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An Act for carrying into further Execution Two Acts of His present Majesty, relating to the Compensation for Slaves upon the Abolition of Slavery, and for facilitating the Distribution and Payment of such Compensation. [18th *March* 1836.]

WHEREAS by an Act passed in the Fourth Year of the Reign of His present Majesty, 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*, the Lords of the Treasury were empowered to raise a Sum of Twenty Million Pounds Sterling in manner therein mentioned; and it was enacted, that the Money so raised should be paid into the Bank of *England*, to the Account of the Commissioners for the Reduction of the National Debt, under the Title of "The *West India* Compensation Account;" and certain Commissioners of Arbitration were thereby appointed to divide and apportion the said Money among the Owners of the Slaves to be manumitted under the Provisions of the said Act; and it was thereby enacted, that a Certificate containing a List of the Names and Designation of the several Persons in whose Favour any Sum or Sums of Money should be awarded by the said Commissioners of Arbitration should be signed by Three or more of the said Commissioners of Arbitration, who should transmit the same to His Majesty's Principal Secretary of State for the Colonies, who should sign the same and transmit it to the Lords of the Treasury; and the Lords of the Treasury, or any Three of them, should thereupon, by Warrant under their Hands, authorize the Commissioners for the Reduction of the National Debt to pay the said Sums out of the Monies standing upon their Account in the Books of the said Bank, under the Title of "The *West India* Compensation Account," to the Persons named in such Certificate: And whereas by another Act passed in the Sixth Year of the Reign of His present Majesty, intituled *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*, after reciting that certain Claims for Compensation under

3 & 4 W. 4. c. 73.

5 & 6 W. 4. c. 45.

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the said former Act might be subject to Litigation before the said Commissioners of Arbitration, and also in the Courts of the Colonies, and that the final Settlement of such Claim might be postponed to a distant Period, it was enacted, that in all such Cases the Lords of the Treasury might direct the Commissioners for the Reduction of the National Debt to pay over 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 therein-after mentioned, all such Sums of Money as should 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 should have been filed, and such Sums should be carried to new Accounts in the Books of the said Bank of *England*, under the Title of "The litigated *West Indian* Compensation Account of the Court of Chancery," or "The litigated *West Indian* Compensation Account of the Court of Exchequer," as the Case might be; and such Monies when so paid in should 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 should arise and become due, should be invested from Time to Time by the said Accountants General in their Names respectively, under the Authority of the said Act, in Three *per Centum* 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, should be paid and transferred to the Person or Persons to whom the same should be directed to be paid or transferred by any Adjudication or Award 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 whereas large Sums of Money certified by the said Commissioners of Arbitration, in pursuance of the Provisions of the last-mentioned Act, to be the Subject of Litigation before them or in the Courts of the several Colonies, have been invested by the Accountant General of the Court of Chancery in Three *per Centum* Consolidated Bank Annuities, in conformity with the Provisions of the said recited Act, and further Sums may be in like Manner invested in the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, and it is expedient to enlarge the Powers of the said Commissioners of Arbitration, and of the said Courts, and of the said Accountants General respectively, as to the Sums so invested: 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 in all Cases wherein Claims for Compensation under the Provisions of the before-recited Acts shall have been the Subject of Litigation before the said Commissioners of Arbitration, or in the Courts of the several Colonies, or in any Court of Appeal, it shall be lawful for the said Commissioners and the said Courts respectively, and they are hereby authorized, if they shall think fit, in making their Awards or Decrees in respect of such litigated Claims for Compensation, to award or decree, as the Case may

Commissioners of Arbitration, or Colonial Courts, or Court of Appeal may award or decree Compensation to be made in Money or in Stock.

may be, that the Whole or any Part of the Three *per Centum* Consolidated Bank Annuities purchased or to be purchased by the said Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, and standing to the Credit of the Number of the Claim as stated and specified in the Certificate of the said Commissioners, with or without all or any Part of the Accumulations arising from the Investment thereof, or such Portion or Portions of the said Bank Annuities as may be equivalent to any Sum or Sums of Money to which the Parties may be declared entitled by the Awards or Decrees aforesaid, shall and may be transferred to the Party or Parties in whose Favour any such Award or Decree may be made, or otherwise as by such Award or Decree may be directed; or it shall be lawful for the said Commissioners of Arbitration, and the Courts of the several Colonies, and the said Courts of Appeal respectively, if they shall think proper so to do, to award or decree that any Sum or Sums of Money shall and may be raised by the Sale of the said Bank Annuities or a competent Part thereof, and be paid to the Party or Parties in whose Favour any such Award or Decree may be made, or otherwise as by such Award or Decree may be directed; any thing in the said recited Acts, or in the general Rules framed by the said Commissioners of Arbitration under the said Acts, to the contrary notwithstanding.

Accountants General in Chancery and Exchequer to sell Stock and pay Proceeds, or transfer the Stock accordingly.

II. And be it further enacted, That it shall be lawful for the said Accountant General of the Court of Chancery and for the said Accountant General of the Court of Exchequer, in all Cases where any such Award or Decree as aforesaid shall be made directing the Payment of any Sum or Sums of Money to be raised by Sale of all or any Part of the said Bank Annuities, to sell the said Bank Annuities so standing in their Names respectively in the Books of the Bank of *England*, and appertaining to the Account of the particular Number of the Claim to which the said Award, Decree, Order, or Judgment shall apply, with or without the Accumulations thereon, as the Case may be, or such Portion or Portions thereof as it may be necessary or proper to sell for the Purpose of raising the Sum or Sums of Money so awarded or decreed as aforesaid, and to pay the net Proceeds arising from such Sale to the Party or Parties authorized to receive the same; and in Cases where such Award or Decree shall be made for the Transfer of Stock, it shall be lawful for the said Accountants General respectively to transfer the said Bank Annuities standing to the Account of the particular Number of the Claim to which such Award or Decree may apply, or any Portion or Portions thereof, with or without the Accumulations thereon, as the Case may be, to the Party or Parties legally entitled to the same, in satisfaction of any such Award or Decree so made for the Transfer of Stock as aforesaid; and in case any Award or Decree as aforesaid shall direct and require the Transfer of such Amount of the said Bank Annuities as may be equivalent to any Sum or Sums of Money specified in such Award or Decree, the Amount of the said Bank Annuities so to be transferred as equivalent to and in satisfaction of any such Sum or Sums of Money shall be calculated and ascertained by the said Accountant General respectively, according to the Average Price of the said Bank Annuities on the Day on which the said Award or Decree shall bear Date; any thing in the said recited Acts, or in the general Rules framed by the said Commissioners of Arbitration under the said Act, to the contrary notwithstanding.

III. And

Compensation Monies in respect of litigated Claims in Barbadoes may be transferred to the Accountant General in Chancery or to the Accountant General in Exchequer;

III. And whereas, in conformity with the before-recited Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, the Sum of One million seven hundred and thirty-four thousand three hundred and fifty-three Pounds Twelve Shillings and Seven-pence Capital of Reduced Annuities, bearing Interest after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, has been placed to the Credit of the Commissioners for the Reduction of the National Debt, in the Books of the Governor and Company of the Bank of *England*, in order to provide for the Payment of the several Sums which may be awarded to the several Persons in the Colony of *Barbadoes* entitled to Compensation under the said recited Act of the Third and Fourth Year of His present Majesty's Reign: And whereas the Claims for Compensation of some of the Persons in the said Colony of *Barbadoes* may become the Subject of counter Claim or Litigation before the said Commissioners of Arbitration, or in the Courts of the said Colony, or in any Court of Appeal; and it is expedient that Power should be given to transfer the Amount of such litigated Claims to the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, to abide the final Settlement of such Claims; be it therefore enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury to direct the Commissioners for the Reduction of the National Debt from Time to Time to transfer or cause to be transferred into the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, at the Bank of *England*, such Portion or Portions of the said Reduced Three Pounds Ten Shillings *per Centum per Annum* Annuities, standing to the Credit of the said Commissioners for the Reduction of the National Debt in the Books of the said Bank of *England*, under the Title of "The Compensation Account of the Colony of *Barbadoes*," as shall appertain to any Claims which may from Time to Time be certified by the said Commissioners of Arbitration to be the Subject of any counter Claim before them, or of any Suits in the Courts of the said Colony of *Barbadoes*, or in any Court of Appeal, and to direct the Payment, to the Account of the said Accountants General respectively at the Bank of *England*, by the said Commissioners for the Reduction of the National Debt, of the Amount of any Interest that may have accrued and become due upon any such Claims previously to the Tenth Day of *October* One thousand eight hundred and thirty-five, from which Time the Interest on the said Reduced Three Pounds Ten Shillings *per Centum per Annum* Reduced Annuities is to commence and be payable; and it shall be lawful for the said Accountants General respectively to invest the Amount of any such Interest in the like Reduced Three Pounds Ten Shillings *per Centum per Annum* Reduced Annuities, and also to invest therein the future half-yearly Dividends arising from such Reduced Annuities as the same shall arise and become due; and all such Reduced Annuities so transferred to or purchased by the said Accountant General of the Court of Chancery or the said Accountant General of the Court of Exchequer may be held by them respectively, in the Books of the said Governor and Company of the Bank of *England*, in Trust for the Purposes of the said recited Acts or of this Act, and shall be liable to such and the like Provisions in respect to the Sale and Payment of the Proceeds thereof or to the Transfer thereof by the said Accountants General respectively, so far as regards the Claims to Compensation arising in the said Colony of *Barbadoes*, as the Three Pounds *per Centum* Consolidated Bank Annuities are

who may invest the Interest and Dividends arising therefrom.

subject and liable to in respect of litigated Claims in the several other Colonies.

Accountants General in the Courts of Chancery and Exchequer may act by Deputy.

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

Powers of Attorney already given to receive Payment in Money from Commissioners of National Debt to be equally valid to receive Payment in Money or Stock from the Accountants General in Chancery and Exchequer, as well as the said Commissioners;

V. And whereas numerous Powers of Attorney have been executed by Parties resident in the several Colonies who are entitled to Compensation under the said recited Acts, constituting the Persons named therein their lawful Attornies to receive Payment from the Commissioners for the Reduction of the National Debt, out of the Monies standing upon their Account in the Books of the Bank of *England* under the Title of "The *West India* Compensation Account," of such Sum or Sums of Money as may be awarded to them from Time to Time under the Provisions of the said recited Act of the Third and Fourth Year of the Reign of His present Majesty, and to give Receipts for such Sum or Sums of Money, and to do all lawful Acts requisite for effecting the Premises: And whereas by the Operation of the said recited Act of the Fifth and Sixth Year of His present Majesty's Reign and of this Act certain Proportions of the said Compensation Monies have been and will be invested in certain Bank Annuities in the Name and to the Account of the Commissioners for the Reduction of the National Debt, and of the Accountant General of the Court of Chancery, and of the Accountant General of the Court of Exchequer, respectively; and it is expedient that any Attorney or Attornies so constituted as aforesaid should be empowered to receive Transfer of such Bank Annuities or Payments in Money from the said Accountants General as well as from the said Commissioners; be it therefore enacted, That all Powers of Attorney which shall have been executed in the Manner before mentioned by any Persons whatsoever entitled to Compensation under the said recited Act passed in the Third and Fourth Year of the Reign of His present Majesty, or which may be so executed after the passing of this Act, shall be and the same are hereby declared to be as valid and effectual to all Intents and for all Purposes in respect of the Receipt of any Sum or Sums of Money or of any Bank Annuities from the said Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, and also in respect of the Receipt of any Bank Annuities from the Commissioners for the Reduction of the National Debt, as such Powers of Attorney have been and would be in respect of the Receipt of Money from the said Commissioners for the Reduction of the National Debt; and the said Accountant General of the Court of Chancery and the Accountant General of the Court of Exchequer respectively are hereby authorized and required to pay any Sum or Sums of Money or to transfer any Bank Annuities or Portions thereof, and the said Commissioners for the Reduction of the National Debt are hereby authorized and required to transfer any Bank Annuities or Portions thereof, to the Person or Persons mentioned and described in the said Powers of Attorney, in satisfaction and in pursuance of any Award or Decree made under the Provisions of the said recited Acts or of this Act, in like Manner as the said Commissioners for the Re-

and Accountants General authorized to pay Money or transfer Stock to the Persons mentioned in such Powers of Attorney.

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duction of the National Debt have already acted upon such Powers of Attorney in respect of the Payment of any Sum or Sums of Money awarded under the said recited Acts.

Letters of Attorney for the Receipt of Compensation under 20*l.* exempted from Stamp Duty, and Persons indemnified for acting upon such Letters of Attorney unstamped.

VI. And whereas it is expedient that Persons entitled to Compensation under the said recited Acts should be relieved from the Payment of Stamp Duty on their Letters or Powers of Attorney to receive such Compensation where the Sums to be received are of small Amount, and that all Persons who have acted or shall hereafter act upon or under the Authority contained in any such Letters or Powers of Attorney should be absolved and indemnified from and against all Penalties and Liabilities incurred by reason of such Letters or Powers of Attorney not being duly stamped; be it therefore enacted, That all Letters or Powers of Attorney heretofore made and executed, or which shall be hereafter made and executed, for the Purpose of authorizing the Receipt of any Sum or Sums of Money as or for Compensation awarded under the said recited Acts, where the Sum or Sums received or to be received under the Authority of such Letters or Powers of Attorney respectively do not amount to Twenty Pounds, shall be and the same are hereby exempted from all Stamp Duty; and all Persons who at any Time heretofore have paid or received, or shall at any Time hereafter pay or receive, any Sum or Sums of Money not amounting to Twenty Pounds in each Case, upon or under the Authority contained in any such Letters or Powers of Attorney respectively, shall be and such Persons are hereby absolved and indemnified from and against all Penalties, Losses, and Liabilities incurred or sustained or to be incurred or sustained by reason of such Letters or Powers of Attorney not being duly stamped.

Comptroller General acting under Commissioners for Reduction of the National Debt may take and receive Declarations.

VII. And be it further enacted, That if the Comptroller General or Assistant Comptroller General, or other Officer appointed by and acting under the said Commissioners for the Reduction of the National Debt, or the Accountant General of the Court of Chancery, or the Accountant General of the Court of Exchequer, shall, for the Purpose of carrying into effect the Provisions of the said recited Acts or this Act, deem it necessary and require that some Evidence should be given of the Identity of the Party named in any Letter of Attorney, or as to the Truth of any Matter contained in or necessary for the Explanation of such Letter of Attorney, it shall and may be lawful to and for the said Comptroller General or Assistant Comptroller General, or such other Officer employed under the said Commissioners for the Reduction of the National Debt as may be especially nominated and appointed by the said Commissioners for this Purpose, or to and for the said Accountant General of the Court of Chancery or the said Accountant General of the Court of Exchequer respectively, to take and receive the Declaration of any Person or Persons competent to give such Evidence as aforesaid, and such Declaration shall be made in the Form and Manner prescribed by an Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits'; and to make other Provisions for the Abolition of unnecessary Oaths.*

5 & 6 W. 4. c. 62.

Making false Declarations a Misdemeanor.

VIII. And be it further enacted, That any Person who shall wilfully and corruptly make and subscribe any such Declaration, knowing

ing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

All Acts already done in accordance with this Act declared valid;

IX. And whereas, in order to prevent the great Inconvenience and Loss which would have resulted to many of the Claimants for Compensation under the said recited Acts, and to other Persons interested therein, some of the Provisions herein-before contained have already been acted upon; be it therefore enacted, That all the Acts, Matters, and Things whatsoever which have been already done and performed in accordance with any of the Provisions of this Act by the said Commissioners of Arbitration, the said Commissioners for the Reduction of the National Debt, and the said Accountant General of the Court of Chancery, and the Accountant General of the Court of Exchequer, or any or either of them, or by the several Officers acting under them respectively, shall be and the same are hereby declared to be as valid and effectual to all Intents and Purposes as if the said Acts, Matters, and Things had been done and performed expressly under the Sanction of this Act; and the said Commissioners of Arbitration, the Commissioners for the Reduction of the National Debt, the Accountant General of the Court of Chancery, and the Accountant General of the Court of Exchequer, shall be and they are jointly and severally hereby indemnified, freed, and discharged from and against all Actions, Suits, and Proceedings whatsoever for or on account or in respect of all or any Acts, Matters, and Things whatsoever already done and performed by them or any of them, or by their respective Officers, in accordance with the Provisions of this Act, or for or on account or in respect of any Acts, Matters, and Things whatsoever which shall be hereafter done and performed by them or any of them in carrying into execution the Provisions of this Act, or in acting under the same; and the said Commissioners for the Reduction of the National Debt, and the said Accountant General of the Court of Chancery, and the said Accountant General of the Court of Exchequer, shall not be held or taken to be responsible for or liable to make good any Payment of Money or Transfer of Bank Annuities already made in accordance with this Act, or which shall hereafter be made under the Provisions thereof, unless the same shall have been occasioned by the wilful Negligence or Default of the said Commissioners or of the said Accountants General respectively: Provided always, that it shall and may be lawful to and for the Lords Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, to make such further Regulations as they may from Time to Time think necessary and proper for the Purpose of carrying the Provisions of the said recited Acts and of this Act, so far as regards the Distribution and Payment of the said Compensation Monies, into effect, and for facilitating such Distribution and Payment in the Manner therein provided for.

Indemnification to Parties for any thing already done or which shall be done under its Provisions.

Treasury may make further Regulations for Payment of Compensation.

Commissioners of Arbitration may award Costs to be paid to Parties establishing Claims to Compensation by Parties opposing such Claims.

X. And be it further enacted, That upon every contested Claim or counter Claim heard before the said Commissioners of Arbitration, it shall and may be lawful for the said Commissioners of Arbitration to award to the Party in whose Favour their Adjudication on such Claim or counter Claim is made the Costs out of Purse incurred by such Party in the Prosecution or Defence and Hearing of such contested Claim or counter Claim, and to be paid to such Party by the several Persons who by their Claim or counter Claim may have opposed the Right, Title, or Demand established by such Adjudication, or by such of those Persons as to the said Commissioners may seem right; and the said

said Commissioners or any Three of them shall thereupon give to the Party in whose Favour such Award of Costs shall be made their Certificate under their Hands, certifying the Award of such Costs, and the Person or Persons to and by whom the same are to be paid; and upon the Production of such Certificate, and Proof of due Notice having been given to the Person or Persons by whom such Costs shall be awarded to be paid, the said Costs shall be taxed by a Master of the High Court of Chancery or by the Master of the Court of King's Bench, which said Certificate and Taxation shall have the Force and Effect of a Warrant of Attorney to confess Judgment in any of His Majesty's Superior Courts of Law at *Westminster*; and if the Person or Persons by whom such Costs shall be awarded to be paid or who shall be liable to pay the same shall neglect or refuse to pay the Amount so taxed as aforesaid, it shall be lawful for the Person or Persons to whom the same shall be awarded to be paid to file the said Certificate and Taxation signed by the Master, with an Affidavit verifying the same, in any of the said Courts, and the Court wherein the same shall be filed is hereby authorized, upon Motion made to the said Court, and on being satisfied of the Truth of the said Affidavit, to order Judgment to be entered up for the Sum specified in such Taxation for the Person or Persons to whom the same shall be awarded to be paid.

Mode of recovering such Costs.

Claimants withdrawing Claim 28 Days before the Hearing not liable to Costs.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners of Arbitration to award Costs against any Person or Persons who shall have withdrawn his, her, or their Claim or counter Claim Twenty-eight Days before the Day appointed by the said Commissioners for hearing the Matter of such Claim or counter Claim.

Appellants to Judicial Committee of the Privy Council to give Security for Payment of Costs.

XII. And be it further enacted, That in all Appeals to His Majesty in Council from any Adjudication of the said Commissioners of Arbitration, the Parties Appellant shall within Eight Days after such Appeal has been lodged with the Clerk of the Council give Security to the said Clerk of the Council, by Recognizance to be entered into to His Majesty, in the Penalty of One hundred Pounds, conditioned to pay such Costs to the Respondent appealed against as the Judicial Committee of the Privy Council shall appoint in case the Adjudication appealed from shall be affirmed; and if the Appellant or Appellants shall neglect to give such Security within the Time aforesaid the Appeal from thenceforth shall be and stand dismissed.

Judicial Committee may award Costs, &c.

XIII. And be it further enacted, That the said Judicial Committee of the Privy Council shall have the like Powers to award Costs, and direct the Taxation thereof, in respect of such Appeals as aforesaid, as are given to the said Judicial Committee of the Privy Council by an Act passed in the Third and Fourth Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council.*

3 & 4 W. 4. c. 41.

Act may be altered this Session.

XIV. And be it further enacted, That this Act or any Part thereof may be amended, altered, or repealed by any Act or Acts to be passed in the present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1836.