ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

****

C A P. XLV.

An Act to carry into further Execution the Provisions of an Act passed in the Third and Fourth Years of His present Majesty, for compensating Owners of Slaves upon the Abolition of Slavery.

[31st *August* 1835.]

WHEREAS an Act was passed in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Abolition of Slavery throughout the* British *Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves:* (3 & 4 W. 4. c. 73.) And whereas a Contract or Agreement for raising the Sum of Fifteen Millions, Part of the Sum of Twenty Millions authorized to be raised by the said recited Act, has been entered into, under the Authority of the said recited Act, between the Lords Commissioners of His Majesty's Treasury and divers Persons willing to contribute the said Sum of Fifteen Millions, bearing Date the Third Day of *August* in this present Year, for carrying into effect the Purposes of the said recited Act; and it is expedient to make Provisions and Regulations whereby the Payments to be made to the several Persons entitled to Compensation under the Provisions of the said Act may be so arranged as to fall due and become payable from Time to Time out of the Monies received from Time to Time under the said Contract as Instalments of the said Sum of Fifteen Millions as such several Instalments shall become due: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for the Reduction of the National Debt may and they are (Certificates may be issued by the Com-)

 hereby

missioners for the Reduction of the National Debt, carrying Interest chargeable on the Instalments of the Loan.

hereby empowered to issue, under such Forms and Regulations as the said Commissioners shall think proper to adopt for that Purpose, Certificates payable to the Bearer thereof, carrying Interest after the Rate of Two-pence Farthing *per Centum per Diem*; and the Principal Sum specified in such Certificates shall be charged upon and shall be payable out of the Monies received from Time to Time on account of the said Sum of Fifteen Millions standing upon the Account of the said Commissioners for the Reduction of the National Debt in the Books of the Bank of *England*, under the Title of "The *West India* Compensation Account"; and such Certificates shall be made out from Time to Time for a Sum not exceeding in the whole the Principal Sum of Thirteen millions five hundred thousand Pounds Sterling.

Interest of the Certificates chargeable on the Consolidated Fund.

II. Provided always, and be it enacted, That the Interest which shall be payable upon the Principal Sums specified in the said Certificates shall be charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the said Commissioners for the Reduction of the National Debt, or the Comptroller General or Assistant Comptroller acting under them, shall certify to the Lords of the Treasury from Time to Time the Sum required to be issued out of the said Consolidated Fund for that Purpose; and upon Receipt of the said Certificate the said Lords of the Treasury, or any Three or more of them, shall by Warrant under their Hands cause the Sum stated in the said Certificates to be issued from Time to Time to the Governor and Company of the Bank of *England*, to be by them placed to the said "*West India* Compensation Account," standing in the Names of the said Commissioners in the Books of the said Bank.

Certificates to be made out for the whole Amount, and signed by the Comptroller General or Assistant Comptroller.

III. And be it further enacted, That the said Certificates shall be made out for the whole Amount of the Sum of Money awarded to any Person or Persons under the Provisions of the said recited Act, or in Sums of even Pounds, or the fractional Parts of a Pound Sterling, (save and except that no Fraction less than One Penny shall be contained in any such Certificate,) as the said Commissioners, or the Comptroller General or Assistant Comptroller acting under them, shall deem most convenient; and previous to the Issue of any such Certificates such respective Certificates shall be signed by the said Comptroller General or said Assistant Comptroller, and be countersigned by the Actuary or other Check Officer acting under the said Commissioners, and shall be entered in proper Books kept at the National Debt Office for that Purpose.

Comptroller General or Assistant Comptroller, and Officer of the Commissioners of the National Debt, may draw for Payment of Claim, or issue Certificates.

IV. And be it enacted, That upon Demand being made for the Payment of any Award for Compensation under the Provisions of the said Act the said Comptroller General or Assistant Comptroller, or other proper Officer of the said Commissioners, may draw upon the Cashiers of the Bank of *England*, on account of the *West India* Compensation, for the Payment of the Sum so demanded, together with the Interest due thereon, (save and except that Interest shall not be computed or allowed upon any fractional Part of a Pound Sterling,) or issue a Certificate or Certificates, made out and signed as herein-before directed, to the Person or Persons, or to his, her, or

their Attorney or Attornies, Executors or Administrators, to whom any Sum shall be awarded for Compensation, of the like Amount as the Sum so awarded (the Fractions of a Penny excepted), for the Payment of and in full Satisfaction for the Sum of Money awarded to such Person or Persons respectively under the Provisions of the said Act; and the Principal Sum specified in such Certificate, together with the Interest due thereon, (save and except that Interest shall not be computed or allowed on any fractional Part of a Pound Sterling,) shall be payable at the Bank of *England* upon the Production of such Certificate or Certificates to the Cashiers of the said Bank; and the said Cashiers are hereby required, upon the Production of the same, to pay the Principal contained in such Certificate or Certificates accordingly, together with the Interest thereon, out of the Monies standing in the Names of the said Commissioners for the Reduction of the National Debt under the Title of "The *West India* Compensation Account" aforesaid, after which the said Certificates shall be cancelled by such Cashier or Cashiers, and delivered up to the said Commissioners.

Certificates may be received towards Payment of Instalments on the Loan.

V. Provided always, and be it enacted, That the Cashier or Cashiers of the Bank shall receive as Money from Time to Time from any Person or Persons any of the said Certificates which shall be presented to them in payment of the Whole or of any Part of any Instalment due from Time to Time upon the said Fifteen Millions; and in all such Cases the Interest which shall happen to be then due upon the said Certificate or Certificates presented to such Cashier or Cashiers at the Time of paying up any Instalment shall be added to the Principal Sum stated in such Certificate, and shall be received and accounted as one entire Sum.

The Interest of the Compensation of Twenty Millions to be chargeable on the Consolidated Fund from 1st Aug. 1834.

VI. And whereas it is expedient to make Provision for the Payment of the Interest which will become payable in respect of the Sum of Twenty Millions of Pounds Sterling directed by the said recited Act to be paid to the Persons entitled to Compensation under the Provisions of the said Act; be it therefore enacted, That the Interest upon the said Sum of Twenty Millions shall be after the Rate of Three Pounds Seven Shillings and Eight-pence *per Centum per Annum*, which Interest shall commence and be paid to such Person or Persons from the First Day of *August* One thousand eight hundred and thirty-four exclusive, up to and including the Day of the Payment of the Principal Sum awarded to such Person respectively, or up to and including the Date of the said Certificate or Certificates (in case a Certificate shall be issued to such Person or Persons in lieu of paying the Sum awarded in Money), as the Case may be, save and except that Interest shall not be computed or allowed upon any fractional Part of a Pound Sterling; and the said Interest shall be charged upon and payable out of the said Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the said Comptroller General or Assistant Comptroller shall certify to the Lords of the Treasury the Sum required for the Payment of all such Interest; and upon Receipt of the said Certificate the said Lords or any Three or more of them shall thereupon, by Warrant under their Hands, cause the Sum mentioned in the said Certificate to be issued out of the said Consolidated Fund to the Governor and Company of the

the Bank of *England*, to be by them placed to the said Account of the Commissioners for the Reduction of the National Debt, on account of "The *West India* Compensation"; and the said Comptroller General or Assistant Comptroller, or other proper Officer of the said Commissioners, are hereby respectively authorized to draw upon the said Account from Time to Time for the Payment of the said Interest to the several Persons entitled thereto, or to his, her, or their respective Attorney or Attornies, Executors or Administrators.

Expences of the Execution of the Act of 3 & 4 W. 4. to be deducted out of the Interest.

VII. And whereas the Lords Commissioners of the Treasury are by the said recited Act authorized to cause to be advanced out of the said Sum of Twenty Millions all such Sums as may be necessary for the Payment of all Allowances, and defraying all other necessary Charges and Expences in and about the Execution of the Commission under the said recited Act; be it therefore enacted, That the said Lords of the Treasury or any Three or more of them, previously to the issuing out of the said Consolidated Fund the Sum required for the Payment of the Interest on the said Sum of Twenty Millions, may order and direct to be set apart therefrom the Sum required to defray the Expences attending the carrying into execution the Provisions of the said recited Act.

Provision has not been made by Barbadoes as required by recited Act.

VIII. And whereas it is enacted by the said recited Act, that no Part of the said Sum of Twenty Millions of Pounds Sterling shall be applied or shall be applicable to the Purposes aforesaid, for the Benefit of any Person now entitled to the Services of any Slave in any of the Colonies therein mentioned, unless an Order shall have been first made by His Majesty, with the Advice of His Privy Council, declaring that adequate and satisfactory Provision hath been made by Law in such Colony for giving effect to the said Act by such further and supplementary Enactments therein referred to, nor unless a Copy of such Order in Council, duly certified by One of the Clerks in Ordinary of His Majesty's Privy Council, shall by the Lord President of the Council have been transmitted to the Lords Commissioners of His Majesty's Treasury or to the Lord High Treasurer for the Time being, for their or his Guidance or Information: And whereas no Order of the King in Council has been made declaring that adequate and satisfactory Provision hath been made by Law in the Colony of *Barbadoes* for giving effect to the said recited Act by such further and supplementary Enactments as are specified in the said recited Act; be it therefore enacted, That in order to provide for the Payments of the several Sums which may be awarded to the several Persons in the said Colony entitled to Compensation under the Provisions of the said Act, when and as soon as the Provisions of the said Act shall have been duly complied with as aforesaid, that immediately after the passing of this Act there shall be written in and placed to the Credit of the said Commissioners for the Reduction of the National Debt, in the Books of the said Bank, by the Accountant General for the Time being of the said Governor and Company, in a new and separate Account under the Title of "The Compensation Account of the Colony of *Barbadoes*", the Sum of One million seven hundred and thirty-four thousand three hundred and fifty-three Pounds Twelve Shillings and Seven-pence of Capital of Reduced Annuities, bearing Interest

Creation of a Fund to provide Compensation for Barbadoes when the Provisions of the Act have been complied with.

Interest after the Rate of Three Pounds and Ten Shillings *per Centum per Annum*, such Capital in the said Annuities being equivalent to the Sum of One million seven hundred and twenty-one thousand three hundred and forty-five Pounds Nineteen Shillings and Seven-pence Sterling, estimating the Price of such Three Pounds and Ten Shillings *per Centum per Annum* Annuities after the Rate of Ninety-nine Pounds Five Shillings Sterling for every One hundred Pounds of such Reduced Three Pounds Ten Shillings *per Centum per Annum* Annuities, such Price being the Average Price of the existing Reduced Three Pounds and Ten Shillings *per Centum per Annum* Bank Annuities on the Third Day of *August* One thousand eight hundred and thirty-five, being the Day on which the said Contract was entered into as aforesaid; which Sum of One million seven hundred and thirty-four thousand three hundred and fifty-three Pounds Twelve Shillings and Seven-pence shall be added to and consolidated with and shall be deemed and taken as Part of and be subject to all the Conditions attending the Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities existing at the Time of the passing of this Act, forming Part of the Public Debt of the United Kingdom of *Great Britain* and *Ireland*, and shall be assignable and transferrable and redeemable accordingly; and the Dividends and Charges of Management arising upon the said Sum of One million seven hundred and thirty-four thousand three hundred and fifty-three Pounds Twelve Shillings and Seven-pence Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities shall be chargeable and the same are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, the first half-yearly Payment whereof shall commence from the Tenth Day of *October* One thousand eight hundred and thirty-five exclusive; and so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer in *England*, out of the Consolidated Fund of *Great Britain*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the said Annuities to be created in respect of the said Sum of One million seven hundred and twenty-one thousand three hundred and forty-five Pounds Nineteen Shillings and Seven-pence, together with the Charges attending the same.

Stock may be transferred for Payment of Claimants in Barbadoes.

IX. And be it further enacted, That upon Application to the said Commissioners for the Reduction of the National Debt for the Payment of any Sum which shall hereafter be awarded to any Person or Persons in the said Colony of *Barbadoes* for Compensation under the Provisions of the said Act, when the Provision of the said recited Act shall have been complied with as aforesaid, the said Commissioners shall transfer or cause to be transferred from the said Account to the Person or Persons entitled to such Compensation such a proportionate Amount of the said Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities, in satisfaction of the Sum awarded to such Person or Persons, as the whole Sum of One million seven hundred and twenty-one thousand three hundred and forty-five Pounds Nineteen Shillings and Seven-pence Sterling shall bear to the whole Capital of the said Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities to be created under the Provisions of this Act.

X. And

Indemnity to Commissioners, &c.

X. And be it further enacted, That the several Payments which shall be made by the said Commissioners for the Reduction of the National Debt, under the Provisions of the said Act or of this Act, to the Persons entitled to Compensation, or to his, her, or their respective Attorney or Attornies, Executors or Administrators, shall be deemed to be a final Payment (and against which there shall be no Appeal) in full of all Demands of the Sum of Money so awarded, and shall be a Bar to and against any Claim which may hereafter be set up or attempted to be set up or made by any other Person or Persons whomsoever against the said Commissioners or any Officer or Officers of the said Commissioners to the Sum so awarded: Provided always, that nothing herein contained shall prevent or prejudice any Person or Persons from prosecuting such Claim against the Person or Persons to whom Payment shall have been made by the said Commissioners as aforesaid under the Provisions of this Act; and the said Commissioners and the said Comptroller General and Assistant Comptroller, or other proper Officer acting under the said Commissioners, and also the said Governor and Company and their Cashier or Cashiers, shall be and they are hereby severally indemnified and saved harmless from all or any Suit or Action, at Law or in Equity, for any Act or Acts done or performed by them respectively in carrying into execution the Provisions of this Act or of the said recited Act.

Exemptions from Stamp Duties.

XI. And be it further enacted, That the said Contract for raising the said Sum of Fifteen Millions, and all Receipts for Stock and Transfers of Stock, and all Certificates given or made under the Provisions of this Act, or issued by the Commissioners for the Reduction of the National Debt, or by the Comptroller General or Assistant Comptroller, or by any other Officer of the said Commissioners, shall be exempted from Stamp Duty.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

XII. And be it further enacted, That if any Person or Persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the Whole of or any Part or Parts of the Contributions towards the said Sum of Fifteen Millions, either with or without the Name or Names of any Person or Persons being inserted therein as the Contributor or Contributors thereto, Payer or Payers thereof, or of any Part or Parts thereof, or any Certificate or other Instrument to be issued by the Commissioners for the Reduction of the National Debt, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, Certificate or Certificates, Instrument or Instruments, with Intent to defraud the Governor and Company of the Bank of *England*, or the Commissioners for the Reduction of the National Debt, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

No Fee to be taken for receiving

XIII. And be it further enacted, That no Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of His Majesty's

Subjects for receiving or paying the said Subscription or Contribution Monies or any of them, or for any Receipt concerning the same, or for paying the said Annuities or any of them, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity, shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, Injunction, or Order of Restraint, or any more than One Imparlance, shall be granted or allowed.

Contributions, or paying or transferring Annuities, on Penalty of 20*l*.

XIV. And whereas certain Claims for Compensation under the Provisions of the said recited Act may be subject to Litigation before the Commissioners of Arbitration appointed thereunder, and also in the Courts of the several Colonies, and the final Settlement of such Claims may therefore be postponed to a distant Period: And whereas it is expedient to authorize the Commissioners for the Reduction of the National Debt to transfer the said Compensation Funds so under Litigation as herein-after mentioned; be it enacted, That in all such Cases it shall be lawful for the Lords Commissioners of His Majesty's Treasury to direct the Commissioners for the Reduction of the National Debt to pay over from Time to Time, if the Lords of the Treasury shall deem it expedient so to do, into the Bank of *England* in the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, in Trust for the Purposes herein-after mentioned, (any thing in any general Rules framed by the said Commissioners of Arbitration under any of the Clauses of the said recited Act to the contrary notwithstanding,) all such Sums of Money as shall from Time to Time be certified by the said Commissioners of Arbitration, according to the Provisions of the said Act, to be the Subject of any Suit in any of the said Courts of any of the said Colonies respectively, or of any Claim before the said Commissioners against which any counter Claim shall have been filed, without any special Order for that Purpose, or other Authority than this Act, and whether such Courts of Chancery or Exchequer respectively shall be sitting or not, and such Sums shall be carried to new Accounts in the Books of the said Bank of *England* under the Title of "The litigated *West India* Compensation Account of the Court of Chancery", or "The litigated *West India* Compensation Account of the Court of Exchequer", as the Case may be; and such Monies, when so paid in, shall be placed to the Account of the Number of the Claim as stated and specified in the said Certificate of the said Commissioners; and such Monies, and the half-yearly Dividends arising from the Investments thereof, and also the Dividends on all future Investments, as they arise and become due, shall be invested from Time to Time by the said Accountants General in their Names respectively, under the Authority of this Act, in Three *per Cent.* Consolidated Bank Annuities, to the said respective Accounts; and the said Bank Annuities purchased with the said Compensation Monies so invested as aforesaid, and the said Accumulations, shall be paid and transferred to the Person or Persons to whom the same shall be directed to be paid or transferred by any Adjudication or Award of

For investing the Compensation Funds of litigated Claims.

of the said Commissioners of Arbitration duly certified according to the Provisions of the said recited Act, or by the Decree, Order, or Judgment of the Court in the Colony made in the said Suit there depending, or any Court of Appeal; and a Copy of such Decree, Order, or Judgment of the Court in the Colony, or Court of Appeal, signed by the proper Officer of such Court, shall be sufficient Evidence of such Decree, Order, or Judgment to the Accountants General of the said Courts of Chancery or Exchequer: Provided always, that all Orders and Decrees made by any of the Courts in the said Colonies respectively, or the Courts of Appeal, or any Adjudication or Award of the said Commissioners of Arbitration duly certified according to the Provisions of the said Act, shall be valid and effectual for the Purpose of authorizing the Demand upon and Payment by the Accountants General respectively of the said Courts of Chancery and Exchequer of the Sums included in such Orders, Decrees, Adjudications, or Awards respectively.

Indemnification to Accountants General of Chancery and Exchequer.

XV. And be it further enacted, That the said Accountant General of the Court of Chancery and the said Accountant General of the Court of Exchequer shall be and they are hereby severally and respectively indemnified and saved harmless from all or any Suit or Action, at Law or in Equity, for any Act to be done or performed by them in carrying into execution the Provisions of this Act or in acting under the same, and shall not be held or taken to be responsible for or liable to make good any Payment of Money or Transfer of Bank Annuities erroneously made by them respectively, unless the same shall have been occasioned by the wilful Default or Negligence of the said Accountant General respectively.

Accountants General may appoint a Deputy, whose Acts shall be valid.

XVI. And be it further enacted, That it shall and may be lawful for the said Accountant General of the Court of Chancery and the said Accountant General of the Court of Exchequer respectively to nominate and appoint a fit and proper Person to do and perform all or any of the Acts and Duties imposed upon the said Accountants General by this Act, and that the Acts of the said Deputies shall be as valid and effectual as if the same had been done by the said Accountants General themselves.

Persons sued may plead the General Issue.

XVII. And be it further enacted, That if any Person or Persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them against any such Plaintiff or Plaintiffs.

Treble Costs.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1835.