s.

Proviso.

Servants how
to be clothed.

Man-servant
striking his
Master, &c.
how to be pu-
nished;

A. D. 1701. of Five Days, during which Time the Marshal shall feed him or them with Bread and Water only, at the Charge of the Owner; and the Time lost by such Means, shall be served over and above the Four Years aforesaid.

and Women
Servants.

V. And be it further Enacted, by the Authority aforesaid, That if any Women Servants shall be abusive to their Mistres or Families, they shall be corrected, and forfeit as is herein before provided.

1700. 49.

Confirmed

Dec. 21, 1701.

An Act that Physicians and Chirurgeons shall not practise without Licence, and taking the Oaths.

No Person to
practise as a
Physician be-
fore he has
taken the
Oaths, and
passed Exa-
mination be-
fore the Com-
mander in
Chief, &c.

Whereas many ignorant and unskilful Persons in Physic and Chirurgery, for Lucre and Gain Sake, do take upon them to administer Physic, and practise Chirurgery, to their endangering of the Lives and Limbs of their Patients, and many poor and ignorant Persons, who have been persuaded their Patients, have been great Sufferers thereby; for preventing such Abuses for the future, we, your Majesty's most dutiful and loyal Subjects, the Commander in Chief of all your Majesty's *Charribbe* Leeward Islands in *America*, and the Lieutenant-Governor, Council, and Assembly, of this Island, do pray your Most Excellent Majesty it may be Enacted and Ordained; and be it, and it is hereby Enacted and Ordained, by the Authority aforesaid, That no Person or Persons whatsoever shall presume to practise as a Physician or Chirurgeon in this Island, before he or they have and do appear before the Commander in Chief, Lieutenant-Governor, or President of this Island for the Time being, and there to take the Oaths to his Majesty King *William*, appointed in the Place of Oaths of Allegiance and Supremacy, and pass his or their Examination before the said Commander in Chief, Lieutenant-Governor, or President of this Island for the Time being, and One able Physician, to be nominated by the said Commander in Chief, Lieutenant-Governor, or President of this Island for the Time being, and shall, upon such Examination, be approved capable to practise as aforesaid, and have Licence given him or them, under the Hand and Seal of the said Commander in Chief, Lieutenant-Governor, or President of this Island for the Time being, for his or their so doing; shall, upon Contempt or Neglect of the same, be wholly excluded and debarred from all the Benefit of the Law (which he or they otherwise might claim) either by commencing or prosecuting any Suit in any of the Court or Courts of or in this Island, for any Debt to grow due from the Date of this Act, for Physic or Chirurgery, whatsoever; any Law, Usage, or Custom, to the contrary notwithstanding.

An Act for the more easy repairing the Highways.

A. D. 1701.

170. 50.

Confirmed

Dec. 21, 1701.

Vide No. 66.

Whereas many of the Highways and Roads, Church, Guard, and By-paths of this Island, are by many Persons either encroached and stopped, or turned, and are incommodious for the travelling of Man or Beast; for the better Amendment and enlarging of the same, as Occasion shall require, we, your Majesty's most dutiful and loyal Subjects, the Commander in Chief of all your Majesty's Charribbee Leeward Islands in America, and the Lieutenant Governor, Council, and Assembly of this Island, do pray your Most Excellent Majesty it may be Enacted and Ordained; and be it, and it is hereby Enacted and Ordained, by the Authority aforesaid, That the Justices of the Peace for each Precinct or Division of this Island for the Time being, shall, upon the First Day of December yearly (except such Day shall happen to be Sunday, and in such Case on the Day following) send for the Constables of the Divisions, and give them a Warrant, commanding them to warn in the Freeholders of their Precincts, to meet within Forty-eight Hours at the nearest Parish Church, to choose Two able indifferent Persons of each of their Precincts to be Surveyors of Highways for the Year ensuing, who being so chosen, the Justice of the Peace for each Division is hereby required to give them his Warrant or Commission to act as such; and then they are required to inspect into all the Roads, Paths, and Ways, in their respective Divisions of this Island, and amend them twice every Year, that is to say, in December and July yearly; and if they shall see Occasion to alter or turn any of them, then they shall repair to the Justice of that Division, or to the Governor, Lieutenant-Governor, or President for the Time being, in case such Division shall happen to have no Justice of the Peace at such Time, who shall immediately grant a Precept, directed to the Assemblymen of such Division, to join with the said Surveyors on a certain Day and Place therein to be expressed, who shall also give Notice to the Proprietor of such Land where such Alteration or Turning is to be made, that he may be heard relating to the Premises; and upon hearing the Matter, the said Assemblymen and Surveyors are hereby impowered to enlarge, amend, alter, and turn such Way or Ways as to them shall seem convenient and advantageous for the public good; and the said Assemblymen and Surveyors are hereby further required and impowered to put a true and intrinsic Value upon so much Land as they shall turn, or have turned since the First Day of April, One Thousand Seven Hundred, into a common Path, as shall be made of no Value to the Proprietor by turning such Path or Ways, according to their best Skills and Judgements upon Oath, to be administered by the Justice of the Peace of such Division, or by the Governor, Lieutenant-Governor, or President for the Time being, in *hæc verba* [these words.]

Twoable Persons of each Precinct to be chose Surveyors of Highways on the First of Dec. yearly,

who shall amend the Roads, &c. twice a Year;

and, with the Assemblymen, turn them, if they see Occasion.

Assemblymen and Surveyors to value so much Land as they shall make use of, in turning Paths, on Oath.

I A. B. do swear upon the holy Evangelists of Almighty God, That we will, to the best of our Care, Skill, and Knowledge, put a true Value upon
Their Oath; upon

A. D. 1701. upon the Land taken out of such a Person's Land, to be made a common Path, Foot-Path, or Highway; and that we will not act therein through Favour or Affection to any Person whatsoever.

So help us God.

Penalty on Justice neglecting to proceed, &c.

After which the said Assemblymen and Surveyors shall give the Proprietor of such Land a Certificate of such Value under their Hands, directed to the Treasurer for the Time being, who is hereby empowered and required to pay such Value to the Proprietor or Proprietors, out of the public Stock of this Island.

On surveyors refusing to serve, and Assemblymen to act.

II. And be it further Enacted, by the Authority aforesaid, That if any Justice of the Peace shall refuse or neglect to proceed, as is in this Act directed, such Justice shall forfeit and pay the Sum of Five Pounds; to be levied, on Non-payment, on his Goods and Chattels, by the Marshal, by a Warrant from the Governor, Lieutenant-Governor, or President for the Time being (who are hereby empowered and required to grant such Warrant) and to be sold at public Outcry in any of the Towns in this Island, returning the Overplus, if any, to the Owner: One Moiety of which Fine, and all other Fines in this Act, to be to the Informer, and the other Moiety to be paid the Treasurer, towards defraying the public Charge of this Island: And if the Surveyors shall refuse to serve when chosen, they shall each of them pay the Sum of Five Pounds; to be levied, sold, and applied as aforesaid: And if the Assemblymen shall refuse to act, as they are herein directed, they shall pay the Sum of Five Pounds each; to be recovered, sold, and applied as is herein before directed: **Provided** always, and it is the true Intent and Meaning of this Act, That, for the better Execution of this Act, no Gentleman of the Assembly shall be a Surveyor whilst he is of the Assembly: And if a Surveyor shall be chosen of the Assembly, the Justice shall immediately proceed, as before is directed, to have another Surveyor in his Place or Stead; any Thing herein, or in any other Act, Law, or Custom to the contrary in any wise notwithstanding.

Proviso.

Inhabitants to send two thirds of their dutiable Slaves &c. twice a year to mend the Paths;

Penalty on Refusal, &c.

III. And be it further Enacted, by the Authority aforesaid, That the Surveyors shall cause the Constables to give Notice to the Inhabitants of their respective Divisions, to send Two Thirds of all their dutiable Slaves, with their Overseers, with necessary Tools, on a certain Day and Place, to repair and mend the Paths (themselves, and the Masters of Families, being to be present also) so that they do not exceed, or be put off longer than the Fifteenth Day of December, or Fifteenth Day of July yearly, that so all the Paths and Ways of this Island may be well repaired and amended before the First Day of January, and First Day of August, yearly: And if the Inhabitants, when warned, shall refuse or neglect to send their Slaves, with necessary Tools, and Overseers, such Inhabitant shall pay the Sum of Six Shillings *per Diem* for each Negro not sent: And if they shall refuse to come and remain on [the] said Work till finished, themselves, or to accompany and assist the Surveyors; or if the Constables shall refuse to warn the Inhabitants, every such Person

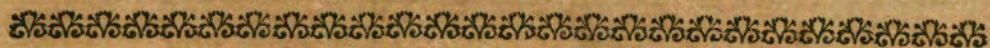
Person so offending, shall forfeit and pay the Sum of Forty Shillings *A. D. 1701.*
per Diem: All which Fines to be recovered, fold, and applied, as is
 herein before directed.

IV. And it is further Enacted, by the Authority aforesaid, That
 where any Difference shall arise about what Ways are public Paths,
 and ought to be amended, and what not, in such Case the Surveyors
 shall desire the Assemblymen of such Division to meet them at such a
 Time and Place as shall be in a Note expressed, to determine the
 Matter in Difference; who, when come together, shall assert under
 their Hands, what Ways shall be amended in their Divisions, and
 by such Paper so signed, the Matter in Difference shall be concluded.

Assemblymen
 to decide dif-
 ferences re-
 lating to the
 amending of
 Ways.

V. And be it further Enacted, by the Authority aforesaid, That
 in case any Dispute shall arise about any Branch of Land belonging
 to the Assemblymen or Surveyors of any Division, that then they
 shall, under the Penalty aforesaid, address themselves to the next
 Justice of the Peace, for a Warrant to appoint some other Person
 or Persons, as he in his Discretion shall think fit, in his or their
 stead; and the Justice is hereby impowered and required to issue
 such Warrant accordingly, under the Penalty herein before expressed.

Justice to ap-
 point Persons
 to determine
 Disputes a-
 bout any
 Branch of
 Land belong-
 ing to Assem-
 blymen, &c.



An Act for the better securing this Island against all Assaults,
Alarms, &c. *A. D. 1702.*
 No. 51.

As much as many of the Inhabitants of this Island are very
 negligent and remiss in their Duty, of repairing immediately
 where they ought, at Alarms, which is of very ill Consequence, and
 may prove the utter Ruin and Loss of the same; therefore, for the
 better enabling your Majesty's Subjects of this Island to defend the
 same, we pray your Most Excellent Majesty to Enact and Ordain;
 and be it, and it is hereby Ordained and Enacted, by the Governor
 in Chief of all your Majesty's Leeward Charribbee Islands in *Ameri-*
ca, the President and Council of this Island, together with the
 Assembly of the same, and by the Authority thereof, That if any
 Person or Persons belonging to this Island, being above the Age
 of Fourteen Years, and under the Age of Sixty Years, shall at any
 Time or Times hereafter neglect or refuse (upon Notice given by
 Beat of Drum, Sound of Trumpet, Summons, or otherwise,) per-
 sonally to appear with such Arms and Habiliments of Companies
 to which they severally belong or shall belong (Sickness only except-
 ed) shall, for each and every Offence, forfeit and pay Five Shillings;
 to be levied by the Marshal, by Warrant from the Chief Commander
 of such Regiment or Troop for the Time being, who is hereby
 impowered and required to grant the same on the goods and Chat-
 tels, Lands or Tenements, of such Person or Persons so offending,
 and pay into the Hands of the Treasurer for the Time being, to be
 applied to buy Arms and Ammunition for the Poor of that Com-
 pany of Foot, or to the Use of that Troop of Horse to which such
 Offender or Offenders do or shall belong; but if such Offender or
 Offenders,

Penalty on
 Persons re-
 fusing to ap-
 pear armed,
 upon Notice
 given.

Exception;

L

Offenders,

A. D. 1702. Offenders, at the Time of such Offence, shall be a Servant or Servants, and that such Offender's Non-appearance was wholly occasioned by his or their Owners, Renters, Proprietors, Managers, or Overseers of such Offender, shall pay the Forfeitures aforesaid in Manner aforesaid; but if such Default or Neglect shall be the Servant's, and not the Owner's, Proprietor's, Manager's, or Overseer's, then the Servant or Servants shall have such Corporal Punishment inflicted on him as the Captain or Chief Commander of such Troop or Company, to which such Offender or Offenders do belong, shall order and direct, not exceeding tying Neck and Heels, for petty Offences, but for greater, to be tried by the Field Officers and Captain of that Regiment to which such Offender or Offenders shall belong, and such Punishment to be inflicted as they in their Discretion shall order and direct.

Penalty on Owners, &c. of Men Slaves neglecting to arm them on Alarms;

II. And be it further Enacted, by the Authority aforesaid, That all and every such Person or Persons, who are or shall be Owners, Renters, Proprietors, Managers, or Overseers of any able Men Slaves in this Island, shall, on all Alarms, find and provide a Bill or Lance for every such able Slave as shall be deemed capable, and arm him or them on all Alarms, or Invasion of Enemies, on Penalty of forfeiting for each and every such Neglect, for each and every Slave, Three Shillings; the same to be levied and applied as aforesaid: Moreover, all and every Person or Persons belonging to this Island, shall, on all Alarms, send all their able Horses, with Pads or Saddles, to the Place of Rendezvous of each Company's or Troop's to which they severally belong, there to tarry and abide during the said Alarm, or until they shall be duly discharged, on Forfeiture for each and every Neglect or Refusal, the Sum of Three Shillings; to be levied, paid, and applied as aforesaid.

and on Persons neglecting to send all their able Horses, &c. to the Place of Rendezvous, &c.

Captains to furnish their poor Soldiers with Arms.

III. And be it Enacted, by the Authority aforesaid, That all Captains of Companies that shall find any of their Soldiers not of sufficient ability to furnish themselves with a good serviceable Fuzee, and a Cartridge-box, well armed, are hereby impowered to send his or their Note, directed to the Gunner of Charles Fort, intimating what number of Arms and Ammunition he shall want for such poor Persons of his Company, who is hereby impowered to deliver such a Number of Arms and Ammunition as such Note shall specify, taking a Receipt for the same on the back Side of such Note.

Every Troop belonging to the Militia to be exercised in Arms once a Month, on Penalty of 20s.

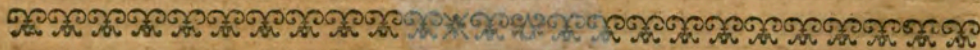
IV. And be it further Enacted, by the Authority aforesaid, That every Troop or Company in this Island, belonging to the Militia of the same, shall meet once a Month, to be exercised in Arms; the First Meeting of which Troop or Company shall be before the First Day of June next; and every Captain of every Company, or his Lieutenant, in case of his Absence off this Island, or Sicknes, or his Ensign, in case of both their Absence in this Island, or Sicknes, that shall neglect or refuse to summon his or their Men, and duly exercise them in Arms before the said Day, and so once a Month following, shall forfeit and pay the Sum of Twenty Shillings; to be levied by way of Distress, by the Marshal, by Warrant as aforesaid,
on

on the Goods and Chattels of every such Offender, and sold and applied as is herein before expressed. A. D. 1702.

V. And be it Enacted, by the Authority aforesaid, That every Gentleman, of the Troop of Horse of this Island, under the Degree of a Commission Officer, shall, within Nine Months after the Publication hereof, furnish himself with a good broad Cloth blue Coat, and Spring Boots, or other Boots, and Spurs, to be by them worn at every Meeting of the Troop, together with serviceable Holsters and Pistols, and a good Fuzee, with sufficient Ammunition; and every Commission Officer of the Troop shall wear at every Meeting a blue Broad Cloth Coat, lined with red, and trimmed with Silver, and a black Hat, with Silver Lace, under the Penalty, for every private Gentleman, Twenty Shillings, and Forty Shillings for every Officer for the Time being; to be levied, sold, and applied as aforesaid. Gentlemen of the Horse, under the Degree of Commission Officers, how to be clothed and armed; and Commission Officers.

VI. And, forasmuch as the Officers are at great Trouble in persuading Men to officiate as Serjeants to their several Companies, though well qualified for the same, who were accustomed to summon and warn as well the private Centinels, as the Inhabitants, with their Negroes, for the repairing the Fortifications, as that Act doth require; be it further Enacted, by the Authority aforesaid, That whatsoever Officer or Officers shall at any Time want a due Number of Serjeants, and shall think fit to choose any One Person belonging to his or their Companies, and such Person so chosen shall refuse to serve, that then all and every such Person or Persons so refusing, shall forfeit and pay the Sum of Twenty Shillings for every Time he or they shall refuse to serve as Serjeants; to be levied and applied as aforesaid. Penalty on Persons refusing to serve as Serjeants, when chosen;

VII. And be it further Enacted, That no Officer whatsoever shall for the future enlist any Person as a Centinel or Soldier, that do belong to the Precincts or Division of another Officer, after such Person hath resided in any such other Officer's Precincts or Division the Space of One whole Week at least, unless such Person hath obtained Leave from the Commander in Chief for the Time being, to choose what Officer he will serve under, under the Penalty of Five Pounds current Money, for every such Person or Soldier that shall be so enlisted as aforesaid; which said Fine shall be levied and applied as aforesaid: Provided always, That nothing in this Act contained shall hinder any Gentleman that is of sufficient Ability, from enlisting himself in the Troop or Troops of Horse, now or to be in this Island. and on Officer's enlisting Soldiers belonging to another Division, &c. Proviso.



An Act Concerning the Billetting of Soldiers.

A. D. 1703.
No. 52.
Confirmed
May 11, 1704.

Whereas some Persons in this Island have at fundry Times refused to provide for the Soldiers that have been billeted on them by Order of the Lieutenant-Governor, or President, Council, and Assembly, which hath been from Time to Time made, according to Custom, pretending they are not obliged, without an Act, though they

A. D. 1703. they know it their Duty as well as Interest, to receive and provide for the Soldiers, which her Majesty hath been graciously pleased to send for the Security of these Islands, against the Insults and Assaults of her and our Enemies; may it please your Most Excellent Majesty to Enact and Ordain; and be it, and it is hereby Enacted and Ordained, by the Governor in Chief of your Majesty's Leeward Charribbee Islands, the Lieutenant-Governor, Council, and Assembly of this Island, and by Authority of the same, That what Person or Persons soever, after the Publication of this Act, shall refuse to receive and provide for such Soldier or Soldiers as now are billeted on them by Order as aforesaid, already made, or that for the future shall be made, shall, from the Day [of] his, her, or their Turns to provide for him or them shall commence, according to the Billet such Soldier or Soldiers shall shew him, her, or them, signed, pursuant to Order, as aforesaid, forfeit and pay for every day he, she or they shall refuse as aforesaid, the Sum of One Shilling and Six-pence *per Diem*, which the Treasurer for the Time being is hereby impowered and directed to pay to such Soldier or Soldiers so refused; and shall also at any Time after, so such Time exceed not Thirty complete Days for One Levying, order the Marshal or his Deputy for the Time being, to levy the public Execution on the Goods and Chattels, Negroes, or Lands and Tenements of such Person or Persons as shall so refuse, and the same sell, as is usual for Levies neglected or refused to be paid, returning the Overplus, if any, to the Owner, after the Sum levied for, and Charges, are paid; and so to levy from Thirty Days to Thirty Days, if the Person or Persons offending shall continue in their Obstinacy: Always provided, and it is the true Intent and Meaning of this Act, That if any Soldier or Soldiers shall abuse his or their Quarters, and shall by such Abuse or Abuses only they are refused to be provided for, or if the Church Wardens shall happen to billet wrongfully, by Error or Misinformation, then, in such Cases, the Treasurer is hereby required to forbear levying Executions as aforesaid, until the Abuse or Abuses, or wrong Billetting, shall be heard and determined by some Justice of the Peace, and he receive a Certificate that the Matter hath been heard, and is determined or ended, according to such Determination so certified, the Treasurer for the Time being is to proceed, or not to proceed; any Law, Usage, or Custom to the contrary in any wise notwithstanding.

Penalty on Persons refusing to provide for Soldiers billeted on them, &c.

Proviso.

Penalty on Justice neglecting to make a Determination;

and on Marshal neglecting his Duty.

II. And be it further Enacted, by the Authority aforesaid, That if the Justice or Justices of Peace shall refuse or neglect to make a Determination, when such Cause or Causes shall come before him or them, every such Justice of the Peace so offending, shall forfeit and pay the Sum of Five Pounds for every such Offence: And if the Marshal, or his Deputy for the Time being, shall refuse or neglect to do his or their Duty, as by this Act is required, he or they shall pay for every such Offence the Sum of Three Pounds; all to be recovered by levying the said public Execution, and to be paid to the Treasurer for the Time being, and by him applied towards defraying the contingent Charges of this Island.

III. And

III. And be it further Enacted, by the Authority aforesaid, That if any Justice of Peace, the Treasurer, or the Marshal, or his Deputy for the Time being, shall be molested, sued, or otherwise troubled for doing, any Thing lawfully by virtue of this Act, every such Person so molested, sued, or otherwise troubled, shall plead this Act in Bar, which shall be allowed of by the Judges for the Time being.

A. D. 1703.

Justice, &c.
sued for doing any Thing by virtue of this Act, may plead it in bar.

An Act for the better securing and confirming the Titles of Land in this Island.

No. 53.

Confirmed
May 11, 1704.

Whereas by several Hurricanes, Fires, and other unforeseen Accidents, most of the Records of this Island, together with several Patents, Deeds, and Evidences, whereupon the greater Part of the Titles of this Island do depend, were lost or destroyed, whereby divers Purchasers and others, whose Titles are secured by and under the said Records, Patents, Deeds, and Evidences, are in Danger of having the same impeached and called in Question, unless some speedy Care be taken therein; for Remedy whereof, and for quieting the Inhabitants of this Island in the Possession of their respective Estates, for avoiding tedious, chargeable, and other unforeseen Lawfuits, and also for preventing any vexatious Prosecutions from any future Governors, by Courts of Escheat or Exchequer, on Pretence of her Majesty's Right accruing by former Forfeitures, want of Heirs, or otherways, which said Prosecutions, being often on frivolous Grounds, tend greatly to the Disquiet and Discouragement of her Majesty's good and loyal Subjects; we your Majesty's most dutiful and loyal Subjects, the Commander in Chief of all your Majesty's Charribbee Leeward Islands in America, and the Council and Assembly of the same*, do 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, That all Persons whatsoever, that, at the Time of passing this Act, are seized in their own Rights in their Demesnes, as of Fee, of and in any Lands, Tenements, or Hereditaments within this Island, which now are, and for the Space of Seven Years last past, before the making of this Act, have been in the actual, peaceable, and quiet Possession of them, or of their Ancestors, whose Heirs they are, shall be deemed, and are hereby declared to be the lawful and rightful Proprietors and Owners of the several Lands, Tenements, and Hereditaments, by them so possessed, as effectually, to all Intents and Purposes, as if the Ancestor of such Person or Persons had been seized of a good and indefeizable Estate in Fee-simple therein, and the same had im-

Persons having quiet possession of an Estate 7 Years, declared lawful Owners.

* The Editor is of Opinion the Words *the same* should have been changed to the Words *this Island*, as the enacting Clause, otherwise assumes too great a Degree of Latitude; for the Council and Assembly of *Nevis* could not be the the Council and Assembly of all her Majesty's *Charribbee Leeward Islands*, in 1703.

- A. D. 1703.* mediately descended from such Ancestor to the Person possessed, as Heir at Law to him, or had been otherways vested in him in Fee-simple, by the most firm Conveyance or Assurance that by Council learned in the Law could be advised or devised: **Provided** always, That this Act, or any Thing herein contained, shall not extend, or be construed to debar Infants under the Age of Twenty One Years, Feme-coverts, Persons *non compos mentis*, or beyond the Seas, being at the Time of passing this Act, so as every such Person or Persons do and shall, within Three Years after his or their full Age of One and Twenty Years, Discoverture, coming of sound Mind, or coming to this Island, effectually prosecute their Claim to any Estate whereunto they have, or pretend to have had a just legal Title at the Time of passing this Act, and at no Time after the said Three Years: **Provided** also, That nothing herein contained shall impede or bar any Person or Persons whatsoever, who have any Title or Claim to any Estate that is now held at the passing this Act, either in Tail for Life, for Years, or as a Tenant at Will, so as they prosecute such their Right within Three Years after the making of this Act, or within Three Years after the Determination of such particular Estate, and the Commencement of the Title of such Person to the Possession thereof; any Law, Statute, or Custom to the contrary notwithstanding: **Provided** also, That this Act, nor any Thing herein contained, shall not extend to bar or hinder any Person's Proceedings in recovering any Estate in this Island, who have commenced their Suits at Law for the same before the passing this Act, and such Suit is now depending undetermined.
- Proviso.*
- Proviso.*
- Proviso.*

- 170. 54.* *An Act for the establishing of Courts, and settling due Methods for the Administration of Justice in this Island.*
Repealed.

- 170. 55.* *An Act for the better Government of Negroes and other Slaves.*
Obsolete, but re-enacted in 1717.

- 170. 56.* *An Act to settle the Estate of Captain Thomas Buttler, deceased, on his Three Sons, William, Thomas, and James Buttler, and their Heirs and Assigns for ever.*
Private.

- A. D. 1704.* *An Act to prevent all Accidents of Fire that may happen by making or throwing of Squibs, or other Fireworks, in Charles Town, or other the Towns of this Island.*
170. 57. Confirmed May 2, 1706.

Whereas it hath, by Experience, been found, that the throwing of Squibs, and other Fireworks, on any Day of public Rejoicing, hath divers Times endangered the burning of Charles Town in this Island, several Houses (which are generally built and covered with

with Timber and Board only) having been at sundry Times on Fire by such Squibs, and other Fireworks; therefore, to prevent the like Mischiefs for the future, we, your Majesty's most dutiful and loyal Subjects, the Commander in Chief of all your Majesty's Leeward *Charribbee* Islands in *America*, the Lieutenant-Governor, and Council of this Island, together with the Assembly of the same, do pray your Most Excellent Majesty to Enact and Ordain; and be it, and it is hereby Enacted and Ordained, by the Authority aforesaid, That from and after the Date of this Act, no Persons, of what Age, Sex, or Degree soever, shall make, sell, or utter, or expose to Sale, any Squibs, Rockets, Serpents, or other Fireworks, or any Cases, Moulds, or other Implements for the making of such Fireworks, or permit any such Fireworks to be thrown or fired out of, or in their Houses or Lodgings, or any Part or Place thereto adjoining, into any public Street, Highway, Road, or Passage, nor throw or fire, or be aiding in the throwing or firing of any such Fireworks into, against, upon, or over any House or Houses, or in any Street, Highway, Road, or Passage, by or from the Sea Side within this Island, but every such Offence shall be adjudged a common Nuisance.

A. D. 1704.

Clause relating to Fireworks.

II. And be it further Enacted, by the Authority aforesaid, That any Person as aforesaid, who shall make, give, sell, or expose to Sale any Squibs, Rockets, Serpents, or other Fireworks, or any Cases, Moulds, or other Implements for making thereof, and be convicted thereof before the Governor, Lieutenant-Governor, or One or more Justices of the Peace for this Island, by Confession of the Party, or Oath of Two Witnesses, shall forfeit for every such Offence the Sum of Five Pounds; and any Person whatsoever, that shall permit or suffer any such Fireworks to be thrown or fired from out of, or in their Houses, Shops, Dwellings, Lodgings, or Habitations, or any Part or Place thereto belonging, into any public Street, Highway, Road, or Passage, by or from the Sea Side, or any other House or Place whatsoever [and] shall be convicted thereof as aforesaid, shall, for every such Offence, forfeit the Sum of Thirty Shillings: The said several Forfeitures to be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant from the Governor, Lieutenant-Governor, or One or more Justices before whom the Conviction shall be made: One half to be to the Use of the Poor of the parish, and the other Half to him, or her, or them, that shall inform and prosecute.

Penalty on Persons making them, &c.

and on permitting them to be thrown out of their Houses, &c.

Forfeitures how to be levied and applied.

III. And be it further Enacted, by the Authority aforesaid, That from and after the Publication of this Act, any Person or Persons as aforesaid, who shall throw, fire, or assist in throwing or firing, any such Fireworks in or into any public Street, House, Yard, Shop, Highway, Road, or Passage, within this Island, and be thereof convicted as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Thirty Shillings, to the Uses aforesaid, and pay the same immediately to the Governor, Lieutenant-Governor, or One or more Justices of the Peace before whom the conviction is made, or be by his or their Warrant committed to Gaol, there to be kept any Time, not exceeding One Month, unless such Offenders shall sooner pay such

Penalty on Persons throwing Fireworks in any public Street, &c.

A. D. 1704.
Proviso.

such Forfeitures: **Provided** always, [That] this Act, or any Thing herein contained, shall not hinder the making of any Fireworks to be used and fired by Direction from the Commander in Chief for the Time being, for the Use of Arms, in exercising the Militia of this Island, or other her Majesty's Forces, or for the Forts, or for warlike Exploits only, as might have been done before the making of this Act.

Penalty on
Justice neg-
lecting his
Duty.

IV. **And** be it further Enacted, by the Authority aforesaid, That the Justice of Peace that shall neglect or refuse to act or proceed by Virtue of this Act, shall forfeit for every Offence concerning the Squibs, the Sum of Five Pounds; to be levied and applied to the Uses aforesaid.

Generall Issue.

V. **And** be it further Enacted, That any Person sued for putting this Act in Execution, may plead the General Issue, and give this Act for Evidence; and if the Plaintiff be non-suit, or discontinue, or a Verdict pass, or Judgment be given for the Defendant, such Defendant shall have his full treble Costs; any Law, or Usage, to the contrary in any wise notwithstanding.

Penalty on
making a Bon-
fire, &c. in
any Street,
&c.

VI. **And** be it further Enacted, by the Authority aforesaid, That no Bonfire shall be made, nor any Cask by any Cooper be burnt in any Street of any Town in this Island, under Forfeiture of Ten Pounds for each Offence, and the Fire to be immediately, by some Constable, or by the House-keepers, put out; the said Offence to be proved, and the Forfeiture to be levied and applied to the Uses as aforesaid.

A. D. 1704-5.
No. 58.
Expired.

An Act for raising an Impost on strong Liquors imported.

No. 59.
Expired.

An Act for raising a Levy on the Freeholders, Householders, Traders, and Artificers, that be Inhabitants of the Town in this Island; and on all Slaves belonging to the Planters and Inhabitants of the Country Part of the same.

No. 60.

An Act for making Indian Castle a Shipping-place.

WHEREAS a great Part of this your Majesty's Island of Nevis remains still unmanured, especially in and towards the Parish of St. George's Gingerland; and forasmuch as several of your Majesty's Subjects, Inhabitants of that Part, have quitted, and do daily quit the same, which principally is to be attributed to the want of a free Shipping-place, whereby the Inhabitants may with greater Ease transport the Product of their Plantations by Water to Charles Town, which, when granted, will not only be a Means to strengthen this Island, by drawing more Settlers, but also will very much encourage Sugar-making, whereby your Majesty's Revenues will be much augmented;

augmented; we therefore, your Majesty's most dutiful and loyal Subjects, the Commander in Chief of all your Majesty's *Charribbee* Leeward Islands in *America*, the Council, together with the Assembly of this your Majesty's Island of *Nevis*, do pray your Most Excellent Majesty to Enact and Ordain; and be it, and it is hereby Enacted and Ordained, by the Authority aforesaid, That the Bay now called by the Name of *Indian Castle* Bay, shall, for ever hereafter, be taken, deemed, and reputed as a lawful Place to ship off all Sugars, Cotton, Indigo, or other Goods whatsoever of the Growth or Product of this Island; and that it shall be as free, in every respect, to take off and set on Shore any Goods, Wares, or Merchandize, as any other Shipping-place in this Island; any Law, Custom, or Usage to the contrary notwithstanding.

A. D. 1704 3.

Indian Castle Bay made a Shipping-place.

II. Provided always, and it is the true Intent and Meaning of this Act, That the Duty of Four and a half *per Cent.* payable to her Majesty, as also all other Duties, according to an Act, dated *Anno* One Thousand Six Hundred Sixty and Four, shall still continue to be paid in *Charles Town* and *James Town*, and no other Place; as also, that the Inhabitants of that Part in this Island, or any other Person whatsoever, who hath, before the Date of this Act, made any Bargain or Contract, by Purchase of any Lands, Tenements, or by Bill, Bond, or Account, Goods, Wares, or Merchandizes whatsoever, with any Planter, Merchant, or other Person, shall be obliged to make Payment for the same at *Charles Town*, or some other Shipping-place of this Island, and not at *Indian Castle*; any Thing in this Act to the contrary notwithstanding.

Proviso.

Vide No. 14



An Act for regulating Vestries.

A. D. 1705.

NO. 61.

Whereas it is highly necessary that there should be Vestries chosen in the respective Parishes of this Island, to raise Levies or Taxes for defraying the Ministers [Salaries] Maintainance of the Poor, and other contingent Charges of the [said] Parishes; be it therefore, and it is hereby Enacted, by the Commander in Chief of all your Majesty's *Charribbee* Leeward Islands in *America*, together with the Council and Assembly of this your Majesty's Island of *Nevis*, That all and every the Freeholders and Housholders of this Island shall repair to their respective Parish Churches on *Monday* or *Tuesday* in *Easter-week*, and there, by free Votes, elect Twelve of the ablest Freeholders or Housholders in each Parish to serve as Vestrymen; who, with the Minister, shall then and there choose Two fit Persons to serve as Church-wardens, One to be elected by the Vestry, the other by the Minister.

Repealed by an Act passed in 1724 2^o page 89

Vestrymen, &c. to be elected every Year in Easter-week.

II. And be it Enacted, by the Authority aforesaid, That they, the Vestrymen chosen, and Church-wardens, or the major Part of them, have hereby full Power and Authority to manage all Business of the said Parish; to settle the Fees and Perquisites of the Minister, Clerk, and Sexton; and to raise such Taxes or Rates on the several

Their Duty

A. D. 1705. Parish Houses, as they, in their Consciences, shall seem meet, either for defraying any Parish Charges, or erecting, repairing, or enlarging their respective Parish Churches, or Parsonage House or Houses; and whatever Taxes or Rates shall be by them so raised, shall be deemed firm and authentic; and after Publication of the said Rates at the Parish Church, and modest Demand made by the Church-wardens, or any other Person impowered by the said Vestry to collect the same, Execution shall be granted against such Persons as shall refuse or neglect to pay the same; which said Execution shall be signed by Two Justices of the Peace of such Parish where the Tax is raised, or, for want of them in the said Parish, Two other neighbouring Justices, under their Hands and Seals, to be levied by the severall Constables of the said Parish; and whatsoever Goods shall be so attatched, shall, after the Expiration of Ten Days, be sold at public Outcry, and the Overplus, if any, returned to the Owner.

Three Books
to be kept in
every Parish
Church.

III. And be it further Enacted, by the Authority aforesaid, That in every Parish Church there shall be kept Three large Paper Books, for the public Service of the said Parish, One whereof shall be kept for the Parish Accounts, the other for the Vestry Acts, and a Third as a Register for Christenings, Marriages, and Funerals; the last of which to be kept by the Minister only.

Church-war-
dens to ba-
lance their
Accounts
with the Ves-
try, when dis-
charged of
their Office,
&c.

IV. And it is hereby further Enacted, That the Church-wardens of the respective Parishes are and shall be obliged to deliver up and balance their Accounts with the Vestry at their being discharged of their said Office; and that they shall not be compelled to serve any longer as Church-wardens than for Two Years successively from the Time of their being elected, either by Continuance, or by a succeeding Election: And whatsoever Default shall be made by any Church-warden or Church-wardens in collecting the Minister's Dues and Arrears, or other Parish Tax, within each Year or Years, the same shall be made good by them, or either of them so neglecting; provided an Execution be granted and lodged in their Hands, to the Purpose as before is provided.

Minister and
Church-war-
dens to con-
vene Vestry-
men.

V. And be it further Enacted, by the Authority aforesaid, That the Minister and Church-wardens, or in case that Parish have no Minister at that Time, then the Church-wardens alone, have hereby full power and Authority to summon and convene, at the Parish Church, the respective Vestrymen, to debate and consult about the Parish Affairs; and whatsoever Vestrymen, Church-wardens, or other Officers appointed to appear, Notice being given at his or their Houses, shall fail to meet accordingly, without a reasonable Excuse, such as shall be approved of, shall forfeit Twelve Shillings; to be levied by Warrant of Distress from the next Justice of the Peace, to be directed to the next Constable, and the same to be applied to the Use of the Poor of such Parish, the Constable's Fees, and other Charges, being first deducted.

Penalty on re-
fusing to serve
when elected.

VI. And be it further Enacted, by the Authority aforesaid, That whatsoever Person shall be duly elected, either for Vestryman or Church-warden, and shall refuse to serve in either of the said Capacities,

cities, he or they refusing shall forfeit the Sum of Twelve Pounds ^{A. D. 1705.} current Money of this Island; to be recovered by the Church-wardens in an Action of Debt in any Court of Record of this Island, which shall be applied towards the defraying the public [Charges] of the said Parish, wherein no Essoign, Protection, or Wager in Law shall be allowed of.

An Act to regulate and settle the Militia of this Island.

170. 62.

Whereas it is found, by long Experience, that it is altogether impossible that this your Majesty's Island [of] *Nevis* can be in good Order, or any ways capable to defend and maintain the same against the Insults, Attacks, or Invasions of your Majesty's Enemies, and their Accomplices, unless the Inhabitants thereof be brought under a more regular and Exact discipline, and that they, each and every of them, being above the Age of Fourteen Years, and under Sixty, be personally obliged, in one Capacity or other, with good and sufficient Arms and Ammunition, to appear and attend the said Service, as Occasion shall require: And whereas there hath of late appeared a more than ordinary Neglect and Remifness in both Officers and Soldiers of the Militia of this Island, which seems to threaten, and may occasion the Loss thereof, if not speedily prevented; we therefore, your Majesty's most dutiful and loyal Subjects, the Governor in Chief of all your Majesty's *Charribbee* Leeward Islands in *America*, the President and Council of this Island [of] *Nevis*, together with the Assembly of the same, do pray your Most Excellent Majesty to Enact and Ordain; and be it, and it is hereby Enacted and Ordained, by the Authority aforesaid, That all Persons, living, residing, or being on this Island [of] *Nevis*, and being above the Age of Fourteen Years, and under Sixty (Sickness only excepted) shall be obliged to appear and serve in Person, and do such Duty, with such Arms, Ammunition, and Accoutrements, and with such a Number of their Negroes and Horses, so armed and fitted, on Alarms or Invasions, and upon Musters and Exercising Days, at such Place and Time, and after such Manner, as shall be ordered and appointed him or them by this Act, or by any the Governor in Chief, Lieutenant-Governor, or other Commanding Officer of this Island for the Time being, by and with the Consent and Approbation of a Council of War, shall be held Nine of the Field, or other principal Officers of the same; which said Council of War shall be held immediately after the Publication of this Act, and at any Time afterwards, so often, and as Occasion, and the Good and Safety of this Island shall and may require, to regulate and settle the Militia of this Island, conformable, and according to the Tenor thereof, and to give such necessary Orders and Directions, from Time to Time, upon any unforeseen Service or Accidents that shall or may happen.

II. And be it, and it is hereby Enacted, by the Authority aforesaid, That the said Council of War, consisting of such a Number, and

Persons from
14 to 60 Years
of Age, to
serve in the
Militia.

Council of
War to ap-
point Persons
and

A. D. 1705.
to ride in the
Troop.

Penalty on
Refusal, &c.

Proviso.

Proviso.

Penalty on
not appear-
ing.

and such Persons as aforesaid, hath and have full Power and Authority granted and given them by this Act, now at First, and from Time to Time, as need shall require any Alteration to be made for the future, to nominate and appoint each and every Person or Persons, living, residing, and being on this Island, and of the Age aforesaid, having all due Regard to each Person or Persons Estate and Quality, so as the best of the Gentry, not in Commission, be appointed to ride in the Troop (and if any such Person or Persons, so nominated and appointed by the said Council of War to ride in the Troop as aforesaid, shall refuse the same, he or they shall forfeit and pay for such Refusal the Sum of Twenty Pounds current Money) by their several respective Christian and Surnames, in what Regiment, Troop, and Company they and every of them shall serve, and what Arms, Ammunition, and other Accoutrements they shall furnish, provide, and carry (*viz.* as to Negroes, Horses, &c.) and where, when, and how they shall rendezvous, upon all Alarms or Invasions, as also on all Musters and Exercising Days: **Provided** always, and it is the true Intent and Meaning of this Act, That the Negroes and Horses do and are only to attend upon Alarms; and that the Muster and Exercising Days do not exceed one Day in every Month in the Year: **And also provided**, That the Gentlemen of the Council and Assembly, not in Commission, be indemnified, saved harmless, and excused their Personal Appearance and Attendance on all Muster and Exercising Days only: All which Regulation and Settlement of the Militia of this Island, together with all other the Proceedings, Actings, and Doings, of the said Council of War, shall be fairly writ in a Book to be provided and kept for that Purpose.

III. **And be it further Enacted**, by the Authority aforesaid, That when and so soon as the Militia of this Island is so regulated and settled by the said Council of War, and Notice thereof duly served or given in Writing, or otherwise, to each and every Person, by their Officer or Officers, how, where, and when they are to serve as aforesaid; all and every Person or Persons whatsoever he or they may be, whether Officer or Soldier of any Troop, Regiment, or Company within this Island, and being of the Age aforesaid (Sickness only excepted) that shall neglect or refuse to be, and personally appear at such place of rendezvous, on all Alarms and Invasions, and on all Muster and Exercising Days, in and with the Troop, Regiment, or Company where he or they are or shall be appointed to serve, upon Beat of Drum, Sound of Trumpet, or on other regular Notice, and with such Arms, Ammunition, and other Accoutrements, as they shall by the said Council of War be allotted and appointed to furnish, provide, and carry, and as to Negroes, Horses, &c. on all Alarms only, shall forfeit and pay for each and every such Offence, if a Field Officer, the Sum of Three Pounds current Money, if other Commission Officer, the Sum of Thirty Shillings, **always provided**, such a Field or other Officer be not let or hindered by any public Business of this Island on all Muster and Exercising Days; if a Gentleman of the Troop, the Sum of Fifteen Shillings, or be committed

to

to Charles Fort, by Warrant under the Hand and Seal, at the Discretion of the Commanding Officer of the said Troop, without Bail or Mainprize, not exceeding the Space of Seven Days; if a private Foot-soldier, and a Freeholder, the Sum of Five Shillings, or be committed as aforesaid, by the Captain of [the] said Company; if no Freeholder, but poor, or a Servant, to be tied Neck and Heels, or ride the Wooden Horse, not exceeding the Space of One Hour; **always provided**, that the Servant be not detained by his Master, Manager, or Overseer; in all such Cases, the Master, Manager, or Overseer, shall pay such Fine as shall be awarded by the Council of War, not exceeding the Sum of Thirty Shillings.

IV. **AND**, for the better Security and Defence of this Island, and to force and enable both the Officers and Soldiers hereof duly and truly to do their Duties, and discharge the Trust reposed in them; **be it further Enacted**, by the Authority aforesaid, That upon all Alarms or Invasions made upon this Island by any of her Majesty's Enemies, or their Accomplices, during the complete Time and Continuance of such Alarm or Invasion, and whilst and so long as any Troop, Regiment, or Company are under Arms, and doing their Duty, on Muster and Exercising Days only, and no longer, the Articles of War hereafter following shall be, and are hereby enacted and declared to be, during the Time aforesaid only, and no longer, in full Force, Virtue, and Authority, to all Intents and Purposes whatsoever; and all and every Person or Persons, whether Officer or Soldier of any and every Troop, Regiment, or Company, within this Island, are to take Notice thereof, and regulate themselves accordingly; and for any Fault committed against [the] said Articles, during the several limited Times aforesaid, he or they shall be tried, within Four Days after the Offence is committed, by a Court-martial, consisting of Nine Commission Officers, such as thereto shall be appointed by Warrant under the Hand and Seal of the Governor in Chief, Lieutenant-Governor, or other Commanding Officer of the Militia of this Island for the Time being, shall be punished according to the Offence by him or them committed, by the Council of War, if not otherwise ordered and appointed by this Act; and the Directions of [the] said Articles of War; any Law, Statute, Usage, or Custom to the contrary in any wise notwithstanding: Which said Articles of War are as followeth; *viz.*

A R T. I.

Whosoever shall impiously blaspheme the Deity, or any of the blessed Persons [of the] holy Trinity, and be lawfully convicted of the same, by Oath of a creditable Person, above the Age of Fourteen Years, shall, for the First Offence, make a public Acknowledgement, with Detestation of his Fault, and be kept Three Days in Prison with Bread and Water only; and if he shall a Second Time offend, he shall have a red-hot Iron thrust through his Tongue.

Articles of War.
Punishment for Blasphemy;

A R T.

A. D. 1705.

for Centinel
being drunk
on his Duty.

A R T. II.

Whosoever being set Centinel, or in his March, Guard, Watch, or other Service, shall be found drunk, to be punished at the Discretion of the Court-martial.

III.

Company to
recommend
themselves to
God before an
Enterprize.

No Enterprize shall be attempted or taken in Hand, but the Company that are to execute the same shall first recommend themselves to God, and pray him to give them good Success.

IV.

Saying the
Forces are un-
lawful, to be
punished by a
Court-martial

Whosoever shall, in favour of the Enemy, or other Pretence whatsoever, presume to say, or secretly insinuate to any, that her Majesty's Forces are not lawful or necessary, shall be punished at the Discretion of the Court-martial.

V.

Conspiring a-
gainst the Ma-
jesty, Death;

All Persons that shall conspire against our Sovereign Lady the Queen, or any of her Majesty's Dominions or Countries, to betray the same into the Hands of her Enemies, shall suffer Death as a Traitor and Rebel.

VI.

or the Cap-
tain-general,
&c.

Whosoever shall conspire the Death, or betraying into the Hands of the Enemy, the Captain-General of the Leeward Islands, or any of the Governors or Commanders in Chief of any the said Islands for the Time being, or any Officer commanding in chief on any Expedition, or shall entice or persuade either Officer or Soldier to join or engage in any treacherous or rebellious Act, either against her Majesty's Interest or Government, shall suffer Death for it: Whosoever shall not relate to his superior Officer such Conspiracy as soon as ever it shall come to his Knowledge, shall be judged equally guilty with the Contriver, and shall suffer the same Pains and Penalties.

VII.

or giving In-
telligence to
the Enemy;

All such Persons as by Discourse, making Signs, writing Letters, or otherwise shall practise and entertain Intelligence with the Enemy, or others in Action against her Majesty, without Directions from the Commander in Chief, shall be punished as a Traitor and Rebel.

VIII.

or assisting
him.

No Person shall assist or relieve any Enemy with Money, Victuals, or Ammunition, or other Necessaries, upon Pain of Death; no ways hereby intending or meaning such charitable Relief as shall or may be given to such Enemies as shall be taken Prisoners.

IX.

Mutiny pun-
ished by a
Court-marti-
al.

Whosoever shall begin or maintain any Mutiny, shall be punished at the Discretion of a Court-martial.

A R T.

A R T. X.

A. D. 1705.

Whosoever shall give or yield up any Fort, Town, or other Place of Strength unto the Enemy, as likewise any Magazine of Victuals, Arms, or Ammunition, or that any way motioneth such Matter, but upon Extremity, and that to the Governor, or other Commanding Officer, shall be executed as a Traitor.

Giving up
Forts, &c. to
the Enemy,
death;

XI.

Whosoever seeth any Chief Officer, or Commander of any of the Islands or the Army, in the Hands, or in Danger of the Enemy, shall, to the utmost of his power, endeavour to rescue, and to fetch him off, upon Pain of Death, or such other Punishment as a Court-martial shall think fit.

not endea-
vouring to
rescue from
the enemy a
Chief Officer,
&c. ditto.

XII.

Whosoever shall revolt, or run away to the Enemy, or shall but attempt the same, shall be punished with Death as a Traitor.

deserting to
the Enemy,
ditto.

XIII.

Whosoever shall be convicted to have slept upon his Post, while a Centinel, or shall quit or leave the same before he be relieved, shall be punished at the Discretion of a Court-martial.

Centinel sleep-
ing on his post
&c. to be pu-
nished by a
Court-Marti-
al.

XIV.

No Officer or Soldier shall offer any Abuse to their Superior, but shall be punished at the Discretion of a Court-martial, or their Officer, according to their Crime.

Officer, &c.
not to abuse
his Superior;

XV.

Whosoever, upon any Alarm, doth not repair with all possible Expedition to his proper Station, Post, or Colours, without a sufficient Excuse, to be approved of by a Court-martial, or shall give or cause to make a false Alarm, without Orders from the Commander in Chief of this Island for the Time being, shall suffer and be punished as a Court-martial shall think fit.

Not repairing
upon Alarms
to his proper
post, &c. pu-
nished by a
Court-Marti-
al.

XVI.

No Man shall challenge or defy any other in Time of Alarm or private Exercise, or shall accept of a Challenge from another, upon Pain of such Punishment as shall be allotted him or them by a Court-martial.

nor challenge
another at
such time;

XVII.

After the Guard or Watch is set, no man shall quit or leave his Post, but by Licence of his superior Officer, and shall return according to the Tenor of [the] said Licence, or other Command given, under the Penalty of being punished at the Discretion of his Officer.

nor depart
Guard with-
out Licence.

XVIII.

No Soldier appointed to stand Centinel, to lie perdue, or to guard in such Posture or Place, shall quit or leave the same until he shall

Centinel not
to quit his Post
till relieved
by his Officer;

A. D. 1705. shall be relieved by his Officer, upon Pain of Death, or such further Punishment as a Court-martial shall think fit.

XIX.

Not to divulge the Watch word. Whosoever shall make known the Watch-word, without Order, or give any other Word than what is given, shall suffer such Punishment as a Court-martial shall think fit.

XX.

None to appear without their proper Arms. No Officer or Soldier whatsoever shall dare to appear without their usual and proper Arms, appointed them to carry upon all Alarms, Muster, or Exercising Days, or in Camp; the Neglect of each of which to be punished at the Discretion of their Officer.

XXI.

No Captain to enlist a Soldier of another Company. No Captain or other Officer shall enlist a Soldier of any other Company without the Licence, Leave, or Liberty of his Captain, under the Penalty of paying Six Pounds current Money to the Captain of [the] said Soldier's.

XXII.

Soldier neglecting to appear on private Exercising Days, to be fined, &c. Any Soldier that refuseth or neglecteth to appear on all private Exercising Days, when duly warned by his Officer, shall be fined as the Act directs, or otherwise punished, by Confinement, without Bail or Mainprize, in Charles Fort, at the Discretion of their Officer, not exceeding Seven Days.

Forfeitures how to be levied and applied. V. And be it further Enacted, by the Authority aforesaid, That all and every the pecuniary Penalties and Forfeitures, arising by this Act, shall be levied on the Goods and Chattels of the Party or Parties offending, by the Field-marshal of this Island for the Time being, and forthwith sold at public Outcry in Charles Town, rendering the Overplus, if any, to the Owner, by Warrant under the Hand and Seal of the Governor in Chief, Lieutenant-Governor, or other Commanding Officer of this Island for the Time being; the One Moiety, or Half Part thereof, to be paid to the Treasurer of this Island for the Time being, to be applied towards the defraying the contingent Charges thereof; and the other Half Part to the Field-marshal, for his Encouragement; any Law, Statute, or Usage to the contrary in any wise notwithstanding.

N. B. Several Acts have been passed for the same Purpose as the foregoing, but being all temporary, and this perpetual, this always comes into full Force when such temporary Laws expire.

An Act to oblige all Persons, inhabiting this Island, to mount the Guards, go the Grand and Petty Rounds, and do their Duty in their Turns, as shall be ordered them.

A. D. 1705.

No. 63.

Whereas there is an absolute Necessity, for the Security and Preservation of this your Majesty's Island of *Nevis*, during this present War, to have frequent and regular Guards kept in the Night-time, and otherwise, as Occasion shall require, by the Militia of this Island, over and above the usual constant Guards in your Majesty's Forts, to prevent Privateers, and other the Enemies of your Majesty, and your Liege People, from landing, to burn, plunder, and destroy their Plantations: And whereas it is found by Experience, that the Inhabitants of this Island have been very remiss and negligent in the due Performance of their Duty, in going to the Guard, sending out Petty, and going the Grand Rounds: For the remedying and preventing of which for the future, we your Majesty's most dutiful and loyal Subjects, the Commander in Chief of all your Majesty's *Charribbee* Leeward Islands in *America*, the President and Council of this Island of *Nevis*, together with the Assembly of the same, do pray your Most Excellent Majesty to Enact and Ordain; and be it, and it is hereby Enacted and Ordained, by the Authority aforesaid, That during this present War only, and no longer, all Persons whatsoever, living, residing, and being on this Island, that are above the Age of Fourteen Years, and under Sixty (Sickness only excepted) as well Officers as Soldiers, of all and every Troop, Regiment, or Company, shall take their Turn, and do their Duty in Person, such, and for such Time, in such Place, and after such Manner and Form, as shall be allotted and appointed him or them by the Governor in Chief, Lieutenant-Governor, or other Commanding Officer of the Militia of this Island for the Time being, in and with the Consent and Approbation of a Council of War, consisting of Nine of the Field, or other principal Officers of the same, which Council of War, shall be held immediately after Publication of this Act, on purpose to regulate and settle the same, and so from Time to Time, during this present War, to be by the said Council of War continued or altered, as Occasion shall require; which Regulation when so made, or by the Authority aforesaid hereafter altered, need so requiring, (*viz.* of the Guards and Rounds, when, where, how, and how many, and by whom to be kept and performed, the Persons by Name, the Number of them, and their Turns, as they are to attend the said several Services) shall be of as sufficient Force and Authority, to all Intents and Purposes whatsoever, to bind and oblige all and every the Inhabitants of this Island to the due Obedience and Performance hereof, as if his or their particular Name or Names, and Duties, had been inserted and appointed him or them in and by this Act: And that no Person may plead Ignorance of the said Regulation, when made, it is hereby ordered and appointed to be put in writing by the said Council of War, in the Book for regulating and settling the Militia of this Island, and

Persons above the Age of 14, and under 60, to do their Duty in Turn, during the War.

Regulation of the Militia to be entered in a Book.

A. D. 1705. fair Copies thereof, now at first, and as Occasion shall require Alterations to be made for the future, given under their Hands to every Field Officer and Captain of this Island, that they may, with more Ease, know how to place and set their Guards, perform and do their Duty, find out and punish the Party or Parties that shall offend, after due Notice given him or them what Guard or other Duty he or they are to keep and perform.

Penalties on
Officers Neg-
lect of Duty,

II. AND, for the better and more regular Performance of all and every the Duties intended, and that shall be now at first, or hereafter, during this present War, imposed on the several respective Inhabitants of this Island, by the said Council of War, by virtue of the Act; **be it further Enacted**, by the Authority aforesaid, That whatsoever Person, being of the Age aforesaid (Sickness only excepted) living, residing, and being on this Island, whether Officer or Soldier, that shall refuse or neglect duly to do and perform the Duty aforesaid, assigned him or them by the said Council of War, when and so often as it shall come to his or their Turn, shall forfeit and pay for each and every Offence, if a Field Officer, the Sum of Three Pounds; if other Commission Officer, the Sum of Thirty Shillings; if a Gentleman of the Troop, the Sum of Fifteen Shillings, or to be sent to *Charles Fort*, there to remain, without Bail or Mainprize, not exceeding the Space of Seven Days, at the Discretion, and by Warrant under the Hand and Seal of the Officer riding the Grand Round, or commanding the Party where such Neglect or Refusal is made; and the Gunner, Corporal, or other Officer commanding [the] said Fort for the Time being, are to receive all such Persons so sent them, and keep him or them in safe Custody, during and according to the Time and Tenor of [the] said Warrant of Commitment, if not sooner discharged by the Governor in Chief, Lieutenant-Governor, or other Commanding Officer of this Island for the Time being, or the Person himself that committed him or them respectively; if a private Foot-soldier, and a Freeholder, the Sum of Five Shillings, or be committed as aforesaid, at the Discretion of his Officer; if no Freeholder, but poor, and a Servant, and not being able to pay the aforesaid Fine, to be tied Neck and Heels, or ride the Wooden Horse, not exceeding the Space of One Hour: **provided** always, the Servant be not detained by his Master, Manager, or Overseer; in all such Cases, the Master, Manager, or Overseer, shall forfeit and pay such Fine as aforesaid.

and private
Soldiers.

Persons ap-
pointed to go
the Rounds,
how to be
armed, &c.

III. AND, for the better Security of this Island, **be it further Enacted**, by the Authority aforesaid, That the Officer or Officers shall go the Grand Round; and the Persons that shall be appointed to go with him or them, which shall not be less than Six Persons, besides the Grand Round himself, if possible to be had, as also those that shall be nominated to go the Petty Round, shall each and every of them be obliged to come well armed, with a Sword, Pistol, and Firelock Gun, and sufficient Ammunition, both Powder and Ball, and to set out, and be going from *Charles Town* at such Time, and visit such Places, as the said Council of War shall think fit to appoint:

pages 55 and 56 missing

And be it further Enacted, by the Authority aforesaid, That ^{A. D. 1705.} it shall and may be lawful for the Governor in Chief, Lieutenant-Governor, or President for the Time being, with the Council and ^{Governor, &c. to detach such a Number of Negroes as he shall see fit, to amend old, or erect new Breast-works, &c.} Assembly of this Island, at any Time after the Date of this Act, to make such Orders and Directions of detaching such Number of Negroes to amend or repair old, or erect new Breast-works at any Place or Places of this Island, as they shall see convenient; which said Order shall be signed by the Governor in Chief, Lieutenant-Governor, or President, with the Speaker of the Assembly for the Time being: And in Case any Person shall neglect or refuse to send such Negro or Negroes, he shall, for every such Neglect or Refusal, forfeit and pay the Sum of Three Shillings for each Negro; which shall be levied and applied as aforesaid: And in case the said Governor in Chief, Lieutenant-Governor, or President, with the Council and Assembly of this Island, shall at any Time think convenient to build, or to erect any Fortification, Breast-work, or other Place of Strength, upon any of the Lands of this Island, that then it shall be lawful for them to take such Land for the Use aforesaid, having first appointed the Two Gentlemen of the Assembly, with the Surveyors of that Precinct, jointly to appraise the said Land: which said Appraisement shall be paid by the public of this Island.

III. And be it further Enacted, That if in case any Stone, Sod, or other Materials shall be wanting, towards repairing or erecting any Breast Work or Fortification, that then it shall be lawful for the Governor in Chief, Lieutenant-Governor, or President, and Council and Assembly of this Island, to take such Stone, Sod, or other Materials, paying the Value of the same as aforesaid. ^{Stone, &c. wanted for repairing any Breast-work, Governormay take it, paying the Value.}

An Act for continuing the Act for raising an Impost on strong Liquors. ^{A. D. 1708-9. No. 65. Expired.}

An additional Clause to the Act, intituled, An Act for the more easy repairing the Highways. ^{A. D. 1709. No. 66.}

Whereas by an Act of this Island, made the Ninth Day of June, in the Tenth Year of the Reign of his late Majesty, of blessed Memory, One Thousand Seven Hundred and One, and confirmed by his said Majesty in Council, intituled, *An Act for the more easy repairing the Highways*; it is (among other Things) therein Enacted, "That all Roads, Paths, and Ways, in the respective Precincts or Divisions in this Island, should be amended and repaired twice every Year; that is to say, in December and July, yearly." And forasmuch as it is found by daily Experience, that [it] is absolutely necessary that the said Roads, Paths, and Ways, by reason of the great Rains and Washes that of late have happened in this Island, require their being oftner amended or repaired: And whereas by the before recited Act, the Time for their being so repaired or amended is limited, which hath proved of great Detri-
ment

Q.

A. D. 1709. ment to the Inhabitants of this Island: For prevention whereof, we your Majesty's most dutiful and loyal Subjects, his Excellency *Daniel Parke*, Esquire, Captain-General and Governor in Chief of all your Majesty's Leeward Islands in *America*, the Honourable the Lieutenant-Governor, Council, and Assembly of this Island, do pray your Most Excellent Majesty it may be Enacted and Ordained; and be it, and it is hereby Enacted and Ordained, by the Authority afore said, That from and after the Date hereof, the Justices of the Peace of each Precinct or Division of this Island for the Time being, are hereby impowered, that as often as they shall see Cause, or think fit to amend or repair the Roads, Paths, or Ways in their respective Precincts or Divisions, to issue forth his or their Warrant, directed to the Surveyors of the Highways, requiring them to cause the Constable or Constables of such Division or Precinct where such Roads, Paths, or Ways are to be so amended or repaired, to give Notice to the Inhabitants to send the Two Thirds of all their dutiable Negroes, as by [the] said recited Act is directed; and for want of a Justice of the Peace in any of the respective Divisions or Precincts of this Island, the Lieutenant-Governor, or President of this Island for the Time being, is hereby impowered to issue forth his Warrant in Manner and Form as is herein before directed; and for want of a Surveyor or Surveyors of the Highways, Constable or Constables, in any of the respective Divisions or Precincts in this Island, the Lieutenant-Governor, or President for the Time being, is hereby fully impowered to appoint Constab^l or Constables to warn the Freeholders to choose Two able and indifferent men to be Surveyors of the Highways for such Divisions where they are wanting.

Inhabitants
to send two
Thirds of
their dutiable
Slaves to re-
pair the Roads
&c.

A. D. 1710.

No. 67.

An Act to settle and establish the Secretary's Fees of this Island.

Whereas it hath been the Practice of the Secretary, or his Deputy, of this Island, for some Years past, to extort and receive from the several Inhabitants thereof extravagant and excessive Fees, to the great Disquiet and Vexation, as well as Oppression and Damage of your Majesty's Liege Subjects; for remedying whereof, and to prevent the like irregular and unlawful Practice and Proceedings for the future, we your Majesty's most dutiful and loyal Subjects, the Governor in Chief of all your Majesty's *Charribbee* Leeward Islands in *America*, the Honourable the President and Council of this Island of *Nevis*, together with the Assembly of the same, do pray your Most Excellent Majesty to Enact and Ordain; and be it, and it is hereby Enacted and Ordained, by the Authority afore said, That from and after the Publication of this Act, the Secretary of this Island for the Time being, and his Lawful Deputy or Deputies, shall not presume, on any Pretence whatsoever, to extort or receive any greater or other Fee or Fees than such as are mentioned and inserted in this Act, as followeth; *viz.*

JDR

	l.	s.	d.	A. D. 1710.
For entering an Action at Common Law or Chancery,	0	1	6	Secretary's Fees.
For entering a Jury-action that has a Declaration,	0	6	0	
For entering each Witness,	0	0	6	
For an Execution,	0	1	6	
For a Reference, every Referee,	0	1	6	
For a Special Warrant from the Governor, when drawn } by the Secretary,	0	3	0	
For a Warrant of Attatchment,	0	2	6	
For a Warrant of Arrest,	0	2	6	
For a Warrant of Appraisement of Lands, Houses, for Debt,	0	5	0	
For a Warrant to replevy Chattels and Bond,	0	6	0	
For a Licence of Marriage,	0	6	0	
For a Warrant to a Surveyor to lay out Land,	0	2	6	
For a Bond for a Tavern, Rum and Rum-punch Seller,	0	3	0	
For a Licence for a Tavern or Punch-house-keeper,	0	6	0	
For a Warrant of Search to apprehend,	0	2	6	
For an Order on a Petition indorsed,	0	3	0	
For filing a Declaration at Common Law,	0	3	0	
For recording a Letter of Attorney, and Probate,	0	4	6	
For drawing or recording Letters of Administration,	0	12	0	
For drawing or recording the Bonds,	0	1	6	
For drawing or recording a Warrant to appraise and in- } ventory, or only to inventory,	0	6	0	
For recording the Report therein,	0	3	0	
For recording Inventory and Appraisement,	0	6	0	
For drawing or recording a Letter of Guardianship,	0	6	0	
For a Writ of Divifion,	0	6	0	
For a Commission from the Ordinary to examine Accounts,	0	6	0	
For a <i>plene administravit</i> ,	0	1	6	
For a Surgeon's or Doctor's Licence,	0	18	0	
For a Ticket to go off this Island,	0	1	6	
For publishing a Person's Name that goes off,	0	0	9	
For recording a Patent,	1	0	0	
For drawing or recording a Protest,	0	12	0	
For an Answer thereto,	0	12	0	
For recording a Will,	0	12	0	
For the Probate thereto,	0	4	6	
For a Copy of a Judgement, or a single Order of Court of } Queen's-Bench, &c.	0	1	0	
For recording a Deposition,	0	1	6	
For recording a Bill of Loading,	0	1	6	
For recording a general Discharge or Release,	0	3	0	
For the Copy of the Proceedings of the Court in case of } an Appeal,	0	15	0	
For a <i>Scire Facias</i> ,	0	1	6	
For a Ship's Bond, or any other Vessel, Boat, or Canoe,	0	12	0	
For the Copy of an Act,	0	9	0	
But the Perusal <i>gratis</i> .				
For the Return of a Reference,	0	1	0	
				For

A. D. 1710.

For the recording of an Assignment of any Bill or Bond,	1	0
For recording an Assignment of any Writing or Deed, <i>&c.</i>	0	0
of Lands or Houses,	0	0
For entering the Return of a <i>Scire Facias</i> ,	0	9
For underwriting any Person in the Office, whose Name is	0	0
published,	3	0
For recording a Letter,	0	0
For entering a Plea,	0	6
For entering a Demurrer,	0	6
For a Rejoinder or Surrejoinder,	0	0
For recording a Declaration in the Book,	0	0
For entering a Judgement,	0	0
For a Summons in <i>Ejectione firmæ</i> ,	0	6
For a Writ of Possession of Goods and Chattels,	0	6
For recording the Return of the Writ of Possession,	0	6
For recording a Writ or Commission from the Ordinary	0	0
to examine Accounts,	6	0
For recording a Writ of Division, and return of the Jury,	0	0
if any,	12	0
For recording Sales of Land by Lease or Release, or by	1	0
Sale absolute and probate on the same,	4	0
For recording Examination of [a] Wife before the Chief	0	0
Judge, in [the] Nature of a Fine and Recovery,	6	0
For any other Writ from a Court not herein mentioned,		
not ascertained by any other Act, so much as the Judge		
of such Court shall order or appoint,		
For a Copy of a Declaration,	0	0
For a warrant of View on Goods or Merchandize on board	0	0
a Vessel, and brought on Shore from any Vessel,	3	0
For a Copy of an Answer in Chancery,	0	0
For a Copy of a Replication,	15	0
For a Copy of Exceptions in Chancery,	0	0
For a <i>Subpœna</i> in Chancery,	0	0
For a Copy of a Decree in Chancery,	0	0
For filing a Bill in Chancery,	0	0
For filing Replications and Exceptions in Chancery,	0	6

Penalty on
taking great-
er Fees.

And if the said Secretary, or any other Person acting under him, shall extort or receive more than is inserted and allowed him or them in and by the said Docket of Fees, which said Fees hereunto annexed are hereby enacted and declared to be the established Fees for this Island of *Nevis* for the future, upon Complaint made thereof to any of her Majesty's Justices of the Peace of this Island, and proved by the Oath of the Party aggrieved, or by the Confession of the Party offending; he or they, the said Secretary, Deputy or Deputies, or any other Person or Persons acting under him or them, and so offending, shall, for each and every Offence, forfeit and pay the Sum of Five Pounds current Money; to be levied by any Constable of this Island, by Warrant under the Hand and Seal of the Justice of the Peace before whom

whom the Matter shall be heard and determined, on the Goods and Chattels of the Offender and Offenders, and sold at public Outcry immediately after the seizure thereof; the One Moiety of which Forfeiture shall be paid to the Treasurer of this Island for the Time being, to be by him applied towards the defraying the public Charges thereof, and the other Moiety to be paid to the Party grieved, or such other Person as shall make Information, and prove the same; any Law, Usage, or Custom, to the contrary in any wise notwithstanding.

A. D. 1710.

II. And be it further Enacted, by the Authority aforesaid, That the Secretary's Office of this Island shall be taken and deemed, to all Intents and Purposes whatsoever, an Office of Record for entering and recording Conveyances, Deeds, Wills, and all other Transactions acted and done for the Time past, or that shall be transacted and entered for the future: Always provided, and it is the true Intent and Meaning of this Act, That all other Writs that shall at any Time issue from the Secretary's Office, and not inserted in the foregoing Docket of Fees, shall be ascertained by the Court from whence such Precepts shall proceed; and if at any Time hereafter any other Instrument or Writing shall be brought to be recorded in the Secretary's Office, and not inserted in the said Docket of Fees, shall be paid in proportion to any other Instrument of like Length, mentioned in the said Table of Fees.

Conveyances
 &c. to be re-
 corded in the
 Secretary's
 Office, &c.

An Act to settle and ascertain Fees to the Chief Judge, and Assistant Justices of this Island. No. 68.

WHEREAS the Courts formerly held in the several Divisions of this Island are now reduced into One, and held in Charles Town only, in the Island aforesaid, which doth occasion much more Trouble and Charge to the Chief Judge, and Assistant Justices, than heretofore, when held in the several Divisions, and no Fees having been heretofore allowed to [the] said Judge, and Assistant Justices; for which Reasons, we your Majesty's most dutiful and loyal Subjects, the Governor in Chief of all your Majesty's Charribbee Leeward Islands in America, the Honourable the President and Council of this Island, together with the Assembly of the same, do pray your Most Excellent Majesty to Enact and Ordain; and be it, and it is hereby Enacted and Ordained, by the Authority aforesaid, That it shall and may be lawful for the Chief Judge, and Assistant Justices of this Island, that now or hereafter shall be made, to take and receive to their own proper Use and Behoof, by such Person as they shall appoint to receive the same, towards defraying the Charges they will unavoidably be at in attending the public Business, these several Fees hereafter following, from the several Persons liable to pay the same, to be proportioned and divided amongst them, as is hereafter directed, viz.

R

Each

A. D. 1710.

Chief Judge,
and Assistant
Justices Fees.

Each Action of Ejectment on the final Determination,
 Each Action that is entered,
 Each Writ of Summons on a Declaration,
 Each Judgement,
 Each Bill of Costs taxed by the Court,
 Each Oath administered in Court,
 Each Execution,

l.	s.	d.
6		
9		
6		
6		
0	0	4½
0	1	0

That is to say, the one Moiety of the above-mentioned Fees to be to the Chief Justice, and the other Moiety to be equally divided among the Assistant Justices then sitting, each and every Court as shall be held, respectively.

II. And, whereas there are several Matters and Things that may come before the Chief Judge only, which will occasion him much more Trouble than ordinary; he it therefore Enacted, by the Authority aforesaid, That the said Chief Judge for the Time being is hereby impowered to take and receive, by himself or his Order, but to his own particular Use and Behoof, the following Fees; viz.

Chief Judge's
Fees.

	l.	s.	d.
FOR each Affidavit or Deposition taken before the Chief Judge out of Court,	0	1	6
For each Acknowledgement before the Chief Judge, by way of Fine and Recovery,	2	0	0
For each Probate of a Letter of an Attorney, or any other Instrument,	0	3	0
For examining a Woman under Covert, upon making any Conveyance with her Husband,	0	6	0

The forego-
ing Fees, upon
Refusal of
Payment, to
be levied by
Distress.

And if any Person or Persons whatsoever shall refuse or deny paying the several Fees imposed on him or them by virtue of this Act, that then, and in such Case or Cases, the Chief Judge, or, in his Absence, the next Assistant Justice for the Time being, shall have Power, by virtue of this Act, to issue out his or their Warrant under his or their Hands and Seals, to the Provost-marshal of this Island, or his lawful Deputy, to levy the same by Distress and Sale of the Goods and Chattels of the Offender, which shall be immediately sold at public Outcry, to satisfy the same, rendering the Overplus to the Owner; any Law, Statute, Custom, or Usage to the contrary in any wise notwithstanding.

Continuance
of this Act.

III. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in force for Three Years from the Day of the Date hereof.

No. 69.

An Act to settle and establish the Marshal's Fees of this Island.

Whereas it hath been the Practice of the Provost-marshal, or his Deputy of this Island, for some Years past, to extort and receive

receive from the several Inhabitants thereof extravagant and excessive Fees, to the great Disquiet and Vexation, as well as Oppression of your Majesty's Liege Subjects; for remedying whereof, and to prevent the like irregular and unlawful Practices for [the] future, we your Majesty's most dutiful and loyal Subjects, the Governor in Chief of all your Majesty's *Charribbee* Leeward Islands in *America*, the Honourable the President and Council of this Island, together with the Assembly of the same, do pray your Most Excellent Majesty to Enact and Ordain; and be it, and it is hereby Enacted and Ordained, by the Authority aforesaid, That from and after the Publication of this Act, the Marshal of this Island for the Time being, and his lawful Deputy or Deputies, shall not presume, on any Pretence whatsoever, to extort or receive any greater or other Fee or Fees than such as are mentioned and inserted in this Act, as followeth:

	l.	s.	d.	
F OR serving an Attachment,	0	3	0	Marshal's Fees.
For executing a Warrant,	0	3	0	
For serving a Replevin from a Justice of the Peace, in } the Absence of a Constable,	0	3	0	
For executing a Warrant of Search,	0	6	0	
For summoning Appraisers, each,	0	3	0	
For serving a <i>Scire Facias</i> ,	0	3	0	
For serving Summons on each Action at Common Law,	0	0	6	
For serving Attachment, or other Warrant, on board } any Ship or other Vessel, not already by this Act as- certained,	0	6	0	
For Commitment and Turnkey,	0	2	3	
For Imprisonment for Debt <i>per Diem</i> ,	0	1	3	
For Imprisonment for the Queen's Prisoners <i>per Diem</i> ,	0	0	9	
For a Jury sworn upon Trial of any Cause,	1	4	0	
For a Replication of Goods and Chattels, or Lands or } Tenements,	0	4	6	
For selling Goods at Outcry under One Hundred Pounds, And if more, or above One Hundred Pounds, Half <i>per Cent</i> .	0	6	0	<i>See post. 104</i>
For returning a Certificate to the Secretary, that Goods, } Chattels, Lands, or Tenements are published,	0	1	6	
For executing any convicted white Person,	3	0	0	
For executing a Negro, or any other Slave,	0	18	0	
For delivering Possession of other Chattels or Merchandizes,	0	3	0	
For levying Execution,	0	3	0	
For serving other Warrant not herein mentioned,	0	3	0	
For executing any Writ from any Court not herein men- } tioned, not ascertained in any other Act, so much as } the Judges of such Court shall order or appoint, so that } they order such Fee in Proportion to these.	0	1	0	
For entering the Date, name of the Judge, and Endorse- } ment of each Execution, or the Return of any Appraise- } ment, &c. in the Book of Records to be kept, each Entry,	0	1	0	

For

A. D. 1710.

	l.	s.	d.
For each Witness sworn in Court,			4½
For Possession, &c. under One Hundred Pounds,	0	6	0
And above One Hundred Pounds, Half <i>per Cent.</i>			
For writing or taking a Bail Bond,	0	6	0
For delivering Possession of Negroes, Horses, Cattle, <i>per Head,</i>	0	1	0
For serving a <i>Subpœna</i> from Chancery	0	3	0
For executing a Decree from Chancery,	0	6	0

Penalty on
taking great-
er Fees.

And if the said Marshal, or any other Person acting under him, shall extort or receive more than is inserted and allowed him or them in and by the Docket of Fees, which said Docket of Fees hereunto annexed is hereby enacted and declared to be the established Fees for this Island of *Nevis*; and upon Complaint made thereof to any of her Majesty's Justices of the Peace of this Island, and proved by Oath of the Party aggrieved, or by confession of the Party offending; he or they, the said Marshal, Deputy or Deputies, or any other Person or Persons acting under him or them, and so offending, shall, for each and every Offence, forfeit and pay the Sum of Five Pounds current Money; to be levied by any Constable of this Island, by Warrant under the Hand and Seal of the Justice before whom the Matter shall be heard or determined, on the Goods and Chattels of the Offender or Offenders, and sold at public Outcry immediately after the Seizure thereof; the one Moiety of which Forfeiture shall be paid to the Treasurer of this Island for the Time being, to be by him applied towards the defraying of the public Charges thereof; and the other Moiety to be paid to the Party aggrieved, or such other Person as shall make information, and prove the same; any Law, Usage, or Custom to the contrary in any wise notwithstanding.

Marshal's
Proceedings
to be entered
in a Book, &c.

II. And be it further Enacted, by the Authority aforesaid, That in Consideration of the several Fees hereby granted and confirmed to the Provost-marshal of this Island, or his lawful Deputy or Deputies for the Time being, he or they shall keep Records of all his or their Proceedings, Actings, or Doings, relating to the said Office of Marshal, in a Book fairly written, which Book shall be provided by the Treasurer of this Island, out of the public Stock, for that Purpose; and he or they shall be obliged to enter therein, and also to execute each and every Execution, and other Precept or Precepts in Turn, as they shall come to his or their Hands, without Delay, Favour, or Affection to any Person whatsoever, or shall forfeit and pay the Sum of Three Pounds current Money for each and every Offence by him or them so committed; to be proved, levied, sold, and applied as aforesaid: **Always provided**, and it is the true Intent and Meaning of this Act, That the Marshal, or his lawful Deputy or Deputies of this Island, shall be obliged, either in his or their proper Person, or otherwise, to appoint, furnish, and provide a fit and proper Person to attend the Governor in Chief, Lieutenant-Governor, or President of this Island for the Time being, on all public Occasions, and to summon and warn the Gentlemen of her Majesty's Council, and the Assembly, as hath heretofore always been the Custom; as
also

Proviso.

also during the sitting of the Council and Assembly, fit and proper Persons to be employed by him or them to give due Attendance to each House during the sitting of the same, upon the Pain and Forfeiture of Two Pounds current Money for each and every Default or Offence; to be levied, sold, and applied as aforesaid. A. D. 1710.

III. And be it further Enacted, by the Authority aforesaid, That the Book so kept by the Marshal of this Island, or his lawful Deputy or Deputies for the Time being, shall be taken and deemed, to all Intents and Purposes, a Book of Records, and shall be Evidence to decide and determine any Controversy arising upon any Matter or Thing entered therein. Book kept by the Marshal deemed a Book of Records.

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An Act establishing the Courts of Queen's-Bench and Common-Pleas; and setting due Methods for the Administration of Justice in this Island. A. D. 1711. 120. 70.

Whereas by the late Invasion of the French on this Island, the Inhabitants of the same in general, by the Losses sustained thereby, have been reduced to low and mean Circumstances: And forasmuch as nothing can tend more to the Encouragement of Trade, or more effectually promote, in all respects, the Welfare and Reputation of this Island, than the Establishment of such Courts, wherein Justice may be steadily and constantly administered; we, therefore, your Majesty's most dutiful and loyal Subjects, the Governor in Chief of all your Majesty's Charribbee Leeward Islands in America, the Honourable the President and Council of this Island of Nevis, together with the Assembly of the same, do pray your Most Excellent Majesty that it may be Enacted; and be it, and it is hereby Enacted, That in this Island of Nevis shall be held a Court of Queen's-Bench and Common-Pleas, which shall consist of a Chief Justice, and Four other Justices, to be commissioned from Time to Time by the Governor in Chief of these Islands; which Justice so appointed, or any Three or more of them, shall, and are hereby authorized to hear, try, or determine in the said Courts all Causes, Suits, and Prosecutions to be commenced, or now depending in this Island, with as ample and as powerful a Jurisdiction as is hereafter expressed, having first qualified themselves by taking the Oaths appointed by an Act of Parliament made in the First Year of the Reign of her present Majesty, with the following Oath; viz.

A Court of Queen's-Bench and Common-Pleas to be held by a Chief Justice and Four other Justices.

YOU A. B. do swear upon the Holy Evangelists of Almighty God, That you will not deny or delay Justice to any Person; but with your utmost Diligence will perform the Office of Chief Justice, or Judge; and to the best of your Skill, give Judgement in all Matters by you to be determined, without Interest, Prejudice, or Affection. Their Oath.

So help you God.

Which said Oath shall be administered in Council to the Chief Justice; who being duly sworn, is required and authorized to administer



A. D. 1711. After the same Oath to each of his Brother Justices so appointed as  
 afore said.

Place and  
 Times of hold  
 ing the said  
 Court.

II. And it is hereby further Enacted, by the Authority afore-  
 said, That the said Court shall be held at the Town of *Charles Town*  
 on the first *Tuesday* of the several Months of *March, April, May,*  
*June, July, and August*; and that the Power of adjourning the said  
 Courts shall be discretionary in the Judges.

Actions to be  
 entered Ten  
 Days before  
 the Court,  
 &c.

III. And, for the more regular Proceedings of the said Courts, be  
 it further Enacted, by the Authority afore said, That all Entries of  
 Actions in the Secretary's Office of this Island shall be at least  
 Ten Days before the holding of each respective Court, exclusive of  
 the Court Day; that in all Actions of Accounts, Bonds, Bills, or  
*Assumpsits*, the Plaintiff shall be obliged to give to the Defendant,  
 or his Attorney, a Copy of his Account, without Declaration, or  
 leave the same at his Dwelling-House, within Three Days at least  
 after the entering Days are over; and that upon all Actions of Ac-  
 counts, Bonds, Bills, and *Assumpsits*, and Actions on the Case, the  
 Summons hereafter expressed shall be sufficient; that is to say, as  
 formerly, by a Court Warrant, with a List of the several Actions,  
 signed by [the] Chief Justice, or, in case of his Death, Sicknefs, or  
 Absence from this Island, by the next in Commission, in Manner  
 following:

Form of a  
 Summons.

*A N N E, &c. To the Provost-Marshal of our Island of Nevis,*  
*or his lawful Deputy; Greeting:*

**W**E command you to summon all and every the Defendants and  
 Witnesses in the foregoing List mentioned, to be and appear before  
 our Justices at our next Court of *Queen's Bench and Common-Pleas*, to  
 be held for the *Day of*  
 next, at *then and there to answer the Action of*  
 Actions commenced against him or them by  
 and hereof let not them, or any of them, fail, at their and every of their  
 Perils.

Witness our Chief Justice of our said Court, the *Day of*  
 in the *Year of our Reign.*

Defendant to  
 be summoned  
 Six Days be-  
 fore the Court,  
 &c.

And that the Defendant, or his Attorney, shall be summoned full  
 Six Days before the sitting of the Court, by the Provost-Marshal, or  
 his lawful Deputy for the Time being; and that if the Defendant be  
 absent from the Island, having left no Attorney, but hath Effects  
 upon the Island, such Effects shall be as liable to the Plaintiff's Suit,  
 as if the Defendant had appeared; but in all Actions of Slander,  
 Ejectment, Dower, Covenant, Detinue, Waste, and Actions of  
 Trespafs, the Defendant or Defendants shall be summoned by a  
 Writ of Summons, and served with a Declaration.

Judgement to  
 be given upon  
 Default at the  
 second Court.

IV. Be it further Enacted, by the Authority afore said, That, if  
 Default be made by the Defendant at the Second Court, Judgement  
 be given against him as by *nihil dicit*; and that in all Judgements by  
 Default, on the Plaintiff making out his Cause of Action to the  
 Court, the Court shall adjust the Debt, with Costs: *Provided ne-*  
*vertheless,*



nevertheless, That if Judgement by Default shall be given against a Defendant that is actually absent from this Island, and hath left or made no Attorney, the Plaintiff shall give such Security as the Court shall think [fit] to refund, if the Defendant, or his Attorney, make it appear, within Two Years after, from the Date of the Judgement, that there was not so much due as the Judgement was given for; provided he be not an Infant, imprisoned, *non compos mentis*, or beyond the Seas; in such Cases, no such Persons shall be barred, but shall, by his Guardian, or coming to the Age of Twenty-One Years, his Liberty from Imprisonment, his coming to sound Memory, or returning to this Island, have Liberty, by themselves, Guardians, or Attornies, to commence his or their Suit for all such Judgements so obtained; any Law, Usage, or Custom to the contrary notwithstanding.

A. D. 1711.  
 Proviso.

V. And be it further Enacted, by the Authority aforesaid, That after Judgement, at the Request of him for whom it was given, or his Attorney, the first Justice named in the Commission, who was present at the hearing of the Cause, shall grant Execution in Manner and Form following:

After Judgement given, Justice to grant Execution.

N E V I S.

ANNE &c. To our Provost-Marshal of our Island aforesaid, or his lawful Deputy; Greeting:

Form of such Execution.

Whereas at our Court of Queen's-Bench and Common-Pleas, held at Judgement was obtained against at the Suit of

for These are therefore to command you to levy on the Goods and Chattels, Lands and Tenements of the said to satisfy the said debt and Costs; that is to say, imprimis, on Tobacco, Cotton, Ginger, Indigo, Sugar, or any other Goods or Merchandizes of the Growth and Manufacture of this Island, or other Merchandize; and on your not finding any such Goods, to levy the said Debt, &c. upon the Household Goods and Furniture of the said Houses; for want of which, to levy the said Debt, &c. upon the Cattle, Horses, Asses, Mules, and other Plantation Utensils; for lack of which, you are to levy the same on the said Slaves; and on your not finding no such Slaves, Goods, and Chattels, you are to levy the same by the Sale of the said Lands and Tenements; all which Sales or Levies shall be made by Appraisement, or public Outcry, as the said Defendant shall think fitting; and finding no such Goods and Chattels, Lands or Tenements, then, for want of such, you are hereby commanded to attach the Body of the said and him in safe Custody to keep, until the said Debt, &c. with Costs, shall be satisfied; and that you have this Writ duly executed at our next Court of Queen's-Bench and Common-Pleas, to be held for this Island at the

Witness  
 of our said Court, the

Esquire, our  
 Day of  
 Year of our Reign

in the

Provided



A. D. 1711.  
 Proviso.

Provided nevertheless, That no Execution shall issue forth or be served between the last Day of the Month of *August*, and the first Day of the Month of *March*, in each respective Year: **Provided** always, and it is the true Intent and Meaning of this Act, That in case the Marshal, or his Deputy, shall not find sufficient of the Goods and Chattels, Cattle, Horses, &c. of the Defendant's, in the Execution enumerated, to pay the Plaintiff's Debt, with Costs; that then, as to the Defendant's Slaves, Mills, Stills, Coppers, and Lands, it shall be in the Defendant's Choice to shew the Marshal, or his Deputy, on which of those last mentioned Particulars he shall levy, to satisfy the same.

VI. And be it further Enacted, by the Authority aforesaid, That if those Things that are taken in Execution shall suffer an Appraisement, the Appraiser's Oath shall be administered by the Judge who signed the Execution, or, in his Absence, by the next in Commission; which Oath shall run thus; *viz.*

Appraiser's  
 Oath.

**Y**OU, A. B. do swear on the Holy Evangelists of Almighty God, That you will make a just, true, and conscionable Appraisement of the Lands, &c. as shall be shewn you by the Provost-Marshal, or his lawful Deputy, according to the best of your Judgement and Understanding; and neither, for Favour or Affection, Hatred or Malice, vary from the true Value, which in your Judgement you think the same to be really worth.  
 So help you God.

That if Goods and Chattels be taken in Execution by the Marshal, or other Person lawfully impowered to levy. shall, if the Plaintiff see Cause, order the Marshal, or other Person lawfully impowered, to put up a Publication for Appraisement of the same, or Sale by public Outcry, if for Valuation or Sale of Lands, at the End of Sixty Days; if for Negroes, at the End of Fourteen Days, if for Cattle, or Plantation Utensils, or any Goods and Chattels, at the End of Ten Days; which if appraised, shall be by Four Men, Two of which shall be Planters, and the other Two Merchants or Tradesmen, by Warrant from the Judge that signed the Execution, or any other of the said Justices; and that Appraisers refusing to act after such Warrant is served upon them, shall forfeit Five Pounds current Money; to be levied, recovered, and applied, as in this Act is expressed: **Provided** nevertheless, That if Security be given the Marshal, or other Person lawfully impowered, in double the Value of the Judgement, or Sum mentioned in the Execution, all Persons, whose Goods and Chattels shall be levied on, shall have the Allowance of the Time aforesaid for Redemption; and the same Goods and Chattels so taken shall remain in the Custody, and to the Use of the Party or Parties in whose Hands soever they were levied, till the Days of Redemption are expired; any Thing in this Act, or any other Law of this Island, to the contrary notwithstanding.

Proviso.

Penalty on  
 Marshal refusing to sign a  
 Bill of Sale,  
 &c.

VII. Be it further Enacted, by the Authority aforesaid, That if the Marshal, or other Person impowered to levy and sell as aforesaid, shall refuse to sign and seal the Bill or Deed of Sale, according to such



such Estate as is found to be in the Defendant, to the Plaintiff, or other Purchaser, he shall forfeit double the Value of the Thing appraised or sold, to be levied, recovered, and applied, as in this Act is expressed; that such Bill, or Deeds of Sale, which the Marshal is so obliged to sign and seal, being filed, for Goods and Chattels, in the Secretary's Office of this Island, shall be valid to the Plaintiff, and his Assigns, against the Defendant, and all others claiming from, by, through, or under him, that the Overplus, upon Appraisement or Outcry, shall be returned to the Defendant within Ten Days after the said Appraisement or Outcry, and that the Defendant be at the whole Charge of levying the Execution; which said Charge shall be adjusted by the Judge who signed the Execution.

A. D. 1711.

VIII. Be it further Enacted, by the Authority aforesaid, That the Depositions of Persons, whose Absence may be occasioned either by Sickness, or being bound off this Island, shall be esteemed in all Civil Actions as good Evidence, in case they are taken by either of the Judges of the Court, and with Two Days Notice to the Party, or his Attorney, against whom the Deposition is made, and that all Persons having Actions brought against them, and be thereupon acquitted by Verdict, shall have the same Costs of Suit as if Judgment had been given against the Plaintiff by a Verdict which acquitted the Defendant.

Depositions when to be taken.

IX. And it is further Enacted, by the Authority aforesaid, That Six Days before the Sitting of each Court, a *Venire facias*, signed by the first Commissioned Judge, shall issue, to cause Freeholders to appear and serve as Jurymen; who, upon Default of Appearance, without lawful Excuse, shall forfeit Two Pounds current Money; and in case enough do not appear to make up a Jury, a Tale of the Standers-by shall be returned by the Marshal; either of whom refusing to serve, shall forfeit the like Sum of Two Pounds.

Jury to be summoned Six Days before the Sitting of the Court.

X. And be it further Enacted, by the Authority aforesaid, That this Court shall have Power to hear and determine, without a Jury, all manner of Actions, not demanding Debt or Damage, above the Value of Six Pounds current Money, or One Thousand Pounds of Sugar; as likewise all cases relating to Servants Wages, or Debts due to Artificers for Work done, not exceeding Two Thousand Pounds of Sugar, or Twelve Pounds current Money.

When the Court may determine Causes without a Jury.

XI. And be it further Enacted, by the Authority aforesaid, That if any Person shall presume to plead, or practise the Law in the said Court, or give Advice in any Law Affair whatsoever, for Fee, Present, or Reward, unless he first qualify himself, by taking the following Oath, and be regularly admitted by the said Court, he shall forfeit the Sum of Fifty Pounds current Money; Half of which shall be to her Majesty, her Heirs and Successors, towards defraying the public Charges of this Island, and the other Half to the Informer; to be recovered as in all Actions of *Qui tam pro Domina Regina, quam pro seipso sequitur*, &c. and that the Oath to be so taken, shall be administered either by the Governor in Chief, or Lieutenant-Governor, or President in Council, or by the Chief Justice in Court; which Oath shall be, *viz.*

Penalty on Persons practising the Law before admitted.



A. D. 1711.  
Lawyer's  
Oath.

**Y**OU, A. B. do swear on the Holy Evangelists of Almighty God, to do no Falsehood, nor consent to any to be done in this Court; and if you know of any to be done, to give notice thereof to the Judge, and his Assistants, that it may be reformed; to delay no man for Lucre or Malice; to plead no Foreign Plea, nor sue Foreign Suits unlawfully, to hurt any Man, but such as stand with the Order of the Law, and your own Conscience; nor wittingly or willingly sue, cause, or procure to be sued any false Cause or Suit, or give Aid or Consent to the same, upon Pain of being expelled this Court for ever; and further to demean yourself in the Office of Attorney within this Court, according to your Learning and Discretion.

So help you God.

A Certificate of the taking of which said Oath must be first filed in the Secretary's Office, before any Persons shall be reckoned or esteemed duly qualified and admitted.

Writs of Scire  
facias to be  
served Four  
Days before  
the Sitting of  
the Court, &c.

**XII.** And be it further Enacted, by the Authority aforesaid, That all the Writs of Scire facias shall be served at least Four Days before the Sitting of each respective Court: And that all the Fines to be imposed in Pursuance of this Act, as likewise all Fees belonging to any of the Officers of the several Courts, be levied and recoverable by Attachment, to be signed by the first Judge upon the Bench, without any other Suit, Estreatment, or Prosecution whatsoever.

Titles by E-  
jectment may  
be tried in  
feigned  
Names, &c.

**XIII.** And be it further Enacted, by the Authority aforesaid, That all Titles by Ejectment may be brought to Trial in feigned Names; and that all Writs of Habere facias Possessionem, be executed as usual in England; any Thing in this Act, any other of this Island, to the contrary notwithstanding.

Penalty on  
Coroner, &c.  
practising the  
Law.

**XIV.** And be it further Enacted, by the Authority aforesaid, That every Coroner, Marshal, Marshal's Deputy, or Clerk of the Court, that shall presume to officiate, plead, or advise as a Counsellor or Attorney at Law, shall forfeit Fifty Pounds current Money; to be levied by Attachment as aforesaid.

Clause to re-  
gulate Writs  
of Error.

**XV.** And, forasmuch as by the constant Usages of this Island no Writs of Error, or Appeals in the Nature of Writs of Error, have been allowed issuable or determinable by the Governor in Chief, unless where the original Cause of Action amounted to the Value of Three Hundred Pounds current Money: And forasmuch [as] the said Governor in Chief doth often happen to be absent from this Island, whereby those that are justly intituled to Writs of Error or Appeals may lose the Advantage of such Relief: Be it further Enacted, by the Authority aforesaid, That all Writs of Error to reverse any Judgement given by the said Court, shall be granted and signed by the Governor in Chief, Lieutenant-Governor, or President, either of whom, with Four or more of the Council, are hereby authorized and empowered to hear, try, and determine, all errors and Appeals from this Court, under the Value of Three Hundred Pounds, and above Twenty Pounds current Money; and all above the aforesaid Sum of Three Hundred Pounds, to her Majesty in Council; that Errors be assigned before the granting such Writ; and that all Appeals



Appeals in the Nature of Writs of Error, be granted, upon reasonable Request, by the said Court of Queen's-Bench and Common-Pleas; and that in stead of a *Certiorari*, a Warrant from the Chief Justice, or the next named Commissioner in his Absence, upon the Plaintiff in Error's giving in Security in double the Value, shall oblige the Clerk of the Court to return a Transcript of the Record before the Judges in Errors aforesaid, and that Judgement be given upon Errors, on the Appeal, within one Month after the Assignment of Errors, and Certification of such Record: **Provided** always, and it is the true Intent and Meaning of this Act, That no Executor, Administrator, nor Guardian, shall be obliged to give in Security on Writs of Error; nor any Person for any Suit commenced on any Penal Law. A. D. 1711.

XVI. And be it further Enacted, by the Authority aforesaid, That the said Judges in Errors shall, before they proceed to hear and determine any Errors or Appeals so to be brought, take the following Oath, which they, or either of them, are hereby authorized to administer to one another; *viz*,

**Y**OU A. B. do swear upon the Holy Evangelists of Almighty God, Judge's Oath.  
That in all Errors or Appeals to be now brought before you, you will not deny or delay Justice to either Party, but to the best of your Skill give Judgement thereupon.

XVII. And it is also Enacted, That Security in double the Judgement shall be given upon Writs of Error and Appeals in all other Actions, as well as Debt; any Usage or Statute to the contrary in any wise notwithstanding. Security to be given in double the Value.

XVIII. And be it further Enacted, by the Authority aforesaid, That upon every Joinder in Demurrer, the Judges shall appoint a Day to have it argued, not exceeding Fourteen Days from such Joinder; that all issuable Pleas shall be tried at the same Court they are pleaded; that upon a Special Plea or Demurrer, the Plaintiff is obliged to file his Replication or Rejoinder Seven Days at least before the sitting of the next Court, or else be obliged to plead the General Issue; and that immediately after Judgement, at the Request of him for whom it was given, or his Attorney, the first Justice named in the Commission, who was present at the hearing of the Cause, shall grant Judgement. Plaintiff to file his Replication Seven Days before the next Court.

XIX. And be it further Enacted, by the Authority aforesaid, That all the Fines, Forfeitures, and Penalties arising by virtue of this Act, and not particularly herein expressed how they are to be applied, shall be put to the Uses following; that is to say, the One Moiety shall go towards the defraying the contingent Charges of the respective Courts in which they are imposed or forfeited; and the other Half towards the building, repairing, and maintaining of Prisons, to be lodged in the Hands of the Treasurer for the Time being, for the Uses aforesaid. Forfeitures how to be applied.

N. B. The Substance of this Act seems to be included in another passed for the like Purpose in May 1732; but not being repealed by express Words, this was thought proper to be printed.



A. D. 1713.

No. 71.  
Expired.

An Act for raising an Impost on strong Liquors imported.

No. 72.  
Expired.

An Act to enable the Treasurer of this Island for the Time being to demand and receive the Debts contracted by Azariah Pinney, Esquire, late Treasurer of the same.

No. 73.  
Expired.

An Act for raising a Levy, as well by way of a Poll Tax on Negroes, and other Slaves belonging to the Plantations and Inhabitants of this Island, as also on the Freeholders, Housholders, and Traders of the severat Towns of the same.

No. 74.  
Expired.

An Act for the better suppressing the Insolences of Negroes, and other Slaves; and the preventing their running away with Boats, Canoes, or Bark-Logs.

A. D. 1714.

No. 75.  
Expired.

An Act for raising a Poll Tax on Negroes, and other Slaves belonging to the Plantations and Inhabitants of this Island of Nevis, and on the Freeholders, Housholders, and Traders of the Towns thereof.

No. 76.  
Expired.

An Act for an additional Clause to an Act, intituled, An Act for raising an Impost on strong Liquors imported.

No. 77.  
Expired.

An Act to repeal an Act, intituled, An Act to oblige all Persons to give in a List of their Negroes, and other Slaves, upon Oath; and for making another Act to the same Purpose more effectual.

No. 78.  
Expired.

An Act to repeal an Act, intituled, An Act to oblige all Persons to give in a List of their Negroes, and other Slaves, upon Oath; and for making another Act to the same Purpose more Effectual.

A. D. 1715.

No. 79.  
Private.

An Act to settle the Estate of Thomas Herbert, eldest Son of Thomas Herbert, deceased, on him and his Heirs and Assigns for ever.

A. D. 1717.

No. 80.

An Act for raising an Impost on strong Liquors imported.



An Act for raising and making a Fortification on Saddle Hill.

A. D. 1717.

No. 81.

Expired.

An Act for the good Government of Negroes, and other Slaves in this Island. No. 82.

Whereas divers Negroes, and other Slaves, have absented themselves from their respective Masters, and have and do daily seduce others to join them, whereby they are now increased to a great Number, and do often commit insupportable Insolences, Outrages, Thefts, and Robberies, on the Inhabitants of this Island: For the Prevention of which, for the future, and the ill Consequences that may attend it, we your Majesty's most dutiful and loyal Subjects, the Chief Governor of all your Majesty's Leeward *Charribbee* Islands in *America*, together with the Council and Assembly of the Island of *Nevis*, do pray your Most Excellent Majesty it may be Enacted and Ordained; and be it, and it is Enacted and Ordained, by the Authority aforesaid, That if any Negroe, or other Slave, now absent from their respective Masters and Owners, shall come in and submit himself to them, or to any Magistrate in this Island, within Thirty Days after Publication of this Act; the said Negro, or other Slave so submitting himself, shall be free from any Punishment to be inflicted by this Act: Provided always, that such Slave hath not committed or been guilty of any Felony or Murder; but if any Negro, or other Slave, now absent from his Master, shall continue obstinate, and refuse to submit himself for the Time aforesaid, the said Negro, or other Slave, is hereby outlawed, and when taken, shall suffer Death: And for the better Encouragement of all such Persons who shall take, apprehend, or kill a Negro, or other Slave, outlawed, the Treasurer of this Island for the Time being, upon Affidavit made of the Matter of Fact, shall pay to the Person so apprehending or killing, the Sum of Ten Pounds current Money; and every such Person or Persons shall be free and clear from all Damages and Prosecutions whatsoever for the same, either in Law or Equity.

Encouragement for absent Negroes to return to their Owners, &c.

II. And be it further Enacted, by the Authority aforesaid, That any One Justice of the Peace in this Island shall have full Power and Authority to issue out his Warrant for apprehending of any Negro or Slave whatsoever, upon any Information or Complaint made, and also for inflicting of any corporal Punishment for Crimes not capital; but for all Felonies, and other Capital Crimes, where Life or Member is in Question, it shall require two Justices at least, to hear, try, and determine the same; at all which Trials the Evidence of Two or more Slaves shall be taken and deemed good and sufficient: Provided always, and it is the true Intent and Meaning of this Act, That the stealing of Turkeys, Fowls, any Poultry, or other small Stock of like Value, shall not be punished in any Slave with the Loss of Life or Limb, but any Justice of the Peace in this

Justice to issue out his Warrant to apprehend Negroes, &c.

Provido.



*A. D. 1717.* Island may cause to be whipt, or other Punishment may inflict on the Offender at Discretion; and the said Justice shall award Satisfaction to be made by the Owner of [the] said Slave to the Party from whom such Stock is stolen, and shall also have Power, by Warrant, to distrain for the same, and such Distress to sell at public Outcry.

Outlawed Slaves killed in taking, to be appraised by Two Freeholders upon Oath, &c.

III. And be it further Enacted, by the Authority aforesaid, That if any Negro, or other Slave, outlawed, shall be killed in the taking, or suffer Death by virtue of any Clause whatsoever in this Act contained, the said Slave or Slaves shall be appraised by Two Freeholders upon Oath, to be administered by a Magistrate, and the Value of the Slave so appraised shall be paid out of the public Treasury of this Island to the respective Masters or Owners; provided that such Appraisement be made within Ten Days after the Death of such Slave; provided also, that if any such Negro shall be appraised at a greater Value than Thirty Pounds current Money, that no more than the Sum of Thirty Pounds current Money shall be paid out of the public Treasury of this Island to the respective Masters or Owners.

Running away with Boats, &c. Felony. Reward for taking run away Slaves.

IV. And be it further Enacted, That it shall be Felony in any Negro, or other Slave, to run away with any Boat or Canoe off this Island: And if any Person shall apprehend a Slave run away off this Island, and bring and deliver him or her to the Provost-Marshal, or his lawful Deputy, the Master or Owner of every such Slave shall pay the Person so taking or apprehending the Sum of Six Pounds current Money, if he does not suffer Death for the Felony, to be recovered by Suit in any Court of Record; but if [the] said Slave doth suffer for the Felony, the Treasurer of this Island shall pay him, for his Encouragement, the like Sum of Six Pounds current Money out of the Treasury.

Disorderly Negroes may be dispersed.

V. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any white Person whatsoever to suppress and disperse any disorderly Rout of Negroes, or other Slaves got together, drinking, quarrelling, or gaming, and to take from them all Knives, Clubs, and other Weapons whatsoever: And if any Negro, or other Slave, shall oppose, struggle with, or strike any white Person or Persons, such Slave shall be whipt by Order and at the Discretion of One Justice of the Peace; but in case any white Person be wounded or maimed by a Slave, it is hereby declared Felony in such Slave, and shall be tried and punished as in and by this Act is before directed.

Slave striking a white Person how to be punished.

VI. And, whereas it is a common Practice for Negroes, and other Slaves, to meet in great Companies on the Lord's Day, feasting and drinking, whence Quarrels, Fighting, and Murders frequently arise; be it therefore Enacted, by the Authority aforesaid, That if any Person whatsoever shall sell Rum, or other strong Liquors, on the Sabbath Day, to any Negro, or other Slave, such Person being presented and convicted at the General or Quarter Sessions, shall forfeit, for every such Offence, the Sum of Three Pounds current Money.

Penalty on Persons selling strong Liquor to Slaves on the Sabbath Day;

and on Persons suffering Slaves to beat

VII. And be it further Enacted, for the preventing the said Meetings and Feastings, That if any Master, or other Person having the



the Management of a Plantation, shall knowingly and willingly <sup>A. D. 1717.</sup> suffer the Slaves to beat a Drum by the Space of one Quarter of an <sup>Drum in their</sup> Hour in their respective Plantations, such Master or Manager, being <sup>Plantations.</sup> presented and convicted of the same, shall forfeit and pay on every such Conviction, the like Sum of Three Pounds current Money.

VIII. And be it further Enacted, That if any Person or Persons <sup>Penalty on</sup> whatsoever shall entertain a run away Negro, or other Slave, and <sup>entertaining</sup> not give the Owner Notice, or bring and deliver him or them to the <sup>run away</sup> Provost-Marshal of this Island, within Three Days after being in <sup>Slaves, &c.</sup> his, her, or their Custody, such Person or Persons shall, for every such Fact, being thereof convicted before Two Justices of the Peace, forfeit and pay the Sum of Twelve Shillings *per Diem*, for so long Time as such Slave shall have been so entertained; One Moiety thereof to the King's Majesty, for the Use of the Fortifications of this Island, and the other Moiety to the respective Owner of every such Slave: And in case any such Person or Persons, so convicted, shall refuse to pay the said Penalty of Twelve Shillings *per Diem*, the Two Justices before whom the Conviction shall be made, shall issue out their Warrant to the Provost-Marshal, or his lawful Deputy, to levy the same on the Goods and Chattels of such Person or Persons so convicted, by Sale at public Outcry, returning the Overplus, if any, to the Person so convicted; provided the said Penalty exceed not the Sum of Twelve Pounds, in which Case the Party injured shall have Remedy, and recover such Penalty for the King, and himself, by Suit, Plaint, Information, or Action, *qui tam*, &c. in any Court of Record in this Island, in which no Essoign, Wager of Law, or more than One Imparance shall be allowed.

IX. And, to encourage the taking and apprehending of all run away Negroes, and other Slaves, be it Enacted, That if any Negro, or other Slave, shall have been run away, or absent from his Master or Owner for the Space of Seven Days or longer, the Person apprehending such Slave shall be paid by his or her respective Master the Sum of Six Shillings current Money: And if the said Master or Owner of such Negro, or other Slave, shall refuse or neglect paying the same, upon Information made thereof to any Justice of the Peace of this Island, the said Justice is hereby empowered to grant a Warrant to distrain on his or their Goods and Chattels to satisfy the same, with Costs: And if the Master or Owner of such Slave shall not be known, he shall be brought and delivered by the Person who apprehends him to the Provost-Marshal of this Island, who shall pay him Three Shillings for the taking, and One Shilling *per Mile*, for as many Miles as the Place where taken is distant from the common Gaol. <sup>Masters refusing to pay the Reward for apprehending run away Slaves, the same to be distrained on their Goods, &c.</sup>

X. And be it further Enacted, That the Provost-Marshal shall always be paid by the respective Owners of any Slave brought and delivered to him by virtue of any Clause in this Act, whatsoever Expence he hath been at, and shall pay him, moreover, Eighteenpence *per Diem*, whilst in his Custody, the said Marshal finding and allowing each Slave One Pound of Bread-kind, and One Pound of Fish or Flesh *per Diem*, out of his said Fees: And if any Negro, or other <sup>Marshal to be reimbursed his expences, &c.</sup>



A. D. 1717.  
 Slaves lying  
 in Prison 3  
 Months to be  
 sold at Out-  
 cry.

other Slave committed by the Marshal as aforesaid, should happen to lie in Prison for the Space of three Months, he shall be sold at public Outcry, by Warrant from any Two Justices of the Peace, for the Fees and Charges aforesaid, the Overplus, if any, to be returned into the Treasury, till the Owner of [the] said Slave shall appear, to whom the Treasurer shall be accountable for the same, all reasonable Charges being deducted.

Penalty on  
 Justice, &c.  
 neglecting his  
 Duty.

XI. And be it Enacted, by the Authority aforesaid, That any Justice of the Peace, the Provost-Marshal, any Constable, or other Officer refusing or neglecting to do their respective Duties in putting every or any Clause of this Act in Execution, shall forfeit and pay the Sum of Five Pounds current Money for every such Neglect or Refusal; to be recovered by Suit, Plaint, or Information in any Court of Record in this Island: All which before-mentioned Fines and Forfeitures shall be One Half to the Informer, and the other to the public Treasury.

Act not to  
 extend to  
 white Persons.

XII. And be it further Enacted, for the better understanding of this Act, That any Thing herein contained shall not be construed to extend to any bought Servant, or other white Person whatsoever, or free Negro.



No. 83. *An Act for laying a Duty on French Sugars, Rum, and Melasses imported into this Island.*

Duty on Su-  
 gars, &c. of  
 the Growth of  
 the French  
 Islands.

As great Quantities of Sugars, Rum, and Melasses, of the Growth and Production of *Martinique, Guadaloup,* and other the *French* Settlements, are brought into, and vended or re-shipped in this your Majesty's Island of *Nevis*, to the great Hurt, Detriment, and Discouragement of the Inhabitants thereof, and keeping low, and at under Rates the Market for Sugars of our own Produce, and that without increasing the Duties to your Majesty; for Prevention whereof, we your Majesty's most dutiful and loyal Subjects, the Chief Governor of all your Majesty's *Leeward Charribbee* Islands in *America*, together with the Council and Assembly of the Island of *Nevis*, do pray your Most Excellent Majesty that it may be Enacted; and be it, and it is Enacted, by the Authority aforesaid, That from and after the First Day of *December* next, in this present Year of our Lord One Thousand Seven Hundred and Seventeen, if any Ship, Sloop, or other Vessel shall come into any Road or Bay in this Island, or within Cannon Shot of any Part of the Land, and shall import or re-ship (that is, by putting the same on board any other Ship, Sloop, or other Vessel whatsoever, without landing) any of the aforesaid Sugars, Rum, and Melasses, of the Growth or Manufacture of any of the *French* Islands, there shall be answered and paid unto his Majesty, for the public Uses of this Island, for so much of the said commodities [as] shall be imported, laded, or re-shipped, before they are landed or re-shipped; that is to say, for white Sugars, and *Muscovado*, the Hundred Weight, Ten Shillings;



Shillings; and brown Sugars and *Muscovado*, the Hundred Weight, Six Shillings and Eightpence; for Rum, Six Shillings the Gallon; and for Melasses, Twelvepence the Gallon; to be levied, collected, and paid at *Charles Town*, to the Treasurer of this Island for the Time being, under the Penalty of forfeiting all such Goods: And the Treasurer, and his under Officers, have hereby full Power and lawful Authority to enter into, and go on board all such Ships or Vessels, and the said Goods to seize for Non-payment of the Duties aforesaid: And if any Person shall resist the Treasurer, or his under Officers, they shall suffer the same Pains and Penalties as those are liable to who resist any of his Majesty's Officers of the Customs.

A. D. 1717.

II. And be it further Enacted, by the Authority aforesaid, to prevent any Fraud to be committed, contrary to the true Intent and Meaning of this Act, That every Master of every Ship, Sloop, or other Vessel, having on Board any of the aforesaid commodities, of the Growth or Manufacture of any of the *French Islands*, shall, before he breaketh Bulk, make a true Report, on Oath, before the Treasurer of this Island for the Time being, of what Sugars, Rum, and Melasses, of the Growth and Manufacture aforesaid, he hath on board, under the Penalty of forfeiting his whole Cargo to his Majesty, for the public Uses of this Island.

Master, before he breaks Bulk, to make Report on Oath, of what Sugars, &c. he hath on board;

III. And be it also further Enacted, for the Purpose aforesaid, That every Master of any Ship, Sloop, or other Vessel, departing from this Island to *Great Britain, Ireland*, or any of his Majesty's Colonies in the Northern Continent of *America*, shall, before his clearing in the Naval Office of this Island, make Oath before the Naval Officer, or Treasurer for the Time being, That he hath not, to the best of his Knowledge, directly or indirectly, any Sugar, Rum, or Melasses, of the Growth or Manufacture of any of the *French Islands*, which hath not paid the Duty laid thereon by this Act.

and before his clearing in the Naval Office, make Oath that he hath none on board but what have paid the Duty.

IV. And, in case any Person or Persons, liable by this Law to pay the Duties aforesaid, shall not have Monies wherewith to answer and pay the same, be it further Enacted, by the Authority aforesaid, That the Officers appointed to collect the same shall accept, instead of such Monies, such a Proportion of the Commodity imported, or to be re-shipped, as shall amount to the Value thereof, according to the current Rate of such Commodity in this Island.

Where there is not Money sufficient to pay the Duty, a Proportion of the Commodity to be accepted.

V. And be it further Enacted, by the Authority aforesaid, That all Monies or Goods collected by virtue of this Act, and all Forfeitures arising thereby, shall be applied towards the building and maintaining the Fortifications on *Saddle Hill*.

Monies, &c. collected, how to be applied.

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 An Act to repeal an Act, intituled, An Act to oblige all Persons to give in a List of their Negroes, and other Slaves, upon Oath; and for making another Act to the same Purpose more effectual.

A. D. 1717-18.  
 No. 84.

Whereas an Act of this Island, intituled, *An Act to oblige all Persons to give in a List of their Negroes, and other Slaves, upon Oath,*

vide No. 41.



<sup>A.D. 1717-18</sup> Oath, hath been found, as it was made, very dilatory, because the Execution of it was put into so many Hands, some of whom were no ways obliged by Penalty or Oath; we your Majesty's most dutiful and loyal Subjects, the Chief Governor of all your Majesty's Leeward *Charribbee* Islands in *America*, together with the Council and Assembly of the Island of *Nevis*, do pray your Most Excellent Majesty it may be Enacted; and be it, and it is hereby Enacted, by the Authority aforesaid, That the said Act, and every Clause, Article, Matter, and Thing therein contained, be, and is hereby repealed and made null and void, to all Intents, Purposes, and Constructions whatsoever.

Repeal of a former Act.

II. And be it Enacted, by the Authority aforesaid, That from and after the Date of this Act, all Persons whatsoever, being or residing on this Island, who are Proprietors, Possessors, Managers, or Overseers of any Negroes, or other Slaves, shall give in an exact Account, or List, upon Oath, so often as they shall be thereunto lawfully required, to the respective Justice or Justices of the Peace for the Time being of the several respective Parishes of this Island, of all and every Negro, or other Slave, living or breathing, as also what are esteemed dutiable, and what not.

Owners of Negroes to give in a List of their Slaves on Oath, &c.

Penalty on Refusal.

III. And be it further Enacted, by the Authority aforesaid, That all and every Person and Persons whatsoever, who shall refuse or neglect to appear, when summoned, to give in an Account or List of their Slaves, upon Oath as aforesaid, shall forfeit and pay double the Tax they should have paid had they appeared, and taken the Oath; any Law, Usage, or Custom to the contrary in any wise notwithstanding; the Justice before whom they refused, or before whom they neglected to appear, being hereby impowered and required to issue out Execution for the same in Ten Days after the Tax is raised as aforesaid; to be levied by the Marshal or his lawful Deputy for the Time being, by way of Distress, and sold at Outcry in the Market-Place of *Charles Town*, returning the Overplus, if any, to the Owner.

IV. And it is hereby further Enacted, That the Oath to be taken by every Person, to the Account or List that shall be given in, shall be in these Words; *viz.*

Their Oath.

I A. B. do swear on the Holy Evangelists of Almighty God, That the Account or List I do now give in, is a true and exact Account or List of every Negro, or other Slave, that I am Owner of, or have in my Possession, living on this Island; and that I have particularly distinguished, so near as I can, what I do believe in my conscience are dutiable, and what not; and that I have not sent any Slave off this Island since the Order for raising this Tax.

So help me God.

V. And be it further Enacted, by the Authority aforesaid, That the Justices of the Peace shall, before they proceed to execute this Act, take the following Oath before the Chief Governor, Lieutenant-Governor, or President of this Island for the Time being; *viz.*



**I**C. D. do swear on the Holy Evangelists of [Almighty] God, That so A.D. 1717-18  
 often as I shall take the Account or List, in Execution of this Act, Justices Oath,  
 I will demand of every Master or Mistress, Possessor or Renter, Manager  
 or Overseer, of every Family in the Parish of  
 who shall come to swear to an Account or List, upon Oath, of all Negroes,  
 and other Slaves, who are in their respective Custodies, living and breath-  
 ing, or belonging to them on this Island, and, so near as they can, what  
 they esteem dutiable, and what not; which Account and List I will re-  
 turn into the Secretary's Office of this Island so soon as I can.

VI. And be it further Enacted, by the Authority aforesaid, That as  
 often as the Justices of the Peace shall be directed by the Go- Inhabitantsto  
 be summoned  
 to give in such  
 List, &c.  
 vernor, Lieutenant-Governor, or President for the Time being,  
 to take the Account or List as aforesaid, they shall issue out their  
 several Warrants, each Justice to the Constables of the Parish where-  
 in he lives, full Ten Days before he takes [the] said Account or List,  
 commanding them, that on sight thereof, they summon all and  
 every the Inhabitants of that Parish who have any Negro, or other  
 Slave, or are Managers, Possessors, or Overseers, of any Negroes  
 (their Proprietors being absent) to make their personal Appearance  
 on such a Day, by Nine of the Clock before Noon, at the Parish  
 Church, then and there to give in an Account or List, upon Oath,  
 of every Negro, or other Slave, living as aforesaid; for executing  
 which Warrants, each Constable shall receive from the Treasurer  
 for the Time being Twelve Shillings [current] Money, each Consta-  
 ble being hereby required to attend each Justice in his Parish with  
 the Return of their Warrants, and prove their Summons.

VII. And be it further Enacted, by the Authority aforesaid; That Not appears  
 ing within  
 Ten Days af-  
 ter a Note left,  
 to be double  
 taxed, &c.  
 if the Constable shall return any of the Inhabitants sick, or absent off  
 this Island, then the Justice shall send the Constable with a Note  
 under his Hand, signifying, that if they do not come to his House  
 within Ten Days then next ensuing, to give in the Account or List,  
 and take the Oath, nor send a proper Person to do it, they shall be  
 obliged to pay a double Tax; which Note, if the Constable or Con-  
 stables shall find no Person to leave it with, or will take it from his  
 or their Hands, then he or they shall leave the Note in the House,  
 or in the Key-hole of the Door, which, on his Oath to the Truth  
 thereof, shall be sufficient to convict the Person or Persons neglecting  
 or wilfully absenting; any Law, Usage, or Custom to the contrary  
 notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That Where Two  
 Justices live  
 in One Parish,  
 One to act in  
 that which  
 has none.  
 if it shall happen that some of the Parishes shall have no Justice of  
 the Peace living in it, and there shall be Two in another Parish,  
 then, in such Case, One of the Two shall execute this Act in the  
 Parish where there is none.

IX. And be it also Enacted, by the Authority aforesaid, That if For want of  
 Justices,  
 Members of  
 the Council  
 to act.  
 it shall happen, that Five Justices of the Peace shall not be on the  
 Island in Health to execute this Act, that then, in such Case, One or  
 more of the Members of his Majesty's Council shall execute it in One  
 or more of the Parishes, instead of such Justice or Justices of the  
 Peace,



*A.D.* 1717-18 Peace, which shall be good and valid, to all Intents, Constructions, and Purposes whatsoever.

Penalty on Justice, &c. refusing to act

X. And be it further Enacted, That every Justice of the Peace who shall refuse to be sworn, or to act, shall forfeit and pay the Sum of Ten Pounds current Money; and every Constable that shall refuse to summon the Inhabitants, &c. or, having summoned them, shall not attend the Justices, and prove the Summons, and do the Justices further Commands concerning this Act, shall forfeit and pay the Sum of Five Pounds current Money: All which Fines and Forfeitures shall be One Half Part to his Majesty, for defraying the contingent Charges of this Island, and the other Half for the Use of his Majesty's Fortifications therein.

Fines how to be applied.

Vestries to raise Taxes by virtue of this Act.

XI. And be it further Enacted, That this Act shall be in full Force and Effect for the Vestries of each Parish, to raise their Taxes, by taking an Account or List of Slaves, upon Oath, as aforesaid.

Penalty on not distinguishing Town Negroes.

XII. And be it further Enacted, by the Authority aforesaid, That all Persons who have Negroes belonging to their Cooperidge in Town, shall distinguish, in their Account or List, how many there are that do belong to the Town, on Forfeiture of paying the Country Tax, and a Town Tax likewise.

Justice, &c. before whom to give in his List of Slaves.

XIII. And be it further Enacted, That every Justice or Member of his Majesty's Council, who shall put this Act in Execution, and have an Account or List of his or their own Slaves to give in, shall give in his or their Account or List, upon Oath, before the Governor, Lieutenant-Governor, or President for the Time being.

Members of the Council to take the same Oath, &c. as Justices.

XIV. And be it further Enacted, That every Member of the Council not a Justice of the Peace, who shall put this Act in Execution, shall take the same Oath, and be under the same Penalty, as to the Execution thereof, as the Justices of the Peace are.

*A. D.* 1718.  
No. 85.  
Expired.

*An Act for raising a Poll Tax on Negroes, and other Slaves, belonging to the Plantations and Inhabitants of this Island of Nevis, and on the Freeholders, Housholders, and Traders of the Towns thereof.*

*A. D.* 1720.  
No. 86.  
Not in Force.

*An Act for raising an Impost on strong Liquors imported.*

*A. D.* 1721.  
No. 87.  
Expired.

*An Act for raising a Poll Tax on Negroes, and other Slaves, belonging to the Plantations and Inhabitants of this Island of Nevis, and on the Freeholders, Housholders, and Traders of the Towns thereof.*

An



An Act for establishing, regulating, and disciplining the Militia Forces of this Island.\*

A. D. 1721.  
No. 88.  
Expired.

An Act for the settling an Estate in Fee-Simple of and in the Lands and Tenements, Negroes, and other the Appurtenances which were of Thomas Herbert, late of this Island, deceased, in his Three Sons, John, William, and Joseph Herbert; and for the confirming the Estate of John Richardson, Esquire, and John Smith, Planter, Purchasers of Part of the said Estate from and under the said John Herbert.

No. 89.  
Private.

An Act for raising a Poll Tax on Negroes, and other Slaves belonging to the Plantations and Inhabitants of this Island of Nevis, and on the Freeholders, Housholders, and Traders of the Towns thereof.

A. D. 1722.  
No. 90.  
Expired.

An Act for regulating Vestries.

A. D. 1724.  
No. 91.

Whereas it is highly necessary that there should be Vestries chosen in the respective Parishes of this Island, to raise Levies or Taxes for defraying the Ministers Salaries, Maintainance of the Poor, and other contingent Charges of the said Parishes; therefore [we] your Majesty's most dutiful and loyal Subjects, the Governor in Chief of these your Majesty's Leeward Charribbee Islands, the Council and Assembly of Nevis, do pray your Most Excellent Majesty that it may be Enacted; and be it, and it is hereby Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Governor in Chief of the Leeward Charribbe Islands, [and] the Council and Assembly of this Island, That all and every the Freeholders and Housholders of this Island shall repair to their respective Parish Churches on any one Day in Easter-week, and there, by free Votes, elect Twelve of the ablest Freeholders or Housholders in each Parish to serve as Vestrymen; who, with the Minister, shall then and there choose Two fit Persons to serve as Church-wardens, one to be elected by the Vestry, and the other by the Minister.

Vestrymen,  
&c. to be elected every Year in Easter Week.

II. And be it further Enacted, by the Authority aforesaid, That they [the] Vestrymen chosen, and Church-wardens, or the major Part of them, have hereby full Power and Authority to manage all Business of the said Parish; to settle the Fees and Perquisites of the Minister, Clerk, and Sexton; and to raise such Taxes or Rates on the several Parish Houses, Slaves, and Traders, that are Parishoners,

Their Duty;

\* This Act is not now in Force, as another to the same Purpose was passed in 1736, No. 110. Therefore it is omitted here, because when either of them expire, the Act No. 62. comes again into force. The Articles of War in the three Acts nearly correspond.



*A. D. 1724.* as they, in their Consciences, shall seem meet, either for defraying any Parish Charges, or erecting, repairing, or enlarging their respective Parish Churches, or Parsonage House or Houses.

All Persons to pay Taxes for their Slaves in the Parish where their Mansion Houses are, &c.

III. And, whereas several Inhabitants of this Island have Lands or Plantations in two or more Parishes of this Island, and do often remove their Slaves from one Plantation to another, upon which Differences do arise, in which Parish such Slaves shall be taxed; **be it, and it is hereby Enacted**, by the Authority aforesaid, That all Persons shall pay Taxes for their Slaves in the Parish where their Mansion Houses are, and no where else; and whatever Taxes or Rates shall be by them so raised, shall be deemed firm and authentick; and after Publication of the said Rates at the Parish Church, and Demand made by the Church-wardens, or any other Person empowered by the said Vestry to collect the same, Execution shall be granted against such Persons as shall refuse or neglect to pay the same; which said Execution shall be signed by Two Justices of the Peace of such Parish where the Tax is raised, or, for want of them in the said Parish, Two other neighbouring Justices, under their Hands and Seals, to be levied by the several Constables of the said Parish; and whatsoever shall be so attached, shall, after the Expiration of Ten Days, be sold at public Outcry, and the Overplus, if any, returned to the Owner.

Penalty on Constables neglecting their Duty.

IV. And **be it further Enacted**, by the Authority aforesaid, That any Constable or Constables refusing or neglecting to do any of their Duties enjoined by this Act, shall forfeit the Sum of Three Pounds current Money of this Island; to be recovered by the Church-wardens in an Action of Debt in any Court of Record in this Island, wherein no Essoign, Protection, or Wager in Law shall be allowed of.

Three Books to be kept in every Parish Church.

V. And **be it further Enacted**, by the Authority aforesaid, That in every Parish Church there shall be kept Three large Paper Books, for the public Service of the said Parish, one whereof shall be kept for the Parish Accounts, the other for the Vestry Acts, and a Third as a Register for Christnings, Marriages, and Funerals.

Church wardens to balance their Accounts with Vestry, when discharged of their Office. &c.

VI. And **be it further Enacted**, by the Authority aforesaid, That the Church-wardens of the respective Parishes are and shall be obliged to deliver up and balance their Accounts with the Vestry at their being discharged of their said Office; and that they shall not be compelled to serve any longer as Church-wardens than for Two Years, successively, from the Time of their being elected, either by Continuance, or by a succeeding Election: And whatsoever Default shall be made by any Church-warden or Church-wardens in collecting the Minister's Dues and Arrears, or other Parish Tax, within each Year or Years, the same shall be made good by them, or either of them, so neglecting.

Minister and Church-wardens to convene Vestrymen.

VII. And **be it further Enacted**, by the Authority aforesaid, That the Minister and Church-wardens, or in case that Parish have no Minister at that Time, then the Church-wardens alone, have hereby full Power and Authority to summon and convene, at the Parish Church, the respective Vestrymen, to debate and consult about the Parish Affairs; and whatsoever Vestrymen, Church-wardens, or other



other Officers appointed to appear, Notice being given at his or their Houses, shall fail to meet accordingly, without a reasonable Excuse, such as shall be approved of, shall forfeit Twelve Shillings; to be levied by Warrant of Distress from the next Justice of the Peace, to be directed to the next Constable, and the same to be applied to the Use of the Poor of such Parish, the Constables Fees, and other Charges, being first deducted.

A. D. 1724.

VIII. And be it further Enacted, by the Authority aforesaid, That whatsoever Person or Persons shall be duly elected, either for Vestrymen or Church-wardens, and shall refuse to serve in their said Capacities, he or they to refusing shall forfeit the Sum of Twelve Pounds current Money of this Island; to be recovered by the Church-wardens in an Action of Debt in any Court of Record of this Island, wherein no Essoign, Protection, or Wager in Law shall be allowed of: And all Fines and Forfeitures to be levied by virtue of this Act, shall be paid to the Church-wardens of each respective Parish for the Time being, who, by or with the Advice and Consent of the respective Vestries, shall apply the same towards the defraying the public Charges of the said Parish.

Penalty on refusing to serve when elected.

IX. And be it further Enacted, by the Authority aforesaid, That any former Act or Acts for regulating Vestries in this Island, be, and is hereby repealed.

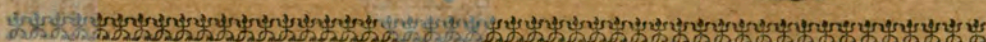
A former Act repealed.

X. And be it further Enacted, That where any Person or Persons shall be sued, impleaded, or prosecuted for Performance of any Duty enjoined them by this Act, the said Person or Persons shall be permitted by any Judge, Justice, or Magistrate withing this Island, to plead the General Issue, and give this Act in Evidence; and in case the Plaintiff shall become Nonsuit, or the Matter shall be found against him, then, and in such Case, the Plaintiff shall pay to the Defendant double Costs of Suit, to be taxed by the Court where such Action shall be brought.

General Issue.

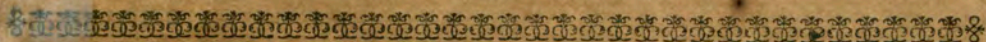
vide an Act concerning Vestries, passed in 1705, No. 61.

Repealed by the 9<sup>th</sup> Sect of the Act



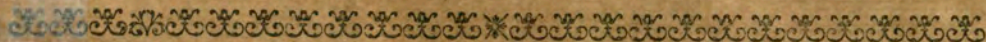
An Act for raising a Poll Tax on Negroes, and other Slaves, belonging to the Plantations and Inhabitants of this Island of Nevis.

A. D. 1725. No. 92. Expired.



An Act for raising an Impost on strong Liquors imported.

No. 93. Expired.



An Act for raising a Poll Tax on Negroes, and other Slaves, belonging to the Plantations and Inhabitants of this Island of Nevis, and for rendering more effectual Two Acts, intituled, Acts for raising a Poll Tax on Negroes, and other Slaves, belonging to the Plantations and Inhabitants of this Island of Nevis, and on the Freeholders, Housholders, and Traders, of the Towns thereof, bearing Date the Fifteenth Day of April, 1721, and the Fifteenth Day of June, 1722.

A. D. 1727. No. 94. Expired.

An



A. D. 1728.

No. 95.  
Expired.

An Act for raising a Poll Tax on Negroes, and other Slaves, belonging to the Plantations and Inhabitants of this Island of Nevis.

No. 96.  
Expired.

An Act for providing a House for his Excellency Thomas Earl of Londonderry, Captain-General, and Commander in Chief of his Majesty's Leeward Charribbee Islands in America; and for settling Five Hundred Pounds per Annum upon his Excellency during his Government; and for laying a Tax upon all Sugar and Melasses shipt from the Island of Nevis.

A. D. 1729.

No. 97.

An Act to prevent the Abuses committed in the Importation of Wheat Flour, and selling Indian Corn and Pease, in the Island of Nevis.

Whereas very great Abuses have been committed in the Importation of Wheat Flour, Indian Corn, and Pease, into the Island of Nevis; which Mischief is likely to increase, by trading Persons still lessening the Casks which contain the Flour, and selling Indian Corn and Pease in Vessels which are not true Bushels, unless some Remedy be applied to prevent the same; we therefore, your Majesty's most dutiful and loyal Subjects, the Governor in Chief of all your Majesty's Leeward Charribbee Islands in America, and the Council and Assembly of the Island of Nevis, do pray your Most Excellent Majesty to Enact and Ordain, and be it hereby Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Governor in Chief of all his Majesty's Leeward Charribbee Islands in America, and the Council and Assembly of the Island of Nevis, and by the Authority thereof, That no Person or Persons whatsoever shall, after the Date of this Act, sell or buy in the said Island any Flour used in the making Bread, or any Indian Corn or Pease, any otherwise than by Weight, viz. Fifty-six Pounds Weight in lieu of each Bushel of Corn or Pease; and if any Person or Persons shall presume to sell any such Flour by the Barrel or Cask, or any Indian Corn or Pease by Measure, or otherwise than by Weight, all the Flour, Indian Corn, or Pease, so sold, shall be forfeited and lost, and as well the Person or Persons selling, as the Person or Persons buying such Flour, Indian Corn, and Pease, otherwise than by Weight, shall each and every of them forfeit and pay the Sum of Two Pounds current Money, for every Barrel or Cask of such Flour, and Three Shillings for every Bushel of Indian Corn or Pease so sold or bought; the One Moiety of all which said Forfeitures and Penalties shall be paid to the Treasurer, towards defraying the necessary Charges of the Island, and the other Moiety to the Informer.

Flour, &c.  
sold otherwise  
than by  
Weight to be  
forfeited.

Penalty.

How to be  
levied, &c.

II. And be it further Enacted, by the Authority aforesaid, That where any Person or Persons shall be convicted of having offended against this Act, by the Oath of One sufficient Witness, before any Justice of the Peace of this Island, who shall be authorized and required



quod to administer an Oath upon such Occasion, the said Justice A. D. 1729.  
shall, by Warrant under his Hand and Seal, cause the Provost-Mar-  
shal, or his lawful Deputy, or any Constable of the Parish where  
such Offence shall be committed, to levy on the Goods and Chattels  
of such Offenders, the several Penalties and Forfeitures which such  
Person or Persons shall become liable unto by virtue of this Act, by  
way of Distress and Sale of the said Offender's Goods and Chattels,  
rendering the Overplus, if any such shall be, to the Owners; and the  
said Justice of the Peace to whom such Information shall be given,  
and before whom Proof shall be made of any such Flour, *Indian*  
Corn, or Pease, being sold or bought contrary to the true Intent and  
Meaning of this Act, shall, by Warrant under his Hand and Seal,  
cause such Flour, *Indian* Corn, and Pease, to be seized by the Pro-  
vost-Marshal, or any Constable of the Place where such Offence [shall]  
be committed; and the said Provost-Marshal, or Constable, are here-  
by impowered, having a Warrant for that Purpose, by Day-light to  
enter any House, Shop, or Place where he or they shall suspect, or be  
informed such Goods shall or may be concealed, and the said Goods  
to seize and carry away, and the same to sell at public Sale or Outcry  
to the best bidder, within Twenty-four Hours after such Seizure  
shall be made.

III. And be it further Enacted, by the Authority aforesaid, That Goods sold at  
Outcry, Jus-  
tice to distri-  
bute the Mo-  
ney, &c.  
the Money arising by such Sale, and all other the Forfeitures and  
Penalties arising by this Act, shall, by the said Justice by whom  
such Warrant shall be granted, be distributed according to the  
aforesaid Directions of this Act, all reasonable Charges being first  
deducted.

VI. And be it further Enacted, That no Justice of the Peace, No Justice,  
&c. to be su-  
ed for execut-  
ing this Act.  
Provost-Marshal, Constable, or other Person authorized by this Act,  
for the due Execution hereof, shall be sued, impleaded, or otherwise  
impeached for executing their said Offices, respectively; and if any  
Suit or Suits shall hereafter be commenced against them, or any of  
them, or any of their Assistants, touching or concerning the Premis-  
ses, that then it shall be lawful for them, or any of them so sued or  
troubled in any Court whatsoever, to plead the General Issue, and Generall Issue  
give this Act, or any other Special Matter in Evidence; and in case,  
by or upon this Act, they, or any of them, shall be found not guilty,  
or the Plaintiff or Plaintiffs be nonsuited, the Defendant or Defend-  
ants shall recover treble Costs against the Plaintiff or Plaintiffs, for  
his or their unjust Vexation.



An Act to oblige the Members of His Majesty's Council, and the Assem-  
blymen of the Island of Nevis, to appear when they are summoned. A. D. 1730.  
No. 98.

**E**ven such as the Members of his Majesty's Council, and the  
Assemblymen of the Island of *Nevis*, many Times neglect to  
appear when they are duly summoned, which hath occasioned great  
Delays, Lets, and Hindrances to the public Business of this Island;



*A. D. 1730.* to prevent which Inconveniencies for Time to come, we your Majesty's most dutiful and loyal Subjects, the Commander in Chief of all your Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, do pray your Most Excellent Majesty to Enact; and be it, and it is hereby Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Commander in Chief of all your Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, That every Member of his Majesty's Council who shall neglect or refuse to appear, and give his Attendance at the Place appointed by the Commander in Chief, Lieutenant-General, Lieutenant-Governor, or President for the Time being, by Ten of the Clock in the Morning when [he] is duly summoned; such Member, unless he can make some reasonable Excuse, of which the Council only shall judge, shall forfeit and pay Two Pistoles; to be levied, in case of Refusal, by way of Distress and Sale of such Offender's Goods and Chattels at public Outcry, by a Warrant from the Commander in Chief, Lieutenant-General, Lieutenant-Governor, or President for the Time being, directed to the Provost-Marshal, or his lawful Deputy.

Penalty on Members of the Council not appearing when summoned;

and on Assemblymen.

Fines how to be applied.

Continuance of Assemblies.

II. And be it further Enacted, by the Authority aforesaid, That every Assemblyman who shall neglect or refuse to appear, and give his Attendance at the Place appointed as aforesaid, by Ten of the Clock in the Morning, when he is duly summoned, such Assemblyman, unless he shall make some reasonable Excuse, of which the Assembly only shall judge, and the Majority of the Assembly shall be deemed and taken a sufficient Assembly to judge of the Excuse, and impose the Fines, shall forfeit and pay the like Sum of Two Pistoles; to be levied as aforesaid, by Warrant from the Speaker of the Assembly, directed to the Provost-Marshal, or his lawful Deputy: All which Fines and Forfeitures shall be appropriated to the following Uses, and no other; *viz.* All Fines arising from the Counsellors shall be paid to the Council, towards defraying the Expence of the said Council; and all Fines arising from the Assemblymen, shall be paid to the Assembly, towards the defraying the Expences of the said Assembly.

III. And be it further Enacted, by the Authority aforesaid, That Assemblies that shall be chosen for the Time to come, shall not continue above One Year.

*A. D. 1731.*

No. 99. Expired.

\*\*\*\*\*  
An Act for establishing, regulating, and disciplining the Militia Forces of this Island.



An Act for establishing the Courts of King's-Bench and Common-Pleas, A. D. 1732.  
 and settling due Methods for the Administration of Justice in the Pro. 100.  
 Island of Nevis; and for settling Chief Judge's, Secretary's, and Vide No. 116.  
 Marshal's Fees.

**F**Drasmuch as nothing can tend more to the Encouragement of Vide. No. 70.  
 Trade, or more effectually promote, in all Respects, the Welfare  
 and Prosperity of this Island, than the establishing such Courts  
 wherein Justice may be steadily and duly administered; we therefore,  
 your Majesty's most dutiful and loyal Subjects, the Governor in  
 Chief of all your Majesty's Leeward Charribbee Islands in America,  
 and the Council of this Island of Nevis, together with the Assembly  
 of the same, do pray your Most Excellent Majesty that it may be  
 Enacted; and be it, and it is hereby Enacted, by the King's Most  
 Excellent Majesty, by and with the Advice and Consent of the  
 Commander in Chief of his Majesty's Leeward Charribbee Islands,  
 and the Council and Assembly of Nevis, That in this Island of A Court of  
 Nevis a Court of King's-Bench and Common-Pleas shall be establish- King's-bench  
 ed, which shall consist of a Chief Justice, and Four other Justices, and Common  
 to be constituted from Time to Time by the Governor or Comman- Pleas to be  
 der in Chief of these Islands for the Time being: which Justices so held by a  
 appointed, or any Three or more of them, shall, and are hereby Chief Justice,  
 authorized to hear, try, and determine, in the said Courts, all Acti- and 4 other  
 ons, Suits, and Prosecutions, to be commenced or now depending Justices.  
 in this Island, with as ample and powerful a Jurisdiction as is here-  
 after expressed, having first qualified themselves by taking the Oath  
 of Allegiance, Supremacy, and Abjuration, and repeating and Sub-  
 scribing the Declaration mentioned in an Act of Parliament made in  
 the Thirteenth Year of the Reign of the late King Charles the Second,  
 together with the following Oath; viz.

**I**A. B. do swear on the Holy Evangelists of Almighty God, That I Their Oath  
 will not delay or deny Justice to any Person; but with my utmost  
 Diligence will execute and perform the Office of Chief Justice, or Justice-  
 assistant; and to the best of my Skill will give Judgement in all Matters  
 by me to be determined, without Prejudice, Interest, or Affection.  
 So help me God.

Which Oaths shall be administered to the Chief Justice, in his Ma-  
 jesty's Council of this Island, and to all or any of the Justices-  
 assistant, either by the Council, or by the Chief Justice in Court.

**II.** And it is hereby Enacted, by the Authority aforesaid, That To have the  
 they the said Justices, after having so qualified themselves as afore- same Power as  
 said, shall have as full and ample Power, Authority, and Jurisdiction, the Judges at  
 in all things within the said Island, as the Judges of his said Majes- Westminster,  
 ty's Courts of King's-Bench and Common-Pleas at Westminster have &c.  
 or can respectively have or exercise within the said Realm of Great  
 Britain, subject nevertheless to such Jurisdiction, Power, and Au-  
 thority, as his said Majesty's said Court of King's-Bench at Westminster  
 hath usually had and exercised over all other Courts of Law or Justice  
 within



*A. D. 1732.* within his said Majesty's Kingdoms and Dominions, and the Proceedings and Judgements thereof.

*Place and time of holding the said Courts.* III. And it is hereby further Enacted, by the Authority aforesaid, That the said Courts shall be held at *Charles Town*, in the said Island, on the first *Tuesday* of the several Months of *March, April, May, June, July, and August*, in every Year; and shall and may be continued or adjourned by the said Justices, or any Two of them, at their Discretion.

*Actions to be entered Ten Days before the Court, &c.* IV. And be it further Enacted, by the Authority aforesaid, That all Entries of Actions in the Secretary's Office of this Island, shall be at least Ten Days before the holding of each respective Court, exclusive of the Court Day; and that in all Actions of Accounts, Bonds, Bills, or General *Assumpsits*, the Plaintiff shall be obliged to give the Defendant, or his Attorney, a Copy of his Account, Bill, or Bond, or leave the same at his Dwelling-House, without a Declaration, within Six Days at least after the Entering Days are over; and that upon all Actions of Accounts, Bonds, Bills, and General *Assumpsits*, and Actions on the Case, the Summons hereafter expressed shall be sufficient, that is to say, with a List of the several Actions, signed by the Chief Justice, or, in his Absence or Disability, by the next Judge in Commission, successively, in the Manner following;

*Form of a Summons. Vide No. 70.*

G E O R G E, &c. To, &c. Greeting: \*

WE command you to summon all and every the Defendants and Witnesses in the following List mentioned, to be and appear before Our Justices at our next Court of King's-Bench and Common-Pleas, to be held for this Island the Day of next, at our public Court-Hall in Charles Town, then and there to answer the Action or Actions commenced against them by the several Plaintiffs also expressed; and hereof let not them, nor any of them, fail, at their, and every of their, Perils.

Witness  
the

Day of

Our Chief Justice of our said Court,  
in the Year of Our Reign:

*Defendant to be summoned Four Days before the Court.*

*Effects of Persons absent, against whom Actions shall be brought, liable to be attached.*

*Proviso.*

And the Defendant, or his Attorney, shall be summoned full Four Days before the Sitting of the Court, by the Provost-Marshal, or his lawful Deputy for the Time being.

V. And be it further Enacted, by the Authority aforesaid, That all and singular the Goods and Effects of Persons absent from the said Island, against whom Actions shall be brought or commenced in the said Court, in whose Hands soever such Goods or Effects shall be found in the aforesaid Island, shall, upon Request of the Plaintiff or Plaintiffs in such Actions, be by Writ attached by, and taken into the Hands of, the Provost-Marshal, or his lawful Deputy, as a Pledge or Surety to answer the just Demands of such Plaintiff or Plaintiffs, until the Trial of such Action or Actions, and that Judgement or Judgements shall be given therein: ~~Provided~~ nevertheless, That if any Person or Persons, acting as an Agent or Agents for



For such absent Person or Persons, shall give unto the Provost-Marshal, or his Deputy, sufficient Security to redeliver the said Goods or Effects back again to the said Marshal, or his Deputy, to answer the Judgement or Judgements to be obtained by such Plaintiff or Plaintiffs; then the said Marshal, or his Deputy, shall deliver such Goods and Effects, so attached, unto the Person or Persons so giving him such Security, to be by him kept for and during the Time aforesaid.

*A. D. 1732.*

VI. And be it further Enacted, by the Authority aforesaid, That before any such Writ shall be granted to attach any Goods or Chattels whatsoever, the Plaintiff or Plaintiffs, in such Action or Suit, shall give unto the Judge, who shall award such Writ, sufficient Security, which shall be taken in the Name of such Defendant, to make good unto such Defendant all and singular the Damages and Costs which he shall sustain or be put unto by reason or means of such Attachment, or of the Action to be brought or commenced against such Defendant, whereon the same shall be grounded, in case Judgement shall be given against the Plaintiff or Plaintiffs, or that the Plaintiff or Plaintiffs be non-suited, or that such Action be discontinued; or in case the Defendant, whose Goods or Chattels shall be so attached, his Executors or Administrators, do, within Twelve Months next after Judgement shall be given against him, by Writ of Error, or otherwise, reverse or set aside such Judgement, or prove, to the Satisfaction of the Court, that he owed the Plaintiff or Plaintiffs nothing at the Time of granting such Attachments.

Before a Writ is granted to attach Goods, Plaintiff to give Security, &c.

VII. And be it further Enacted, by the Authority aforesaid, That in all Actions of Slander, Ejectment, Dower, Covenant, Special Assumpsits, Detinue, Waste, and Actions of Trespas, the Defendant or Defendants shall be summoned by a Writ of Summons, and served with a Declaration, within Six Days at least after the Entering Days are over.

In Actions of Slander, &c. Defendant to be served with a Declaration.

VIII. And be it further Enacted, by the Authority aforesaid, That all Trials of Actions or Suits in the said Court shall be at the second Court next after the bringing or commencing of such Actions or Suits, and that Judgement shall be immediately given upon every Verdict found in the said Court, unless the Party against whom such Judgement is to be given shall, at the same Court, shew sufficient Cause to arrest or stay the same; and if any Defendant or Defendants shall make Default at the second Court in any Action, the Court shall take the Evidence, and Judgement shall be given against him or them thereupon as by Default; but if the Defendant be absent from the Island, then no Execution to issue till the Court following, in which Time the Defendant may come and alledge Payment of the Debt, Duty, or Demand, or that he was surprized; and if the Judge find the Allegation true, they may reverse the said Judgement, and admit the Defendant to plead, and, at his own Cost and Charges, try the Issue by a Jury; but if such Allegations appear not true, then Execution is to issue immediately; and that in all Judgements by Default, upon the Plaintiff's proving his Cause of Action to the Court by lawful Evidence, the Court shall adjust the Debt and Damages,

All Trials of Actions to be at the second Court after commencing, &c.

Judgement to be given by Default at the second Court, &c.



A. D. 1732.  
Proviso.

which shall be as effectual as if a Writ of Enquiry had been executed thereon: **Provided**, That if such Defendant be a Minor, or *non compos mentis*, or absent from this Government; such Persons, after their respective Disabilities removed, may, by themselves or their Attornies, have Remedies for what they wrongfully lost by the said Judgement; any Law or Custom to the contrary notwithstanding.

Special Pleas  
to be filed 14  
Days before  
the second  
Court, &c.

**IX. And be it further Enacted**, by the Authority aforesaid, That Special Pleas and Demurrers to Actions or Declarations shall be filed, and Copies delivered to the other Side, Fourteen Days before the second Court Day, otherwise the Defendant shall be obliged to plead the General Issue; and the Plaintiff shall file and deliver, as above, his Demurrers, or Replication, or other Matter by him to be pleaded, Eight Days before the Court Day, otherwise the Defendant shall have Day till the third Court; and that upon a Joinder in Demurrer the Justice shall appoint a Day to hear it argued, and upon reasonable Cause may adjourn any Plea to the next Court.

After Judgement given,  
Justice to  
grant Execution.

**X. And be it further Enacted**, by the Authority aforesaid, That immediately after all Judgements, except those against absent Persons by Default, the Chief Justice, or, in his Absence or Sicknes, the next senior Justice, and after him the next Justice, and so to all in Commission, successively, shall, at the Request of the Party obtaining Judgement, sign and seal a Writ of Execution of such Judgements; which said Execution is to be after the Manner following; viz.

N E V I S, ff.

Form of such  
Execution.  
Vide No. 70.

GEORGE, &c. To the Provost-Marshal, &c. Greeting:

**W**hereas at our Court of King's-Bench and Common-Pleas, held at the Town of Charles Town of our said Island, Judgement was obtained against \_\_\_\_\_ at the Suit of \_\_\_\_\_ for \_\_\_\_\_

These are therefore to command you to levy of the Goods and Chattels, Lands and Tenements of the said \_\_\_\_\_ sufficient to satisfy the said Debt and Costs; that is to say, First, on Tobacco, Cotton, Ginger, Indigo, Rum, Sugar, or any other Goods or Merchandize of the Growth and Manufactory of this Island, or other Merchandizes; and for want of such Goods and Chattels, to levy the said Debt and Costs upon the Household Goods and Furniture of the said House; and for want of such, to levy the said Debt and Costs upon the Cattle, Horses, Asses, Mules, and other Plantation Utensils; and for want of such, to levy the said Debt and Costs upon the said \_\_\_\_\_

Slaves; and for want of such Slaves, you are to levy the same upon the said \_\_\_\_\_ Lands and Tenements; all which Levies, and the Sales thereof, shall be made by Appraisement, or public Outcry, as the said Defendant shall think fitting; and finding no such Goods and Chattels, Lands and Tenements, then you are hereby commanded to take the Body of the said \_\_\_\_\_ and (him) in safe Custody to keep, until the said Debt and Costs shall be satisfied; and have you this Writ duly executed before Our Justices, at Our Court of King's-Bench and Common-Pleas, to be held for this Island at Charles Town, \_\_\_\_\_ on \_\_\_\_\_



on the  
Witness

Day of

now next coming. A. D. 1732.

Day of

in the

Chief Justice of our said Court, this  
Year of Our Reign.

XI. And be it further Enacted, by the Authority aforesaid, That if the Goods or Chattels, Lands or Tenements, which are taken in Execution, shall suffer an Appraisement, the Appraisers Oath shall be administered by the Judge who signed the Execution, or, in his Absence, by the next in Commission, which Oath shall run thus; viz.

YOU, A. B. do swear upon the Holy Evangelists of Almighty God, Appraiser's Oath.  
That you will make a just, true, and conscionable Appraisement of the Lands, &c. as shall be shewn you by the Provost-Marshal, or his lawful Deputy, according to the best of your Judgement and Understanding; and neither, for Favour or Affection, Hatred or Malice, vary from the true Value, which in your Judgement you think the same to be really worth.

So help you God.

Which Appraisers shall be Four, and shall be made choice of Two by the Plaintiff, and Two by the Defendant; but if the Plaintiff or Defendant, or either of them, shall neglect or refuse to make choice of Appraisers within Three Days after Notice given them by the Provost-Marshal, or his Deputy, which Notice shall be given immediately after the Publication is expired, the Judge who signed the Execution, or, in his Absence, the next in Commission, successively, shall appoint Appraisers; and if any Appraiser shall refuse to serve as an Appraiser, he shall forfeit and pay the Sum of Five Pounds current Money; Number of Appraisers, and by whom to be chosen. to be levied, recovered, and applied, as in this Act is directed.

XII. And be it further Enacted, by the Authority aforesaid, That the said Provost-Marshal, or his Deputy, and all other Persons levying Executions, shall levy the same immediately at the Plaintiff's Request, according to the Directions of such Executions, under the Penalty of double the Value of the Debt for each Default or Neglect therein; but yet, if after the levying of Execution, the Defendant shall give unto the Provost-Marshal, or his Deputy, sufficient Security in double the Value of the Things and Goods taken, to see the same forth-coming at the Day of Sale thereof, then the Provost-Marshal, or his Deputy, shall deliver unto such Defendant, the Things and Goods so taken in Execution, to be by him kept during that Time, within which Time such Defendant may pay and discharge the Debt, with Costs; but if he doth not, then the Provost-Marshal, or his Deputy, upon the Plaintiff's refusing to take the Goods and Chattels, Lands or Tenements, at the Appraisement, and delivering unto him a Writ of *Venditioni Exponas*, shall cause the Things and Goods so taken in Execution to be publicly sold at Charles Town, which Sales shall always be by Day Light, and in the Presence of Twelve credible Witnesses at least; after which Sale the Provost-Marshal, or his Deputy, shall immediately pay unto the Plaintiff his Debt and Clause relating to the levying Executions.  
Costs,



A. D. 1732.

Costs, and after deducting all Charges attending such Sale, shall return the Overplus, if any shall be, to the Defendant; but if the Things so levied on shall not amount to the Value of such Debt and Costs, then the Marshal, or his Deputy, shall further levy of the Goods and Chattels, Lands and Tenements, of such Defendant sufficient to pay the said Debt, with Costs.

Upon Sales of Lands, &c. taken in Execution, Marshal, &c. to accept of Purchasers Sugars, &c. at the current Price, &c.

XIII. And be it further Enacted, by the Authority aforesaid, That the Provost-Marshal, or his Deputy, and all and every other Person and Persons, making Sales of any Lands, Tenements, Goods, or Chattels taken in Execution by virtue of this Act, shall be, and they and every of them are and is hereby obliged to accept, receive, and take from any Purchaser or Purchasers thereof, or of any Part thereof, in Payment and Satisfaction of the same, Sugars, Cotton, Ginger, Indigo, Rum, and Melasses, paid and delivered him or them down upon such Sale, by such Purchaser or Purchasers, in *Charles Town*, at the current Prices the same Commodities shall at that Time respectively bear in the said Island, which the said Provost-Marshal, or his Deputy, shall immediately pay and deliver unto the Plaintiff or Plaintiffs in such Execution, under the Penalty of Fifty Pounds current Money; and the said Plaintiff or Plaintiffs shall also accept, take, and receive of and from the said Provost-Marshal, or his Deputy, or such other Person or Persons selling such Lands, Tenements, Goods or Chattels, such of the said Commodities as he or they shall so receive upon such Sale in *Charles Town*, at the several Prices the said Commodities shall be paid to the Provost-Marshal, or his Deputy, provided the said Commodities, so to be paid unto such Plaintiff or Plaintiffs, do not amount to more than his or their Debt and Costs of Suit.

Goodsdamaged before Sale the Loss to be borne by the Owner, &c.

XIV. And be it further Enacted, by the Authority aforesaid, That if any Goods taken in Execution shall perish before the Sale thereof, the Loss shall be borne by the Defendant or Owner of the said Goods; and in such Case the Provost Marshal, or his Deputy, shall and may further take of the Goods and Chattels, Lands and Tenements, of the said Defendant, sufficient to answer the Debt and Costs; but if the Defendant or Defendants in such Execution shall make it appear to the Court, that the said Goods perished by the Negligence of the Provost-Marshal, or his Deputy, then, and in such Case, the said Provost-Marshal, or his Deputy, shall make good the same.

Defendant concealing his Effects, his Sureties liable, &c.

XV. And be it further Enacted, by the Authority aforesaid, That if any Defendant, giving Security for the forth-coming of any Goods and Chattels taken in Execution, at the Day of Sale thereof shall conceal, or not deliver them to the Provost-Marshal, or his Deputy, on that very Day exactly, the Debt and Costs not being in the mean time satisfied, then the Provost-Marshal, or his Deputy, shall and may, by Warrant from the Chief Justice, or, in case of his Absence or Disability, from the next Justice in Commission, successively, immediately take and dispose, by Sale, of the Goods and Chattels, Lands and Tenements, of such Defendant's Sureties, sufficient to answer the Debt, with all Costs attending it; and if the Securities shall have no Estate whereon to levy the said Debt and Costs,



Costs, then it shall and may be lawful to and for the said Provost-Marshal, or his Deputy, to commit the said Securities to the common Gaol of the said Island, where they are to remain until they shall have satisfied the said Debt and Costs. A. D. 1732.

XVI. And be it further Enacted, by the Authority aforesaid, That a Bill of Sale, under the Hand and Seal of the Provost-Marshal, or his Deputy, of any Goods or Chattels taken in Execution, and which shall be sold or delivered over, shall give to the Plaintiff, or other Buyer or Purchaser, thereof, a good, sure, and indefeasible Right and Title thereunto; and likewise, that such Bill of Sale, of or for any Lands, Tenements, or Hereditaments, so taken and sold, shall give unto the Plaintiff, or other Buyer thereof, as good and sufficient an Estate and Title therein or thereunto, as the Defendant from whom they are taken hath, or can or may have of, in, or to the same Lands, Tenements, or Hereditaments; and if the Provost-Marshal, or his Deputy, shall refuse to execute to any Plaintiff or Purchaser a sufficient Bill of Sale of and for the Lands or Things which shall be so delivered over or bought, he shall forfeit the Sum of Fifty Pounds current Money for every Default.

Bills of Sale signed by the Marshal, a sufficient Title to Goods taken in Execution, &c.

Penalty on Marshal's refusing to sign such Bill.

XVII. And be it further Enacted, by the Authority aforesaid, That when any Goods, Chattels, Lands, and Tenements, shall be taken in Execution upon any Judgement obtained in the said Court, the Provost-Marshal, or his Deputy, shall immediately put up a Publication in *Charles Town* for the Sale thereof, at the Times and in Manner hereafter mentioned; that is to say, for Lands, Tenements, and Hereditaments, at the end of Sixty Days; for Mills and Coppers, Negroes, and all other Slaves, at the End of Thirty Days; for Cattle, Chattels, Plantation Implements, and all other Goods whatsoever, at the End of Ten Days, after the same Lands, Tenements, Slaves, Goods, Chattels, and Things, shall respectively be taken in Execution: and that all and every the Expences attending such Sales, shall be borne by the Defendants, or other Persons whose Goods and Chattels, Lands and Tenements, shall be so taken in Execution.

Times for Sales of Goods &c. taken in Execution.

XVIII. And be it further Enacted, by the Authority aforesaid, That no Execution for any Debt or Damages shall be awarded or executed between the last Day of the Month of *August*, and the first Day of the Month of *March* in each respective Year: Provided nevertheless, That Writs of *Habere facias Possessionem* of Lands and Tenements, and also Writs of Possession of Negroes, Cattle, or Chattels, recovered in Actions of Detinue and Replevin, shall and may be awarded and executed in all Times of the Year.

No Execution for Debt or Damages to be awarded between the last Day of August and first of March, yearly.

XIX. And be it further Enacted, by the Authority aforesaid, That if the Marshal, or his Deputy, shall not find sufficient of the Goods and Chattels of the Defendant, in the Execution enumerated, to pay the Plaintiff's Debt, with Costs, that then, as to the Defendant's Slaves, Mills, Stills, Coppers, and Lands, it shall be in the Defendant's Choice to shew the Marshal, or his Deputy, on which of those last mentioned Particulars he shall levy on, to satisfy the said Debt, with Costs.

Marshal not finding Goods sufficient, in the Execution enumerated, Defendant to shew him on which of his Slaves, &c. he shall levy.



A. D. 1732.

Penalty on Defendant shewing Goods not his own.

XX. And be it further Enacted, by the Authority aforesaid, That if the Defendant shew Goods or Lands to the Provost-Marshal to be levied on, which are not really his own, he shall forfeit double the Value of the said Goods or Lands; the One Half to his Majesty, his Heirs and Successors, to be paid to the Treasurer of this Island, to be employed towards the defraying the public Charges thereof; and Half to the Party grieved.

Clause relating to Jurors.

XXI. And be it further Enacted, by the Authority aforesaid, That Four Days at least before the Sitting of each Court, a *Venire Facias*, signed by the Chief Judge, or, in case of Disability, by the next Judge in Commission, successively, shall issue, to summon a Jury of good and sufficient Men of the said Island to appear and serve as Jurors at the next Court: And that all Persons residing in the said Island, seized of any Estate in Fee, or of any Freehold of the yearly Value of Ten Pounds current Money, or possessed of any personal Estate of the Value of One Hundred Pounds current Money, shall and may be Jurors to try any Issue, Real or Personal; and also, that every Person summoned as a Juror, and not appearing, shall forfeit and pay Three Pounds current Money; and likewise, if any Juror depart, after he is sworn, before Verdict delivered, he shall forfeit and pay Ten Pounds current Money, and another shall be sworn in his Room; and that every Juror, before Verdict delivered, shall receive of the Marshal One Shilling and Six-pence current Money.

For want of a sufficient Number of Jurors, a Tale of the Standers-by to be returned by the Marshal.

XXII. And be it further Enacted, by the Authority aforesaid, That if a sufficient Number of Persons summoned to be Jurors, do not appear to make a full Jury, then a Tale of the Standers by shall be returned by the Marshal, who shall serve, under the Penalty of Five Pounds for each Person refusing; and also that Special Verdicts shall be found by the Jurors, where the Counsel on both Sides shall agree, and desire to have the Facts found specially, upon Pain of Fine, at the Discretion of the Court.

Penalty on Witness not appearing, when summoned, &amp;c.

XXIII. And be it further Enacted, by the Authority aforesaid, That where any Person shall be summoned by a Writ of *Subpœna* to give Evidence in any Matter depending in the said Court, and shall make Default therein, not being hindered by Sickness or old Age, such Person shall forfeit an Hundred Pounds current Money, to the Use of his Majesty, for defraying the public Charges of this Island; and an Affidavit made of the Service of the *Subpœna*, and that the Person summoned is a material Witness, the Court shall put off the Cause, if the Party desire it, to the next Court, the said Party paying the Costs of the Day.

Depositions when to be taken, &amp;c.

XXIV. And be it further Enacted, by the Authority aforesaid, That the Depositions of Persons who are disabled to attend the said Court by old Age, Sickness, or being bound off the Island, shall be deemed good Evidences in all Civil Actions, provided they be taken by any Justice of the said Court, and Three Days Notice be given to the Person against whom such Depositions are to be taken, or, in his Absence, to his Attorney or Agent, if any such be upon the Island, of the Name of the Witness to be examined; and also, that all Certificates under the Hand and Seal of the Mayor of London, or any

Foreign Certificates sufficient Evidence.



any Justice of either Bench, or the Mayor or Chief Magistrate of any City or Corporation within the Kingdoms of *Great Britain* and *Ireland*, and all and every other his Majesty's Lands, Islands, and Dominions, and all Probates of Wills under the Seals of the proper Spiritual Courts and Powers, before the Ordinary in any of his Majesty's Colonies, shall be admitted and given in Evidence in the said Court. A. D. 1732.

XXV. And be it further Enacted, by the Authority aforesaid, That all the Statutes of *Jeofails*, made within the Kingdom of *England* before the Fourth and Fifth Years of the Reign of her late Majesty Queen *Anne*, and also one other Act, made in the Twentieth Year of the Reign of King *Charles* the Second, intituled, *An Act for preventing Frauds and Perjuries*, except where the same Act, or any Part thereof, is altered, or it is otherwise provided for in and by this Act, or by any other Act of this Island, shall, by virtue of this Act, be adjudged to extend to, and be in Force in the said Island for ever. Statutes of Jeofails, before the 4th and 5th Years of Queen Anne, &c. to be in Force for ever.

XXVI. And be it further Enacted, by the Authority aforesaid, That where any Demurrer shall be joined and entered in any Action or Suit in the said Court, the Judges shall proceed and give Judgement according as the very Right of the Cause and Matter in Law appear unto them, without regarding any Imperfection, Omission, or Defect in any Summons, Return, Plaint, Declaration, or other Pleading, Protest, or Course of Proceeding whatsoever, except those only which the Party demurring shall specially and particularly set down and express, together with his demurrer, as Causes of the same, notwithstanding that such Imperfection, Omission, or Defect, might hitherto have been taken to be matter of Substance, and not aided by Statute made in the Twenty-seventh Year of the Reign of Queen *Elizabeth*, intituled, *An Act for the Furthurance of Justice in case of Demurrer and Pleadings*, so as sufficient Matter appear in the Pleadings, upon which the Court may give Judgement according to the very Right of the Cause. Upon Demurrers entered into Actions, Judgement to be given according to the Right of the Cause, &c.

XXVII. And be it further Enacted, by the Authority aforesaid, That the said Statute of *Jeofails* shall be extended to Judgements which hereafter shall be entered upon Confession, *nihil dicit*, or *non sum Informatus* in the said Court; and no such Judgement shall be reversed, nor any Judgement upon a Writ of Enquiry of Damages executed, be stayed or reversed by reason of any Imperfection, Omission, Defect, Matter or Thing whatsoever, which should have been aided and cured by any of the said Statutes of *Jeofails*, in case a Verdict of Twelve Men had been given in the said Action or Suit, so as there be an ordinary Summons and Declaration, or a Copy of the Account, Bill, or Bond. In what Cases the Statute of Jeofails shall be extended, &c.

XXVIII. And be it further Enacted, by the Authority aforesaid, That nothing in this Act before contained shall extend to any Writ, Summons, Declaration, Indictment, or Suit of Appeal of Felony or Murder, or to any Process upon any of them, or to any Writ, Summons, Bill, Action, or Information upon any Penal Statute. Act in what Cases not to extend.

XXIX. And be it further Enacted, by the Authority aforesaid, That where any Person or Persons be arrested by Writ of Process issuing Clause relating to Persons arrested.



*A. D. 1732.* issuing out of this Court, at the Suit of any common Person, and the Provost-Marshal, or other legal Officer, shall take Bail from such Person against whom such Writ, Bill, or Proceess, shall be taken out, the Provost-Marshal, or such other legal Officer, at the Request and Costs of the Plaintiff in such Action or Suit, or of his lawful Attorney, shall assign to the Plaintiff in such Action or Suit such Bail Bond, or other Security taken for Bail, being forfeited, the Plaintiff in such Suit, after such Assignment made, may bring an Action and Suit thereupon, in his own Name, in the said Court, and the Court may by a Rule give such Relief to the Plaintiff and Defendant in the original Action, and to the said Bail upon the said Bond, or other Security taken upon such Bail, as is agreeable to Justice and Reason; and that such Rule or Rules of the said Court shall have the Nature and Effect of a Defeazance to such Bail Bond, or other Security for Bail.

ACTIONS of Debt brought upon any Judgement, if the Defendant hath paid the Money, the same may be pleaded in bar, &c.

XXX. And be it further Enacted, by the Authority aforesaid, That where any Action of Debt shall be brought upon any single Bill, or where Actions of Debt or *Scire facias* shall be brought upon any Judgement, if the Defendant hath paid the Money due upon the said Bill or Judgement, such Payment shall or may be pleaded in bar of such Action or Suit; and where an Action of Debt is brought upon a Bond which hath a Condition of Defeazance to make void the same upon a lesser Sum, at a Day or Place certain, if the Obligor, his Heirs, Executors, or Administrators have, before the Action brought, paid the Obligee, his Executors or Administrators, the Principal and Interest due by the Defeazance or Condition of such Bond, though such Payment was not made strictly, according to the Condition or Defeazance, yet it shall and may nevertheless be pleaded in bar of such Action, and shall be as effectual a Bar thereof, as if the Money had been paid at the Day and Place according to the Condition or Defeazance, and had been so pleaded.

Interest upon Bonds, &c.

XXXI. And be it further Enacted, by the Authority aforesaid, That all Interests upon Bonds to be sued for here, where the Sum to be paid for Interest is not certainly expressed in the Bond, shall be reckoned and computed after the Rate of Eight Pounds *per Cent. per Annum*, and no more; and if at any Time pending an Action upon any such Bond, with a Penalty, the Defendant shall bring into Court all the Principal Money and interest due on such Bond, and all Costs as have been expended in any Suit in Law or Equity upon such Bond, the said Money so to be brought in, shall be deemed and taken to be in full satisfaction and Discharge of the said Bond, and the Court shall and may give Judgement to discharge every such Defendant of and from the same accordingly.

When the Court may determine Causes without a Jury.

XXXII. And be it further Enacted, by the Authority aforesaid, That the said Justices shall have Power to hear and determine in Court, without a Jury, all Manner of Actions and Suits under the Value of Ten Pounds current Money, or One Thousand Pounds of Sugar; and likewise all Cases relating to Servants Wages, and Debts due to Artificers and Labourers, for Work done, not exceeding Two Thousand Pounds of Sugar, or Fifteen Pounds current Money; and  
in



in such Cases the Oath of the Plaintiffs shall, if the Court think A. D. 1732.  
fit, be a sufficient Evidence to prove the Debt or Demand.

XXXIII. And be it further Enacted, by the Authority aforesaid, Penalty on  
Misbehaviour  
in Court.  
That all Contempts and Misdemeanors, insolent or rude Demeanor, unhandfome or provoking Language, in the Hearing or in the Presence of the Court; and all Neglects, and other Offences of Coroners, Secretaries, Marshals, Clerk, or other Officers of the Court, in their severall Offices, shall be punished by Fine, at the Discretion of the Court.

XXXIV. And be it further Enacted, by the Authority aforesaid, Title of Negroes to be  
tried by Detinue, &c.  
That no Replevin shall hereafter issue to take up or try the Title of Negroes or Slaves, but that the same shall be by Detinue or Trover; and also, that the Executions to be awarded on Judgements already given in the Court of King's-Bench and Common-Pleas, which was held by virtue of any former Act of the said Island, shall and may issue according to the Form therein prescribed; and all Sales to be made of any Goods, Chattels, Lands, Tenements, or Hereditaments, taken or to be taken in Execution upon such Judgement, shall be in Manner as before in this Act is directed; by which Method the Provost-Marshal and all other Persons are to be governed.

XXXV. And be it further Enacted, by the Authority aforesaid, Scire facias to  
be served in  
4 Days before  
Court Day.  
That all Writs of *Scire facias* to revive Judgements to be given in the said Court, or which were given in any former Courts, shall be served Four Days before the Court Day on which the same shall be returnable, and the Service thereof to be in such Manner as Writs of Summons are to be served; and if the Defendant plead not thereunto at the same Court, the Judgement shall stand, and be revived.

XXXVI. And be it further Enacted, by the Authority aforesaid, Penalty on  
Persons practicing the Law  
before admitted.  
That if any Person shall presume to plead or practise the Law in the said Court, or give Advice in any Law Affair whatsoever, for Fee, Present, or Reward, unless he first qualifies himself, by taking the Oaths of Allegiance appointed by Act of Parliament, and also the following Oath, and be regularly admitted by the said Court, he shall forfeit the Sum of Fifty Pounds current Money; Half of which shall be to his Majesty, his Heirs and Successors, towards the defraying the public Charges of this Island; and the other Half to the Informer; to be recovered by Bill, Plaint, or Information in this Court; and that the Oath to be so taken shall be administered by the Court, which shall be, *viz.*

**I** A. B. do swear upon the Holy Evangelists of Almighty God, to do no Lawyer's  
Oath.  
Falshood, or consent to any to be done in this Court; and if I know of any to be done, to give Notice thereof to the Chief Justice, and his Assistants, that it may be reformed; to delay no Man for Lucre or Malice; to plead no Foreign Plea, nor sue Foreign Suits, unlawfully to hurt any Man, but such as stand with the Order of the Law, and my own Conscience; nor willingly to sue, or cause or procure to be sued any false Cause or Suit, or give and consent to the same, upon Pain of being expelled this Court for ever; and further to demean myself in the Office of Attorney or Solicitor in this Court, according to my Learning and Discretion.  
So help me God.



A. D. 1732.

No Officer of  
the Court to  
be a Solicitor,  
&c.

XXXVII. And be it further Enacted, by the Authority aforesaid, That no Person practising in the said Court shall be Secretary, Deputy Secretary, Marshal or Marshal's Deputy, under the Penalty of being disabled to practise; and that the Number of Attornies and Solicitors of the said Court shall not exceed Four in Number at a Time; and when any of them die or go off the Island, or be struck out of the Roll of Attornies for any Crime or Misdemeanor, then another may be admitted and sworn in his Room.

XXXVIII. And be it further Enacted, by the authority aforesaid, That the Provost-Marshal, and his Deputy acting here, and also all such Persons as either of them do or shall employ, as Bailiffs or Assistants, shall, at the very next Court, take the following Oath; viz.

Marshal's  
Oath.

I A. B. do swear upon the Holy Evangelists of Almighty God, That I will execute all Procefs, Writs, and Precepts that shall be given to me, and which shall, by any Lawful Authority, be directed to the Provost-Marshal of this Island, or his lawful Deputy, and make due Returns thereof, when necessary, according to the best of my Power and Skill, without any unnecessary Delay, and without Favour and Affection, Hatred or Ill-will.

So help me God.

And all Provost-Marshals, and their Deputies, acting in this Island, and their Bailiffs and Assistants, shall, for ever hereafter, before they enter upon their said Office, respectively, take the same Oath before the Captain-General, Lieutenant-General, Lieutenant-Governor, or President, or Chief Justice of the said Island for the Time being; and if any of them neglect or refuse so to do, he shall be incapable of serving in the said Office; and the Provost-Marshal, and his Deputy here, shall employ none but Persons of Ability and Honesty, for whom they shall be answerable.

Secretary,  
&c. to give  
Bond in 1000l.  
for his Beha-  
viour.

XXXIX. And be it further Enacted, by the Authority aforesaid, That the present Secretary, or his Deputy, and the present Provost-Marshal, or his Deputy, shall, within Three Months from the Date of this Act, give Bond in the Secretary's Office, with One sufficient Security, to be approved of by the Governor, or President, and Council of this Island, in the Sum of One Thousand Pounds Sterling, to his Majesty, his Heirs and Successors, to behave themselves in their respective Offices according to the Tenor of this Act; which Bond shall be for the Use of the Person or Persons which shall or may be injured by the Secretary or Provost-Marshal neglecting their Duty, their Heirs, Executors, and Administrators, who are hereby enabled to put the said Bond in Suit, and shall recover such Damage as he or they shall sustain; and all Secretaries and Provost-Marshals shall for ever hereafter, before they enter upon their Office in this Island, give such Bond.

Clause relat-  
ing to Bills  
protested.

LX. And be it further Enacted, by the Authority aforesaid, That where Bills of Exchange have been or shall be protested, according to the Custom of Merchants in that Behalf, every Person thereby prejudiced, or to whom such Bill shall be made payable, by the first  
Drawer



Drawer or Drawers, or any Indorser or Indorsers thereof, shall and may commence or bring an Action upon the Case against the Drawer or Drawers, Indorser or Indorsers of the said Bills, and shall recover the Principal due thereupon, and Ten Pounds *per Cent.* for his Damage, and after the Rate of Ten Pounds *per Annum* for Interest, to be reckoned from the Day of the Protest made until the principal Money due upon such Bill shall be paid and satisfied; and that all Bonds, Mortgages, and Securities whatsoever, made after the Publication of this Act, whereby there shall be reserved above the Rate of Eight Pounds *per Cent.* for the Use and Forbearance of One Hundred Pounds for One Year, shall be utterly void; but all Securities heretofore taken shall be good, for the Interest therein respectively expressed.

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XLII. And be it further Enacted, by the Authority aforesaid, That nothing in this Act shall be construed or taken to affect the proper Goods or Chattels, Negroes, Lands, or Tenements, or the Persons of Executors or Administrators, otherwise or in any other Manner than as the Goods, Lands, and Persons of Executors and Administrators are made chargeable and liable in the Kingdom of Great Britain, by the Laws and Usage thereof.

Clause relating to Executors,

XLII. And be it further Enacted, by the Authority aforesaid, That no public Alarm or Invasion shall cause any Discontinuance or Abatement of any Suit or Process, depending or to be depending in the said Court.

and to Invasions.

XLIII. And be it further Enacted, by the Authority aforesaid, That the Judges of the said Court shall and may make and establish Rules and Orders of Practice in the said Court, over and besides what is contained in this Act; and until they shall so do, the Practitioners and Officers of the said Court shall, as near as they can, govern themselves by the Rules of the Court of King's-Bench and Common-Pleas at *Westminster*; which Rules, except where they are altered, or it is otherwise provided in and by this Act, shall be in Force until new and other Rules are made and established by the Judges aforesaid, and published in the Secretary's Office here.

Judges to make Rules of Practice.

XLIV. And be it further Enacted, by the Authority aforesaid, That the Captain-General, or Governor in Chief, with Four or more of the Council, and, in the Absence of the Captain-General, or Governor in Chief, the Lieutenant-Governor, or President of the Council, with the like Number of the Council, shall and may hear, try, and determine all Errors to be brought of any Judgements to be given in this Court, or which were given in the Courts held by virtue of any former Act, for any Sum, Matter, Cause, or Thing; and that in the Absence of the Captain-General, or Governor in Chief, Lieutenant-Governor, or, in his Absence, the President of the Council may sign all Writs of Error, and other Process thereupon; and that not meeting of the Captain-General, or Governor in Chief, Lieutenant-Governor, or President, at the Day of the Return of the Writ of Error, or Writ of *Scire facias*, to hear Errors, shall not discontinue any Writ of Error; and that no Judgement shall be given in the said Court of Errors, unless by the said Captain-General,

Who to try and sign Writs of Error, &c.



*A. D. 1732.* } ral, or Governor in Chief, or the Lieutenant-Governor, or President, and Four of the Council at least, whereof none of the Judges of the said Court of King's-Bench and Common-Pleas shall be One; and that before any Argument shall be heard by them, they shall take the following Oath; viz.

Their Oath. **I** A. B. do swear upon the Holy Evangelists of Almighty God, That in all Errors to be now brought before me, I will not deny or delay Justice to either Party, but shall, to the best of my Skill, give Judgement thereupon.

So help me God.

And that no Execution of any Judgement given in this Court, or which was given in any former Court in any Action Personal, shall be stayed by Writ of Error or *Supersedeas* thereupon, unless such Person or Persons, in whose Name or Names such Writs of Error shall be brought, by Two sufficient Sureties (such as the said Court, or out of Court, as the Chief Justice, or, in his Absence, the next senior Justice, one after another, as they are named in the Commission, shall allow of) shall, before such Stay made, or *Supersedeas* awarded, be bound unto the Party for whom any such Judgement is or shall be given, by Recognizance, to be acknowledged in double the Sum adjudged to be recovered by the said former Judgement, to prosecute the said Writ of Error with Effect, and also to satisfy and pay, if the same Judgement be affirmed, all and singular the Debt, Damages, and Costs, adjudged or to be adjudged upon the former Judgement, and all Costs and Damages to be also awarded for the same delaying Execution; and further, that in a Writ of Error to be brought upon any Judgement in any Writ of Dower, or in any Action of *Ejectione firmæ*, no Execution shall be thereupon or thereby stayed, unless the Plaintiff or Plaintiffs in such Writ of Error shall be bound unto the Plaintiff in such Writ of Dower, or Action of *Ejectione firmæ*, in such reasonable Sum as the Court shall think fit, with Condition, That if the Judgement shall be affirmed in the said Writ of Error, or that the said Writ of Error shall be discontinued by Default of the Plaintiff or Plaintiffs therein, or that the said Plaintiff or Plaintiffs be non-suited in such Writ or Writs of Error, that then the Plaintiff or Plaintiffs shall pay such Costs and Damages, Sum and Sums of Money, as shall be awarded upon, or after such Judgement affirmed, or Discontinuance, or Non-suit had.

Judgement to be given upon the Return of a Writ of Enquiry.

XLV. And, to the end that the Sum and Sums, and Damage may be ascertained, be it further Enacted, by the Authority aforesaid, That the Court wherein such Execution ought to be granted upon such Affirmation, Discontinuance or Non-suit, shall issue a Writ to enquire as well of the mesne Profits as of the Damage by any Waste committed after the first Judgement in Dower, or in *Ejectione firmæ*, and upon the Return thereof Judgement shall be given, and Execution awarded for such mesne Profits and Damages, and also Costs of Suit: Provided, That this Act, or any Thing herein contained, shall not extend to any Writ of Error to be brought

Proviso.

*Handwritten signature: The Court*



brought by any Executor or Administrator, or to any Action popular, or to any Action which is, or hereafter shall be, brought upon any Penal Law or Statute, nor to any Indictment, Presentment, Inquisition or Information in this Court, A. D. 1732.

XLVI. And, for preventing great Vexation from suing forth defective Writs of Error, be it further Enacted, by the Authority aforesaid, That upon the quashing of any Writ of Error, hereafter to be sued out for Variance from the original Record, or other Defect, or if the Plaintiff shall be non-sued, or discontinue his Writ, the Defendant, in such Writ of Error, shall recover against the Plaintiff, issuing out such Writ, his Costs, as he should have done if the Judgement had been affirmed, and to be recovered in the same Manner, but the Plaintiff in such Writ is not barred from having a new Writ of Error; and in case either Party shall not rest satisfied with the Judgement that shall be given upon a Writ of Error, he may appeal to his Majesty in his Privy Council, if the Matter in Dispute shall come up to the Value limited in his Majesty's Instructions to the Chief Governor, the Party appealing giving Security as aforesaid; but no Executor, or Administrator, or Guardian, shall be obliged to give Security on a Writ of Error, unless where required by the Laws of England, nor upon any Appeal, unless on an Appeal to his Majesty in Council.

Clause for preventing vexatious Suits on defective Writs of Error.

XLVII. And be it further Enacted, by the Authority aforesaid, That all Writs of Error shall be served on the Chief Justice, and in case of his Death, Absence, or Disability, on the next senior Justice, and to the next as they are named in the Commission as aforesaid, who is required forthwith to cause a Transcript of the Record and Pleadings to be made out, and the same to certify under his Hand and Seal in eight Days after he is served with the Writ of Error; and when the Records and Proceedings are so certified, the Plaintiff is to assign Errors under his Counsel's or Attorney's Hand, and to file the same in Eight Days after the Writ and Proceedings are returned and certified, and then give Notice thereof unto the other Party, his Counsel, or Attorney; and the Defendant in Errors shall plead Demurr, or join in Errors within Eight Days after Notice, or lose the Advantage of his Defence.

Writs of Error to be served on the Chief Justice, &c.

XLVIII. And be it further Enacted, by the Authority aforesaid, That all Fines imposed upon Appraisers, Jurors, or Persons summoned as Jurors, by this Act, shall be immediately levied by Distress or Sale of the Offender's Goods and Chattels, and for want thereof, by Imprisonment of his or their Bodies, until such Fine or Fines shall be paid, by Warrant under the Hand of any of the said Judges, to be directed to the Provost-Marshal, or his lawful Deputy; and all other Forfeitures imposed on Persons by this Act, shall be recovered by Action, Bill, or Information, in this Court, where no Essoign, Protection, or Wager in Law, nor any more than One Imparance shall be allowed, and after Judgement had thereupon, Execution shall issue as in other Cases is appointed; the Moiety of which said Fine upon Jurors and Appraisers, shall be to his Majesty, his Heirs and Successors, to be paid to the Treasurer of the said Island, and to be

Fines imposed upon Appraisers, Jurors, &c. how to be levied and applied.



*A. D. 1732.* employed for and towards the defraying the public incident Charges thereof; and the other Moiety shall go towards defraying the Charges of the Judges in their Sittings; and the Moiety of all other Forfeitures and Penalties (except where the same, or any Part thereof, is or are herein other ways applied) shall be to his said Majesty, his Heirs and Successors, to be paid and applied as aforesaid; and the other Moiety to such Person or Persons as shall inform and sue for the same.

Docket of Fees annexed to be standing Fees.

XLIX. And be it further Enacted, by the Authority aforesaid, That the several Fees and Sums of Money mentioned in a Docket of Fees hereunto annexed, be, and shall be the standing Fees, and no other or greater Fees shall be taken by the respective Persons in the said Docket mentioned.

Causés depending, to remain in the State they are till the Court in July.

L. And be it further Enacted, by the Authority aforesaid, That all Causes, Actions, and Suits, now depending in the Court of King's-Bench and Common-Pleas of the said Island, and which was held by virtue of any former Act of the said Island, shall be continued in the State they now are until the Court to be held in July next, and then all Causes, and Actions, and Suits, shall be tried and determined according to the Tenor and Directions of this Act; any Thing herein before contained to the contrary [in] any wise notwithstanding.

*Vide an Act concerning Courts, passed in 1711. No. 70.*

Docket of Fees.

A TABLE or DOCKET of FEES in the foregoing Act to be thereunto annexed.

Chief Judges Fees.

Chief Judge's Fees.

|                                                                        | l. | s. | d.  |
|------------------------------------------------------------------------|----|----|-----|
| FOR every Declaration Action,                                          | 0  | 6  | 0   |
| For every common Action,                                               | 0  | 3  | 0   |
| For every Writ of Summons,                                             | 0  | 3  | 0   |
| For every Witness sworn in Court,                                      | 0  | 1  | 6   |
| For every Judgement,                                                   | 0  | 3  | 0   |
| For every Deposition taken out of Court,                               | 0  | 6  | 0   |
| For the Allowance of a Writ of Error,                                  | 0  | 6  | 0   |
| For taking Bail upon a Writ of Error,                                  | 0  | 6  | 0   |
| For returning the Transcript of a Record under his Hand }<br>and Seal, | 0  | 14 | 0   |
| For every Bail taken in Court or out of Court,                         | 0  | 6  | 0   |
| For the Examination of a Feme-covert,                                  | 2  | 0  | 0   |
| For the Probate of every Deed,                                         | 0  | 12 | 0   |
| For the Probate of a Power of Attorney,                                | 0  | 6  | 0   |
| For the signing of every Execution                                     | 0  | 3  | 0   |
| For Taxing a Bill of Costs,                                            | 0  | 6  | 0   |
| For acknowledging Satisfaction of a Judgement of Court,                | 0  | 6  | 0   |
| For Admission of an Infant by his Guardian,                            | 0  | 14 | 0   |
| For a Writ of Partition,                                               | 0  | 6  | 0   |
|                                                                        |    |    | For |

This Docket of Fees is copied  
 see Act No 282 - last copy  
 of Laws in.



|                                                    | l. | s. | d. | <i>A. D. 1732.</i> |
|----------------------------------------------------|----|----|----|--------------------|
| For every Warrant,                                 | 0  | 6  | 0  | }                  |
| For the Commitment of any Person,                  | 0  | 6  | 0  |                    |
| For the Admission of every Attorney of this Court, | 2  | 16 | 0  |                    |
| For the signing every <i>Scire facias</i> ,        | 0  | 3  | 0  |                    |
| For signing every <i>Subpœna</i> ,                 | 0  | 6  | 0  |                    |

*Secretary's Fees.*

*Secretary's Fees.*

|                                                                                                                                  | l. | s. | d. |
|----------------------------------------------------------------------------------------------------------------------------------|----|----|----|
| <b>F</b> OR an Attachment,                                                                                                       | 0  | 3  | 0  |
| For entering every Common Action,                                                                                                | 0  | 1  | 6  |
| For a Declaration Action,                                                                                                        | 0  | 6  | 0  |
| For filing a Declaration, and Copy to serve the Defendant,                                                                       | 0  | 6  | 0  |
| For a Writ of Summons,                                                                                                           | 0  | 1  | 6  |
| For a <i>Scire facias</i> ,                                                                                                      | 0  | 1  | 6  |
| For every Judgement,                                                                                                             | 0  | 1  | 0  |
| For an Execution,                                                                                                                | 0  | 1  | 6  |
| For a Reference, each Referre,                                                                                                   | 0  | 1  | 6  |
| For a <i>Capias</i> ,                                                                                                            | 0  | 3  | 0  |
| For an Attachment for Goods and Chattels,                                                                                        | 0  | 3  | 0  |
| For a Warrant of Appraisement                                                                                                    | 0  | 6  | 0  |
| For a Warrant of Survey to lay out Lands,                                                                                        | 0  | 6  | 0  |
| For a Warrant of Search,                                                                                                         | 0  | 3  | 0  |
| For an Order on a Petition,                                                                                                      | 0  | 3  | 0  |
| For filing every Demurrer, Special Plea, Replication, }<br>Rejoinder, }                                                          | 0  | 1  | 6  |
| For entering a General Verdict,                                                                                                  | 0  | 1  | 0  |
| For every Witness sworn in Court,                                                                                                | 0  | 0  | 9  |
| For every Satisfaction, <i>Retraxit</i> , or <i>nolli prosequi</i> entered,                                                      | 0  | 1  | 6  |
| For swearing every Attorney of the Court, and Certificate, }<br>and filing it, }                                                 | 0  | 6  | 0  |
| For administering the Oath of Allegiance to any Person }<br>in Court, }                                                          | 0  | 1  | 0  |
| For entering Warrant of Attorney to confess Judgement,                                                                           | 0  | 6  | 0  |
| For the Probate of every Deed proved in Court,                                                                                   | 0  | 3  | 0  |
| For Letters of Administration,                                                                                                   | 0  | 12 | 0  |
| For drawing the Bonds,                                                                                                           | 0  | 3  | 0  |
| For a Licence for a Tavern, or Rum-punch Seller, and Bond,                                                                       | 0  | 6  | 0  |
| For a Letter of Guardianship,                                                                                                    | 0  | 6  | 0  |
| For entering a Writ of Error, and all Proceedings thereon, }<br>for every 120 Words, }                                           | 0  | 1  | 0  |
| For the Transcript or Copy of Record or Deed, or any }<br>Papers recorded in the Secretary's Office, for every }<br>120 Words, } | 0  | 1  | 0  |

*Marshal's Fees.*

*Marshal's Fees.*

|                                                            | l. | s. | d.  |
|------------------------------------------------------------|----|----|-----|
| <b>F</b> OR summoning each Defendant in the Court Warrant, | 0  | 1  | 6   |
| For serving of a Copy of Account, Bill, or Bond,           | 0  | 1  | 6   |
|                                                            |    |    | For |



A. D. 1732.

|                                                                                                                                                                | l. | s. | d. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|
| For serving a Writ of Summons,                                                                                                                                 | 0  | 3  | 0  |
| For every Juror impannelled in Court, he paying the Jurors,                                                                                                    | 2  | 2  | 0  |
| For his Attendance on each Jury,                                                                                                                               | 0  | 3  | 0  |
| For serving a <i>Scire facias</i> ,                                                                                                                            | 0  | 3  | 0  |
| For levying an Execution,                                                                                                                                      | 0  | 3  | 0  |
| For putting up Publication for Things taken in Execution,                                                                                                      | 0  | 3  | 0  |
| For executing a Writ of Possession for Lands, <i>F. alf per Cent.*</i>                                                                                         | 0  | 3  | 0  |
| For executing a Writ of Possession, for each Negro,                                                                                                            | 0  | 1  | 0  |
| For executing a Writ of Possession for Cattle, each Beast,                                                                                                     | 0  | 1  | 0  |
| For a Bill of Sale for Lands or Goods taken in Execution,                                                                                                      | 1  | 8  | 0  |
| For Bail taken in Court,                                                                                                                                       | 0  | 1  | 6  |
| For every Evidence sworn in Court,                                                                                                                             | 0  | 0  | 9  |
| For serving a <i>Subpœna</i> , each Witness,                                                                                                                   | 0  | 3  | 0  |
| For an Attachment,                                                                                                                                             | 0  | 6  | 0  |
| For serving a Warrant,                                                                                                                                         | 0  | 6  | 0  |
| For the Commitment of any Person, and Turnkey,                                                                                                                 | 0  | 3  | 0  |
| For Prisoners, for each Day,                                                                                                                                   | 0  | 1  | 6  |
| For the safe conducting a Prisoner to and from the Court,                                                                                                      | 0  | 3  | 0  |
| For executing a white Person,                                                                                                                                  | 3  | 0  | 0  |
| For executing a Slave,                                                                                                                                         | 0  | 18 | 0  |
| For summoning a Jury upon a Partition of Lands,                                                                                                                | 1  | 4  | 0  |
| For attending the Jury, and drawing the Partition made }<br>by them, and his return thereof,                                                                   | 2  | 16 | 0  |
| For summoning a Jury to enquire of the Property of any }<br>Thing taken by him in Execution,                                                                   | 1  | 4  | 0  |
| For his Attendance on such Jury, and his Return of the }<br>Inquest,                                                                                           | 1  | 8  | 0  |
| For executing any Writ from any Court not herein men- }<br>tioned, nor ascertained in any other Act, so much as }<br>the Judges of the said Court shall order. |    |    |    |

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 in 100l. No. 982

A. D. 1733.

No. 101.  
Expired.

An Act for providing an honourable Support for his Excellency William Mathew, Esquire, during his Government; and for laying a Duty upon Negroes, for the Payment thereof.

No. 102.

Expired.

An Act for raising a Poll Tax on Negroes, and other Slaves, belonging to the Plantations and Inhabitants of the Island of Nevis.

A. D. 1734.

No. 103.  
Expired.

An Act for raising a Poll Tax on Negroes, and other Slaves, belonging to the Plantations and Inhabitants of the Island of Nevis.

No. 104.

This Act, together with No. 24. was repealed by Act No. 160.

\*\*\*\*\* An Act to explain and amend an Act, intituled, An Act for all Vessels to pay Tonage, Powder, and Arms.

An



An Act for raising a Poll Tax on Negroes, and other Slaves, belonging to the Plantations and Inhabitants of the Island of Nevis. A. D. 1735.

No. 105.  
Expired.

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An Act for raising an Impost on strong Liquors imported.

No. 106.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal Subjects, the Assembly of the Island of *Nevis*, duly considering the great Expences of maintaining and repairing your Majesty's Fortifications, and the Necessity of building others, for the Protection and Preservation of this your Majesty's Island; and being desirous that such Supplies as are necessary for defraying such Expences may be effectually raised, have chearfully and unanimously given and granted, and do by this Act give and grant unto your Majesty the severall and respective Rates and Duties for and upon all Foreign Wines and strong Spirits imported in this Island, as are herein after expressed, and do most humbly beseech your Most Sacred Majesty that it may be Enacted; and be it Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Captain-General, and Governor in Chief of your Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, and the Authority of the same, That there shall be raised, levied, collected, and paid unto and for the Use of his Majesty, his Heirs and Successors, for and upon all Wines which shall at any Time hereafter be imported and landed on this Island, the severall Rates and Duties herein after mentioned; *viz.* For all *Madeira* Wine, Forty Shillings current Money *per* Pipe; for all Wines of the Growth of the *Azores*, or *Western* Islands, Four Pounds current Money *per* Pipe; for every Ton of *French*, *Spanish*, *Italian*, and *Canary* Wines, in Cask, Eight Pounds current Money, and Two Shillings current Money *per* Dozen, for every Dozen of Quart Bottles; for every Gallon of Brandy, or other Foreign Spirits, Three Shillings current Money, and so in Proportion for a greater or lesser Quantity; all which Duties shall be paid unto, and collected by, the Treasurer of this Island for the Time being, who is hereby authorized and required to collect and receive the same.

Rates on
Wines, &c.
not of the
Produce of
the Island.

II. And, for preventing all clandestine importing and landing Wine and Brandy on this Island, be it further Enacted, by the Authority aforesaid, That all Persons who shall import any Wines mentioned in this Act, shall give Notice to the Treasurer for the Time being, of the Quantity and Quality of the Wines so imported; and if any Person shall put on Shore any such Wines or Brandy, without paying the Duties herein before recited, or without giving Notice to the Treasurer for the Time being, such Wines or Brandy shall be liable to be seized by any Person whatsoever, and shall be tried and condemned by any Judge or Justice of the Peace in this Island, who is hereby authorized and impowered to hear, try, and determine the Matter; the One Half of which Wine or Brandy, so condemned,

Report to be
made to the
Treasurer of
the Quantity
and Quality
imported, &c.

A. D. 1735. all reasonable Charges being first defrayed, shall be delivered to the Treasurer of this Island for the Time being, for the Use of his Majesty, his Heirs and Successors; and the other Half to the Person who shall inform, seize, or prosecute for the same.

III. And be it further Enacted, by the Authority aforesaid, That when any Person shall make Report of any Wines imported, to the Treasurer, he shall take the following Oath, *viz.*

Importer's
Oath.

I A. B. do swear, That the Wines imported as Madeira Wines, are, to the best of my Knowledge, of the Growth of the Island of Madeira, without any Mixture of the Wines of the Western Islands.

So help me God.

And if such Person shall refuse to take the said Oath, that then the Wines so imported shall be deemed and taken to be Wines of the Growth of the *Western* Islands, and pay Duty accordingly.

Master of a
Vessel to pro-
duce a Certi-
ficate of his
having paid
the Duties,
&c. before
his Clearance
in the Secre-
tary's Office,
&c.

IV. And be it further Enacted, by the Authority aforesaid, That every Master of a Vessel who shall import any Liquors mentioned in this Act, shall produce a Certificate from the Treasurer, that he hath paid the several Duties herein imposed, or given sufficient Security for the Payment of the same, before he shall be cleared in the Naval and Secretary's Office; and the Treasurer shall not discharge or give any Certificate to any Master of a Vessel that hath imported any Liquors mentioned in this Act, for his Clearance in the Naval and Secretary's Office, until he hath taken the following Oath:

His Oath.

I A. B. do swear That no more Liquors have been landed, or otherways conveyed from the Vessel called *with Intention* to land the same on this Island, by me, or by my Order, or by any Person whatsoever, with my Knowledge, Consent, or Privity, than what hath been entered.

So help me God.

Duty to be
paid in Two
Months after
landing, &c.

V. And be it further Enacted, by the Authority aforesaid, That the Duties of the several Liquors aforesaid shall be paid unto the Treasurer for the Time being in Two Months after the landing the said Liquors; and if the Owner of the said Liquors shall neglect or refuse to pay the several Duties herein before-mentioned, in Manner as aforesaid, or any Part thereof, that then it shall and may be lawful to and for the Treasurer for the Time being, by Warrant obtained from the Commander in Chief on this Island for the Time being, who is hereby authorized and required to grant such Warrant, directed to the Provost-Marshal, or his lawful Deputy, to distrain and take of the Goods and Chattels, Lands and Tenements, of the Persons so neglecting or refusing, and the same to keep until such Person shall have paid the full Duty by this Act imposed; and in case such Person shall neglect or delay the Payment for the Space of Ten Days, that then it shall and may be lawful for the Treasurer to sell and dispose of such Distress at public Outcry, therewith to satisfy the Duty so neglected or refused to be paid, and also for his reasonable Charges

Charges and Expences, rendering to the Person so offending the Overplus, if any there should be; and if such Person should have no Goods or Chattels, Lands or Tenements, then the said Marshal shall take into his Custody such Person, and him detain and keep, until he shall have paid the full Duty by this Act imposed. A. D. 1735.

VI. And be it further Enacted, by the Authority aforesaid, That all Persons who shall export any of the said Wines, within Six Months after their being landed on this Island, shall, upon swearing to the Number of full Casks so exported, have Half the Duty by this Act imposed remitted them by the Treasurer, without any further Order. Half the Duty to be remitted, on Exportation of Wines within Six Months after their Arrival.

VII. And be it further Enacted, by the Authority aforesaid, That all the Duties imposed by this Act, shall be applied to the Use of his Majesty's Forts and Fortifications in this Island, and to no other Use, Intent, or Purpose whatsoever. Duties how to be applied.

An Act to repeal an Act made in the Fifth Year of the Reign of his Majesty King William the Third, intituled, An Act against importing Rum and Melasses; also for raising an annual Tax on Vintners, and Retailers of Rum and Rum-punch, and for lessening the Number of Distillers; and for making another Act to the same Purpose more effectual. No. 107.

Whereas an Act made in the Fifth Year of the Reign of his Majesty King William the Third, of glorious Memory, intituled *An Act against importing Rum and Melasses; also for raising an annual Tax on Vintners, and Retailers of Rum and Rum-punch, and for lessening the Number of Distillers*, hath been found, by Experience, not to answer the Ends thereby proposed; and the Clause for lessening the Number of Distillers has proved a Detriment to the Inhabitants, an Obstruction and Discouragement to the Trade of the Island, and a Diminution of his Majesty's Duties upon Exportation; we therefore, your Majesty's most dutiful and loyal Subjects, the Captain-General, and Governor in Chief of your Majesty's Leeward Charribbee Islands in America, and the Council and Assembly of the Island of Nevis, do pray your Most Sacred Majesty that it may be Enacted; and be it Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Captain-General and Governor in Chief of your Majesty's Leeward Charribbee Islands in America, and the Council and Assembly of the Island of Nevis, and the Authority of the same, That the said recited Act shall be, and from henceforth shall stand absolutely repealed, and the Penalties and Forfeitures therein mentioned and given, shall, to all Intents and Purposes, be null and void. Vide No. 28.

II. And, whereas the Charges of your Majesty's Forts in this Island, and other necessary Expences, are very great; we your Majesty's most dutiful and loyal Subjects, the Assembly of the Island of Nevis, being desirous that such Supplies as are necessary for defraying the public Expences may be effectually raised, have cheerfully and

A former Act repealed.

A. D. 1735.

Duty on rum
and melasses
imported.

and unanimously given and granted, and do by this Act give and grant unto your Majesty the several Duties and Taxes upon all Rum and Melasses imported into this Island, and upon all Vintners, and Retailers of Rum and Rum-punch, in such Manner and Form as is herein after expressed, and do most humbly beseech your Most Sacred Majesty that it may be Enacted; and be it Enacted, by the Authority aforesaid, That there shall be raised, levied, collected, and paid unto, and for the Use of his Majesty, his Heirs and Successors, for and upon all Rum and Melasses, which shall at any Time hereafter be imported and landed on this Island, the several Duties herein after mentioned; viz. For every Gallon of Rum, Three Shillings; and for every Gallon of Melasses, Nine-pence current Money; all which Duties shall be paid unto, and collected by, the Treasurer of this Island for the Time being, who is hereby authorized and required to collect and receive the same.

Rum, &c.
landed with-
out paying
the Duty, to
be seized, &c.

III. And, for preventing all clandestine importing and landing Rum and Melasses on this Island, be it further Enacted, by the Authority aforesaid, That if any Person shall land any Rum or Melasses on this Island, without paying the Duty aforesaid, or without giving Notice to the Treasurer for the Time being, such Rum and Melasses shall be liable to be seized by any Person whatsoever, and to be tried and condemned by any Judge or Justice of the Peace in this Island, who is hereby authorized and impowered to hear, try, and determine the Matter; the One Half of which Rum and Melasses, so condemned, all reasonable Charges being first defrayed, shall be delivered to the Treasurer, for the Use of his Majesty, his Heirs and Successors; and the other Half to the Person who shall inform, seize, or prosecute for the same: And if any Doubt shall arise upon a Seizure of any Rum or Melasses, whether the Rum or Melasses, so seized, be the Produce of this Island, or imported from some other Place, the Proof shall be upon the Owner or Claimer, and not upon the Prosecutor; any Law, Usage, or Custom to the contrary notwithstanding.

4s. per An-
num to be
paid for a Li-
cence to sell
strong Li-
quors;and 7s. for
Rum and
Rum-punch
only.

IV. And be it further Enacted, by the Authority aforesaid, That every Person who now does, or shall hereafter keep a Tavern or Victualling-house in this Island, or shall sell by Retail Wine, Ale, Beer, or any of those Liquors by Licence obtained for that Purpose from the Commander in Chief on this Island for the Time being, shall every Year such Person shall keep a Tavern or Victualling-house, or sell any of the aforesaid Liquors, pay unto the Treasurer the Sum of Fourteen Pounds current Money, the same to be paid Quarterly; and every Person who now does, or shall hereafter keep a Punch-house, and retail Rum or Rum-punch by Licence from the Commander in Chief on this Island for the Time being, shall every Year pay unto the Treasurer the Sum of Seven Pounds current Money, the same to be paid Quarterly; and if any Person shall presume to keep a Tavern or Victualling-house, without a Licence first obtained as aforesaid, such Person shall pay double the Sum before-mentioned in this Act for Tavern-keepers to pay; and if any Person shall keep a Punch-house, or retail Rum or

Rum

Rum-punch, without a Licence as aforesaid, such Person shall pay ^{A. D. 1735.} double the Sum mentioned in this Act for those who sell Rum and Rum-punch.

V. And be it further Enacted, by the Authority aforesaid, That if any Person, who shall keep a Tavern, Victualling-house, or Punch-house, and shall neglect or refuse to pay the several Sums herein before-mentioned, in Manner and Form as aforesaid, or any Part thereof, that then it shall and may be lawful to and for the Treasurer for the Time being, by Warrant obtained from the Commander in Chief on this Island for the Time being, who is hereby authorized and required to grant such Warrant, directed to the Provost-marshal, or his lawful Deputy, to distrain and take of the Goods and Chattels, Lands and Tenements, of the Person or Persons so neglecting or refusing, and the same to keep until such Person or Persons shall have paid the full Duty by this Act imposed; and in case such Person or Persons shall neglect or delay the Payment for the Space of Ten Days, that then it shall and may be lawful to and for the Treasurer to sell and dispose of such Distress at public Outcry, therewith to satisfy the Duty so neglected or refused to be paid, as also for his reasonable Charges and Expences, rendering to the Person or Persons so offending the Overplus, if any there should be; and if such Persons shall have no Goods or Chattels, Lands or Tenements, then the said Marshal shall take into his Custody such Persons, and them detain and keep until they shall have paid the full Duty by this Act imposed.

Duties how to be recovered in case of Refusal to pay the same.

VI. And, whereas several Persons sell and retail Wine and Rum, who do not keep a Tavern, or any public House; be it therefore Enacted, by the Authority aforesaid, That if any Person shall, after the Publication of this Act, sell or retail any Wine under the Quantity of Three Gallons, such Person shall, upon Proof made before any Justice of the Peace in this Island, by the Oath of one Witness, be subject to the same Penalties as are herein before provided for Persons who keep Taverns; and if any Person whatsoever shall sell or retail any Rum, under the Quantity of Three Gallons, such Person shall, upon Proof made as aforesaid, be subject to the same Penalties as they who keep Punch-houses: All which Penalties shall be levied, collected, and applied after the same Manner, and to the same Uses, as is herein recited: Provided always, That nothing in this Act contained shall be deemed, taken, or intended to prevent or debar Planters from selling or retailing Rum which they shall make upon their Plantations; any Thing in this Act contained to the contrary notwithstanding.

Persons retailing less than Three Gallons of Wine liable to the same Penalties as Tavern-keepers.

Retailers of less than 3 Gallons of Rum, liable to the same Penalties as Punch houses.

VII. And be it further Enacted, by the Authority aforesaid, That the Money arising by virtue of this Act, shall be applied to the Use of his Majesty's Forts and Fortifications in this Island, and to no other Use, Intent, or Purpose, whatsoever.

Money arising by this Act, how to be applied.

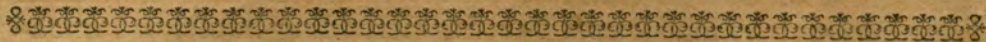
VIII. And be it further Enacted, by the Authority aforesaid, That this Act shall not be in Force until his Most Sacred Majesty hath given his Royal assent unto it.

Not to be in force 'till approved of by the Crown.

A. D. 1736.

No. 108.
Expired.

An Act for raising a Poll Tax on Negroes, and other Slaves, belonging to the Plantations and Inhabitants of the Island of Nevis.



No. 109.

An Act for qualifying Persons to sit in the Assembly.

Who to sit in
the Assembly.

Whereas the electing fit and proper Persons to serve as Members of the Assembly is a Matter of the greatest Consequence to the Island; we therefore, your Majesty's most dutiful and loyal Subjects, the Captain-General, and Governor in Chief in and over all your Majesty's Leeward *Charribbee* Islands in *America* and the Council and Assembly of your Majesty's Island of *Nevis*, do humbly pray your Most Sacred Majesty that it may be Enacted; and be it Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Captain-General, and Governor in Chief in and over all his Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, and by the Authority of the same, That from and after the Determination of this present Assembly, no Person shall be capable to sit or vote as a Member for the Assembly of the Island of *Nevis*, who shall not have an Estate-freehold for his own Life, or for some greater Estate, either in Law or Equity, to and for his own Use and Benefit, of or in Thirty Acres of manurable Land in the Island of *Nevis*, or be seized of Tenements or Hereditaments to the annual Value of Forty Pounds current Money, above Reprizes; and that if any Person, who shall be elected or returned to serve as an Assemblyman, shall not, at the Time of such Election and Return, be seized of, or entitled to such an Estate, in Lands, Tenements, or Hereditaments, as is herein before required or limited, such Election and Return shall be void.



No. 110. An Act for establishing; regulating, and disciplining the Militia Forces of the Island of Nevis.

Whereas this your Majesty's Island of *Nevis* is exposed to Invasions of Enemies in Time of War, and Insults of Pirates in Time of Peace, as well as to the Danger of Insurrections of the Slaves, whereby it becomes absolutely necessary, that the Inhabitants be rendered capable of defending the same in the best Manner possible; for which Purpose it is highly expedient that they should be formed into a well-ordered Militia; we therefore, your Majesty's most dutiful and loyal Subjects, the Captain-General of your Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of your Majesty's Island of *Nevis*, do pray your Most Sacred Majesty that it may be Enacted; and be it Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Captain-General, and Governor in Chief of your Majesty's Leeward *Charribbee*

Charribbee Islands in America, and the Council and Assembly of the Island of Nevis, and by the Authority of the same, That every Male free Person inhabiting this Island, being above the Age of Sixteen Years, and under the Age of Sixty Years, shall, within Six Weeks after the Publication of this Act, or within Six Weeks after his Arrival at this Island, to dwell and make his abode thereon, or within Six Weeks after his attaining the Age of Sixteen Years, enlist himself in the Troop of Horse, or some Company of the Regiment of Foot in this Island, on pain of forfeiting the Sum of Forty Shillings current Money for every Six Weeks such Person shall remain not enlisted; to be levied, in case of Refusal of Payment, on the Goods and Chattels of the Offender, by Warrant from the Commander in Chief on the Island for the Time being, or any Justice of the Peace, directed to the Provost-Marshal; all which Fines and Forfeitures shall be paid the One Half to the Treasurer of this Island for the Time being, for the Use of the Fortifications, and the other Half to the Field-Marshal.

A. D. 1736.
All Persons above the age of 16, and under 60, to serve in the Militia.

II. And be it further Enacted, by the Authority aforesaid, That all Persons inhabiting this Island, who are able to keep a good serviceable Horse, and proper Accoutrements (the Members of his Majesty's Council, the Chief Justice, and the Judge of the Admiralty for the Time being, only excepted) shall be enlisted in the Troop of Horse Guards of this Island; and in case any Dispute shall arise concerning the Ability of any Person to ride in the said Troop, the same shall be determined by a Council of War; and every Person appointed to ride in the said Troop, and also all other Persons whatsoever, who do not serve in the Foot, shall appear with a good serviceable Horse, a good Sword, a Case of Pistols, a good Fire-arms*, with Bucket, Belt, and Swivel, a Cartridge-pouch or Box, with Twenty Cartridges, a Pair of Boots and Spurs, a plain Leather Saddle, with complete Furniture, and shall keep by him besides, constantly in store, Sixty Cartridges, with Ball in them, which he shall bring with him in a Cartridge-Box or Pouch upon all Alarms and General Musters; and if any Person shall refuse to bring such Cartridges and Arms as aforesaid, upon Alarms and General Musters, he shall forfeit and pay Four Pounds Four Shillings, to be levied, collected, and applied, as other Fines imposed by this Act: **Provided nevertheless,** That there shall be Nine Months, after the Publication of this Act, allowed every Person to provide his Bucket, Belt, and Swivel.

Persons able to keep a Horse, to enlist in the Horse-Guards.

How to be armed and accoutred.

* Carbine.

III. And be it further Enacted, by the Authority aforesaid, That every Person appointed by this Act to serve on Horseback, who shall neglect to appear at such Times and Places as are by this Act directed, shall, without a reasonable Excuse, forfeit the Sum of One Pound Eight Shillings; and every Trooper appearing, but not complete in Arms, and accoutred as this Act directs, shall forfeit Fourteen Shillings current Money, for the Uses aforesaid: **Provided always,** That the Assemblymen for the Time being (Commission Officers, who at that Time serve in the Assembly, excepted) shall not be obliged to appear in the Troop, unless upon General Musters and Alarms; and every Person enlisted to serve on Foot, shall provide and appear with

Proviso.

Penalty on Horseman not appearing;

and on Trooper appearing ill accoutred. Proviso.

Foot-soldier how to be

A. D. 1736.
armed & ac-
countred.

Masters to
provide Arms
for their Men
Servants.

Penalty on
not appearing
or being ill-
accountred.

with one good Fire-arms, a Cartridge-box or Pouch, containing Twenty Cartridges, and shall have Sixty Cartridges made, with Ball in them, which he shall bring with him in a Cartridge-box or Pouch upon all Alarms and General Musters; and if any Person shall refuse to bring such Cartridges and Arms as aforesaid, upon Alarms and General Musters, he shall forfeit and pay the Sum of Two Pounds Sixteen Shillings current Money, to be levied, collected, and applied, as other Fines imposed by this Act; and if such Person hath not sufficient to pay such Fine, he shall be punished at the Discretion of a Court-martial; and Masters and Mistresses shall provide the like Arms for each of their Men-servants; provided, that all poor Freemen, who are not able to provide Arms and Ammunition for themselves, shall be supplied out of the public Magazine of this Island, which Inability shall be adjudged by the commanding Officer of each Company; and all Persons appointed by this Act to serve on Foot, shall appear at such Times and Places as are by this Act directed; and all Defaulters herein, not having a reasonable Excuse, shall forfeit, for every Default of Appearance, the Sum of Fourteen Shillings; and for not being armed and accountred, as before directed, Seven Shillings; and Masters and Mistresses refusing to send their Servants, provided as aforesaid, shall be liable to the aforesaid Forfeitures for the Default of each Servant, provided that such Default be not made through the Servant's own Neglect, in which Case every Servant guilty of making Default in any of the Premises, or spoiling or imbezzling the Arms or Ammunition provided for him, shall suffer corporal Punishment, by being tied Neck and Heels, or riding the Wooden Horse, not exceeding a Quarter of an Hour; and if, notwithstanding the Penalties aforesaid, any Person, disregarding the same, and contemning his Duty and Obedience to his Majesty, and the Laws, shall wilfully and obstinately refuse or neglect to appear, as by this Act required, for sundry successive Times, it shall and may be lawful for a Court-martial, on Complaint thereof, further to punish such refractory Person, by doubling, trebling, &c. the Penalties aforesaid, according to the Number of successive Times such refractory Person shall have offended.

Persons not
appearing on
Exercising
Days, to pay
the Fine.

IV. And, whereas several Persons have heretofore gone off this Island on Exercising Days, purely to avoid appearing in the Troop or Company; be it therefore Enacted, by the Authority aforesaid, That every Person who shall neglect to appear, as is by this Act directed, under Pretence of being off the Island at the Time of Meeting, shall, notwithstanding, pay his Fine, or be punished for Non-appearance, unless he make Oath before the commanding Officer of the Troop or Company to which he belongeth, that he did not go off the Island purely and on purpose to avoid meeting the said Troop or Company; which Officer is hereby authorized and impowered to administer such Oath, but shall not receive any Fee for [the] said Oath.

Fines by
whom to be
collected, and
how applied.

V. And be it further Enacted, by the Authority aforesaid, That the Fines and Forfeitures shall be collected by the Field-Marshal of this Island, on or before the next Exercising Day after the Default made;

made; Half of the said Fines to be paid as soon as collected to the Treasurer of this Island, for the Use of the Fortifications, and the Field-Marshal shall take the other Half to his own Use; and the Field-Marshal, before he enters upon the Execution of his Office, shall take the following Oath, to be administered to him by the Commander in Chief on this Island for the Time being; viz.

A. D. 1736.

I A. B. do swear, That I will duly and impartially execute every Duty enjoined me by this Act, without Favour or Affection.

Field-Marshal's Oath.

So help me God.

And if the Field-Marshal shall neglect or refuse to collect the Fines by this Act imposed, and pay One Half to the Treasurer, as the Act directs, he shall be suspended, and made incapable of serving his Majesty in that Post for the Time to come.

Field-Marshal making Default in collecting the Fines, to be suspended.

VI. And be it further Enacted, by the Authority aforesaid, That the commanding Officer of every Troop or Company who shall appear, shall, within a Week after any Default, give a List of all the Defaulters in his respective Troop or Company, with the particular Penalties they have incurred, to the Field-Marshal, under the Penalty of Five Pounds for each Default in duly making such Return; to be levied by Distress, by a Warrant from the Commander in Chief on the Island for the Time being, and applied as aforesaid; and if any Defaulters shall refuse to pay the said Penalties before the next Exercising Day, the Field-Marshal shall carry a List of such Refusers to the Colonel, or other commanding Officer for the Time being, of the Horse or Foot where such Defaulters shall be enlisted, who shall grant his Warrant, directed to the Provost-Marshal, to levy the said Penalties by Distress on the Goods and Chattels of such Defaulters, which shall be sold, at public Outcry, in Four Days, if the said Penalties be not sooner paid, and the Overplus, if any, shall be returned to the Parties, all reasonable Charges being first deducted; and if the Provost-Marshal shall not discover any Goods and Chattels of such Delinquent's whereon to levy, then he shall apprehend the Body of such Delinquent, and him bring before his said Colonel or commanding Officer, who, for Non-payment, shall send the said Delinquent, by *Mittimus*, to Charles Fort, there to remain in safe Custody, if he be of the Horse Guards, for a Time not exceeding Seven Days; and if such Delinquent shall be of the Foot, his Colonel or commanding Officer shall either imprison him as aforesaid, or order him to receive corporal Punishment in the Company to which he belongs the next Exercising Day, by being tied Neck and Heels, or riding the Wooden Horse, not exceeding a Quarter of an Hour.

Commanding Officer to give the Marshal a List of all Defaulters, that he may know on whom to levy the Penalties, &c.

VII. And be it further Enacted, by the Authority aforesaid, That if the Provost-Marshal shall neglect or refuse to execute any Warrant directed to him, as this Act directs, or shall not apprehend the Bodies of the Delinquents, if they be to be found, before the next Exercising Day, he shall be liable to the same Fines, as those Persons were on whom he neglected to levy or apprehend, according to the

Penalty on Marshal's Default.

A. D. 1736. Tenor of this Act; to be levied by Distress and Sale of his Goods and Chattels, by Warrant from the Commander in Chief on this Island, directed to any Constable; which Fines shall be applied to the Use of the Fortifications of this Island.

Penalty on Officers not appearing.

VIII. And be it further Enacted, by the Authority aforesaid, That if any Officer shall neglect to appear at his Post, according to his Duty, on all Occasions of Service or Exercise, such Officer shall, without a reasonable Excuse, forfeit, if a Field Officer, the Sum of Ten Pounds; if a Captain, the Sum of Five Pounds; if a Lieutenant, Cornet, or Ensign, Two Pounds Sixteen Shillings; and the said Forfeitures shall be collected in the Manner and to the Uses aforesaid; and in case of refusal of Payment, the Commander in Chief on this Island for the Time being shall, on Certificate of such Absence from the Commanding Officer of the Regiment, Troop, or Company, grant his Warrant to levy the same in Manner aforesaid:

Officer not to refuse Duty, by surrendering his Commission.

And no Officer shall neglect or refuse doing his Duty as as Officer, under Pretence that he hath or will throw up his Commission, under the Penalties aforesaid for every such Refusal or Neglect, unless such Officer doth, before such Refusal or Neglect, actually surrender up his Commission to the Commander in Chief on this Island for the Time being, and do immediately enlist himself in the Troop of Horse.

Penalty on persons refusing to perform Duty.

IX. And be it further Enacted, That if any Person of the Horse Guards or Foot, who shall appear, and shall refuse or neglect to do his Duty, or shall depart his Colours or Guard without Leave, such Person, if an Horseman, shall be fined Five Pounds current Money, to be levied and collected as is before expressed in this Act, and if the same be not paid on or before the next Exercising Day, he shall suffer Imprisonment in Charles Fort, by Warrant from the Commanding Officer, not exceeding Ten Days: Provided always, That no Gentleman of the Troop shall be obliged to hold the Horses of the said Troop; and if the commanding Officer shall order any Gentleman of the Troop to hold the Horses of the said Troop, he may refuse to do it, unless in Time of Action, without incurring the Penalty aforesaid; and if such Offender serve on Foot, he shall be fined Fifty Shillings, and if the same be not paid as aforesaid, he shall receive corporal Punishment, by being tied Neck and Heels, or riding the Wooden Horse, not exceeding a Quarter of an Hour:

Proviso.

Penalty on Soldier threatening his Officer, &c.

And if any Officer or other Person, either of the Horse or Foot, upon an Alarm, or in Time of Service or Exercise, shall strike or threaten his Officer, or shall strike or challenge any Fellow-Soldier, or shall be drunk, or begin, raise, or abet any Mutiny or Disturbance among his Fellow-soldiers, or shall seek Revenge upon his Officer for any Thing done in Pursuance of this Act; he shall be fined and imprisoned at the Discretion of a Court-martial, not exceeding Twenty Pounds Fine, or Twenty Days Imprisonment; and if such Person shall be a Servant, he shall suffer corporal Punishment, by riding the Wooden Horse, or being tied Neck and Heels, not exceeding a Quarter of an Hour: And if any Officer, upon an Alarm, or during the Time of Exercise, or being under Arms, shall strike any Person under

under his Command, he shall forfeit Twenty Pounds current Money; to be levied in the same Manner, and to the same Uses as aforesaid. A. D. 1736.

X. And be it further Enacted, That Persons enlisted in any Company in one Part of the Island, who shall remove their Abode to another Part of the Island, they may, if they think fit, enlist themselves in the Company where they go to abide. Persons removing, may enlist in that Part they go to.

XI. And, for the better and speedier disciplining the Militia, be it further Enacted, by the Authority aforesaid, That the Troop, and the several Companies, shall meet to be exercised Twelve Times in every Year, and no oftner; that is, the Troop on the last *Saturday* of the Month, every Month; and the Foot every first *Saturday* of every Month, at the usual Parades; and the said Troop and Companies shall always appear, on all meetings enjoined by this Act, except on Alarms and General Musters, by Nine o'Clock in the Morning, and be discharged by Twelve of the Clock the same Day: And General Musters of the whole Militia shall be once every Year, and no oftner. Militia to be exercised once a Month, &c.

XII. And be it further Enacted, That if any Gentleman of the Horse, except Magistrates and Commissioned Officers out of Commission, and Assemblymen for the Time being) shall refuse to serve as Brigadier or Sub-brigadier in the said Troop, being thereunto appointed by the Colonel or Commanding Officer of the Troop, such Gentleman shall forfeit the Sum of Five Pounds; or if any Person appointed by his commanding Officer to serve as Serjeant, or as a Drummer in the Foot Service, shall refuse the same, he shall forfeit and pay Fifty-six Shillings; and in case of any Failure of Payment of the said Forfeitures in a Week after such Refusal, the same shall be levied in Manner, and to the Use as the Fines above-mentioned are to be levied; but no Person shall be obliged to serve as Brigadier, Sub-brigadier, or Serjeant, longer than One Year. Penalty on Gentlemen of the Horse refusing to serve as Brigadier; and on Foot-Soldier as Serjeant, &c.

XIII. And be it hereby further Enacted, That all Field Officers of the Foot shall provide for their respective Companies Drums and Colours, on pain of forfeiting Five Pounds for every Six Months they shall be without them; and all Field Officers shall appear at the Head of their Men with red Sashes, and armed with Half-pikes, on pain of forfeiting Two Pounds Sixteen Shillings current Money, every Time they shall appear without them; and all other Officers of Foot shall appear armed each with a good Fire-arms, and other Accoutrements, as are herein before appointed, on pain of forfeiting or undergoing the same Fines and Penalties as other Persons are subject to who shall appear without them; all which Forfeitures shall be levied, collected, and applied, in case of Refusal of Payment, as Forfeitures herein before laid on Officers are to be levied, collected, and applied. Officers of the Foot to provide Drums and Colours for their respective Companies; how to appear at the Head of their men.

XIV. And be it further Enacted, by the Authority aforesaid, for the greater Encouragement of poor Men and Servants to behave themselves well in the Defence of this Island, That if any poor Man shall manfully behave himself in fight against the Enemy, and produce a Certificate thereof from his commanding Officer, he shall receive Clause to encourage poor Men and Servants to defend the Island.

A. D. 1736. receive, as a Gratuity, the Sum of Ten Pounds out of the public Treasury; and if a Servant, he shall moreover be free, and the Master or Mistress shall be paid by the Treasurer for so much of his Time as he hath to serve; and if any poor Man or Servant shall be disabled, he shall receive during his Life, if he shall so long make his Abode on this Island, the yearly Salary of Ten Pounds out of the public Treasury.

In Time of Alarms Surgeons to attend the Troop and take care of the Sick and Wounded, &c.

XV. And be it further Enacted, by the Authority aforesaid, That the Surgeons, and all others licensed to practise Physic in this Island, shall attend the Troop and Companies with Medicines and Instruments, in such Places as shall by the Commander in Chief on the Island be assigned them in Time of Insurrections, Invasions, and Alarms, to take care of the Sick and Wounded; and for their Care and Medicines administered to poor Men and Servants, wounded or sick in the Service, they shall be paid out of the public Treasury of this Island, and for such Attendance they shall be excused all other personal Duty in the Militia; and if a Surgeon shall neglect or refuse to take care of the Sick and Wounded, and be convicted thereof before the Commander in Chief for the Time being, he shall forfeit and pay Fifty Pounds; to be levied by a Warrant from the Commander in Chief, directed to the Provost-Marshal, in the Manner aforesaid, and applied to the Uses of the Fortifications.

Alarms when to be made.

XVI. And be it further Enacted, by the Authority aforesaid, That Alarms shall be made upon the Appearance of Three-Top-Sail Vessels, or Five Sloops, or other Vessels, in Time of War, and in Time of Peace upon the Appearance of Five Ships, or Seven Sloops, and not otherwise, unless ordered by the Commander in Chief on the Island for the Time being, upon credible Advice of some intended Invasion, Insurrection, or imminent Danger, or to receive a new General, or when a new General shall choose to review the Militia; and on the Appearance of the several Troops, the Commander in Chief shall not continue the said Alarm longer than Six Hours, unless he shall be thereunto advised by his Majesty's Council in this Island; and for the more speedy carrying on an Alarm, the Commander in Chief on this Island for the Time being, is authorized to place great Guns in the most convenient Places of the Island for that Purpose, and also to appoint some fit Person, an Inhabitant next adjacent to the Place where the Guns are, to fire off the said Guns on all Alarms, to give Notice to the Inhabitants of the Island, which Person so appointed shall be excused from all other Military Duty; and if any Person so appointed shall neglect or refuse to set forward an Alarm, by firing the Guns as aforesaid, he shall be tried by a Court-Martial, and shall suffer Imprisonment for a Time not exceeding Thirty Days; and the firing Two great Guns, and no more, distinctly, in a small Space of Time, one after the other, shall make an Alarm at any Time, but the firing Three small Arms distinctly one after the other, shall make an Alarm after Eight a Clock in the Night.

Persons not appearing on Alarms, to be

XVII. And be it further Enacted, by the Authority aforesaid, That all Persons shall appear at their Alarm-posts as soon as possible they can,

can, after the Alarm-guns are fired; and in case they do not, they shall, upon lawful Conviction, be punished by a Court-Martial, by Fine and Imprisonment, not exceeding Fourteen Days Imprisonment, and Forty Pounds Fine.

A. D. 1736.
punished by a Court-martial.

XVIII. And be it further Enacted, by the Authority aforesaid, That whosoever shall spread or make any false Alarm, shall suffer Fine and Imprisonment as a Court-Martial shall think fit, not exceeding One Hundred Pounds, and One Month Imprisonment; which Fine shall be levied by Warrant from the Commander in Chief on the Island, on the Goods and Chattels, Lands and Tenements, of the Offender, and applied to the Use of the Fortifications; and no Person whatsoever shall fire any Gun, great or small, or Pistol, except it be in his own Defence, or upon some lawful Occasion; shall beat, or suffer to be beaten, any Drum, except upon an Alarm, after Eight a Clock at Night, under the Penalty of a severe Whipping, if the Offender shall be a Slave, and Five Pounds if a white Man, upon Conviction before any Justice of the Peace; to be levied on the Goods and Chattels of the Offender by Warrant from the said Justice, and on Default of Goods and Chattels, the Offender shall be imprisoned One for Month; and the said Fine shall be Half to His Majesty, for the Military Uses of the Island, and the other Half to the Informer.

Penalty on making false Alarms, &c.

XIX. And be it further Enacted, That the Councils of War, and Courts-Martial, shall not consist of less than Nine Commission Officers, whereof Three at least shall be Field Officers, and none under the Degree of a Captain; and in case, during the Time the Martial Law shall be in Force, any Crime shall be committed which, by the said Law, is punishable with Death, and whereof the Trial is to be by a Court-Martial, then the Court-Martial shall not consist of less than Thirteen Officers, and every Officer shall concur to the Sentence, and, before they go upon the Trial, shall take the following Oath, to be administered by any Justice of the Peace; viz.

Councils of War, and Courts-martial to consist of 9 Commission Officers 3

but in Cases of Death, not less than 13.

YOU shall well and truly try and determine, according to your Evidence, the Matter now before you, between our Sovereign Lord the King, and the Prisoner now to be tried.

Their Oath.

So help you God.

And Courts-Martial shall keep, in a fair Book, an exact Register of all their Proceedings; and if any Officer, being duly summoned, shall neglect to attend Courts-Martial, and Councils of War, not having a reasonable Excuse, such Officer shall forfeit as for Non-appearance at his Post; and every Officer who shall be summoned to Courts-Martial upon Trials of Life and Death, and shall neglect or refuse to attend such Court, shall forfeit to his Majesty the Sum of One Hundred Pounds current Money to and for the Uses of the Fortifications; to be levied by Warrant from the Commander in Chief on this Island, on the Goods and Chattels, Lands and Tenements, of the Offender: And no Person shall have authority to call a Council of War, or Court Martial, but the Commander on this Island for the Time being.

Penalty on Officers neglecting to attend Courts-martial, &c.

Who may call a Council of War.

A. D. 1736.

Who to regulate and settle the Guards and Rounds, &c.

XX. And, because in Time of War there may be an absolute Necessity to have frequent regular Guards kept in the Night, to prevent Privateers from landing, and also to go the Grand and Petty Rounds, and in Time of Peace to prevent the Insults of Pirates, or the Influences of Slaves; be it further Enacted, That whenever the Commander in Chief on this Island shall, by and with the Advice and Consent of his Majesty's Council of this Island, judge it necessary to appoint Guards and Rounds as aforesaid, the said Commander in Chief shall, with the Advice of a Council of War, regulate and settle such Guards and Rounds, so that all the Inhabitants may, in their Turns, do equal Duty; and whoever shall neglect to appear at his Post in such Guards and Rounds, shall, without a reasonable Excuse, suffer the Penalties herein before appointed for Non-appearance; and appearing, but neglecting or refusing to do his Duty, or Depart without Leave, shall suffer the Penalties herein before appointed for refusing to do Duty.

Persons aggrieved, may have Remedy at Law, &c.

XXI. And be it further Enacted, by the Authority aforesaid, That any Person aggrieved by false and undue Returns, or otherwise injured, under Colour or Pretence of this Act, for which no Remedy is hereby provided, may have his Action at Law for the same, provided such Action be commenced within the Two next Courts after the Cause of Action accrued; and if the Verdict shall pass for the Plaintiff, he shall recover double Damages, and Costs; but if the Verdict shall pass for the Defendant, or the Plaintiff shall discontinue his Action, or become nonsuited, the Defendant shall receive treble Costs for the unjust Vexation: And any Person sued for any Thing done by virtue of this Act, may plead the General Issue, and give this Act in Evidence.

General Issue.

Persons under Arms, protected from Arrests.

XXII. And be it further Enacted, by the Authority aforesaid, That no Person under Arms, or going to, or returning from, his Military Service, or doing any Duty enjoined him by this Act, shall be liable to Arrests in civil Actions.

Serjeant to summon Inhabitants to appear twice a Year with Two Thirds of their dutiable Slaves, &c. to build and repair the Guard-houses &c.

XXIII. And be it further Enacted, by the Authority aforesaid, That every Captain or Commander of every Company in this Island shall issue forth his Warrant, directed to the Serjeants of each Company, to summon the Owners, Renters, or Managers, of all Slaves within the Division to which the said Company doth belong, to appear with the Two Thirds of their dutiable Slaves, with proper Tools, at such Place or Places as shall be appointed by the said Captain or Commander of the Company, twice every Year; viz. on the first Monday in August, and first Monday in December, yearly, to build, amend, and repair the Guard-houses, Breast-works, and other Fortifications, and also to amend the Round Paths of this Island; and if any Captain or Commander of a Company shall neglect or refuse to send his Warrant to his Serjeant, to summon the Inhabitants of the Division as aforesaid, he shall forfeit and pay the Sum of Four Pounds; and if the Serjeant shall refuse or neglect to summon the Inhabitants as aforesaid, he shall forfeit and pay the Sum of Forty Shillings; and if the Owners, Renters, Managers, or Overseers of Slaves, shall neglect or refuse to appear at such Place or Places as shall be appointed

Penalty.

pointed as aforesaid, or appearing, shall depart without Leave, or shall not bring or send the Two Thirds of their dutiable Slaves, with proper Tools, such Person or Persons so offending, shall, for every such Offence, forfeit and pay Twenty-eight Shillings each Day for every Owner, Renter, Manager, or Overseer, and Three Shillings each Day for every Slave who does not appear as aforesaid, unless the Owner, Manager, or Overseer, make Oath before the Commander of such Company (who is hereby authorized to administer such Oath, for which he shall receive no Fee) That he had sent the full Number of Negroes enjoined by this Act, and that the Non-appearance of such Negroes was the Negroes own Fault; all which Fines shall be levied by Warrant from the Commander in Chief on this Island, directed to the Provost-Marshal, on the Goods and Chattels of the Offenders; which Fine shall be paid to the Treasurer of this Island for the Time being, for the Use of the Military Government and Fortifications.

A. D. 1736.

XXIV. And be it further Enacted, by the Authority aforesaid, That the Round-paths and Breast-works shall be amended and repaired according to the Proportion which shall be agreed upon and settled by the Council and Assembly of this Island.

Council and Assembly to agree about the repairing the Breast-works.

XXV. And be it further Enacted, by the Authority aforesaid, That the Articles of War hereafter mentioned, shall be in Force during the Time of Alarms, whilst this Island is actually invaded by a public Enemy, or in Time of any Insurrection of the Slaves, and no Time else; any Thing in this Act, or any Law, Usage, or Custom, to the contrary notwithstanding: And that all Courts-martial shall consist of Militia Officers of this Island only, and no other.

Articles of War to be in force in Time of Alarms only.

Courts martial of whom to consist.

A R T. I.

Whosoever shall impiously blaspheme the Deity, or any of the Persons of the blessed holy Trinity, and be convicted of the same by the Oath of Two or more credible Persons, before the Commander in Chief for the Time being, or before the Colonel or Commander of the Troop or Company for the Time being he shall belong to, shall, for such Offence, be punished at the Discretion of a Court-martial.

Articles of War.

Blasphemy to be punished by a Court-martial.

II.

Whosoever, being set Centinel, or on his March, or Guard, or Watch, or other Service, shall be found drunk, shall be punished at the Discretion of a Court-martial.

Centinel found drunk on his Post by ditto.

III.

Whosoever, in favour of the Enemy, or other Pretence whatsoever, shall presume to say, or secretly insinuate to any Person, that his Majesty's Forces are not lawful or necessary, shall be punished at the Discretion of a Court-martial.

Saying the Forces are unlawful, by ditto.

IV.

All Persons that shall conspire against our Sovereign Lord the King, or any of his Majesty's Dominions or Countries, to betray the same

Conspiring against his Majesty, Death & fame

A. D. 1736. fame into the Hands of the Enemy, shall suffer Death as a Traitor and Rebel.

A R T. V.

or the Cap-
tain-Gener-
al, &c.

Whosoever shall conspire the Death, or betray into the Hands of the Enemy, the Captain-General of the Leeward Islands, or any of the Governors or Commanders in Chief of any of the said Islands for the Time being, or any Officer commanding in Chief on any Expedition, or shall entice or persuade either Officer or Soldier to join or engage in any traiterous or rebellious Act, either against his Majesty's Interest or Government, shall suffer Death for it.

VI.

Not making
it known to
his superior
Officers, dit-
to.

Whosoever shall not relate to his superior Officer such Conspiracy as soon as ever it shall come to his Knowledge, shall be adjudged equally guilty with the Contriver, and shall suffer the same Punishment.

VII.

Giving Intel-
ligence to the
Enemy,
Death;

All such Persons as shall by Discourse, making Signs, writing Letters, or otherwise shall practise and entertain Intelligence with the Enemy, or others in Action against his Majesty, without Direction from the Commander in Chief, shall be punished as a Traitor and Rebel.

VIII.

or assisting
him.

No Person shall assist or relieve any Enemy with Money, Victuals, or Ammunition, or other Necessaries, upon pain of Death; no way hereby intending or meaning such charitable Relief as shall or may be given to such Enemies as shall be taken Prisoners.

IX.

Mutiny, &c.
ditto.

Whosoever shall begin or maintain any Mutiny, or shall give or deliver up any Fort, Town, or other Place of Strength unto the Enemy, as likewise any Magazine of Victuals, Arms, or Ammunition, but upon Extremity, or that shall mutinously move any such yielding, unless called upon to advise the Governor or other Commanding Officer, shall be executed as a Traitor.

X.

deserting to
the Enemy
ditto.

Whosoever shall revolt, or run away to the Enemy, or shall but attempt the same, shall be punished with Death as a Traitor.

XI.

Centinel
sleeping on
his Post to be
punished by a
Court-marti-
al.

Whosoever shall be convicted to have slept upon his Post, whilst a Centinel, or shall quit or leave the same before he be relieved, shall be punished at the Discretion of a Court-martial.

XII.

Not to Chal-
lenge another
in Time of
Alarm:

No Man shall challenge or defy any other in Time of Alarm or private Exercise, or shall accept of a Challenge from another, upon pain of such Punishment as shall be allotted him or them by a Court-martial.

A R T. XIII.

A R T. XIII.

After the Guard or Watch is set, no Man shall quit or leave his Post but by Licence of his superior Officer, and shall return according to the Tenor of the said Licence, or other Command given, under the Penalty of being punished at the Discretion of a Court-martial.

A. D. 1736.
Nor depart
Guard with-
out Licence.

XIV.

Whosoever shall make known the Watch-Word, without Order, or give any other Word than what is given, shall suffer such Punishment as a Court-martial shall think fit.

Not to di-
vulge the
Watch-word.

XXVI. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force from the Day of the Date hereof, for Three Years, and from thence to the next Meeting of the Council and Assembly of this Island, and for no longer Time.

Continuance
of this Act.

Vide an Act concerning the Militia, passed in 1705, No. 62.



An Act to amend, explain, and make more effectual an Act made in the Fourth Year of the Reign of King George the First, intituled, An Act for the good Government of Negroes and other Slaves in this Island.

A. D. 1737.
No. III.

Whereas there are many Defects in the Law, intituled, An Act for the good Government of Negroes and other Slaves in this Island, and also some Neglects in the Execution of the same, so that the said Act is not effectual to the End for which it was made; we therefore, your Majesty's most dutiful and loyal Subjects, the Captain-General and Governor in Chief of your Majesty's Leeward Charribbee Islands in America, and the Council and Assembly of the Island of Nevis, do humbly pray your Most Sacred Majesty that it may be Enacted; and be it Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the said Captain-General and Governor in Chief, and the Council and Assembly of the Island of Nevis, and by the Authority of the same, That all the Clauses in the said Law, now in Force, concerning the Government of Negroes and other Slaves, and not hereby altered, shall be duly put in Execution, according to the Tenor of the said Law.

A former Act,
not hereby
altered, to be
duly put in
Execution.

II. And, for the speedier Punishment of Persons who shall Transgress the said Law, be it hereby Enacted, by the Authority aforesaid, That all Persons who shall transgress any Clause of the aforesaid Law, and are by the said Law to be convicted at a General or Quarter Sessions, and no where else, such Persons shall or may, for the Time to come, be convicted before any One Justice of the Peace for this Island, and may be fined by the said Justice, according to the Tenor of the said Law; and if the said Fine be not immediately paid, such Justice is hereby empowered, by Warrant, directed to the Provost-Marshal, or any Constable, to distrain on the Goods and

Transgressors
of the said
Act, who
could only be
convicted at
a General or
Quarter Sessi-
ons, may be
convicted by
One Justice
of the Peace,
&c.

A. D. 1737. Chattels of such Offenders, and such Distress to sell at public Outcry, to satisfy the said Penalties, rendering the Overplus, if any, to the Owner; any Law, Usage, or Custom to the contrary notwithstanding.

Penalty on Masters suffering Negroes to feast or beat Drums in their Plantations on the Sabbath Day, &c.

III. And, whereas it is a common Practice for Negroes to meet in great Companies on the Sabbath Day, feasting, drinking, and gaming, whereby Quarrels, Fightings, and Murders, frequently happen, notwithstanding the Penalties imposed by the said recited Act; be it therefore Enacted, by the Authority aforesaid, That if any Master, or other Person having the Management of a Plantation, shall, for the Time to come, suffer any Feast to be made on the Sabbath Day, or any other Time, or suffer any Negro-drum, great or small, to beat for the Space of one Quarter of an Hour at his respective Plantation, such Master or Manager, being convicted thereof, before any Justice of the Peace, by the Oath of One credible Person, shall forfeit and pay the Sum of Five Pounds current Money; and in case of Refusal of Payment, the same to be levied on the Offenders Goods and Chattels, by Warrant from the said Justice, directed to the Provost-Marshal, or to any Constable; which Goods so levied on shall be sold at public Outcry within Four Days, if the Penalty be not sooner paid, to satisfy the said Penalty, with Costs, rendering the Overplus, if any, to the Owner; the One Half of which Fines shall be paid to the Informer, and the other Half to the Poor of the Parish where such Offence shall be committed; and all Slaves who shall make such Feasts, and entertain such Companies, shall moreover be publicly whipt, by Order of the said Justice of the Peace, and the Owner shall be obliged to pay the Charges: *Provided nevertheless*, [and] it is the true Intent and Meaning of this Act, That if the Owner, or other Person having the Management of a Plantation where such Feast shall be made, or Drum beat, shall make Oath before the said Justice, that such Feast or Drumming was not by his Consent or Knowledge, in such Case the said Owner or Manager shall not be subject to the aforementioned Penalty.

Slaves making such Feasts to be publicly whipt.

Proviso.

Constable to disperse riotous Slaves, &c.

IV. And be it further Enacted, by the Authority aforesaid, That if any Constable shall know or be informed of any great Company of Slaves being unlawfully and riotously got together, he is hereby authorized, empowered, and required, to take a sufficient Guard and disperse them; and if the said Slaves refuse to disperse by fair Means, it shall and may be lawful for the said Constable to force them to separate, by beating or wounding them; and if any Constable shall neglect or refuse to do his Duty herein, in separating such Companies of Slaves, or shall know of any Drum, great or small, beaten by Negroes, contrary to the Intent and Meaning of this Act, and shall not inform some Justice of the Peace thereof, such Constable shall, being convicted thereof before any Justice of the Peace by the Oath of One credible Witness, forfeit and pay the Sum of Five Pounds current Money; to be levied and applied in the same Manner, and to the same Uses, as other Forfeitures in this Act before-mentioned are to be levied and applied.

Penalty on his Neglect.

V. And

V. And whereas by the said recited Act it is Enacted "That if ^{A. D. 1737.} any Negro or other Slave shall suffer Death by virtue of the said Act, the Owner of such Negro or other Slave shall be paid for him "out of the public Treasury, not exceeding Thirty Pounds current Money;" but there is no Provision made for any Payment to the Person whose Slave shall be murdered, or his Goods stolen, whereby many Felonies are compounded, and the Criminals are not brought to Justice; for Remedy whereof, **be it hereby Enacted**, by the Authority aforesaid, That if any Slave for the Time to come shall suffer Death for the Murder of any other Slave, the Owner of the Slave who shall suffer Death shall be paid only the One Half Part of what was allowed by the forementioned Act, and the other Half Part shall be paid by the Treasurer to the Owner of the Slave murdered; and if any Slave shall suffer Death for stealing, the Treasurer is hereby required to pay the Person whose Goods were stolen as much as the Justice who condemned the Slave shall certify they were worth, provided the Goods stolen amount not to more than Half the Value of what the Owner of the Slave who committed the Felony is to receive out of the public Treasury; but if the Goods stolen should amount to more than Half the Value, then the Person whose Goods were stolen shall receive the Half Part of what the Owner of the Slave who suffered Death was to have received, and no more, and the Remainder to the Owner of the Slave who shall suffer Death; any Law, Usage, or Custom to the contrary notwithstanding.

Clause in favour of Persons whose Slaves shall be murdered by other Slaves, or Goods stolen.

VI. And, for the more effectual preventing Slaves who have committed Murder from escaping without Punishment, **be it Enacted**, by the Authority aforesaid, That if any Owner of a Slave who hath committed Murder shall privately convey the said Slave away from the Island, to prevent and avoid his being brought to a Trial, such Person shall forfeit and pay the Sum of Fifty Pounds current Money; the one Moiety to his Majesty, his Heirs and Successors, towards defraying the public Charges of this Island, and the other Moiety to the Owner of the Slave murdered, who shall recover such Penalty for the King and himself by Suit, Plaint, or Information, or Action *qui tam*, &c. in the Courts of Kings-Bench and Common-Pleas in this Island, where no Esloign, Wager of Law, or more than One Impar lance shall be allowed: And if any Person who hath a Slave murdered by another Slave, shall neglect or refuse to prosecute the Murderer, it shall and may be lawful for any Person to prosecute the Murderer, and if he shall suffer Death for the same, the Person who prosecuted shall receive out of the public Treasury the Sum which the Owner of the Negro murdered would have been entitled to if he had prosecuted, and the Owner of the said Slave shall receive nothing.

Penalty on Owners of Slaves who have committed Murder, conveying them off the Island, &c.

VII. And **be it further Enacted**, by the Authority aforesaid, That no Slave shall suffer Death for stealing Sheep, Goats, or Hogs, under the Value of Five Pounds current Money, but such Slave shall be publicly whipt, by the Order of any One Justice of the Peace; and the said Justice is hereby impowered and required to award Payment

In what Cases Slaves not to suffer Death.

to

A. D. 1737. to be made by the Owner of such Offender to the Party whose Sheep, Goats, or Hogs were stolen, with Costs, and in case of refusal of Payment, by Warrant to distrain for the same, and such Distress to sell at public Outcry.

Slaves coming to the Island in Barklogs, &c. without a credible white man, to be publicly whipt, &c.

VIII. *And*, whereas Negroes frequently come from the Island of *St. Christopher* in Barklogs, Boats, and Canoes, to this Island, on the Sabbath Day, to feast and carouze, and often land secretly in the Night in some private Bay, where they receive stolen Goods, and often clandestinely carry away Negroes from the Island, to the great Detriment of the Inhabitants; *be it hereby Enacted*, by the Authority aforesaid, That if any Negro shall, after Six Weeks from the Publication of this Act, come to this Island in any Barklog, Boat, or Canoe, without any white Man of good Credit with them, it shall and may be lawful for any white Person whatsoever to apprehend any such Negro or Negroes, and deliver him or them to the Provost-Marshal of the Island, or his lawful Deputy, who is hereby authorized, impowered, and required, to whip such Negro in the public Market-place, not exceeding Forty Lashes, and then safely to keep them in the common Gaol of the Island, until the Master or Owner shall pay unto the Provost-Marshal, or his lawful Deputy, Six Pounds current Money for each Slave so taken, for the Use of the Person who shall apprehend them, besides the Gaol Fees; and if the Master or Owner of any such Slave cannot be known, or such Slave shall lie in Gaol for the Space of Three Months, then the Provost Marshal, or his lawful Deputy, is hereby impowered and required to sell such Slave at public Outcry, to satisfy the said Sum of Six Pounds, and all other Charges, and to return the Overplus, if any, to the Owner; or if the Owner cannot be found, to the Treasurer of the Island for the Time being, who shall be accountable for the same to the Public of this Island, or to the Owner of such Slave, whenever he shall appear; and the Provost-Marshal, ~~and his~~ Deputy, is hereby required, upon putting any Slave, delivered unto him as aforesaid, in Prison, immediately to put up Publication thereof at the Court-House Door, and to give a particular Description of the Slave in the Publication, and no Slave put in Prison as aforesaid, shall be sold without such Publication being first made.

or going from the Island, &c.

IX. *And be it Enacted*, by the Authority aforesaid, That if any Slaves shall, for the Time to come, go from this Island in any Boat, Canoe, or Barklog, to any other Island, without a credible white Person with them, such Slaves shall be publicly whipt by Order of any Magistrate; and if any Slave shall presume to be Owner of any Boat, Canoe, or Barklog, such Slave shall be publicly whipt, and the Boat, Canoe, or Barklog shall be burnt, by Order of any Justice of the Peace.

X. *And*, forasmuch as Slaves frequently keep Shops in *Charles Town*, and sell several sorts of Goods, Wares, and Merchandizes, Rum, and other strong Liquors, in the Town, and in the Country, to other Slaves, for which they often receive stolen Goods, which is an Encouragement for Slaves to steal from their Masters, and is a Detriment to the Inhabitants; for remedy whereof, *be it Enacted*,
by

by the Authority aforesaid, That for the Time to come it shall not ^{A D. 1737.} be lawful for any Slave whatsoever to keep a Shop in *Charles Town*, ^{No Slave to keep a Shop in Charles Town, &c.} or to sell any Goods, Wares, Merchandizes, Rum, or any other strong Liquor, either for themselves or for their Owners, or for any other Persons, in any House, or in the public Street, or in the Country; and if any Slave whatsoever shall, after the Publication of this Act, keep any Shop, or sell, or offer for Sale, any Goods, Wares, or Merchandizes, Rum, or any other strong Liquor, contrary to the Intent and Meaning of this Act, upon Information, and due Proof made thereof to any Justice of the Peace, the said Justice is hereby authorized, impowered, and required, to grant a Warrant, directed to any Constable, to seize such Goods, Wares, Merchandizes, Rum, or any other strong Liquors; and the Goods, Wares, Merchandizes, Rum, or other strong Liquors, so seized, shall be forfeited, and sold at public Outcry, and the One Moiety of the Produce of such Sale, all reasonable Charges being first defrayed, shall be paid to the Treasurer of this Island for the Time being, for the Use of his Majesty, his Heirs and Successors, and shall be applied towards the defraying the public Charges of this Island and the other Moiety to the Informer: ^{Proviso.} Provided always, and, it is hereby Enacted, That nothing in this Act contained shall extend, or be construed to extend, to prohibit any Slave from selling, or exposing to Sale any fresh Fish, fresh Meat, Poultry, or any Produce or Manufacture of this Island, except Rum, and other strong Liquors; any Thing herein contained to the contrary notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That ^{Persons sued may plead the General Issue.} if any Person or Persons shall be sued, molested, or troubled, for putting in Execution any of the Powers contained in this Act, or for doing any Matter or Thing pursuant therunto, such Person or Persons shall and may plead the General Issue, Not Guilty, and give the Special Matter in Evidence.

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*An Act to oblige all Vessels having the Plague, Small-pox, or other contagious Distempers on board, or coming from Places infected with such Distempers, to perform a due Quarentine; and to prevent the Plague, Small-pox, and other contagious Distempers being brought from Foreign Parts to the Island of Nevis; and to hinder the spreading of Infection.* 120, 112.

Whereas several Parts of the World are infected with the Plague, Small-pox, and other contagious Distempers, which, unless due Care be taken, may be brought unto this Island, by Vessels coming directly from those Parts; and forasmuch as this Island hath severely suffered by the Small-pox, and other infectious Distempers, brought hither by Vessels coming from the Coast of *Guinea*, and other infected Places; and whereas it is necessary that some Provision be made, by an Act, to prevent, as much as may be, such Distempers being brought into this Island, or, in case it should please Almighty God to permit this Island to be inflicted with such Dis-



A. D. 1737. tempers, to hinder the spreading of Infection; we your Majesty's most dutiful and loyal Subjects, the Chief Governor of your Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, do pray your Most Sacred Majesty that it may be Enacted; and be it Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the said Chief Governor, and the Council and Assembly of the Island of *Nevis*, and by the Authority of the same, That for the Time to come, all Vessels having the Plague, Small-pox, or other contagious Distemper on board; and all Persons, Goods, and Merchandizes whatsoever, coming or imported in such Vessels; and all Vessels coming from any Place infected with such Distempers, or from any Place from whence the Commander in Chief on this Island for the Time being, with the Council, shall judge it probable that the Infection may be brought, shall be obliged to make their Quarentine in such Place, for such Time, and in such Manner as by this Act is hereafter directed; and that until such Vessel, Persons, Goods, and Merchandizes, shall have respectively performed, and be discharged from such Quarentine, no such Persons, Goods, or Merchandizes, or any of them, shall come or be brought on shore, or go or be put on board any other Vessel lying at any Place in this Island, unless in such Cases, and by such Licence as hereafter is directed and permitted by this Act: And all Masters or Commanders of such Vessels, who shall presume to put on shore, or put on board any other Vessel lying at Anchor at any Place in this Island, any Person, Goods, or Merchandizes, contrary to the true Intent and Meaning of this Act, having first Notice thereof, as hereafter specified, shall forfeit the Sum of One Hundred Pounds current Money.

Penalty on  
Masters of  
Ships coming  
from infected  
Places, land-  
ing Persons or  
Goods.

Gunner of  
the Fort may  
hinder such  
Persons land-  
ing.

II. And, to the End it may be the better known whether any Vessel be actually infected with the Plague, Small-pox, or other contagious Distemper; or whether such Vessel, the Mariners, or the Cargo, coming or imported in the same, are liable to perform Quarentine; be it Enacted, by the Authority aforesaid, That the Gunner of the Forts of this Island shall, for the Time to come, hail every Vessel that shall come into the Road, and shall demand of the Commander of such Vessel, from whence the Vessel came, or whether any Person on board hath the Small-pox, or any contagious Distemper; and if he shall be informed, that the said Vessel hath come from the Coast of *Guinea*, or from any Place infected with the Plague, Small-pox, or any contagious Distemper, the said Gunner is hereby required to give Notice to the Commander of the said Vessel, of the Penalties imposed by this Act, and to forbid his putting on shore, or on board any other Vessel lying at Anchor at this Island, any Person or Goods; and if the Commander of such Vessel shall, notwithstanding such Notice given him, endeavour to send his Boat on shore, the Gunner is hereby impowered and required to hinder such Boat from coming to the Shore, by any kind of Force and Violence; and if any Person or Persons shall come on shore from such Vessel, it shall and may be lawful, by Force and Violence, to compel such Person or Persons to return on board the said Vessel; and in case any Vessel shall



shall come from any Place visited with the Plague, or Small-pox, or have any Person on board actually infected with the Plague, Small-pox, or other contagious Distemper, and the Commander of such Vessel, upon Demand made as aforesaid, shall not make a true Discovery thereof, such Commander shall forfeit the Sum of One Hundred Pounds current Money: And the Commander in Chief on this Island for the Time being is hereby authorized and required to appoint some Surgeon to inspect all Vessels coming from the Coast of *Guinea*, or any other infected Place, to whom the Gunner of the Forts in this Island shall give immediate Notice of the Arrival of any Vessel from the Coast of *Guinea*, or from any other infected Place; which Surgeon shall immediately go on board such Vessel, and shall make strict Enquiry, whether any Person on board hath any infectious Distemper, or whether any Person on board hath lately had any such Distemper, the Infection whereof may still remain in the Vessel; and if he shall find that there is any Infection on board, he shall acquaint the Commander of the said Vessel with the Purport of this Act, and enjoin him to depart immediately from the Island, or remove to the Place appointed by this Act to perform Quarentine; and if the Commander of such Vessel shall refuse or neglect so to do, the Surgeon shall give Notice to the said Gunner, who is hereby required to oblige the said Vessel to sail immediately from the Island, or to remove to the Place appointed to perform Quarentine, by firing small Arms or Guns from the Fort or Battery.

III. And be it further Enacted, by the Authority aforesaid, That if the Surgeon shall be fully satisfied that there is no infectious Distemper on board such Vessel coming from the Coast of *Guinea*, or from any other infected Place or Country (Places actually infected with the Plague excepted) he is hereby required to give a Certificate thereof to the Commander of the Vessel, and give the Gunner Notice thereof, that the Persons on board may be permitted to come on shore, and the Vessel to unlade; and the said Surgeon is hereby authorized, before he gives such Certificate, to demand and receive of the Commander of such Vessel One Pound Eight Shillings current Money for his Trouble, in going on board, and inspecting the said Vessel.

IV. And be it further Enacted, by the Authority aforesaid, That if any Person whatsoever shall offer to go on board any Vessel before the Gunner hath hailed her, or shall offer to go on board any Vessel coming from the Coast of *Guinea*, or other infected Place, before the Surgeon hath searched the Vessel, and made a Report of the Health of the Persons on board, the Gunner is hereby required to hinder such Person from going on board any such Vessel, by firing upon the Boat from the Fort.

V. And be it further Enacted, by the Authority aforesaid, That no Person, who shall go in the Boat with the Surgeon, shall go on board the Vessel until the Surgeon hath examined the said Vessel, and shall find that there is no infection on board, under the Penalty of One Month's Imprisonment; the Offenders to be committed by Warrant from any Justice of the Peace in this Island; and the Sur-

geon

A. D. 1737.

Commander in Chief to appoint a Surgeon to search Ships, &c.

Surgeon to give a Certificate to the Commander, if no infectious Persons are on board.

His Fee.

Penalty on Persons going on board before Ship is searched.

Penalty on Surgeon permitting any Persons to come ashore with him from the Vessel.



*A. D. 1737.* } geon shall not permit any Person whatsoever to come on shore from any Vessel which hath any Infection on board in the same Boat with him, under the Penalty of forfeiting One Hundred Pounds current Money.

and on Sailors belonging to any Boat, refusing to go with the Surgeon to the Ship.

VI. And be it further Enacted, by the Authority aforesaid, That if any Sailors, or other Persons belonging to any Boat or Canoe, shall refuse to go with the Surgeon on board any Vessel, in order to examine and inspect the same, he may charge the nearest Constable with the Custody of such Persons, who shall carry them before any Justice of the Peace, who is hereby authorized to commit such Offenders to the common Gaol, there to remain for the Space of Ten Days.

Commander in Chief to give Notice to the Gunner what Places he is informed are infected.

VII. And be it further Enacted, by the Authority aforesaid, That to the Intent no Vessel coming to this Island may meet with any Let, Molestation, or Hindrance, in landing Persons or Goods, but such only as come from Places infected as aforesaid, the Commander in Chief on this Island for the Time being is hereby required, from Time to Time, and at all Times, to give Directions to the Gunner in writing, mentioning what Places or Countries he hath Intelligence are infected with contagious Distempers, of which the Gunner is to take Notice; and the Surgeon appointed as aforesaid, is hereby required, on Notice given him from the Gunner, to repair immediately on board such Vessel, to do the Duties enjoined him by this Act; and if he shall neglect or delay to go on board as soon as possible, he shall forfeit and pay the Sum of Ten Pounds for every such Offence.

Surgeon neglecting his duty, debarred from practising in the Island.

VIII. And be it further Enacted, by the Authority aforesaid, That if any Surgeon shall be appointed by the Commander of this Island for the Time being, to perform the Duties enjoined by this Act, and shall refuse to do the same, such Surgeon shall be, and is hereby debarred from practising in this Island as a Surgeon, Apothecary, or Doctor of Physic; and if such Person shall presume to practise as aforesaid, in this Island, after such Refusal, he shall forfeit and pay the Sum of Fifty Pounds current Money.

Limitation of Distance, &c.

IX. And be it further Enacted, by the Authority aforesaid, That all Vessels enjoined by this Act to perform Quarentine may lie at Anchor at some Place directly West from the Island at the Distance of a Mile at the least from the Shore, and at no other Place at this Island whatsoever; and if any Commander of a Vessel, during the Performance of Quarentine, shall himself quit, or shall permit any Seaman or Passenger coming in such Vessel to quit such Vessel, by going on Shore on the Island, or by going on board any Vessel at Anchor at this Island, before such Quarentine shall be fully performed, unless by proper Licence first obtained from the Commander in Chief on this Island for the Time being, and the Council for that Purpose, such Commander shall forfeit the Sum of One Hundred Pounds current Money; and also, if any Person shall quit such Vessel, by coming on shore, or going on board any other Vessel lying at Anchor at this Island, contrary to the true Meaning of this Act, it shall and may be lawful for all Persons whatsoever, by Force



Force and Violence, to compel such Person to return on board such Vessel; and if any Person shall presume to go on board any Vessel under Quarentine, unless in such Cases, and by such proper Licence, as shall be directed and permitted by Order made by the Commander in Chief on this Island for the Time being, by and with the Advice and Consent of the Council of the same, for that Purpose, such Person shall continue on board and perform Quarentine, as if such Person had actually belonged to the said Vessel. A. D. 1737.

X. And be it further Enacted, by the Authority aforesaid, That after Quarentine shall have been duly performed by any Vessel, Person, or Persons, according to the true Intent and Meaning of this Act, for so long Time as shall be ordered by the Commander in Chief on this Island for the Time being, by and with the Advice and Consent of the Council, and the Surgeon appointed as aforesaid shall have given the Commander of such Vessel a Certificate, attested upon Oath made before a Magistrate, that the Vessel, and all and every Person or Persons on board are, to the best of his Knowledge, free from Infection; such Vessel, and all and every such Person or Persons, so having performed Quarentine, shall be liable to no further Restraint or Detention upon the same Account for which such Vessel, Person, or Persons, shall have performed Quarentine as aforesaid. After Quarentine performed, and Certificate from the Surgeon, Vessel may be discharged.

XI. And be it further Enacted, by the Authority aforesaid, That if at any Time or Times hereafter, this Island should be infected with the Plague, Small Pox, or any contagious Distemper, it shall and may be lawful to and for the Commander in Chief on this Island for the Time being, by and with the Advice and Consent of the Council, to make such Orders and Regulations, concerning Quarentine, and the Prevention of Infection, as shall be necessary for the Safety and Preservation of the Inhabitants, and to notify the same by Proclamation; and all and every Person or Persons whatsoever shall render due and exact Obedience to all such Orders and Regulations so made and notified. Commander in Chief to make Orders concerning Quarentine.

XII. And be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures imposed by this Act shall be for the Use of His Majesty, His Heirs and Successors, and shall be applied towards the defraying the public Charges of this Island; and in case any Person who shall have incurred any Penalty imposed by this Act, shall refuse to pay the same when demanded, the Commander in Chief on the Island for the Time being is hereby authorized, empowered, and required, to grant a Warrant, directed to the Provost-Marshal, or his lawful Deputy, to distrain on the Goods and Chattels of such Offender, and such Distress to sell at public Outcry, to satisfy such Penalty; and for want of sufficient Distress, to commit such Offender to Prison, there to remain, without Bail or Mainprize, for the space of Six Months. Forfeitures how to be levied and applied.

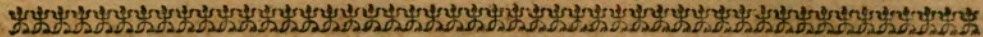
XIII. And be it further Enacted, by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person, for any thing done in pursuance of this Act, that the Defendant in such Action or Suit may plead the General Issue, and give this Act and the Persons sued may plead the General Issue.



A. D. 1737. Special Matter in Evidence, upon any Trial to be had thereupon, and that the same was done in pursuance, and by Authority of the said Act.

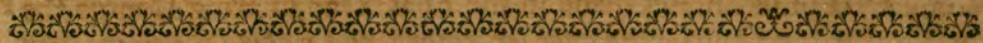


No. 113. *An Act to prevent Negroes and other Slaves from selling any Thing without a Ticket from their Masters.*



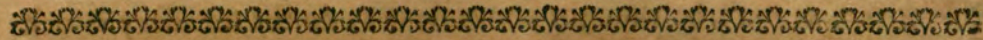
A. D. 1738. *An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis.*

No. 114.  
Expired.



A. D. 1739. *An Act to prevent Slaves from selling any Thing without a Ticket from their Masters; and to prohibit Slaves planting Cotton for themselves.*

No. 115.  
Expired.



No. 116. *An additional Clause to an Act, intituled, An Act for establishing the Courts of King's Bench and Common Pleas, and settling due Methods for the Administration of Justice in the Island of Nevis; and for settling Chief Judge's, Secretary's, and Marshal's Fees.*

*Vide No. 94.*

**W**hereas by an Act for establishing the Courts of King's Bench and Common Pleas, and settling due Methods for the Administration of Justice in the Island of *Nevis*, it is enacted, " That the " Courts of King's Bench and Common Pleas shall be held in *Charles Town*, in the Island of *Nevis*:" And forasmuch as *Charles Town* is now infected with the Small-pox, and it would endanger the Lives of the Inhabitants, if they should be obliged to appear in the said Town as Jurors, whilst the Infection continues; we, Your Majesty's most dutiful and loyal Subjects, the Captain General of Your Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, do pray Your Most Sacred Majesty that it may be Enacted; and be it Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Captain General of His Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, and by the Authority of the same, That it shall and may be lawful to and for the Judges of the Courts of King's Bench and Common Pleas to hold the Courts in any Part of the Island which they shall think proper and convenient, during the Time that the Small-pox shall be in *Charles Town*, or at any other Time, when the said Town shall be infected with the Small-pox, or any other contagious Distemper; and the Judgments, and all Proceedings of the said Courts so held, shall be as firm and valid, to all Intents and Purposes, as if the Courts had been held in *Charles Town*; any Law, Usage, or Custom to the contrary notwithstanding.

Courts of King's bench and Common Pleas may be held at any Part of the Island in the Times of Infection.



An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis. A. D. 1739.

No. 117. Expired.

An Act to prevent Slaves from selling any Thing without a Ticket from their Masters, and to prohibit Slaves planting Cotton for themselves. No. 118. Expired.

An Act to explain and alter an Act made in the First Year of King George, intituled, An Act for raising and making a Fortification on Saddle Hill. A. D. 1740. No. 119.

Whereas by an Act made in the First Year of King George the First, intituled, An Act for raising and making a Fortification on Saddle Hill, it is, among other Things, therein enacted, "That as often as the Commander in Chief, Lieutenant Governor, or President for the Time being, and the Council and Assembly of the Island of Nevis, shall see Cause, to detach such a Number of Negroes, as shall be thought convenient to do the necessary Work in and about the said Fortification, (all such Detachments being hereby ordered to continue not longer at one Time than Three Months) such Person or Persons, whose Negroes shall be so detached, and are ordered and required to send the same, shall be allowed and paid by the Public Eighteen Pence, current Money, per Diem," which Cause has proved a great Let and Hindrance to the building the said Fortification; we, therefore, Your Majesty's most dutiful and loyal Subjects, the Captain General of all Your Majesty's Leeward Charribbee Islands in America, and the Council and Assembly of the Island of Nevis, do pray your most Sacred Majesty that it may be Enacted; And be it Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the said Captain General, and the Council and Assembly of the Island of Nevis, and by the Authority of the same, That for the Time to come it shall and may be lawful for the said Commander in Chief, Lieutenant Governor, or President, for the Time being, and the Council and Assembly of the Island aforesaid, as often as they shall see Cause, to order the Inhabitants, who are Owners or Possessors of Negroes, to send a sufficient Number of Negroes, and a good serviceable Bill and Hoes with each Negro, to make and build the said Fortification on Saddle Hill.

Preamble.

Owners of Slaves to send them when required to work on the Fortifications

It is Provided always, That such Orders shall be so regulated, that all Persons who are or shall be Owners or Possessors of any Negroes, shall send an equal Proportion of Negroes, according to the Number of Negroes which they own or possess; and the Negroes so sent shall continue to do the necessary Work, in and about the said Fortification, for so long Time as the said Commander in Chief, Lieutenant Governor, or President, for the Time being, and the Council and Assembly of the said Island, shall think proper and convenient; and the Persons whose Negroes shall be so ordered to be sent shall not be allowed or paid any Thing by the Public for the Work

in proportion to the Number each Person has;

without any Public Pay.

Work



A. D. 1740. Work of their Negroes; any thing in the afore-recited Act, or any Law, Usage or Custom, to the contrary notwithstanding.

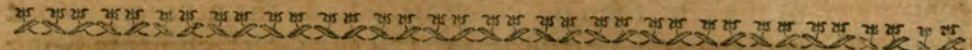
Penalty on Persons refusing to send Slaves, &c.

III. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall refuse or neglect to send the Number of Negroes, with Bills and Hoes, which he or they shall be ordered or required to send as aforesaid, such Person or Persons shall forfeit and pay to the Treasurer of the said Island for the Time being, Three Shillings, current Money, per Day for each Negro which he or they shall refuse or neglect to send; to be levied, in case of Refusal of Payment, on the Offenders Goods and Chattels, Lands and Tenements, by Warrant from the Commander in Chief upon the Island for the Time being, directed to the Provost Marshal or his lawful Deputy: All which Fines shall be for the Use of His Majesty, His Heirs and Successors, and shall be applied towards the defraying the Charges of the Fortification aforesaid.

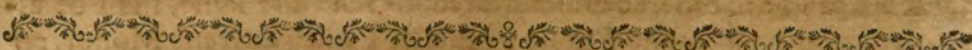
Penalties &c. how to be recovered and applied.

Former Act enforced.

IV. And be it further Enacted, by the Authority aforesaid, That all and every the Clauses, Matters, and Things in the aforesaid Act, not hereby altered, shall continue in full Force and Virtue, to all Intents, Constructions, and Purposes whatsoever.



No. 120. An Act for raising a Poll Tax on Negroes and other Slaves in the Island of Nevis. Expired.



No. 121. An Act for establishing, regulating, and disciplining the Militia Forces of the Island of Nevis. Expired



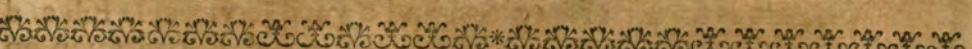
A. D. 1741. An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis.

No. 122. Expired



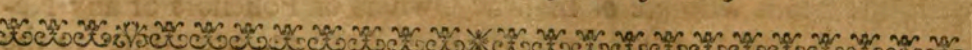
A. D. 1742. An Act for raising a Poll Tax on Negroes and other Slaves, belonging to the Plantations and Inhabitants of the Island of Nevis, and to enable Edward Bridgwater, Esquire, the late Treasurer of this Island, to collect what is due to him on account of the Public.

No. 123. Expired



A. D. 1744. An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis.

No. 124. Expired.



No. 125. An Act to amend and explain An Act, intituled, An Act for establishing, regulating, and disciplining, the Militia Forces of the Island of Nevis.

Expired.



An Act to prevent the Exportation of Provisions during the present War with France and Spain. A.D. 1744.

Exp. 126.

An Act to oblige all Masters of Vessels bound to Europe or to North America, from the Island of Nevis, to take a Proportion of Prisoners according to the Number of Men they have on board their Vessels. Exp. 127.

An Act for appointing an Agent in Great Britain for the Island of Nevis, and for settling a Salary upon him during the Time of his Agency. A.D. 1745.

Exp. 128.

An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis. Exp. 129.

An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis. A.D. 1746.

Exp. 130.

An Act to prevent the poisoning the Sea round the Island, the Ponds near the Shore, and the Rivers in the Island. A.D. 1747.

Exp. 131.

Whereas several Persons frequently poison the Sea along the Shore round the Island, to catch Fish, which destroys all the young Fish, and drives the larger Sort from the Shore off to Sea, to the great Prejudice of the poor Inhabitants, who used to get a Livelihood by Fishing, and Detriment of the Inhabitants in general; and whereas Persons often poison the Rivers in the Island, and the Ponds near the Shore, to catch Fish, by which Means the Negroes and Cattle, that drink the Water, are frequently poisoned, to the great Damage of the Planters: For Remedy whereof, We, Your Majesty's most dutiful and loyal Subjects, the Governor in Chief of all Your Majesty's I eeward Charribbee Islands in America, and the Council and Assembly of Your Majesty's Island of Nevis, do pray Your most Sacred Majesty that it may be Enacted: And be it, and it is hereby Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the said Governor in Chief, and the said Council and Assembly of the Island of Nevis, and by the Authority of the same, That if any free Person or Persons whatsoever, shall for the Time to come, poison the Sea, or the Ponds along the Shore near the Sea, or the Rivers in the Island, such Person or Persons shall forfeit and pay the Sum of Twenty Pounds, current Money of the Island, for every such Offence; all which Offences shall be proved by the Oath of One credible Witness, before any Justice of the Peace in the Island, who is hereby empowered to hear, try, adjudge and determine, all such Offences, and upon Conviction, and Refusal

Preamble.

Penalty on Persons poisoning the sea, &c.

how to be recovered.



*A. D. 1747.* or Neglect of Payment, to levy the said Penalties by Distress and Sale of the Offenders Goods and Chattels, by Warrant directed to the Provost Marshal, or his lawful Deputy; and, upon not finding Goods and Chattels of the Offenders sufficient to satisfy the said Penalty of Twenty Pounds, to imprison the Person or Persons so offending Three Months, without Bail or Mainprize: And if the Person or Persons so offending shall be a Slave or Slaves, they shall suffer corporal Punishment, by being whipped at the Discretion of any One Justice of the Peace in the Island, who is hereby authorized and empowered to hear, try, and determine, all such Offences, and order the Punishment; and the Owners or Managers of such Slaves shall bear the Expences of the Trial, to be levied, in case of Refusal or Neglect of Payment, as aforesaid. Dated in *Nevis*, the Tenth Day of *June*, in the Year of our Lord One thousand Seven hundred and Forty-seven, in the Twentieth Year of the Reign of our Sovereign Lord *George* the Second, of *Great Britain, France, and Ireland*, King, Defender of the Faith.

Penalty on Slaves.

120. 132. *An Act to explain and amend an Act, intituled, An Act for the Relief of poor Prisoners.*

Preamble.

Whereas an Act made in the Eleventh Year of King *William* the Third, of Glorious Memory, intituled, "An Act for the Relief of poor Prisoners," is found, by Experience, to be defective and insufficient for the Purposes thereby intended: And whereas some ill-disposed Persons have taken Advantage of the Deficiency of the said Act, and have defrauded their Creditors, contrary to the Design of the said Act: We Your Majesty's most dutiful and loyal Subjects, the Chief Governor of all Your Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island of *Nevis*, do pray Your most Sacred Majesty That it may be Enacted; and be it and it is hereby Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the said Chief Governor, and the Council and Assembly of the Island of *Nevis*, and by the Authority of the same, That no Person except Artificers and Labourers shall, for the Time to come, have the Benefit of the said recited Act, and that every Person who shall have the Benefit of the said Act, shall be immediately put to Work, if able, for the Benefit of both Debtor and Creditor, according to the Tenor, true Intent, and Meaning of the said Act.

Artificers and Labourers only to take the Benefit of this Act.

II. And be it further Enacted, by the Authority aforesaid, That no Person shall have the Benefit of the aforesaid Act, until such Person hath taken the following Oath: That is to say;

Oath taken by Debtors.

" I A. B. do, upon my Oath, in the Presence of Almighty God, solemnly swear, profess, and declare, that I or any other Person or Persons in Trust for me, have not Land, Money, Stock, or any other Estate, real or personal, in Possession, Reversion, or Remainder, to the Value of Twelve Pounds current Money, and that I have



have not, directly or indirectly, sold, lessened, or otherwise conveyed, disposed of in Trust, or concealed, all or any Part of my Lands, Money, Goods, Stock, Debts, Contracts, or Estate, whereby to secure the same, to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors, to whom I am indebted in any-wise howsoever. A. D. 1747.  
 So help me God."

III. And be it further Enacted, by the Authority aforesaid, That the Justices to whom Application shall be made by any Prisoner for the Benefit of the said Act, shall give Four Days Notice to the Creditors of the said Prisoner, by putting up a Publication at the Court House Door, that the Prisoner hath petitioned to be discharged, and also of the Time and Place, when and where he designs to examine the said Prisoner : And if the Justices, upon Examination, shall adjudge the Prisoner to be intitled to the Benefit of the said Act, they shall thereupon, by their Warrant, command the Provost Marshal, or his Deputy, forthwith to set at Liberty such Prisoner ; which Warrant shall be a sufficient Discharge to the Provost Marshal, or his Deputy, and shall indemnify him or them against any Escape or Escapes, Action or Actions, whatsoever, which shall or may be brought, commenced, or prosecuted against him or them by reason thereof. Four Days Notice to be given.

IV. And be it further Enacted, by the Authority aforesaid, That if any Action of Escape, or any Suit or Action be brought against any Justice, Provost Marshal, Gaoler or Keeper of the Prison, for performing of their Office in pursuance of this Act, they may plead the General Issue, and give this Act in Evidence : And if the Plaintiff be non-suited, or discontinue his Action, or Verdict pass against him, The Defendant shall have Treble Costs. Persons sued may plead the General Issue.  
 Dated in Nevis, the Tenth Day of June, in the Year of our Lord One thousand Seven hundred and Forty-seven, in the Twentieth Year of the Reign of our Sovereign Lord George the Second, of Great Britain, France, and Ireland, King, Defender of the Faith. Treble Costs.

\*\*\*\*\*  
 An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis. 1720. 133. Expired.

\*\*\*\*\*  
 An Act for raising a Poll Tax on Negroes and other Slaves, belonging to the Plantations and Inhabitants of the Island of Nevis. A. D. 1748. 1720. 134. Expired.

\*\*\*\*\*  
 An Act for holding a Court of Sessions once every Year. 1720. 135.

Whereas nothing can tend more to the Safety and Welfare of a Community, or be a greater Discouragement and Check to Vice and Immorality, than the due Administration of Justice, by putting the Laws in Force against all Offenders against the Peace of our Sovereign Lord the King, and all Transgressors of his Laws ; We, therefore, Your Majesty's most dutiful and loyal Subjects, the Preamble.  
 Captain



**A. D. 1748.** Captain General and Chief Governor of all Your Majesty's Leeward *Charrible* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, do pray Your most Sacred Majesty that it may be **Enacted**; and be it, and it is hereby **Enacted**, by the King's most Excellent Majesty, by and with the Advice and Consent of the said Chief Governor, and the said Council and Assembly, and by the Authority of the same, That a Court of Sessions shall be held every Year in *Charles Town*, in the Island of *Nevis*, upon the First *Tuesday*, *Weanefday*, or *Thursday* in *October*; which Court shall consist of at least Three Justices of the Peace, One to be of the Quorum, who shall hear, try, and determine, all Matters and Things, cognizable in a Court of Sessions, according to the Laws of *Great Britain*, and the particular Statutes of this Island, and inflict suitable Punishments upon all Offenders.

Sessions to be held once a Year.

Penalty on Justices refusing to act;

How to be recovered.

and applied.

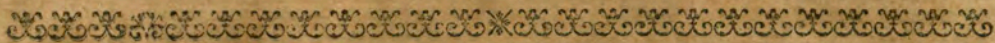
Exemption.

II. And be it further **Enacted**, by the Authority aforesaid, That if any Justice of the Peace in this Island shall neglect or refuse to sit in the Court of Sessions, as in and by this Act is directed, such Justice of the Peace, (Sickness and Absence from the Island only excepted) shall forfeit and pay the Sum of Fifty Pounds, current Money, for every Time he shall neglect or refuse to sit and hold the said Court of Sessions as aforesaid, to be levied, in case of Refusal of Payment, on his Goods and Chattels, by Warrant from the Captain General, the Commander in Chief on the Island for the Time being, or the Chief Justice of the said Island, who is hereby authorized and required to grant such Warrant, directed to the Provost Marshal, or his lawful Deputy, and the Goods and Chattel so levied on shall be sold at public Out cry in *Charles Town*, in the Island aforesaid, within Three Days next after the Levy is made, if the said Fine be not sooner paid, to satisfy the said Fine; and, after all reasonable Charges are deducted, the Overplus, if there be any, shall be returned to the Owner: And all Fines by this Act imposed shall be for the Use of His Majesty, His Heirs and Successors, and shall be paid to the Treasurer of the Island for the Time being, and shall be applied to the Use of His Majesty's Forts in this Island.

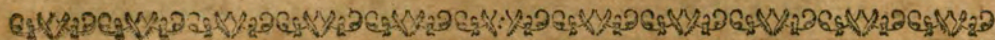
III. Provided always, That the Justices of the Courts of King's Bench and Common Pleas in this Island shall not be obliged to sit and hold the Court of Sessions, as in and by this Act is directed; any-thing herein contained to the contrary thereof in any-wise notwithstanding. Dated at *Nevis*, this Twenty-seventh Day of *June*, in the Year of our Lord One thousand Seven hundred and Forty-eight, and in the Twenty-second Year of the Reign of our Sovereign Lord *George* the Second, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith.



An Act for establishing and regulating a Register's Office, and for the public registering of Deeds, Conveyances, and Wills, and other Incumbrances which shall be made of, or that may affect, Lands, Tenements, Hereditaments, or Slaves, in the Island of Nevis \*. A.D. 1748.  
No. 136.



An Act for establishing, regulating, and disciplining the Militia Forces of the Island of Nevis. No. 137.  
Expired.



An Act to prevent Negroes from going off the Island, without Licence from their Owners. A.D. 1748-9  
No. 138.

**W**hereas it hath been a common Practice for Negroes to run away from their Owners, and be carried from this Island to the Island of Saint Christopher, by white Persons and Slaves who ply backwards and forwards from Island to Island in Boats and Canoes, which Negroes so taken away cannot be taken again without great Difficulty and great Expence, and very often are intirely lost, to the great Detriment of their Owners; for Prevention of such evil Practices for the Time to come, We, Your Majesty's most dutiful and loyal Subjects, the Captain General and Governor in Chief in and over all Your Majesty's Leeward Charribbee Islands in America, and the Council and Assembly of Your Majesty's Island of Nevis, do pray Your most Sacred Majesty that it may be Enacted: And be it, and it is hereby Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the said Captain General, and the said Council and Assembly of the Island of Nevis, and by the Authority of the same, That, from and after the Publication of this Act, if any Slave shall run away from his Owner, Manager, or whomever else the Law hath intrusted with the Care of such Slave, and go off the Island to any other Island, without Licence from his or her Owner, Manager, or other Person whom the Law hath intrusted with the Care of such Slave; or if any Slave now off the Island without the Licence of the Owner or Manager as aforesaid, and shall not come and surrender himself within Three Calendar Months, such Slave shall be deemed guilty of Felony, and shall suffer Death by the Judgment of any Two Justices of the Peace in the Island, who are hereby authorized and impowered to hear, try, adjudge, and determine, all such Offences. Preamble.  
Penalty on Slaves going clandestinely off the Island.

II. Provided nevertheless, and it is the true Intent and Meaning of this Act, That it shall be in the Power of the Owners, or other Person or Persons whom the Law hath intrusted with the Care of Owners, &c. only to prosecute.

\* The Register Act, though not repealed, was rendered obsolete by another Act appointing the Secretary for the Time being to be Public Register, which was passed in 1762, No. 164. in which this Act is recapitulated Clause by Clause. It was therefore thought unnecessary to insert this here, but refer to the other which is in Use.



A. D. 1748 9. such Slaves only, and not in the Power of any other Person or Persons whatsoever, to bring such Slave to Punishment; any-thing in this Act contained, or any Law, Usage, or Custom to the contrary notwithstanding.

Penalty on free Persons carrying off Slaves.

III. And be it further Enacted, by the Authority aforesaid, That if any free Person shall take off any Slave from this Island, and carry such Slave away without Licence from the Slave's Owner, or the Person or Persons who is or are by Law intrusted with the Care of such Slave, such free Person shall forfeit and pay the Sum of Two hundred Pounds, the one Moiety to His Majesty, His Heirs and Successors, to be applied towards the defraying the public Charges of the Island, and the other Moiety to the Owner of the Slave so carried away; to be levied, in case of Refusal of Payment, by Distress and Sale of the Offender's Goods and Chattels, by Warrant from any Justice of the Peace, directed to the Provost Marshal, or his lawful Deputy; and for want of Goods and Chattels sufficient to satisfy the said Penalty, the Offender shall suffer Imprisonment for One Year, if the Penalty be not sooner paid.

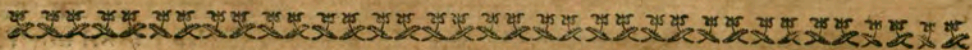
How to be recovered and applied.

Penalty on Slaves capital.

IV. And be it further Enacted, by the Authority aforesaid, That if any Slaves shall carry off any Slave in Boat, Canoe, or Bark-log, from this Island without Licence of the Slave's Owner, or of the Person or Persons who by Law is or are intrusted with the Care of such Slave, the Head-man, or Manager of such Boat, Canoe, or Bark-log, shall suffer Death as a Felon, by Judgment of any Two Justices of the Peace aforesaid.

Slave's Evidence good against Slaves

V. And be it further Enacted, by the Authority aforesaid, That the Evidence of the Negro who is carried off the Island shall be sufficient to convict the Negro who shall carry him off. Dated in Nevis, the First Day of March, One thousand Seven hundred and Forty-eight, and in the Twenty-second Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c.



A. D. 1749.

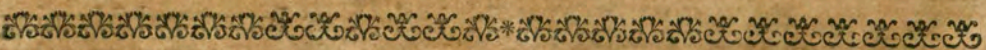
*An Act for Constituting a Court Merchant.*

No. 139. Expired.



No. 140. Expired.

*An Act to prevent Slaves from selling any Thing without a Ticket from their Masters.*



No. 141. Repealed.

*An Act to encourage Persons to come and settle upon the Island of Nevis.*

Vide No. 149.



No. 142. Expired.

*An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis.*



An Act for appointing an Agent in Great Britain for the Island of Nevis, and for settling a Salary upon him during the Time of his Agency. A. D. 1751.  
No. 143.  
Expired.

An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis. No. 144.  
Expired.

An Act to repeal an Act, intituled, An Act to prevent Papists and reputed Papists, from settling in this Island for the future, and for the better Governance of those that are already settled. No. 145.

**W**hereas by an Act of this Island made in the Thirteenth Year of the Reign of King *William* the Third, intituled, " An Act to prevent Papists, and reputed Papists, from settling in this Island and for the future, and for the better Governance of those that are already settled," it is enacted, " That from and after the Publication of that Act, all and every Person or Persons whatsoever, that do or shall come to this Island with a Design to settle thereon, shall, within Ten Days after his or their Arrival, or at the first Meeting of the Council after such Arrival, repair to the Council of this Island, and there before them take the Oaths appointed in the Room of the Oaths of Allegiance and Supremacy, and take, repeat, and subscribe the Declaration made in the Thirtieth Year of the Reign of King *Charles* the Second; and that the Person or Persons that shall refuse or neglect to perform his or their Duty, as in this Act is required, whether Master or Servant, shall from thenceforth be taken and deemed as a Person or Persons not qualified to live on this Island, but shall immediately depart hence, under Forfeiture of all his or their Goods and Chattels to the King, or in want thereof, Six Months Imprisonment, without Bail or Mainprize, and then be sent off the Island, and not to return on Pain of Death;" several other Clauses are inserted which terminate in Death. This is a most severe, cruel, sanguinary Law, a Law that hath been, and still is, vastly pernicious and detrimental to this Island. Zeal for Religion cannot be pretended by it, for it is contrary to the Tenor of Christianity; it punishes a Person for doing a good Christian-like Action, for being charitable; for it is thereby enacted, " That any Person or Persons whatsoever, that shall free any Papist or reputed Papist, that shall be brought hither for Sale, under Pretence of Charity, knowing him or them to be Papists or reputed Papists, shall suffer Imprisonment by the Space of Twelve Months, without Bail or Mainprize, and the Person so freed, appearing to be a Papist, shall be sent off this Island, and not return to it on Pain of Death." Jews, Hereticks, Infidels, Persons of all Religions, whose Consciences are no Obstacles to taking the Oaths, and repeating and subscribing the Declaration, may dwell on the Island without Molestation, and enjoy any Places of Honour or Profit; but Popish Recusants are sufficiently restrained by the Laws of *Great Britain*, which are in Force here: They can hold no Post whatsoever,

Preamble.  
Reciting the  
Cruelties of  
the former  
Act.



A. D. 1751. ver, either civil or military. The Assertion in the Preamble of the Act, that "Papists settling here will be Matter of evil Consequence, especially in case of War," is altogether groundless; for it is notorious, that when *Montserrat* (an Island in this Government), where many Papists had settled, was attacked by the *French*, they behaved themselves manfully in Fight, and shewed themselves good and faithful Subjects, by valiantly defending His Majesty's Island. This Law among many other Mischiefs done the Island, hath prevented many well disposed Persons, His Majesty's faithful and loyal Subjects, from coming to, and settling upon, this Island, which they would have done if there had been no such Law, but, being terrified by that Law, went and settled upon an Island, under the Protection of a Foreign Prince the King of *Denmark*, which Island is mostly settled and cultivated by His Majesty's Subjects; the Consequence is, that, whilst His Majesty's conscientious and well-affected Subjects are, by the said Act, hindered from settling on this Island, and are in a manner driven to foreign Plantations, where they are encouraged, they increase that Prince's Revenue, by advancing his Sugar Trade, which probably may in Time be a Prejudice to all His Majesty's Sugar Colonies; this His Majesty's Island almost depopulated, there not being half the Number of Inhabitants as there were some Years ago, great Part of the Land lies uncultivated, by which Means the Product of the Country is much lessened, and consequently His Majesty's Customs greatly diminished, Trade is decayed, the Houses in the Town are fallen down for want of Tenants, the Land both in the Town and in the County will not sell for above Half the Price that Land sells for in our neighbouring Islands: There is no such Law in any of His Majesty's Colonies, either upon the Continent or in the Islands, and no ill Consequence hath ever attended the Want of any such Law; on the contrary they all improve and flourish and this Island, in the Midst of other flourishing Islands under the same Government, runs fast to Ruin, which cannot reasonably be attributed to any other Cause but the Severity of the said Law: We, therefore, Your Majesty's most dutiful and loyal Subjects, the Lieutenant General Commander in Chief of all Your Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island of *Nevis*, do pray Your most Sacred Majesty That it may be Enacted; and be it and it is hereby Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lieutenant General Commander in Chief of all His Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, and by the Authority of the same, That the said Act, intituled, "An Act to prevent Papists and reputed Papists from settling in this Island for the future, and for the better Governance of those that are already settled," be repealed; and it is hereby absolutely repealed, abrogated, and made null and void, to all Intents, Purposes, and Constructions whatsoever.

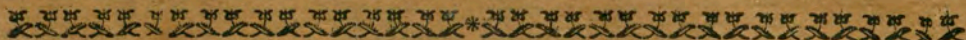
Former Act repealed.

King's pleasure to be first known.

II. Provided always, and it is the true Intent and Meaning of this Act, That this Act shall not be in Force until His Majesty's Royal Pleasure shall be known thereupon; any-thing herein contained



tained to the contrary notwithstanding. Dated in *Nevis* the Ninth <sup>A. D. 1751.</sup> Day of *June*, in the Year of our Lord One thousand Seven hundred and Fifty-one, in the Twenty-fourth Year of the Reign of our Sovereign Lord *George* the Second, by the Grace of God, of *Great Britain, France, and Ireland*, King, &c.



An Act to make more effectual an Act of the Parliament of Great Britain, made and passed in the Sixth Year of His present Majesty's Reign, intituled, An Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in America, so far as the same regards this Island. <sup>A. D. 1752.</sup> <sub>120. 146.</sub>

**W**hereas by an Act of Parliament, made in the Sixth Year of His present Majesty's Reign, and now in Force, intituled, <sup>Preamble:</sup> "An Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in *America*," reciting, That Your Majesty's Sugar Colonies in *America* are of the greatest Consequence and Importance to the Trade, Navigation, and Strength of the Kingdom of *Great Britain*, and that the Planters of the Sugar Colonies have, of late Years, fallen under such great Discouragements, that they were unable to improve, or carry on, the Sugar Trade upon an equal Footing with the foreign Sugar Colonies, without some Advantage and Relief were given to them from *Great Britain*; it was, therefore, for Remedy thereof, and for the Good and Welfare of Your Majesty's Subjects, enacted, "That from and after the Twenty-fifth Day of *December*, One thousand Seven hundred and Thirty-three, there should be raised, levied, collected, and paid unto, and for the Use of, His Majesty, His Heirs and Successors, upon all Rum or Spirits of the Produce and Manufacture of any of the Colonies and Plantations in *America*, not in the Possession, or under the Dominion, of His Majesty, His Heirs and Successors, which at any Time or Times within, or during the Continuance of, the said Act, should be imported, or brought, into any of the Colonies or Plantations in *America*, which now are, or hereafter may be, in the Possession, or under the Dominion, of His Majesty, His Heirs or Successors, the Sum of Nine Pence, (Sterling) Money of *Great Britain*, to be paid according to the Proportion and Value of Five Shillings and Six Pence the Ounce in Silver, for every Gallon thereof, and after that Rate for any greater or lesser Quantity; and upon Melassies or Syrrups of such foreign Produce or Manufactures aforesaid, which should be imported, or brought, into any of the said Colonies or Plantations, of, or belonging to, His Majesty, the Sum of Six Pence of the like Money for every Gallon thereof, and after that Rate for any greater or lesser Quantity; and upon all Sugars and Paneles of such foreign Growth, Produce, or Manufacture aforesaid, which shall be imported into any of the said Colonies or Plantations of, or belonging to, His Majesty, a Duty after the Rate of Five Shillings of like Money for every Hundred Weight Avoirdupois, of the said Sugar and Paneles, and after that Rate for  
O o a greater



A. D. 1752. " a greater or lesser Quantity : " And by such Act it is also enacted,  
 " That in case any of the said Commodities should be landed or put  
 " on-shore in any of his Majesty's said Colonies or Plantations in  
 " America, out of any Ship or Vessel, before due Entry be made there-  
 " of, at the Port or Place where the same shall be imported; and be-  
 " fore the Duties by such Act charged or chargeable thereon should  
 " be duly paid, or without a Warrant for the landing and delivering  
 " the same, first signed by the Collector or Impost Officer, or other pro-  
 " per Officer or Officers of the Customs or Excise, belonging to such  
 " Port or Place respectively, all such Goods as should be so landed or  
 " put on Shore, or the Value of the same, should be forfeited, and should  
 " and might be seized by such Person and Persons; and every such  
 " Offence and Forfeiture should and might be prosecuted for, and re-  
 " covered, in such Courts, and such Forfeitures so recovered should  
 " be divided in such Manner, as in and by such Act are particularly  
 " expressed and directed : " And whereas many Persons, to elude  
 the Intent of such Law, do frequently import such Goods and Com-  
 modities into the several Ports of this Island, and do unlade the  
 same out of the Vessel so imported [importing] into Ships and Ves-  
 sels lying in such Harbours, and from thence cause the same to be  
 transported to *Great Britain*, as Commodities of the Growth of this  
 Island, whereby the Effects by such Law proposed are intirely defeat-  
 ed, to the great Detriment and Discouragement of the Planters of  
 this Island, and the Diminution of the Revenue of the Crown :  
 For Remedy whereof, we, Your Majesty's most dutiful and loyal  
 Subjects, Your Majesty's Lieutenant General and Commander in  
 Chief of all Your Majesty's Leeward *Charibbee* Islands in *America*, and  
 the Council and Assembly of this Island of *Nevis*, do pray your most  
 Excellent Majesty, That it may be Enacted ; and it is hereby Enact-  
 ed, by the King's most Excellent Majesty, by and with the Consent of his  
 Majesty's Lieutenant General and Commander in Chief in and over  
 all his Majesty's Leeward *Charibbee* Islands, and the Council and As-  
 sembly of the said Island of *Nevis*, and by the Authority of the same,  
 That, immediately from and after the Publication of this Act, if any  
 Rum, Sugar, Melasses, or other Commodities, of the Produce and  
 Growth of any of the Colonies or Plantations in *America*, not in the  
 Possession, or under the Dominion, of his Majesty, his Heirs, or Suc-  
 cessors, shall be imported into any Port or Harbour of this Island,  
 the Master or Commander of any Ship or Vessel, in which the same  
 shall be so imported, shall, within Six Hours after his Arrival in  
 such Port or Harbour, signify and make known to the Collector or  
 other Chief Officer of the Customs of such Port or Harbour, that  
 such Goods and Commodities are so by him imported, under the  
 Pain of the Loss of all such Goods and Commodities, together with  
 the Ship or Vessel in which the same was so imported, with all her  
 Guns, Furniture, Ammunition, Tackle, and Apparel, all which, on  
 such Neglect or Default, shall be forfeited, and shall or may be  
 seized by such Person and Persons, and recovered in any such Court,  
 and such Forfeitures shall be divided in such Manner, and among  
 such Persons, as such Goods and Commodities would be liable to be  
 seized,

Penalty on  
 Importers of  
 foreign Pro-  
 duce,

unless they  
 report in Six  
 Hours after  
 Arrival.



seized, recovered, and divided, by such above in Part recited Act, if such Goods and Commodities had been actually landed and put on Shore in this Island before such Entry so made, and such Duties for the same paid as aforesaid; and if such Goods or Commodities shall be unladen, or put out of such Ship or Vessel, in which the same are so imported, into any Ship, Vessel, or Boat, lying in any Road, Shipping or Landing Place, in this Island, before the Entry made thereof at the Port or Place where the same shall be imported, and before the Duties by such above in Part recited Act of Parliament charged and chargeable thereon, and before a Warrant for that Purpose from the Collector or chief Officer of the Customs of such Port or Harbour for that Purpose first had and obtained; then, and in such case, such Ship, Vessel, or Boat, into which the same were so unladen and put, shall be forfeited, and shall and may be seized, recovered, and divided in Manner aforesaid.

*A.D. 1752.*  
Vessels receiving such Goods before Entry to be forfeited.

II. And, for the more effectual Prevention of the clandestine and fraudulent Exportation of foreign Sugars from this Island, without paying the Duty thereon imposed as aforesaid, *Oaths taken by Owners, &c.* Be it and it is hereby further Enacted, by the Authority aforesaid, That from and after the Publication of this Act, no Sugar, Rum, Syrrup, or Melasses, shall be cleared for Exportation at any Custom House in this Island, as the Produce or Growth of this or any other of his Majesty's Islands or Colonies, without producing and delivering to the Collector or Comptroller of the Customs, who shall clear the same, an Affidavit of the Maker or Makers thereof, his, her, or their known Manager or Overseer, to be taken in Writing before, and certified by, some One of his Majesty's Justices of the Peace (which Oath such Justices are hereby authorized and required to administer without Fee or Reward) specifying in what Island and Parish, and by whom the same Sugar, Rum, Syrrup, or Melasses, were made; and in case the Shipper shall not be the Maker of the Sugar, Rum, Syrrup or Melasses, to be entered or cleared out, then the Shipper shall also produce and deliver, before clearing of the same, to the respective Collector or Comptroller of Ports of this Island, where the same are to be entered and cleared, the Affidavit to be made as aforesaid of the Growth and Place of making such Sugar, Syrrup, Rum or Melasses, and also an Affidavit in Writing of himself and every other Person, (if any) who shall have been the Owner and Possessor of the same, between the Maker of the same and the Shipper thereof, or of his, her, or their known Agent, Factor, or white Servant, to be taken before any of his Majesty's Justices of the Peace, or before the Collector or Comptroller, who are to clear the same (which also they are hereby authorized and required to administer without Fee or Reward) that such Cask or Casks of Sugar, Rum, Syrrup, or Melasses, specifying the Marks and Numbers of each Cask, which are then to be cleared, are the same, and no other than are mentioned in such Oath or Oaths, Affidavit or Affidavits, specifying the Oath or Oaths, Affidavit or Affidavits, of the Growth of such Sugar, Rum, Syrrup, or Melasses, to be made as aforesaid by the Maker or other Owner thereof.

III. And



A. D. 1752.

Masters of  
Vessels to de-  
liver two Ma-  
nifests on  
Oath.

III. And be it further Enacted, by the Authority aforesaid, That every Master, Commander, or other Person, having Charge of any Ship or Vessel clearing out at this Island, shall, before he is cleared out, make and deliver to the Collector or Collectors by whom he shall be cleared, two Particulars or Manifests of the Sugar, Rum, Syrrups, or Melasses, which he hath taken and laden on Board his Ship or Vessel, specifying the Marks and Numbers thereof, and whether the same, as he verily believes, is of *British* or Foreign Produce, and the Name of the respective Shippers, and the Persons to whom consigned, and make Oath before the Collector and Comptroller, by whom he shall be cleared, or one of them, of the Truth thereof; which Manifests such Collector or Comptroller shall, before Clearance of any Ship or Vessel, examine and compare with the Certificate or Oath, to be delivered as aforesaid by the Shippers therein named, and, finding the same to agree, shall certify such Agreement under one of such Manifests, and deliver the same Manifest so certified, and the Affidavits delivered to him for the clearing the Sugar, Rum, Syrrups, or Melasses, in such Manifests mentioned, to the Master or Commander clearing out, to be by him delivered to the Chief Governor or Commander upon the Island for the Time being, who is hereby authorized and directed not to grant his Permit, or Let-pass, until such Manifest so certified as aforesaid, with such Affidavits and Proofs, have been returned and delivered to him; and for every such Return the Collector or Comptroller shall be intitled to receive a Fee, or Reward, of Six Shilings, and no more.

Goods not  
proved Pro-  
duce of this  
Island deem-  
ed foreign.

IV. And be it further Enacted, by the Authority aforesaid, That all Sugars, Rum, Syrrups, or Melasses, which shall be put, found, or discovered to be, on Board any Ship or other Vessel, at this Island, and shall not, before clearing the said Vessel, be proved by the Affidavits of the Maker, Owner, or Shipper, to be of the Growth or Produce of some One of his Majesty's Colonies or Plantations, in Manner herein before directed, the same shall be deemed, taken, and adjudged to be, of foreign Growth or Produce, and be subject to, and make the Owners and Shippers thereof subject and liable to, such Duties and Penalties as if the same were really the Growth and Produce of a foreign Nation.

Penalty on  
Masters land-  
ing foreign  
Produce with-  
out a Permit  
500 l.

V. And be it further Enacted, by the Authority aforesaid, That every Master, or Person having Charge of any Ship or other Vessel, that shall arrive in any of the Roads, Bays, or Creeks of this Island, having Sugar, Rum, Syrrup, or Melasses, on Board, not of the Growth of any of his Majesty's Colonies or Plantations, shall, within Six Hours after every such Arrival, make Entry of the Vessel at the Custom House and other Offices within the Island where Ships and Vessels are usually entered, and not put, or cause or suffer to be put, over the Side of such Ship or other Vessel, any Sugar, Rum, Syrrup, or Melasses, without having a Permit for that Purpose from the Collector or Comptroller of his Majesty's Customs in that Division or Port of the Island, where his Vessel shall have been so entered; and every such Master or other Person having Charge of such Ship



Ship or Vessel neglecting, or refusing, to make such Entry, or putting, or causing, or suffering, to be put, over the Side of such Ship or other Vessel, any of the aforesaid Sugars, Rum, Syrrup, or Melasses, without such Permit, shall, for every such Offence, forfeit and pay the Sum of Five Hundred Pounds, Current Money of this Island, to be recovered by any Person who shall sue and prosecute for the same in any Court of Record of this Island, in which Prosecution no Protection, Essoign, or Wager of Law shall be allowed.

A.D. 1752.

VI. And it is also further Enacted, by the Authority aforesaid, That all such and every Person and Persons who shall falsely take any Oath or Affidavit, prescribed by this Act, and be legally convicted thereof, shall be liable to, and suffer, the Pains and Penalties which the Law inflicts on Persons found guilty of wilful and corrupt Perjury.

Persons taking false Oaths deemed guilty of Perjury.

VII. And be it further Enacted, by the Authority aforesaid, That in case of the Seizure and Forfeiture, or Condemnation, of any Sugar, Rum, Syrrups or Melasses, or any Transgression or Offence against the said recited Act of Parliament of *Great Britain*, or against this Act, the Treasurer of this Island shall give and pay out of the public Monies of this Island, on the Order of the Chief Governor or Commander in Chief on the Island for the Time being, to any Person or Persons who shall first inform of such Transgression or Offence, (not intitled to one Third-part of the Forfeiture) the several Rewards following, (that is to say), after the Rate of Three Pounds, Current Money of this Island, for every Thousand Weight of Sugar, Forty Shillings like Money for every Hundred Gallons of Rum, and Thirty Shillings like Money for every Hundred Gallons of Melasses or Syrrups, which shall be seized and forfeited, or condemned as aforesaid.

Reward for discovering Frauds.

VIII. And be it also further Enacted, by the Authority aforesaid, That the Costs and Charges of every Prosecution for any Breach or Transgression against the said Act of Parliament of *Great Britain* herein before recited, or against this Act, whereon there shall be no Forfeiture; and also in case the Forfeiture shall not be sufficient to defray the same; then such Deficiency shall be paid and borne at the Expence of the Public of this Island.

Charge of Prosecution how to be borne.

IX. And be it Enacted, by the Authority aforesaid, That all and every such Justice or Justices of the Peace, or other Custom House Officer hereby required to administer any such Oath or Oaths as in and by this Act is [or are] directed, shall forfeit and pay the Sum of Fifty Pounds Current Money for each Offence; to be levied by a Warrant from the Commander in Chief of this Island for the Time being, directed to the Provost Marshal of this Island, or his lawful Deputy, on the Goods and Chattels, Lands and Tenemens, of the Offender, and to be applied to and for the Use of [this \*] his Majesty's Fortifications of this Island, provided Application be made to such Magistrate, or Custom House Officer, by the Person or Persons so required to make such Affidavit, or Oath, between the Hours of Nine and Twelve in the Morning, and Two and Five in the Afternoon.

Penalty on Justice, &amp;c. taking Fees for Affidavits.

How applied, \* Sic Orig.



A. D. 1752.

Penalty on  
Owners, &c.  
refusing to  
swear to  
them.

X. And be it further Enacted, by the Authority aforesaid, That if any Maker or former Owner of any such Commodity or Commodities shall refuse to make due Affidavit, according to the Tenor of this Act, to any Person or Persons that shall receive the same in Payment, or by other legal Means, whereby the same may be liable to the Penalties and Forfeitures of this Act, then such Payment, on such Refusal, shall not be deemed legal Tender or Payment.

Proviso.

XI. Provided nevertheless, That nothing herein contained shall be construed to extend to any such Commodity or Commodities received in Payment, or shipped, before the Publication of this Act. Dated in *Nevis*, this Thirteenth Day of *June*, in the Year of our Lord One thousand Seven hundred and Fifty-two.

A. D. 1753.

No. 147.  
Expired

An Act for providing an honourable Support for his Excellency George Thomas, Esquire, during his Government, and for laying a Duty upon Negroes for the Payment thereof.

A. D. 1754.

No. 148.  
Expired

An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of *Nevis*.

No. 149.

An Act to explain and amend, and, at the Expiration of a certain Time, to repeal, an Act, intituled, An Act to encourage Persons to come and settle upon the Island of *Nevis*.

Preamble.

Whereas by an Act, intituled, "An Act to encourage Persons to come and settle upon the Island of *Nevis*," dated at *Nevis* the Fourth Day of *July*, One thousand Seven hundred and Forty-nine, it is enacted, "That from and after the Publication of the said Act, all Persons who shall come from other Places, and have no Freehold Estate in this Island, shall pay no Tax, either to the Public or Parish, for the Negroes or Slaves they shall bring with them, or purchase for Seven Years, next after such Person or Persons coming to settle and make their Abode in this Island;" which Act hath, by Experience, not been found to answer the Ends proposed, but hath rather been matter of general Discontent, for that some Persons of opulent Circumstances, not then resident on this Island, nor then having a Freehold therein, and having since acquired substantial Freeholds, have claimed the Benefit of the said Act, contrary to the Intention of the Legislature, which was never intended to extend for a longer Time than Seven Years, nor for more than Twenty Slaves, from the Publication of the said Act: Now, for the better explaining and amending the said Act, we, Your Majesty's most dutiful and loyal Subjects, the Governor of Your Majesty's Leeward *Charribbee* Islands, in *America*, and the Council and Assembly of the Island of *Nevis*, do pray Your most Sacred Majesty that it may be Enacted; And be it, and it is hereby Enacted, by the Governor, the Council, and Assembly of the Island  
of



of Nevis, That no Person or Persons, claiming the Benefit of the said Act, shall be intituled thereto for more than Twenty Slaves, nor for longer than Seven Years from and after the Publication of the said Act, which was on the Eighth Day of July, One thousand Seven hundred and Forty-nine, neither shall the said Act extend further than to such as were not, at the making the same, resident on this Island, and then not having a Freehold thereon, and not to such as have since acquired a Freehold within Seven Years from the Publication thereof.

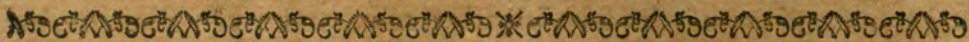
A.D. 1754.  
Number of  
Slave tax-free  
limited.

II. And, to prevent Disputes about the Construction of the Words Taxes either to the Public or Parish, in the said Act mentioned, it is further Enacted, by the Authority aforesaid, That the Governor's Tax, being a separate Tax from the Public or Parish Taxes, is not, nor ever was, meant to be comprehended within the Meaning of the Words Taxes either to the Public or Parish, and that no Person or Persons claiming the Benefit of the said Act, shall be exempted from the Payment of the Governor's Tax.

No exempti-  
on from Ge-  
neral's Tax.

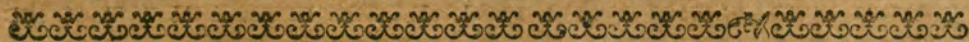
III. And whereas the said Act is ambiguously penned, and the Advantages arising to the Public therefrom no-ways adequate to the Expectations of the Public, but rather it has been thought a Hardship that Persons of indifferent Circumstances, not having Twenty Slaves, and the poorer Sort of white Inhabitants especially, should not be intituled to the like Indulgence with new Settlers, which this Island is not in a Capacity to afford; it is further Enacted, by the Authority aforesaid, That the said Act, intituled, "An Act to encourage Persons to come and settle upon the Island of Nevis," shall, at the Expiration of Seven Years from the Publication thereof, be repealed, and utterly null and void. This Act not to be in Force till his Majesty's Pleasure be known thereupon. Dated in Nevis, the Thirteenth Day of December, in the Year of our Lord One thousand Seven hundred and Fifty-three, and in the Twenty-seventh Year of the Reign of his present Majesty.

Former Act  
repealed.



*An Act to constitute a Court Merchant.*

NO. 150.  
Expired



*An Act for the more commodiously repairing and widening the several Roads of this Island, as well public as private, and for making new Paths where necessary, and to supply the Defects of Two other Acts to the same Purpose.*

NO. 151.  
Expired



*An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis.*

A.D. 1755.  
NO. 152.  
Expired



*An Act for establishing, regulating, and disciplining, the Militia Forces of the Island of Nevis.*

NO. 153.  
Expired

An



A. D. 1756. *An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis.*

No. 154.  
Expired

A. D. 1757. *An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis.*

No. 155.  
Expired

No. 156. *An Act for the Ease and Relief of John Sanders, an Insolvent Debtor.*

Private.

No. 157. *An Act for appointing an Agent in Great Britain, for the Island of Nevis, and for settling a Salary upon him during the Time of his Agency.*

Preamble.

**W**E, Your Majesty's most dutiful and loyal Subjects, the Governor in Chief of all your Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of your Majesty's Island of *Nevis*, taking into Consideration the Necessity of having some Person to represent the People of this Island in the Kingdom of *Great Britain*, either to present their humble Addresses to his Majesty, or to be an Advocate for them, and transact all such Business as may relate to the Interest and particular Concerns of the Island, have made Choice of *Henry Wilmot*, of the *City of London*, Esquire, to be Agent for the said Island, and we do most humbly pray your most sacred Majesty that it may be Enacted, and be it, and it is hereby Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Chief Governor of all your Majesty's Leeward *Charribbee* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, and by the Authority of the same, That *Henry Wilmot*, Esquire, be, and is hereby appointed to be, Agent for the said Island of *Nevis*, in the Kingdom of *Great Britain*, and that the said *Henry Wilmot*, Esquire, shall receive out of the Treasury of the said Island yearly, and every Year, during the Time he shall be Agent for the Island, the Salary of Eighty Pounds Sterling Money of *Great Britain*; the first Payment to begin and be made within One Year next and immediately after the Publication of this Act: And the Treasurer of this Island for the Time being is hereby impowered and ordered to ship early, out of the public Taxes to be raised within the said Island, Sugar and Merchandize, of the Growth and Produce of the Island, or transmit, by Bills of Exchange, to *Great Britain*, sufficient to pay and discharge the said Salary.

Henry Wilmot, Esq. appointed Agent.

Reservation of Right to discharge the Agent.

II. **Provided** always, and it is the true Intent and Meaning of this Act, That whenever the Council and Assembly of this Island shall think proper to discharge the said Agent from his Agency, from the Time of such Discharge the said Salary shall cease; any thing herein contained to the contrary notwithstanding. Dated in *Nevis*, the Twenty-first Day of *March*, in the Year of our Lord One thousand Seven hundred and Fifty-seven, and in the Thirtieth Year

of.



of the Reign of our Sovereign Lord *George* the Second, by the Grace <sup>A. D. 1757.</sup> of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith.

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An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis. ^{A. D. 1760.}
No. 158.
Expired

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An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis. <sup>A. D. 1761.</sup>  
No. 159.  
Expired

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An Act to encourage the Trade from North America to this Island, and to oblige all Vessels above Ninety Tons Burden to pay Powder and Arms, and to repeal two insufficient Acts to that Purpose, one made and passed in the Year 1699, intituled, An Act to oblige all Vessels to pay Tonnage, Powder, and Arms; the other made and passed in the Year 1734, intituled, An Act to amend and explain an Act, intituled, An Act for all Vessels to pay Powder, Tonnage, and Arms. No. 160;

Whereas the Trade from *North America* is become of great Preamble. Importance to the Inhabitants of this his Majesty's Island of *Nevis*, by supplying them with Provisions of all Kinds, Lumber, and Stock, to their great Relief and Advantage; and as such Trade is chiefly carried on by small Vessels, that cannot afford to pay Powder, Tonnage, and Arms; therefore for the better Encouragement of such Trade and Commerce for the future, we, your Majesty's most dutiful and loyal Subjects, the Governor in Chief of your Majesty's *Leeward Charibbee* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, do pray your most sacred Majesty that it may be Enacted; and be it, and it is hereby Enacted, by the King's most Excellent Majesty, by and with the [Advice and] Consent of the Governor in Chief of your Majesty's *Leeward Charibbee* Islands in *America*, and the Council and Assembly of the Island of *Nevis*, [and by the Authority of the same,] That from and after the Publication of this Act, that all Vessels under the Burden of Ninety Exemption from the Duty. 17. Tons, trading here from any Part of *North America*, and disposing of their Cargoes, or any Part thereof, in this Island, and receiving the Produce of this Island (if to be had) for the same, shall be excused and exempted from paying any Powder, Tonnage, or Arms, as hath been accustomed.

II. But soasmuch as Vessels above Ninety Tons trading to this Island from *Europe* and other Parts, have been, and are still, chiefly, if not wholly, owned by the Inhabitants of this Island, who have had the Duty of Tonnage, Powder, and Arms remitted them for such proportionable Parts as they have respectively held of such Ships and other Vessels, by virtue of a Proviso in a Law of this Island, intituled, "An Act for all Vessels to pay Powder, Tonnage, Q. 9 " and

A. D. 1761. "and Arms," made in the Year 1699, and left probationary with the Right Honourable the Lords of Trade and Plantations, by which Means there is a great Scarcity of Powder and Arms in the Magazine and Forts for the Protection of the Island, and Vessels trading here, which otherwise would be a sufficient Supply for both: For Remedy whereof, Be it further Enacted, by the Authority aforesaid, That the above recited Act, and also One other Act, made and passed in the Year 1734, intituled, "An Act to explain and amend an Act, intituled, An Act for all Vessels to pay Powder, Tonnage, and Arms," be and are hereby repealed, declared, and held, null and void, to all Intents and Purposes whatsoever; and that, for the Time to come, all Vessels above Ninety Tons Burden, trading here, and loading with the Produce of the Country, (except such only as touch here to land Freight Goods for the Inhabitants of the Island, without taking off any of the Produce of the Island) shall pay One Pound of Pistol Powder (in Specie) for each and every Ton, and all Vessels of One hundred Tons or upwards, to give and deliver One good and approved Firelock Fuzee, and Vessels of Two hundred Tons or upwards, Two such good and approved Firelock Fuzees, and so in Proportion for every Hundred Tons for Ships of greater Burden; which said Duty of Powder and Arms, in Specie, are to be delivered to the Gunner of the chief Fort, who is required to receive the same, and render an Account thereof, upon Oath, as often as required by the Council and Assembly of this Island, and likewise a further Account of all such Powder as shall be expended in the Island for the public Use, under the Penalty of One hundred Pounds, current Money, for every Neglect or Refusal; which said Penalty shall be recovered by a Warrant from the Governor or President of this Island for the Time being, and levied by the Provost Marshal, or his lawful Deputy, on his Goods and Chattles, and sold at public Out-cry in Ten Days, and paid to the Treasurer for the Time being, for the Use of his Majesty's Forts and Fortifications, returning the Overplus, (if any) to the Owner, all reasonable Charges being first deducted: And, that no Ship or Vessel may depart before the said Duty of Powder and Arms are paid, no such Ship or Vessel shall be cleared by the Naval Officer for the Time being, until the Master produce a Certificate, under the Gunner's Hand, of the Payment and Delivery of the same, upon Penalty of making good the same, the Value thereof shall be levied on the Naval Officer's Goods and Chattles, by Warrant from the Governor or President of this Island for the Time being, and sold, at public Out-cry, by the Provost Marshal or his lawful Deputy, and applied for buying such Powder and Arms.

III. And be it further Enacted, by the Authority aforesaid, That the Surveyor of the Tonnage of Vessels for the Time being, or his lawful Deputy, is hereby authorized and required to measure all such Ships or Vessels that shall come within the Meaning of this Act, that their Tonnage and Burden may be more fully known; which Surveyor is to be paid Fifteen Shillings, current Money, for his Survey,

Vessels liable
to the Duty.

Gunner lia-
ble for Duty
received,

Penalty on
Default.

Vessels not to
depart before
the Duty is
paid.

Surveyor to
measure Vef-
sels;

his Fee.

vey, by the Master of each Vessel so measured or surveyed as afore-
 said; and the Surveyor is also required to keep an Account of all
 such Ships and Vessels as he shall, from Time to Time, survey, and
 render an Account thereof as often as is required by the Council and
 Assembly of this Island, under the Penalty of Twenty Pounds, current
 Money, for every Neglect of his Duty, which said Penalty shall be
 recovered by Warrant from the Governor or President of this Is-
 land for the Time being, to be levied by the Provost Marshal, or his
 lawful Deputy, on his Goods and Chattles, and sold, at public Out-
 cry, in Ten Days, and paid to the Treasurer of this Island for the
 Time being, for the Use of his Majesty's Forts and Fortifications,
 returning the Overplus (if any) to the Owner, all reasonable Charges
 being first deducted.

A.D. 1761.
 Penalty on
 Surveyor's
 Neglect of
 Duty.

III. And be it further Enacted, by the Authority aforesaid, That
 the Surveyor for the Time being, before he proceeds to execute this
 Act, shall take the following Oath, before the Governor or President
 of this Island for the Time being; viz.

Surveyor to
 be sworn.

" I A. B. do swear on the Holy Evangelists of Almighty God,
 " That I will, to the best of my Skill and Judgment, measure
 " all Vessels according to the true Intent and Meaning of this Act,
 " and the Account or List thereof, when returned by me to the
 " Council and Assembly of this Island, shall be just and true.

His Oath.

" So help me God."

IV. And be it further Enacted, by the Authority aforesaid, That
 this Act shall not be in Force until his Majesty's Pleasure shall be
 known. Dated in Nevis, the Tenth Day of April, in the Year of
 our Lord One thousand Seven hundred and Sixty-one, and in the
 First Year of the Reign of our Sovereign Lord George the Third, by
 the Grace of God, of Great Britain, France, and Ireland, King, De-
 fender of the Faith, &c.

Act not to be
 in Force till
 the King's
 Pleasure be
 known.

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An Act that the Council and Assembly of the Island of Nevis shall be al-  
 lowed their Expences on the Days of their Meeting.

No. 161  
 Repealed.

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An Act for raising a Poll Tax on Negroes and other Slaves belonging
 to the Plantations and Inhabitants of the Island of Nevis.

A.D. 1762.
 No. 162.
 Expired

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An Act to direct and impower the Courts in the Island of Nevis, in all  
 Actions where mutual Dealings and Credits are between the Plaintiff  
 and Defendaant, to set off and discount each Party's Demand against  
 the other, and to give Judgment for the Ballance only.

No. 163

Whereas frequently Actions are brought in the Courts in this  
 Island, where mutual Dealings and Credits are between the  
 Plaintiff

Preamble



A.D. 1762.

Plaintiff and Defendant, and by the Laws and Usage of this Island the Plaintiffs are not compellable in such Actions to allow and discount the Defendant's lawful Demands against them, but such Defendants are obliged to commence fresh Actions against the said Plaintiffs for Recovery thereof, which occasions a Multiplicity of Suits, and is otherwise found by Experience to be very prejudicial to the Trade and Commerce of this Island; to remedy the same for the future, we your Majesty's most dutiful and loyal Subjects, the Captain General and Governor in Chief of all your Majesty's Leeward *Charribbee* Islands, in *America*, and the Council and Assembly of the said Island of *Nevis*, do humbly pray Your most Excellent Majesty that it may be Enacted; And be it, and it is hereby Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of his said Captain General and Governor in Chief, and of the Council and Assembly of the said Island of *Nevis*, and by the Authority of the same, That where any Action or Suit is or shall be brought, in any Court in the said Island of *Nevis*, by any Plaintiff, in his own Right, or as Executor or Administrator, against any Defendant, in his own Right, or as Executor or Administrator, for any Duty, Debt, or Demand whatsoever, and there are any Demands and Intercourse of Debts and Credits between said Plaintiff and Defendant, or their Testators or Intestates, in all such Cases, from and after the Publication of this Act, such Defendant shall and may plead the General Issue to such Action or Suit, in Fourteen Days before the Second Court next after the Entry of such Action, and deliver to the Plaintiff, or to his Attorney or Agent, a Copy of such his Plea, and of his Account or Demand against the Plaintiff, with Notice in Writing, that he intends to give the same in Evidence, at the Trial of the Cause; which Account or Demand, on due Proof thereof, shall be set off, and allowed, against the Demand of the said Plaintiff, and a Verdict (if such Cause be tried by a Jury) shall thereupon be given according to the Evidence; and, in case the Plaintiff recover, Judgment shall be awarded by the Court, and entered, for no more than what shall appear to be justly due on the Ballance, after one Debt shall be set against the other.

Credit set off  
in Actions of  
Debt;

and Judgment to be  
for the Balance only.

Proviso.

II. Provided always nevertheless, That if such Defendant shall neglect to plead the General Issue to such Action, and deliver to the Plaintiff, or his Attorney or Agent, a Copy of such Plea, and of his Account or Demand against the Plaintiff, with such Notice in Writing as aforesaid, within the Time above limited, then and in such Case, the said Defendant shall not be admitted by the Court to offer or give such his Account or Demand in Evidence against the Plaintiff at the Trial of the said Cause; any thing herein contained to the contrary notwithstanding. Dated in *Nevis*, the Second Day of *August*, One thousand Seven hundred and Sixty-two, and in the Second Year of the King's Reign.

Ass



An Act to amend and render more effectual an Act of this Island, intituled, An Act to settle and establish the Secretary's Fees of this Island, by making it necessary to record all Deeds, Conveyances, and Wills, and other Incumbrances, which shall be made of, or may affect, Lands, Tenements, Hereditaments, or Slaves, in the Island of Nevis, and to prevent covenous and fraudulent Dealings and Tranfactions therein. 4. D. 1762.  
120. 164.

Whereas in and by an Act of this Island, intituled, "An Act <sup>Preamble.</sup> to settle and establish the Secretary's Fees of this Island," it is (amongst other Things) enacted, "That the Secretary's Office of this Island shall be taken and deemed, to all Intents and Purposes whatsoever, an Office of Record, for entering and recording Conveyances, Deeds, Wills, and all other Tranfactions, acted and done for the Time past, or that shall be tranfacted and entered for the future:" And whereas the said Act hath, by Experience, been found defective, inasmuch as it is not thereby made necessary to record Deeds, Conveyances, and Wills, whereby Lands, Tenements, Hereditaments, and Slaves, in the said Island are or may be affected: And whereas by the different and secret Ways of conveying Lands, Tenements, Hereditaments, and Slaves, such as are ill disposed have it in their Power to commit Frauds, and frequently do so, by means whereof several honest well meaning Persons, who have been enabled to purchase, or lend Money upon, Lands and Slaves, have been very great Sufferers in their Purchases and Mortgages, by prior and secret Conveyances and fraudulent Incumbrances, which is a great Discouragement to Persons who want to lay out their Money in Purchases, or advance it upon Mortgages, and a Diminution of the Value of Lands, Tenements, Hereditaments, and Slaves, and a great Detriment to the Island of Nevis: for Remedy whereof, we your Majesty's most dutiful and loyal Subjects, the Captain General and Governor in Chief of all your Majesty's Leeward Charribbee Islands, in America, and the Council and Assembly of the Island of Nevis, humbly pray Your Majesty that it may be Enacted; And be it Enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the said Chief Governor and the said Council and Assembly, and the Authority of the same, That all Deeds and Conveyances which, from and after the Publication of this Act, shall be made and executed, and all Wills and Devises in Writing made, or to be made, and published, where the Divisor or Testatrix shall die, after the Publication of this Act, of or concerning, and whereby any Messuages, Lands, Tenements, Hereditaments, or Slaves (being of the Nature of real Estate, and commonly used and exercised upon and about any Plantation or Plantations, and affixed to the Freehold, and made inheritable with such Plantation or Plantations by an Act of this Island, intituled, "An Act for preventing tedious and chargeable Law Suits, and for declaring the Rights of particular Tenants,") which shall or may be any-way affixed in Law or Equity, may be entered and registered in the Secretary's Office of this Former Law defective.  
Deeds, &c. to be recorded in the Secretary's Office.



*A.D. 1762.* Island in such Manner as is herein after directed; and that every such Deed or Conveyance, which shall, at any Time after the Publication of this Act, be made and executed, shall be adjudged fraudulent and void, against any subsequent Purchaser or Mortgagee for valuable Consideration, unless such Deed or Conveyance be entered and registered as by this Act is directed, before the Entering and Registering of the Deed or Conveyance under which such subsequent Purchaser or Mortgagee shall claim; and that every such Devise by Will shall be adjudged fraudulent and void against any subsequent Purchaser or Mortgagee for valuable Consideration, unless such Will be entered and registered at such Time, and in such Manner, as is herein after directed.

Deeds to be acknowledged or proved before Registry.

What Proofs necessary.

Hours of Secretary's Attendance.

Book for Registry to be kept.

Alphabetical Kalender to be kept.

II. And, for settling and establishing a certain Method, with proper Rules and Directions for entering and registering such Deeds, Conveyances, and Wills, as aforesaid, **Be it, and it is hereby Enacted**, by the Authority aforesaid, That every such Deed, Conveyance, or Will, as shall be made and executed upon this Island, shall, before the same shall be entered and registered, be acknowledged by the Party or Parties who shall make and execute the same, or the Execution thereof shall be proved by the Oath of One of the subscribing Witnesses thereto, before one of the Justices of the Court of King's Bench and Common Pleas in this Island; and that every such Deed, Conveyance, or Will, as shall be made and executed in any other Place, shall be acknowledged or proved in like Manner before One of the Justices of the Court of King's Bench and Common Pleas, or one of the Barons of the Court of Exchequer, in *Great Britain or Ireland*, or before the Chief Magistrate of the Island, Colony, City, Town Corporate, or Place, where such Deed, Conveyance, or Will, shall be made and executed.

III. And be it further Enacted, by the Authority aforesaid, That the Secretary for the Leeward *Charibbee* Islands, in *America*, for the Time being, or his lawful Deputy in this Island, shall give due Attendance at his Office in *Charles Town*, in this Island, every Day in the Week, except Sundays and Holidays, between the Hours of Nine and Twelve in the Forenoon, and Two and Five in the Afternoon, for the Dispatch of all Business, in and by this Act required to be done in the said Secretary's Office; and that there shall be kept in the said Secretary's Office good bound Books, in which such Deeds, Conveyances, and Wills, only shall be entered and registered; and that the said Secretary or his lawful Deputy, shall number every Page of such Books, and shall also number every Deed, Conveyance, or Will, which shall be entered therein, and shall enter in the Margin of the said Book, the particular Year, Day of the Month, and Hour, or Time of the Day, when every such Deed, Conveyance, or Will, is registered, and shall also keep an alphabetical Kalender of the Names of the Parties to every such Deed, Conveyance, or Will, referring to the Entry thereof in the said Books, and shall duly enter and register the said Deeds, Conveyances, and Wills, in the same Order of Time, as they shall respectively come to his Hand.

IV. And



IV. And be it further Enacted, by the Authority aforesaid, That the Secretary, or his lawful Deputy, shall indorse a Certificate upon every Deed, Conveyance, or Will, which shall be entered and registered, and shall mention in the said Certificate the particular Year, Day of the Month, and Hour, or Time of the Day, in which such Deed, Conveyance, or Will, is entered and registered, and express the Number of the said Deed, Conveyance, or Will, and in what particular Book and Page the same is recorded, and shall also sign the said Certificate indorsed, which Certificate so indorsed and signed by the said Secretary, or his Deputy, shall be taken and allowed as sufficient Evidence of such respective Registries, in all Courts of Judicature in this Island.

A. D. 1762  
Deeds to be indorsed by Secretary or his Deputy.

V. And be it further Enacted, by the Authority aforesaid, That the Secretary, or his Deputy, shall, as often as required, not only make Searches concerning all Deeds, Conveyances, and Wills, that are entered and registered in such Manner and Form as is herein before directed, but shall likewise give Copies thereof, and Certificates concerning the same, under his Hand, to such Person or Persons, by whom any such Copy or Certificate shall be demanded or required.

Search for Deeds to be made when required.

And give Copies if Demanded.

VI. And be it further Enacted, by the Authority aforesaid, That the Secretary for the Time being, or his Deputy, before he shall take upon himself to enter and register any Deed, Conveyance, or Will, or give any Copy or Certificate thereof by virtue of this Act, shall be sworn before the Chief Governor, or Commander in Chief on the Island, for the Time being, who is hereby empowered and required to administer such Oath, in the Words following, Viz.

Secretary and Deputy to be sworn.

“ YOU shall swear that you will truly and faithfully perform and execute the Office and Duty that is directed and required to be done and performed by you, by an Act of this Island, intituled, An Act to amend and render more effectual, an Act of this Island, intituled, An Act to settle and establish the Secretary's Fees of this Island, by making it necessary to record all Deeds, Conveyances, and Wills, and other Incumbrances which shall be made of, or may affect Lands, Tenements, Hereditaments, or Slaves, in the Island of *Nevis*, and to prevent covinous and fraudulent Dealings and Transactions therein, so long as you shall continue in the said Office.”

The Oath.

“ So help You God.”

VII. And be it further Enacted, by the Authority aforesaid, That every Secretary, or his Deputy, at the Time of being sworn as aforesaid, shall enter into a Recognizance, with Two or more sufficient Sureties, to be approved of by the Chief Governor, or Commander in Chief in the Island, for the Time being, and the Council and Assembly of this Island, of the Penalty of Two thousand Pounds, of current Money of this Island, unto his Majesty, his Heirs and Successors, to be taken by One of the Justices of the Court of King's Bench

Secretary to find Security in 2000l.



D. A. 1762.

Bond to be  
inrolled.Penalty on  
Secretary's  
Neglect of  
Duty.Treble Dam-  
ages with  
Costs of Suit.Jury to assess  
Damages.Upon Death  
&c. of Secre-  
tary, and no

Bench and Common Pleas in this Island, conditioned for the true and faithful Performance of his Duty, in the Execution of his Office, in the several Matters and Things directed and required by this Act, which Recognizance shall be immediately inrolled, at length, in the Secretary's Office of this Island,

VIII. And be it further Enacted, by the Authority aforesaid, That if any Secretary, or his Deputy, respectively, shall enter or register any Deed, Conveyance, or Will, which shall or may affect any Lands, Tenements, Hereditaments, or Slaves, within this Island, before the same shall be acknowledged, or proved, in Manner as before in this Act is directed, or shall neglect to perform his Duty in the Execution of the said Office, according to the Rules and Directions in this Act mentioned, or commit, or suffer to be committed, any undue or fraudulent Practice in the Execution of the said Office, contrary to the true Intent and Meaning of this Act, the said Secretary, or his Deputy, respectively, shall pay treble Damage, with full Costs of Suit, to every Person or Persons as shall be injured thereby; and every such Person or Persons as shall or may so happen to be aggrieved, or suffer any Wrong or Damage by the Secretary for the Time being, or his Deputy, respectively, contrary to the true Intent and Meaning of this Act, shall, and may, bring a Writ of *Scire Facias*, in the King's Majesty's Name, against the said Secretary, or his Deputy, respectively, his Heirs, Executors, or Administrators, upon the said Recognizance, returnable in the Court of King's Bench and Common Pleas in this Island, to which *Scire Facias*, the Secretary, or his Deputy, respectively, his Heirs, Executors, or Administrators, shall be obliged to plead and come to Issue, at the Second Court, after the issuing of such Writ, otherwise Judgment shall be given against him, or them, as by *Nihil Dicit*, and then a Writ from the Chief Justice of the said Court, or, in his Absence, the next Justice in Commission, shall issue out of the said Court, directed to the Provost Marshal, or his lawful Deputy, to enquire by Twelve good and lawful Men, of the said Island, of the Damages sustained by the Person or Persons prosecuting such Writ, and upon the Return of the same Inquisition, Judgment shall be given for Treble the Value of the Damages so found by such Jury, with full Costs of Suit; which Damages and Costs, when levied, shall go and be paid by the Provost Marshal of the said Island, or his lawful Deputy, to the Party so found to be grieved; and in Case such Recognizance shall fall short of the Damages so sustained by such Person or Persons, that then such Person or Persons shall and may recover the Residue of his or their Damages against the Secretary, his Heirs, Executors, or Administrators, by Action of Debt, Bill, Complaint, or Information, in any of His Majesty's Courts of Record within the said Island, wherein no Essoign, Protection, Privilege, or Wager of Law, shall be allowed, or any other than one Impar lance.

IX. Provided nevertheless, and it is hereby Enacted and Declared, That if any Secretary, or his Deputy, shall happen to die, or do,



or shall surrender or be removed from the said Office, that then and in such Cases, if no Misbehaviour appears in such Secretary, or his Deputy, respectively, in the Execution of his said Office, in the several Matters and Things by this Act directed and required, within Two Years after such Death, Surrender, or Removal, the Recognizance so to be entered into by such Secretary or his Deputy, respectively, shall from thenceforth be absolutely void to all Intents and Purposes whatsoever, as if the same had never been entered into, acknowledged, or made; any Thing herein before contained to the contrary thereof in any wise notwithstanding.

A. D. 1762.  
complaint  
made in Two  
Years, his  
Bond to be  
delivered up.

X. And be it further Enacted, by the Authority aforesaid, That all Wills that shall be entered and registered in Manner as aforesaid, within the Space of Three Calendar Months after the Death of every respective Devisor, or Testatrix, dying within this Island, or within the Space of Two Years, after the Death of every respective Devisor, or Testatrix, dying upon the Sea, or in any Parts beyond the Seas, shall be valid and effectual against subsequent Purchasers as if the same had been registered immediately after the Decease of such respective Devisor, or Testatrix; any Thing herein contained to the contrary in any wise notwithstanding.

Wills, &c. to  
be registered  
in Three  
Months, if  
made in the  
Island, if in  
Parts be-  
yond the Sea  
in Two Years.

XI. Provided always, that in Case the Devisee, or Person or Persons interested in the Messuages, Lands, Tenements, Hereditaments, or Slaves, devised by any such Will as aforesaid, by reason of the Concealment, Suppression, or contesting such Will, or other inevitable Difficulty, with his, her, or their, wilful Neglect or Default, shall be disabled to exhibit the said Will for the Registry thereof, within the respective Times before limited; and that a Memorial shall be entered in the said Office of such Contest or other Impediment within the Space of Two Years after the Death of the said Devisor, or Testatrix, who shall die within this Island, or within the Space of Three Years next after the Decease of such Person who shall die upon the Sea, or beyond the Sea, then the Registry of such Will within the Space of Six Months next after his, her, or their, Attainment of such Will, or Probate thereof, or Removal of the Impediment, whereby he, she, or they, are disabled or hindered to exhibit such Will, shall be a sufficient Registry within the Meaning of this Act; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Wills, &c.  
illegally, con-  
cealed or  
contested Ex-  
cepted.

XII. Provided nevertheless, That in case of any Concealment or Suppression of any Will or Devise, any Purchaser or Purchasers shall not be disturbed or defeated in his or their Purchase, unless the Will be actually registered within four Years after the Death of the Devisor or Testatrix.

XIII. And be it further Enacted, by the Authority aforesaid, That in case of Mortgages that shall be entered and registered pursuant to this Act, if at any Time afterwards a Certificate shall be brought to the Secretary, or his lawful Deputy, signed by the Mortgagee or Mortgagees in such Mortgage, his, her, or their, Executors, Administrators, or Assigns, and attested by two credible Witnesses,

When Mort-  
gages, &c.  
are paid off,  
Secretary up-  
on due proof  
thereof, to en-  
ter it on the  
Margin of the  
Deed so paid,



*A. D. 1762.* Witnesses, whereby it shall appear that all Monies due upon such Mortgage have been paid and satisfied in Discharge thereof, which Witnesses shall, upon their Oaths, before any of the Justices of the Court of King's Bench and Common Pleas in this Island, or before any such other Justice, Baron, or Magistrate, as is herein before empowered to take the Probate or Acknowledgment of any Deed, Conveyance, or Will, in Manner as herein before mentioned and required, prove such Monies to be satisfied or paid accordingly; and that they saw such Certificate signed by the Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, that then, and in every such Case, the Secretary, or his lawful Deputy, shall make an Entry in the Margins of the said Registry Books, against the Registry of such Mortgage that the same was paid and satisfied, and discharged according to such Certificate, to which the same Entry shall refer, and shall afterwards File such Certificate to remain upon Record in the said Secretary's Office.

Leases excepted.

XIV. *Provided* always nevertheless, and it is hereby declared, That nothing in this Act before contained shall extend, or be construed, deemed, or taken, to extend to any Leases made of any Lands, Tenements, Hereditaments, or Slaves, wherein, or whereupon, the full or accustomed Rent of such Lands, Tenements, Hereditaments, or Slaves, is reserved and made payable, or to any Lease not exceeding One and Twenty Years, where the actual Possession and Occupation goeth along with the Lease, or to any Slaves of the Nature of Personal Estate, not affixed to any Plantation or Plantations, or made inheritable therewith; any Thing herein before mentioned to the contrary thereof in any wise notwithstanding.

Deeds of Gift of Slaves not legal unless registered, &c.

XV. *Provided* nevertheless, and it is hereby Enacted, by the Authority aforesaid, That all Gifts of Slaves of the Nature of Personal Estate, not affixed to any Plantation or Plantations, nor made inheritable therewith, which shall hereafter be made to any Person or Persons, shall be void to all Intents and Purposes, unless every such Gift shall be by Deed, executed in Writing, under the Hand and Seal of the Giver, and duly proved, entered, and registered, in the said Secretary's Office, in such Manner as other Deeds and Conveyances are herein before directed to be entered and registered; and that every such Gift shall only take Effect and transfer the Property in the Slave or Slaves therein mentioned, from the Time of entering and registering the same, and not sooner.

Copies of Deeds, &c. Where Originals are lost to be equally good with the originals.

XVI. And be it further Enacted, by the Authority aforesaid, That Copies of all Deeds, Conveyances, and Wills, which shall be duly entered and registered in the said Office, and certified under the Hand of the Secretary for the Time being, or his Deputy, in Case the Original Deed, Conveyance, or Will, shall be proved upon Oath to be lost or mislaid, so that the same cannot be produced, shall be allowed as good and sufficient Evidence in all Courts of Judicature in the said Island, as the Original Deed, Conveyance, or Will, might or could be if such Original was then and there exhibited.



XVII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever shall, at any Time, forge or counterfeit any such Entry, Acknowledgment, Probate, Certificate, or Indorsement, as is herein before mentioned or directed, and be thereof lawfully convicted, such Person or Persons shall incur and be liable to such Pains and Penalties as in and by an Act made in the Fifth Year of the Reign of Queen Elizabeth, intituled, "An Act against Forgers of false Deeds and Writings," are imposed upon Persons for forging and publishing of false Deeds, Charters, or Writings, sealed Court Rolls, or Wills, whereby the Freehold or Inheritance of any Person or Persons of, in, or to, any Lands or Tenements shall or may be molested, troubled, or charged; and that if any Person or Persons shall at any Time wilfully forswear him, her, or themselves, before any Justice, Baron, or Magistrate, in any of the Cases herein mentioned, be thereof lawfully convicted, such Person or Persons shall incur and be liable to the same Penalties as if the same Oath had been taken in any of the Courts of Records in this Island.

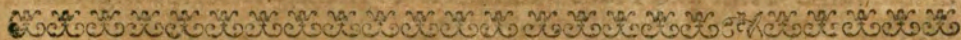
D. A. 1762.  
Penalty on  
Persons guilty  
of Forgery  
or Perjury.

XVIII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for every such Secretary, and his Deputy, to demand, take, and receive, to and for his own proper Use and Benefit for the entering or registering of every Deed, Conveyance, and Will, or Certificate, that shall and may be entered and registered in the said Office by virtue of this Act, and also for Copies thereof, when demanded, the several Fees or Sums of Money following; (that is to say) for every Hundred Words contained in every such Deed, Conveyance, or Will, the sum of One Shilling Current Money; and for entering every Certificate of Satisfaction on a Mortgage Three Shillings, of like Current Money; and for searching the Register's Books for every Deed, Conveyance, or Will, Three Shillings of like Current Money; and for every Certificate under his Hand three Shillings of like Current Money, and no other or greater Fees on any Pretence whatsoever; which Fees after Demand, and Refusal or Non-Payment, may be recovered and levied by Sale of the Goods and Chattels of the Person or Persons who shall be liable to pay the same, by a Warrant under the Hand and Seal of any Justice of the Peace in the said Island, and, directed to any Constable in the said Island for that Purpose.

Secretary's  
Fees.

Public Act.

XIX. And be it further Enacted, by the Authority aforesaid, That this Act shall be taken and allowed within all Courts of this Island as a public Act, and all Judges, Justices, and other Persons therein concerned are hereby required as such to take Notice thereof, without specially Pleading the same.



An Act for establishing and regulating, and disciplining, the Militia Forces of the Island of Nevis.

A. D. 1763.

A. 165  
Exp red



*A. D. 1763. An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis.*

No. 166.

Expired.

*A. D. 1764. An Act for the Ease and Relief of Peter Marchant, an Insolvent Debtor.*

No. 167.

Private.

*No. 168. An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis.*

Expired.

*No. 169. An Act to repeal Three Acts, intituled, " Acts for the more easy repairing the Highways, &c. and for making another Act to the same Purpose more effectual."*

Confirmed

June 26.

1767.

Preamble.

Whereas the several Acts of this Island for the more easy repairing the Highways, have been found, as they were made very defective, and have been productive of tedious and vexatious Suits, to the great Detriment of the several Inhabitants who have been chosen and acted as Surveyors, and have tempted evil and wicked disposed Persons to litigate the same, and to elude the Force of all former Acts to that Purpose; We, therefore, Your Majesty's most dutiful and loyal Subjects, the Chief Governor of Your Majesty's Leeward Charribbee Island in America, together with the Council and Assembly of the Island of Nevis, Do pray your most Excellent Majesty that it may be Enacted; And be it, and it is hereby Enacted, by the Authority aforesaid, That the said Acts, and every Article, Clause, Matter, and Thing, therein contained, be and is [and are] hereby repealed, and made null and void to all Intents and Purposes, and Constructions whatsoever.

Three former Acts repealed.

Justices to issue their Warrant for summoning Freeholders.

II. And be it Enacted, by the Authority aforesaid, That, from and after the Publication of this Act, the several Justices of the Peace for each Parish in this Island for the Time being, and for want of such Justice of the Peace in any Parish, then One of the Justices in any other Parish, shall, upon the First Day of December annually, if such Day shall happen to be on Sunday, then on the Day following, issue out his Warrants to the Constables of the several Divisions in each Parish, commanding them to summon the several Freeholders throughout the same, to meet within Four Days at their Parish Church, then and there to choose Two able and substantial Persons out of each of their several Parishes to be Surveyors of the Highways and Paths for the Year ensuing, who being so chosen, the Justice of the Peace for each Division is hereby required to order such Surveyors to attend at a certain Day, Place, and Hour, and give them his Warrant or Commission to act as such, and shall at the same Time and Place administer to them the following Oath,

Who are to elect a Surveyors in each Parish.

Surveyors Oath.

*viz,*  
 " YOU A. and B. do swear upon the Holy Evangelists of Almighty GOD, that you and each of you shall, to the best of your Judgment and Skill, faithfully and impartially execute the  
 " Office



“Office of Surveyors of the Highways and Paths within your respective Parishes.” A. D. 1764.

“ So help you God.”

And after they are so sworn and commissioned, they the said Surveyors are required to inspect into all the Roads, Ways, and Paths, in their respective Parishes, and widen and amend as many as they can within the Space of Six Days, and to open as many Sluices or Drains, and to extend the same as far into the Lands adjoining as they shall think necessary to convey the Waters from the common Paths or Highways, at Two several Times every Year, that is to say, in *December* and *August*, and at any other Time as real Occasion shall require; and shall, as soon as it is agreed on by them, in each of those Months, issue out his or their Warrant to the Constables of their respective Parishes to summon the Inhabitants thereof to send such a proportionable Number of their Slaves, and those the more able ones, as they the Surveyors shall think necessary, not exceeding the One Fourth Part of their whole Number, to meet at such Time and Place as they shall think necessary to appoint, attended by the Proprietors, Managers, or White Overseers, to repair and widen the said Roads and Paths; and if the Inhabitants, when summoned, having Forty Eight Hours notice, shall refuse or neglect to send their Overseers and Slaves with necessary Tools, that is to say, two Mattock Hoes, one Sledge, one Crow for every Twenty Negroes, and each Negro to have a common Hoe and Dung Basket, shall forfeit and pay the Sum of Six Shillings *per Diem* for each Slave not sent, and Fifteen Shillings *per Diem* for any Neglect of the above mentioned Tools; and if they shall refuse to attend and remain with their Slaves, or assist the Surveyors therein by themselves or white Overseers, they shall forfeit and pay the Sum of Forty Shillings *per Diem*; if the Constable or Constables shall refuse or neglect to summon the Inhabitants as aforesaid, they and each of them so offending shall forfeit and pay the Sum of Three Pounds for every Person not summoned, Proof being made thereof by the Oath of one Evidence, all which Fines are hereby ordered to be levied, on Non-payment, by a Warrant from any Justice of the Peace, who is hereby empowered and required to grant such Warrant, on the Goods and Chattels of the Offender or Offenders, by the Provost Marshal, and to be sold at public Outcry in *Charles Town*, in this Island, within the Space of Ten Days, returning the Overplus, if any, to the Owner One Moiety, of which Fines; and all other Fines in this Act, shall go to the Informer, and the other Moiety shall be paid to the Treasurer for the Use of the Fortifications of this Island.

III. And be it Enacted, by the Authority aforesaid, That all Cart Roads, or any other that, through Necessity, may be made, such shall be made Eighteen Feet wide; and all private Roads, or such wherein no Carts may be required to pass, shall be made Twelve Feet wide; but if any Rains should happen to fall while the Surveyors are attending the Paths, and they shall think proper, with the Consent of

Duty of Surveyor.

Penalty on Persons refusing to send Slaves to repair the Highways.

Penalties how to be recovered,

and applied.

Width of the Roads.

the



A. D. 1764, the Majority of the Parishioners present, to draw off the Slaves then at work, the Surveyors are hereby impowered to adjourn and dismiss the Company attending, and Slaves, till further Order.

Limited time  
for Slaves  
Attendance.

Persons refus-  
ing to let the  
Road be wi-  
dened, &c. in  
their Land,  
the same to be  
done by Sur-  
veyors, &c.

IV. **Provided always**, That the whole Time such Slaves are employed shall not exceed Six Days at any one Time.

V. **And be it further Enacted**, by the Authority aforesaid, That when the Surveyors are required, or see good Cause, to make new Paths, to alter, turn, or widen, any Paths in their respective Parishes (if the Proprietors of the Land adjoining the Paths thus to be altered, turned or widened, will not consent thereto) they are hereby directed to apply to the Justice of that Parish, or, for want of such, to any Justice of the Peace in another Parish, who shall immediately grant a Precept to the Assembly Men of that Division to join with the said Surveyors, on a certain Day and Place, therein to be expressed, which Surveyors shall at the same Time give notice to the Proprietors, or their Representatives, of such Lands where any Alteration, Turning, Widening, or new Paths, are to be made, and upon hearing the Matter, the said Assembly Men and Surveyors, or any Four of them, are hereby impowered to alter, turn, widen, or make, new Paths according to the Directions of this Act.

Known Paths  
to be widen-  
ed, but pro-  
perly fenced  
in by the Sur-  
veyors, &c.

VI. **But whereas**, it frequently happens that the Situation of many Works, Houses, or Buildings, are or may be so hemmed in by other People's Property, and for Want of a known Path, or one of convenient Breadth, many Disputes and great Inconveniences may arise, **Be it therefore Enacted**, by the Authority aforesaid, That in all Cases where there is a known Path, at any Time heretofore customable, for carrying Goods leading to a Highway, such known Path shall, with all convenient Expedition, be widened and continued (the Surveyors fencing the same when altered) according to the Dimensions before enjoined for a Cart Path, and, where there is no such known Path convenient for Cart or other Carriage, then the Surveyors, upon Application made for such Purpose, joined with the Assembly Men aforesaid, shall immediately cause a new Cart Path to be made leading to the next Highway (fencing the same when made) for the Benefit of Persons conveying their Commodities to Market, or the usual shipping Place, according to the Directions herein before enjoined.

Lands taken  
into the  
Roads to be  
valued on  
Oath.

VII. **And be it further Enacted**, by the Authority aforesaid, where any Roads to be enlarged, turned, or altered or amended, as shall be most advantageous to the Public Good, the Surveyors and Assembly Men are hereby required and impowered to put a just and intrinsic value upon so much Land as they shall alter, turn, widen, enlarge, or take up, (being rendered of no Value to the Proprietor) according to the best of their Skill, and Judgment, on Oath, to be administered by any Justice of the Peace, that is to say,

The Oath.

“ **YOU**, A. B. C. and D. do swear upon the Holy Evangelists  
“ of Almighty God, that you will, to the best of your Skill  
“ and Judgment, put a true Value upon the Lands belonging to  
“ to be made a Path or Highway, and that you will do  
Justice



“ Justice therein to the best of your Power, without Favour or Affection. A. D. 1764.

“ So help you God.”

After which the Assembly Men and Surveyors shall give the Proprietor a Certificate of the Value of such Land under their Hands, directed to the Treasurer for the Time being, who is hereby required and directed to pay such Value to the Proprietor out of the Public Stock of this Island; but in Case any Disputes shall arise about the Value of any Land to be taken up, altered, enlarged, widened, or turned, belonging to the Assembly Men or Surveyors of any Division, the Majority of the Surveyors or Assembly Men not interested shall determine the same.

Certificate of the Value to be given to Proprietors.

To be paid out of the Treasury.

VIII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the said Surveyor and Surveyors, and such Person and Persons, as he and they shall appoint to dig, gather, take, and carry away any Gravel, Cane Trash, Sand, or Stones, out of any Gut, Common, or waste Ground, of any Parish in or near which any founderos or ruinous Places of the said Highway or Road do lie, without paying any Thing for the same, and where there is not sufficient of such Materials in any Gut, Common, or waste Ground, near adjoining, it shall and may be lawful for them to gather Stones and Cane Trash in the several Grounds of any Person or Persons where any such Materials are to be found, except such Lands are in Plant Canes, and from Time to Time, to carry away such and so much thereof as the said Surveyor and Surveyors, in their respective Places, shall adjudge necessary for the repairing and amending the said Highway or Road, paying such a Rate for such Materials to the Owner or Occupier of the Ground from whence the same shall be gathered and carried away, as any Four indifferent Persons, to be mutually chosen between the several Parties, shall adjudge reasonable; which Damage so adjusted to be paid the Proprietor or Occupier out of the Public Treasury of this Island.

Materials to be taken gratis.

Except from Plant Canes.

Where taken from private Ground to be paid for as assessed, out of the Treasury.

IX. And be it further Enacted, by the Authority aforesaid, That if any Justice of the Peace shall refuse or neglect to proceed as in and by this Act is before directed, such Justice shall forfeit and pay the sum of Twenty Pounds, to be levied, on Non-payment, on his Goods and Chattels by the Marshal, by Warrant from any Magistrate, who is hereby empowered and required to grant such Warrant, and to be sold at public Outcry in Charles Town, in this Island; the one Moiety of which fine shall go to the Informer, and the other Moiety to the Treasurer, for the Use of the Fortifications of this Island, returning the Overplus, if any, (all reasonable Charges being first deducted) to the Owner; and if the Surveyors shall refuse to act when shewn, each Surveyor so refusing shall forfeit the sum of Twenty Pounds, and if the Assembly Men shall refuse to act each Assembly Man so refusing the like Sum of Twenty Pounds, to be levied, sold, and applied, as is herein before directed.

Penalty on Justices not doing their Duty.

How to be levied,

and applied.

X. And be it further Enacted, by the Authority aforesaid, That where any Sluices or Drains, shall be found stopped, upon Complaint made

Penalty on Persons suffering Sluices made



*A. D. 1764.* made by any one Person before any Justice of the Peace, the Proprietor or Occupier of the Lands where such Sluices have been made, shall forfeit and pay the Sum of Ten Pounds for each Sluice so stopped, to be recovered and applied as before directed, unless he shall declare upon Oath, that he neither did it of himself, nor caused the same to be done by his Directions.

to be stopped in their Grounds.  
How to be recovered and applied.  
Delinquents to be punished.

XI. And, forasmuch, as many Difficulties may arise in proving the Facts relative to the due Execution of this Act, Be it further Enacted, by the Authority aforesaid, That upon Return of the Way Warden, upon Oath, before any Magistrate, the Delinquent being first summoned to attend and make his Defence, shall forfeit and pay as is herein before directed, unless he can prove, by the Oath of one or more credible Persons, that he has complied with the true Intent and Meaning of this Act; any Usage or Custom to the contrary in any wise notwithstanding.

Actions commenced for any thing done in virtue of this Act,

Defendant may plead the General Issue.

Treble Costs.

Springs of the Bath to be kept clean

An Act suspended till his Majesty's Pleasure is known.

XII. And be it further Enacted, by the Authority aforesaid, That if any Suit or Action shall be commenced against any Person or Persons for any thing done in pursuance of this present Act, that in every such Case the Defendant or Defendants in such Action or Actions to be brought, may plead the General Issue, and give this Act, and the special Matter, in Evidence at any Trial to be done; that then the Jury shall find for the Defendant or Defendants; and that upon such Verdict, or if the Plaintiff shall be non-suited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may recover treble Costs, and have the like Remedy for the same, as any Defendant or Defendants, hath or have in other Cases by Law.

XIII. And be it further Enacted, by the Authority aforesaid, That the Surveyors of the Parishes of St. John and St. Paul, shall at every Meeting for the Repairing the Highways in their Parishes, cause the Springs of the Bath to be properly cleansed and kept open.

XIV. And be it further Enacted, by the Authority aforesaid, That this Act shall not be in Force until his most Sacred Majesty hath given his Royal Assent unto it. Dated in Nevis, this Twenty-first Day of January, in the Year of our Lord One Thousand, Seven Hundred and Sixty Four, and in the Fourth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth.

\*\*\*\*\*

*D. A. 1765.* An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis.

170. 1. 0.  
Expired.

*A. D. 1766.*

170. 171.  
Expired.

An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis.



An Act for raising a Poll Tax on Negroes and other Slaves belonging to the Plantations and Inhabitants of the Island of Nevis. A. D. 1767.

No. 172.  
Expired.

An Act for granting an Aid unto his Majesty, by a Duty or Tax of Five Shillings and Three Pence, Current Money, per Poll, on the Negroes and other Slaves belonging to the Inhabitants of, and the Plantations in, the Island of Nevis, for repairing the Forts and Fortifications, and defraying the other public Expences of the said Island. A. D. 1768.

No. 173.  
Exp. red.

An Act for providing an honourable Support for his Excellency William Woodley, Esq. during his Government, and also for laying a Duty or Poll Tax upon Negroes and other Slaves for the Payment thereof. No. 174.

Expired.

An Act for the better securing Mortgagees, by rendering Mortgages of Slaves in this Island valid and effectual in the Law. No. 175.

**W**hereas the Expence of settling and working a Sugar Plantation, and the Uncertainty of Crops, oblige many of the Planters in your Majesty's Sugar Colonies to take up, at Interest, large Sums of Money in Great Britain, or elsewhere, for the better enabling them to work their Estates to Advantage; And whereas it is altogether just and reasonable that Persons who lend Monies on Interest to Planters in this Island should have the best Security for the Repayment thereof that the Legislature of this Island can properly afford them; And whereas many Persons in this Island, who have large Property in Slaves without Lands, have been prevented from taking up Monies at Interest upon Mortgages thereof, because it hath been lately affirmed by divers Persons learned in the Law that, according to the Laws now in Force and Use in this Island, a Mortgage of Slaves is fraudulent and void against *Bona Fide* Creditors and subsequent Purchasers for a valuable Consideration, unless the Mortgagor shall, at or immediately after the Execution of such Mortgage, deliver unto the Mortgagee the Possession of such mortgaged Slaves, and the Mortgagee shall afterwards continue the Possession thereof; We, therefore, your Majesty's most dutiful and loyal Subjects, the Governor in Chief in and over all your Majesty's Leeward Charribbee Islands in *America*, and the Council and Assembly of this your Majesty's Island of *Nevis*, do most humbly beseech your Majesty, That it may be Enacted; And be it, and it is hereby Enacted and Ordained, by the Authority aforesaid, That from and immediately after the Publication of this Act, all Mortgages of Slaves in this Island, either alone by themselves, or jointly with Lands and Tenements, shall be good, valid, and effectual, in Law, notwithstanding the Mortgagors in such Mortgages named, shall continue in Possession of such mortgaged Slaves.

Preamble.

Mortgages of Slaves, without Possession valid.

U u

II. Provided



A. D. 1768.

Mortgages to be registered.

Limitation of Time for Registry.

Mortgages to be proved before Registry.

What Proofs admitted.

Office Copy to be admitted in Evidence.

II. Provided nevertheless, That all and every such Mortgages of Slaves, either alone by themselves or jointly with Lands and Tenements, shall be made *Bona Fide*, and for a valuable Consideration, and shall be enrolled at Length in the Register's Office of this Island, immediately after the making and executing thereof, in Case the same shall be made and executed in this Island; but in Case any such Mortgage shall be made and executed in Parts beyond the Seas, that then the same shall be enrolled as aforesaid within Twelve Calendar Months from and after the making and executing thereof; and such Mortgages made and executed beyond the Seas, and enrolled within the limited Time, shall stand good, and bar any subsequent Mortgage, though made and executed within this Island, notwithstanding the same be duly executed and enrolled as in and by this Act is directed.

III. Provided also, That all and every such Mortgage and Mortgages which shall be made and executed upon this Island shall, before the Enrollment thereof, be acknowledged by the Party or Parties who shall execute the same, or else the Execution of all and every such Mortgages respectively shall be proved by the Oath of One of the subscribing Witnesses thereto, before One of the Judges of the Court of King's Bench and Common Pleas held for this Island; and in Case any such Mortgage shall be made and executed beyond the Seas, that then the same shall either be acknowledged by the Party, or Parties who shall execute the same, or else be proved by One of the subscribing Witnesses thereto, if in any Place out of *Great Britain* and *Ireland*, then before the Governor or other Chief Magistrate of the Country, Colony, Plantation, Island, or Place, where such Mortgage shall be made and executed; and in Case the same shall be made and executed in any Part of *Great Britain* or *Ireland*, that then such Mortgage shall be either acknowledged or proved as herein before is mentioned, before the Mayor, or other Chief Magistrate, of the City, Borough, or Town Corporate, in which, or next to which, such Mortgage shall be made and executed.

IV. And be it further Enacted, by the Authority aforesaid, That a Copy of any Mortgage made in Pursuance of this Act, and attested by the Register of this Island, or his lawful Deputy, shall be admitted and deemed good Evidence in any Court of Law or Equity whatsoever. Dated in *Saint Christopher's*, the Thiteenth Day of *December*, in the Ninth Year of the Reign of our Sovereign Lord *George the Third*, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth, and in the Year of our Lord One thousand Seven hundred and Sixty-eight.

A. D. 1769 An Act for granting an Aid unto his Majesty, by a Duty or Tax of Three Shillings and Six Pence, Current Money, per Poll, on the Negroes and other Slaves, belonging to the Inhabitants of, and the Plantations in, the Island of Nevis, for repairing the Forts and Fortifications, and defraying the other public Expences of the said Island

NO. 176.  
Expired



An Act for granting an Aid unto his Majesty, by a Duty or Tax of Four Shillings and Six Pence, Current Money, per Poll, on the Negroes and other Slaves belonging to the Inhabitants of, and the Plantations in, the Island of Nevis, for repairing the Forts and Fortifications, and defraying the other Public Expences of the said Island. A. D. 1770.  
No. 177.  
Expired.

An Act for granting an Aid unto his Majesty, by a Duty or Tax of Three Shillings and Six Pence, Current Money, per Poll, on the Negroes and other Slaves, belonging to the Inhabitants of, and the Plantations in, the Island of Nevis, for repairing the Forts and Fortifications, and defraying the other public Expences of the said Island. A. D. 1771.  
No. 178.  
Expired.

An Act for providing an honourable Support for his Excellency Sir Ralph Payne, Knight of the Bath, during his Government, and also for laying a Duty or Poll Tax on Negroes and other Slaves for the Payment thereof. A. D. 1772.  
No. 179.

**W**hereas his Majesty hath been most graciously pleased to appoint Sir *Ralph Payne* to be Captain General and Governor in Chief in and over all his Majesty's Leeward *Charribee* Islands in *America*; now to the End that a Provision be made for the honourable Support of his Excellency, and as a Testimony of our Regard and Affection to his said Excellency, we, your Majesty's most dutiful and loyal Subjects, the Council and Assembly of the Island of *Nevis*, do most humbly pray your most sacred Majesty, that it may be Enacted; And be it, and it is hereby Enacted, by the Governor, the Council, and Assembly of the Island of *Nevis*, That there shall be paid to his said Excellency Sir *Ralph Payne*, or to his Order, in Gold and Silver Money, the Sum of Three hundred Pounds of Current Money of the said Island yearly, and every Year, during his Residence in his Government, by the Treasurer of the said Island for the Time being, to commence from the First Day of *February*, in the Year of our Lord One thousand Seven hundred and Seventy-two, being the Day of his said Excellency's Arrival in his Government; and the First Payment of Three hundred Pounds of Current Money aforesaid to be made and paid unto his Excellency, on the First Day of *April*, which will be in the Year of our Lord One thousand Seven hundred and Seventy-three, and the like Sum of Three hundred Pounds on the First Day of *April* in each and every succeeding Year, and so in Proportion for a less Time than a Year, without any further Order or Direction from the Legislature of the said Island of *Nevis*.

II. Provided always, That if his said Excellency shall depart from his Government, then he shall not be allowed or intitled to demand or receive any Allowance or Provision, by Virtue of this Settlement, from and after the Time of his Departure, and the Provision hereby made for him shall cease from the Time of his Departure, and until his actual Return to his said Government; but if his said Excellency shall return to his said Government in the Space of Eighteen Callendar Months next after his Departure therefrom, then his said Excellency shall be intitled to, and receive the same

Preamble.

Annual Allowances to his Excellency Sir *Ralph Payne*, K. B.

To cease upon his Excellency's Departure from his Government.

To commence on his Return.



*A. D. 1772.* same Allowance or Provision hereby raised and made for him, as if he had been actually resident in his said Government during the Time of his Absence; any thing herein contained to the contrary thereof in any wise notwithstanding.

Fund from which paid.

One Shilling per Poll.

Penalty on those not paying the Tax.

How recovered.

Sale to be in Presence of Ten Persons at least.

Defaulters not having Effects to be committed.

Treasurer's Fee.

III. And whereas it will be necessary to appropriate some particular Fund for the punctual Payment of the Provision herein before made for his said Excellency, we, therefore, most humbly pray your most sacred Majesty, That it may be Enacted; and it is hereby Enacted, by the Authority aforesaid, That a Duty, or Tax, of One Shilling, Current Money of the said Island, be hereby laid on every Negro or other Slave in the said Island, yearly and every Year, to commence and become payable on the First Day of *March*, which will be in the Year of our Lord One thousand Seven hundred and Seventy-three, and on the First Day of *March* in every successive Year, During the Government of his Excellency the said Sir *Ralph Payne*, which Tax, or Duty, shall be paid by the Owners or Proprietors of the said Negroes and other Slaves to the Treasurer of the said Island of *Nevis* for the Time being, on the Days and Times last mentioned; and the Number of each Owners or Proprietors Negroes and other Slaves shall be ascertained by the respective Lists taken by the Justices of the Peace of the said Island, by Virue of an Act of the said Island for that Purpose made and provided.

IV. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons charged or chargeable with the said Tax, or Duty, shall neglect or refuse to pay the same, or any Part thereof, to the said Treasurer, or to any other Person authorized by him to receive such Tax, or Duty, then, upon Oath first made of the same before the Commander in Chief upon the said Island for the Time being, it shall and may be lawful to and for such Commander in Chief, and he is hereby required, to issue and grant a Warrant under his Hand and Seal, directed to the Treasurer, or such Person as he shall appoint, commanding him or them to levy upon, and in Ten Days after such Levy, to sell sufficient of the Goods and Chattels, Lands and Tenements, of such Defaulter or Defaulters, wherewith to discharge what shall appear to be respectively due for his or their Taxes, together with all Charges attending such Levy and Sale.

V. Provided always, That such Sales be made by the Treasurer publicly in the Town of *Charles Town*, in the Presence of Ten white Persons at least; and if such Defaulter or Defaulters shall not have any Goods or Chattels, Lands or Tenements, which may be levied on sufficient to pay such Taxes, and the accruing Costs, then the said Treasurer shall take into his Custody the Body or Bodies of such Defaulter or Defaulters, and him or them send to the Common Gaol of the said Island, safely there to be kept without Bail or Mainprize until he or they shall have paid the same, and every Part thereof; and the said Treasurer shall, for the Execution of every such Warrant, and the other Matters and Things done in Pursuance thereof, have and receive the Sum of Three Shillings from every such Person mentioned in such Warrant, and no other or greater Fee on any Pre-  
VI. Provided



VI. **Provided** always, and it is the true Intent and Meaning of this Act, That the Treasurer for the Time being is not, or shall be charged, or be chargeable with, any of the Taxes or Impositions in and by this Act laid or imposed on any Person or Persons aforesaid, in Case such Person or Persons shall prove insolvent, and not be able to pay the said Taxes, or shall run away from the said Island, and carry all his or their Effects from the said Island, provided the said Treasurer do and shall make it appear, to the Satisfaction of the Legislature of the said Island, that no Pains have been wanting on the Part of the said Treasurer to receive and collect, or to levy upon, and bring to Sale, the Goods and Chattels of such Defaulters, in the Time, and by the Ways and Means, directed in and by this Act; any Thing herein contained to the contrary thereof in any wise notwithstanding.

A. D. 1772.  
Treasurer not  
answerable  
for Taxes of  
Persons insol-  
vent.

VII. **And** be it further Enacted, by the Authority aforesaid, That all and every the Sum and Sums of Money that shall be levied, raised, or received, by the Tax or Duty aforesaid, shall be applied and disposed of in Manner following; (that is to say) The Sum of Three hundred Pounds of Current Money aforesaid to pay and fully discharge the yearly Provision hereby made for his said Excellency Sir *Ralph Payne*, and the Remainder to defray the Charges of the Forts and Fortifications of the said Island, and to no other Use or Purpose whatsoever.

Taxes how to  
be applied.

VIII. **But**, in Case of any Deficiency in the Monies to be levied, raised, or received, by the Tax or Duty aforesaid, so that the said Provision of Three hundred Pounds Current Money aforesaid, cannot be made up and completed, to pay his said Excellency Sir *Ralph Payne*, according to the Directions of this Act, **It is hereby Enacted**, That his said Excellency's Provision of Three hundred Pounds, Current Money, shall be made up and paid unto him out of the public Treasury of this Island.

Tax proving  
insufficient  
Remainder to  
be paid by  
the Treasury.

IX. **And** be it Enacted, by the Authority aforesaid, That in every action, Suit, Indictment, or Information, wherein or where- by the said Treasurer, or any Person or Persons, who, by virtue of this Act, is, are, or shall be, impowered or authorized to put the same in Execution, or in any other Manner acting under, or in Aid of, them, shall be sued or prosecuted, it shall be lawful for all and every such Person or Persons, their Heirs, Executors, or Administrators, to plead the General Issue, and give this Act, and the special Matter thereof, in Evidence, in any Court or Courts of Justice, where the same shall be depending; and all the Judges of the said Courts are hereby enjoined and required to admit the same, and to acquit and discharge these and every of them, of and from all Suits, Indictments, Informations and Prosecutions, whatsoever, as shall be sued, brought, or prosecuted, for or concerning any Matter or Thing, which shall or may be acted or done in pursuance of their respective Duties, according to the Meaning and Direction of the said Act.

No Suit to lie  
for any thing  
done in pur-  
suance of this  
Act.

Defendant to  
plead the Gen-  
eral Issue.

Dat d in *Nevis* the Tenth Day of *April*, in the Twelfth Year of the Reign of our Sovereign Lord *George* the Third, by the Grace of



*A. D. 1772.* God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth, and in the Year of our Lord One thousand Seven hundred and Seventy-two.

*No. 180.* *Expired.* An Act for granting an Aid unto his Majesty, by a Duty or Tax of Five Shillings and Nine Pence, Current Money, per Poll, on the Negroes and other Slaves belonging to the Inhabitants of, and the Plantations in, the Island of Nevis, for repairing the Forts and Fortifications, and defraying the other public Expences of the said Island.

*No. 181.* *Private.* An Act to enable Joseph Clarke, and the Trustees named in his Marriage Settlement, to sell a Plantation, thereby settled, to the Honorable John Richardson Herbert, and for vesting the Money arising by such Sale in the same Trustees, to the Uses therein mentioned and declared.

*A. D. 1773.* *No. 182.* *Expired.* An Act for granting an Aid unto his Majesty, by a Duty or Tax of Five Shillings and Three Pence, Current Money, per Poll, on the Negroes and other Slaves belonging to the Inhabitants of, and the Plantations in, the Island of Nevis, for repairing the Forts and Fortifications, and defraying the other public Expences of the said Island.

*No. 183.* An Act for printing all the Laws of this Island which are now in Force, and the Titles of such as are expired or repealed.

Preamble.

Whereas it appears highly necessary for the Utility of the Inhabitants of this Island, that a complete Copy of the Laws now in Force should be printed, as well such as were formerly printed in the Year of our Lord One thousand Seven hundred and Forty, as those made and passed since that Time, which are in Manuscript, that every Person, inhabiting this Island, may have a proper Opportunity of knowing the Laws by which they are governed; we therefore, your Majesty's most dutiful and loyal Subjects, the Governor in Chief in and over all your Majesty's Leeward Charibbee Islands in America, and the Council and Assembly of the Island of Nevis, Do pray your most sacred Majesty, That it may be Enacted; And be it Enacted, by the Authority aforesaid, That all the laws of this Island now in Force, as well such as were formerly printed in the Year of our Lord One thousand Seven hundred and Forty, as those which have been made and passed since that Time, be collected, revised, and printed, in a neat Folio Volume and good Type, by THOMAS FOWE, Printer, in the Island of Saint Christopher, with the Titles of all such Acts as are expired or repealed; and the said THOMAS HOWE is hereby authorized to take all the Profits arising from the Sale of such printed Copy of the Laws of this Island to his own proper Use and Benefit.

Thomas  
Howe ap-  
pointed to  
print the  
Laws of Ne-  
vis;



II. And be it further Enacted, by the Authority aforesaid, That such printed Copy of Laws, as above mentioned, shall be deemed and admitted to have the Authority of a Record in every Court of Judicature in this Island. Dated in *St. Christopher*, the Twenty-eighth Day of *December*, in the Year of our Lord One thousand Seven hundred and Seventy-three, and in the Fourteenth Year of the Reign of our Sovereign Lord *George* the Third, by the Grace of God, of Great *Britain, France, and Ireland*, King, Defender of the Faith, &c.

*A. D. 1773*  
This Edition  
of the Laws  
of Nevis to be  
admitted in  
Evidence.

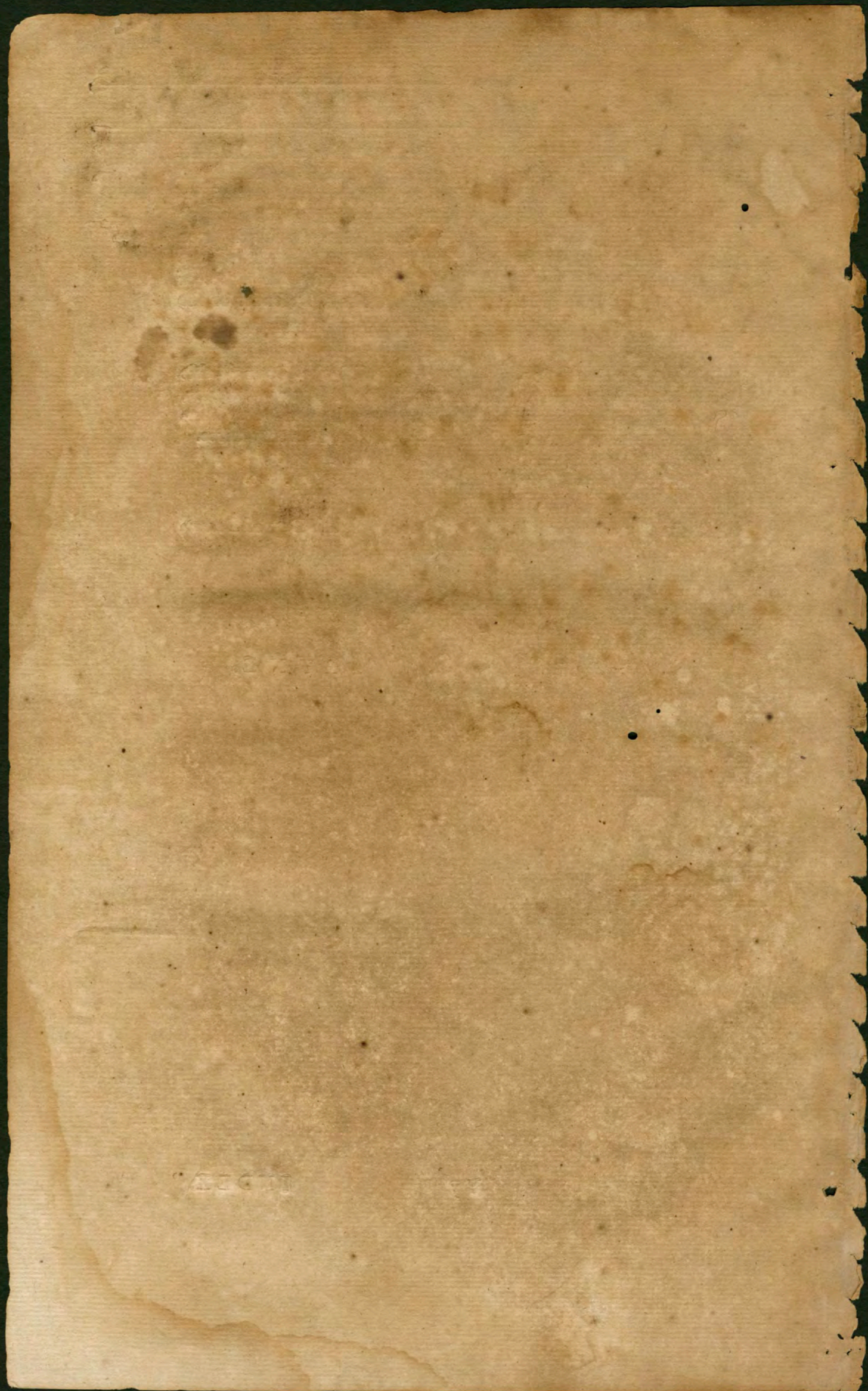
Passed the Assembly the Second Day of *December*, One thousand Seven hundred and Seventy-three.  
JOHN WHITEHALL,  
Cl. pro Temp.

Passed the Council this Second Day of *December*, One thousand Seven hundred and Seventy-three.  
E. PARRIS, Speaker.  
W. BROOKS,  
Dep. Sec.

Passed the Governor in Chief this Twenty-eighth Day of *December*, 1773.

R A L P H  L. S. P A Y N E.







# I N D E X.

Compiled with Care by T. HOWE, Printer of the Laws of Nevis.

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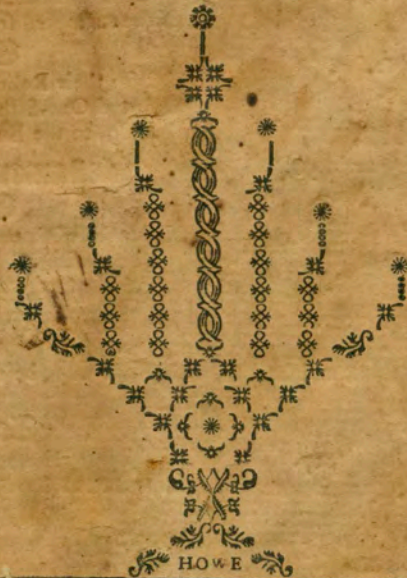
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