

N<sup>o</sup>. 14. 1867.An Act for the improvement of the  
Town of Basseterre.

L. S.

Jawnt,  
J. G. Mochonzie,  
St. Governor.

Preamble.

Whereas the Town of Basseterre was on the night of the 3rd of July last almost totally destroyed by fire. And whereas the principal portion of the burnt district and some other parts of the said town have been since surveyed and a plan or plot thereof made by James Dickinson the Inspector of Public Works of the said island with a view to the improvement of the said town by opening new and straightening and widening certain of the old streets thereof; which plan so prepared by the said James Dickinson, has been agreed to by the Legislative Assembly and is hereto annexed. And whereas such improvements cannot be accomplished otherwise than by purchasing certain portions of the said town and it is therefore necessary to provide the means of so doing. Be it therefore enacted by the Governor and Legislative Assembly of the said island of Saint Christopher and Anguilla as follows:-

Commissioners not exceeding 5 to be appointed 3 of whom to be Quorum.

1. It shall be lawful for the Governor by Commission under the Public seal of this island to appoint during pleasure any number of commissioners not exceeding five, (three of whom shall be a quorum) to carry the purposes of this act into execution, and to fill up any vacancy which may from time to time occur by death removal or otherwise in the number of such commissioners

Commissioners to call legal aid if required

2. It shall be lawful for the said commissioners to call to their assistance all such legal and other professional aid as they shall from time to time require

Council Chamber in the burnt House to be used for the purpose of conducting the business of the said commissioners.

3. The said commissioners shall be at liberty and they are hereby authorized to use the Council Chamber in the burnt House in the said town of Basseterre for the purpose of conducting the business of the said commissioners.

Commissioners are empowered to purchase all land houses, walls and ruins, necessary for the purposes of this Act.

4. It shall be lawful for the said commissioners and they are hereby empowered at any time or times and from time to time to purchase all the lands and portions of land requisite and necessary to enable them to carry out the improvements contemplated and agreed to as aforesaid in the plan so prepared by the said James Dickinson and all and singular the houses, walls, and ruins standing and being thereon and also any other lands buildings or hereditaments adjoining

or near to the said last mentioned lands which shall in the judgment of the said Commissioners be desirable or requisite to be purchased to enable them the better to carry out the said contemplated improvements in the said town and also any subsisting estates, leases, terms, shares and interests therein which such Commissioners may consider requisite for the purposes of this act; and all lands so purchased by them shall be and become vested in Her Majesty Her Heirs and Successors for such purposes.

Public notice to be given by the Commissioners on the Island Newspapers of the time and place of their meeting for the purpose of receiving for the lands requisite to be purchased

5. The said Commissioners shall by Public notice in the several newspapers of this island, and by such other means as to the said Commissioners shall seem proper give notice of the time and place when and where they will be ready to treat with the owners or occupiers of the portions of land requisite to be purchased for the purpose of carrying out the improvements contemplated in the said plan or plot of the said town as adopted and agreed to by the said Legislative Assembly as aforesaid: and shall require all persons residing in this Island and having or claiming any right title or interest in or to any portions of land requisite to be purchased for the purpose aforesaid to come before them and to give in the particulars of their respective rights and interests within 30 days next after such notice and all other persons residing, out of this island shall be required to give in the particulars of their claims within six months next after such notice

all persons residing in the Island who have claims to the lands requisite to be purchased are to give particulars of their rights within 30 days after the above notices, parties residing out of the Island are to do the same within six months after such notice.

After the expiration of the said notices all land comprised in the specifications and requisite for the purposes of this Act shall become vested in Her Majesty Her Heirs and the parties entitled shall receive the sum fixed by appraisement.

6. That from and after the expiration of the said notices respectively, all and singular, the land comprised in the specifications furnished by the said James Dickenson and requisite, and necessary for effecting and carrying out the improvements contemplated in the said plan agreed to and adopted by the said Legislative Assembly as aforesaid and in respect of which the particulars of the rights and interests of the persons interested therein shall not have been given in to the said Commissioners pursuant to this Act and all and singular the walls and ruins standing thereon shall be and become vested in her Majesty Her Heirs and Successors for the purposes of this Act absolutely and forever exonerated and discharged of and from all legal and equitable right and interest of all and every person whatsoever and of all charges incumbrances or demands affecting the same, and parties interested in such <sup>lands</sup> walls, and ruins shall be and become intitled to receive in lieu thereof an equivalent in money to be fixed and ascertained by appraisement as hereinafter mentioned

Commissioners shall give certificates to parties entitled to moneys in respect of what lands or premises or for what services such moneys are payable

7. The said Commissioners shall give a certificate to the parties entitled to moneys payable in lieu respect of lands purchased or in respect of services performed and every such certificate shall set forth for what lands or premises or for what services such moneys are payable

of lands purchased or for services performed. payable and every such certificate shall be numbered and a list of all such certificates from time to time as the same shall be given by the said Commissioners shall be made and given by them to the Secretary to Government for the information of the Governor in Council and every such list shall contain the number of every such certificate the name of the party in whose favour given and the amount, and for what the same is due and the Governor in Council is hereby authorized to issue a warrant under his hand authorizing the payment of the amounts respectively set forth in such certificates out of the Public Treasury of the said island of Saint Christopher.

When and how appraisers are to be appointed.

8. In the event of the said Commissioners being unable to agree with the parties interested for the purchase of any piece or portion of land, or in the event of such persons being unknown or unrepresented in this island or otherwise unable to contract for or carry out such sale, such land with the buildings and ruins, thereon and also the amount and value of any damage consequent on or caused by the taking over such land by the said Commissioners shall be appraised in the usual manner by appraisers, one to be appointed by each party and in the event of such appraisers differing an umpire to be appointed by them; should either party omit to name his appraisers within ten days after receiving notice so to do from the opposite party then and in such case both appraisers to be appointed by the Party not in default and in the case of absentees unknown parties or persons unable to act then such appraisers to be both appointed by the Governor.

Such parts of the land as may be requisite for carrying out the contemplated improvement shall be set apart by the Commissioners and the remaining parts and all abandoned streets and alleys shall be laid out for them for building purposes or otherwise.

9. The said Commissioners shall set apart for the uses of the Public such parts or portions of the said lands to be vested in Her Majesty as aforesaid as shall and may be requisite for carrying out the contemplated improvements in accordance with the said plan and specification of the said James Dickinson as approved of by the said Legislative Assembly, and the remaining parts or portions of all such lands as also all abandoned streets and alleys shall be laid out by the said Commissioners for building purposes or otherwise as to the said Commissioners shall appear best adapted for improving the said town and promoting the health comfort and security of the inhabitants.

10. It shall be lawful for the said Commissioners to stop up and divert in up and divert any highway street, alley, or lane in the said town and in like manner to open and make other streets and town or may open and make other streets and highways throughout the said town.

11. It shall be lawful for the said Commissioners to sell exchange or demise such parts or portions of the said lands so to be vested in Her Majesty as aforesaid under the authority of this Act or any lands belonging to the Public within the said town not required for streets or highways and a highway, provided the said Commissioners shall have and they have hereby granted to them full

always that the former power and authority to convey surrender assign or make over or to grant or Owners or Occupiers shall demise the said lots of land respectively to any person or persons who shall be allowed the privilege of free-emption.

Provided always that in any such sale exchange or demise the former owners or occupiers of the land to be sold exchanged or demised shall be allowed the privilege of free-emption upon the same terms at which the said Commissioners shall offer any such building, lot or other lots for sale, exchange or demise if such former owner or occupier shall signify such desire of a preference to the said Commissioners previous to any such sale.

12. The consideration money for which any lands shall be sold under the authority of this Act and all money which shall or may be payable in exchange for any lands where the land agreed to be given in exchange shall exceed in value the land received shall be paid by the purchasers of such lands and by the parties who shall be liable to pay such sums as aforesaid to the Treasurer of the said island of Saint Christopher for the use of the Public thereof.

13. In case any party to whom any money shall be assessed to be paid for the purchase of any lands to be taken or used by virtue of the powers of this Act or any estate or interest therein shall refuse to accept the same, or cannot be found or shall be absent from this island or shall refuse to accept thereof, neglect or be unable to furnish the Commissioners with the particulars of their rights or interests as aforesaid or to make a title to convey such lands estate, or interest to the satisfaction of the said Commissioners within three calendar months from the period of the value of the lands being assessed as aforesaid, or if any party entitled to contract or agree for the sale of such lands, estate, or interest shall be known or shall be absent from the island or shall refuse to execute any contract or conveyance for the sale thereof respectively within the said three calendar months, or such land shall be subject to any entail or to be affected by any remainder or reversion then and in every such case it shall be lawful for the said Commissioners to certify to the Treasurer of this island that the money so assessed cannot be paid, and such Treasurer shall carry every such sum to the credit of the party or parties if known who shall be interested in the said land, estate, or interest, but if such party or parties shall not be known then to the credit of the said Commissioners in a particular account subject to the order, control and disposition of the Court of Queen's Bench in this island which said Court on the application of any party making claim to such money or any part thereof by motion or petition is hereby empowered in a summary way of proceeding or otherwise into the said Court shall seem meet, to change the investment thereof or to order the distribution or payment thereof according to the estate, title or interest of the party therein.

therein and to make such other order in the premises as to the said bank shall sum for free and the respective parties entitled to receive such sums shall receive interest thereon at the rate allowed by the said Colonial Bank in this island.

Upon payment or tender of money awarded by appraisers for the purchase of any lands or in case wherein moneys are detained by the Treasurer as herein directed the Commissioners may enter upon such lands when the same shall immediately become the property of His Majesty.

14. Upon payment or tender of such sums of money as shall have been awarded by such appraisers for the purchase of any lands or whenever any of the respective cases shall happen wherein such money is herein authorized or directed to be retained in the hands of the Treasurer, as herein authorized and directed, it shall be lawful for the said Commissioners immediately to enter upon such lands and thereupon such lands and the fee simple and inheritance thereof and all the estate, use, trust and interest of all parties therein shall thenceforth be vested in and become the property of His Majesty His Heirs and Successors for the purposes of this Act, and such payment or tender or such retention shall in all respects and to all intents and purposes operate in the same manner as if a conveyance under the provisions of this Act had been made of the lands in question to the said Commissioners.

In cases where the Commissioners have a right of entry and delivery of possession shall be refused the Police Magistrate for the District may issue his Warrant to any Constable to enter upon the lands the possession of which shall be withheld or refused and to take possession thereof and to deliver the possession to such person as shall be named in the Warrant to receive the same.

15. In all cases whatsoever in which the said Commissioners shall have a right of entry under the provisions of this Act and delivery of possession shall be refused or withheld it shall be lawful for the Police Magistrate of the Basseterre District to issue his Receipt or Warrant to any Constable to enter upon the lands the possession of which shall be withheld or refused and to take possession thereof and to deliver the possession to such person as shall be named in the Receipt or Warrant to receive the same, and the Constable is hereby authorized and required to take such possession and to deliver the possession to the same accordingly.

Conveyances of land purchased and sold by this Act may be made according to the forms in Schedule A. or as may be directed by the Commissioners and shall be valid and effectual.

16. Conveyances of lands purchased and sold by virtue and in pursuance of this Act may be made according to the forms in Schedule A. or as may be directed by the Commissioners and shall be valid and effectual in the law to all intents and purposes whatsoever.

Schedule A.

Schedule A.  
1st

Form of conveyance to Commissioners

Saint Christopher  
I of in consideration of the sum of to me (as the case may be) paid by the Commissioners appointed under an Act of this island intituled "An Act for the improvement of the Town of Basseterre" do hereby convey to the said Commissioners all (describing property to be conveyed) together with all rights, ways and appurtenances thereto belonging and all such estate, right, title and interest in or to the same and every part thereof as I am or shall become seized or possessed



I, James S. Berridge, do hereby certify that the said Commissioners in trust and according to the intent and meaning of the said Act, have witnessed and sealed this day of

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2<sup>nd</sup>

Form of conveyance by Commissioners  
Saint Christopher

We Commissioners appointed under An Act of this island intituled An Act for the improvement of the town of "Baptiste" in consideration of the sum of do hereby convey unto His Heirs and Assigns all (describle property) together with all rights, ways and appurtenances thereto belonging to hold the said Inheritaments and premises unto the said His Heirs and Assigns. In witness whereof we have hereunto set our hands and seals this day of one thousand eight hundred and sixty

James S. Berridge  
President

Passed the Legislative Assembly, this 28<sup>th</sup> day of August 1867.

J. P. Berridge

clerk. Leg. Assembly

Dated at Saint Christopher this twenty eighth day of September one thousand eight hundred and sixty seven and in the thirty first year of Her Majesty's reign.

No. 15- 1867.

An Act to amend the Laws relating to Oaths

Assent  
J. G. Mackenzie  
St. Gov.

Preamble.

WHEREAS it is expedient that one uniform Oath irrespective of Religious denominations should be substituted for the Oaths now required by Law to be taken by Protestants and Roman Catholics respectively:

Be it therefore enacted by the Governor and Legislative Assembly of the islands of Saint Christopher and Anguilla as follows:-

Form of Oath to be taken instead of former Oaths.

1. Instead of the Oaths appointed by the Act dated in 1829 intituled "An Act for the relief of His Majesty's Roman Catholic Subjects in the island of Saint Christopher" and by the Act dated the 29<sup>th</sup> day of June 1865 intituled "An Act to substitute one Oath for the Oaths of Allegiance Supremacy and abjuration" where the same are now required to be taken and subscribed by Protestants and Roman Catholics respectively the following Oath shall be taken and subscribed:-

surety