

COLONIAL LAW -- 1852

SOURCE: St. Thomae Tidende, June 12, 1852 - Translation.

TRANSLATION

WE FREDERIK the Seventh, by the grace of God, King of Denmark, of the Vandals and Goths, Duke of Staswak, Holstein, Stormarn, and Ditmarsh, Lauenburg and Oldenburg,

MAKE KNOWN: the Diet has resolved upon, and
We have by our sanction confirmed the following:
LAW:

I.

§1.

A Colonial Council is to be instituted for the Danish Westindia Possessions, which, in the manner hereafter described, shall be invested with deliberative co-operation in the exercise of the legislative power.

On the Proposal of the Colonial Council, the King has the power to direct, for all or some cases, that the Colonial Council be divided into two Councils, one for St. Croix, and one for St. Thomas and St. Johns, and to decree such regulations as may result in this alteration of the present Law.

§2.

The King, after having received the opinion of the Colonial Council, and on the constitutional responsibility of the Minister concerned, enacts Ordinances regarding:

1. the extention of the existing laws in the Kingdom of Denmark to the Danish Westindia Islands.
2. the municipal affairs of the Islands, among which are comprehended those relating to schools, pauper establishments, militia, public roads, and public security with regard to hedges, and enclosures, as also also connected with labour, trade, servitude and vagrancy; the control of the sanitary and fire establishments, and the executive police in general.

The Ordinances referred to under 1, may contain deviations from the existing laws of the Mother Country, in as far as the peculiar relations of the Islands may particularly call forth such, but in no wise as regards the principles and spirit of the laws.

If these Ordinances contain any such deviation, they are to be submitted as speedily as possible to the Diet, accompanied with the Colonial Council's opinion thereon.

The Colonial Council, without being called upon by Government, is entitled to give its opinion on the applicability of all Laws and Ordinances promulgated for the Kingdom of Denmark, and its opinion thereon shall in like manner be submitted to the Diet.

The legislative authority thus invested in the King is, however, not to prevent the enacting of laws relating to matters treated upon in this paragraph, if the King and the Diet in the usual manner have agreed thereon.

§3.

In all other matters than those mentioned in § 2, the legislative power is to be exercised in the usual manner by the King and the Diet conjointly. Still the opinion of the Colonial Council is always to be taken, if no strong grounds necessitate an exception, before any law can be established in the Danish Westindia Possessions.

The Colonial Council shall also be afforded opportunities to enable it timely to give its opinion on that part of the Budget which relates to the Westindia Possessions, so that the Colonial Council's opinion, if circumstances do not render it impossible, always previously is submitted.

§4.

In very urgent cases, the Governor is authorized to issue provisionally regulations regarding such matters which, according to the nature thereof, come within the intention of § 2 & 3. The constitutional treatment thereof will then take place in the Colonial Council at its next session, and as far as the case may be fit for adjustment, in accordance with § 3, the Government will have, conformably with the prescribed manner of treating provisional laws, to lay it before the Diet at its first session, or if the Colonial Council has not been able timely to discuss the case, then at its second ordinary session, subsequent to the publication of the regulations.

§5.

In the event of the Colonial Council finding cause to desire any alteration in the laws or institutions of the Islands, or to complain about the manner in which the laws are administered, or the institutions are managed, the Council can make representations in writing to the Governor, or transmit to that functionary its memorial to the King. Petitions or complaints from individuals must, on the other hand, be referred to the King or the competent authorities, unless a member of the Colonial Council adopts such petition as his own.

§6.

It pertains to the Colonial Council to cause the revision of all municipal accounts, and to give its final decision thereon. An extract of such accounts shall be made known to the public through the Press, and a copy transmitted to the Governor.

II.

§7.

The Colonial Council shall consist of 16 Members elected by the people, viz. 8 for St. Croix, 6 for St. Thomas, and 2 for St. Johns, and of 4 members appointed by the King.

§8.

The Island of St. Croix is to be divided into 2 elective districts, formed by the boundary lines between the jurisdictions of Christiansted and Frederiksted, so that the jurisdiction of Christiansted elects 5, and that of Frederiksted 3 Members. The two other Islands form respectively one elective district each. The Members are elected for 4 years. One half of the Members elected retires every second year, the first time by casting of lots. For the jurisdiction of Christiansted, for the first time, 3 Members are to retire; for that of Frederiksted, 1; for St. Thomas, 3; and for St. Johns, 1. The retiring members can be re-elected. Of the members appointed by the King, likewise one-half retires every second year, and the retiring members can be re-elected.

§9.

The elective franchise is the right of every male of unblemished character, who is a native, or has resided 5 years in the Islands, is above 25 years of age, is in uncontrolled possession of his estate, and either has a yearly income of 500 Westindia dollars, or contributes to the States' Chest an amount of at least 5 Westindia dollars in ground and building tax. He must besides have resided one year in the elective district at the time the election takes place.

§10.

Eligible as Member to the Colonial Council is every person possessing the qualifications stipulated for the exercise of the elective franchise. Persons otherwise in the possession of the elective franchise can be elected if they even have not a fixed residence in the elective district.

§11.

The Judges in the 3 towns, and in St. Johns, are each in his district to preside at the elections as Director.

The Governor causes yearly through the respective Burgher Councils, lists to be made of all persons in the elective district entitled to vote, with a complete statement of their names alphabetically, ages, vocations, and abodes.

§12.

When the list is completed it is to be exhibited for inspection in a proper place for 14 days, notice in the usual manner preceding it at least 8 days.

§13.

Should any person be found on the list not qualified to vote, or any person wrongly omitted, any one may in writing represent the fact to the Director, and produce his proofs at least three days prior to the election; the Director shall then summon at the election both those regarding whom the representations have been made, and furnish them with a copy of the statement relating to them, as well as those from whom the representations have emanated.

§14.

The Governor appoints the day when, and the place where, the election publicly is to take place, and that day must be the same for elections in all the districts. The Directors will then have to publish in the usual manner, at least 4 days previous to the meeting, the place where it is to be held, as well as the day and hour when the election is to commence.

§15.

Each Director appoints two respectable persons well known in the district, as assistants, and impressing upon them the importance of their charge, divides the labour between them.

§16.

The Director and his assistants shall meet at the election on the day and hour appointed, and bring with them the lists for the whole district, as well as the objections, if any, preferred against them.

The Directors open the election, and provide for the elections, proceeding in the best order possible. Before the election commences the Electoral Committee will have to decide on the objections made to the lists, and such decisions are to be inserted in the minutes.

§17.

Whereupon the election proceeds according to the regulations of the Director.

Persons desirous of exercising their right of voting, must personally appear at the place of election, and in giving their votes, they must mention as many persons, as the district to which they belong require members (§ 8), stating at the same time their full names, rank, vocation, and places of abode. The votes are to be registered in the Protocols, one in charge of each of the assistants; the one to contain the names of the voters, and alongside of them the names of the persons they have elected; in the other the names of the elected, and under them the names of the voters. The minutes are to be read to the voters, to be verified by them, and then compared together.

§18.

When there are no more persons desirous of taking part in the election, the Electoral Committee will then add their own votes; the poll being then closed, the votes for each person are summed up, and the result thereof made known to those present. The persons who have obtained the greatest number of votes are then declared the representatives of the district. In the event of two or more persons having an equal number of votes, the drawing of lots shall decide the matter.

§19.

The representatives elected will receive written notice from the Director of their election, with request to state if they accept the charge. Employees do not require special permission to accept the election. If any person, provided he is present in the Island where the election has taken place, do not within 8 days after the election, or else within a term fixed by the Electoral Committee for each individual case, decline the election, he is considered as having accepted the same. If the case then require it, a new election must take place, according to the rules prescribed. After the acceptance of the election, each person is furnished with a document (Valgbrev:) signed by the Electoral Committee, to serve as a proof of his election. Notice regarding the elections is to be communicated, in St. Croix to the Government, and on the Islands of St. Thomas and St. Johns to the Commandant, on whom it is incumbent to report the result to the Government. The Government will then have to publish the result of the elections in all the Islands.

§20.

If any person neglect the duties to which he is subjected according to the §§ 11-19, he shall be liable to a penalty of from 20 to 200 Westindia dollars provided he has not, according to the provision of the laws, incurred a greater punishment.

§21.

After the elections by the people have taken place, the King decides who he will appoint as Members of the Colonial Council, according to § 7. It is optional to the King directly to make the appointment, or to transfer his right thereto to the Governor.

§22.

When an elected member retires, writs for new election must immediately be issued, and the member elected will then have to serve for the same period as the retiring member would have had a seat in the Council.

III.

§23.

The Governor convokes the Colonial Council each year to an ordinary session of 4 weeks. He may also, under particular circumstances, convene extraordinary meetings, the duration whereof he will have to fix.

He can also adjourn the meetings of the Council for a definite period, however not exceeding three months, and he has the power, if necessary, to dissolve the Council.

In the latter case, a new Assembly is to be elected and convoked within one year from the dissolution of the former.

§24.

The Governor opens and closes the proceedings of the Council. He can, either personally, or when he is prevented, or for any particular case, by a deputy attend the meetings of the Council, and takes the word as often as he or his deputy may think it requisite. The Governor can likewise call persons to attend the proceedings, in order to afford such elucidations and explanations as the matter in hand may occasion.

All communications between the King's Government, and the Council, pass exclusively through the Governor.

§25.

The Colonial Council elects among its own members a Chairman, Vice-Chairman, and a Secretary.

The Council decides the validity of the election of its members. Each member takes the oath of allegiance according to a form prescribed by the King.

No resolution can be passed in the Council, unless at least one half of its members are present and take part in the proceedings.

The members at a meeting are at liberty to express themselves in Danish, or in English; the Protocol of the proceedings is to be kept in both these languages; but the written reports of the Council must be in the Danish language.

The meetings of the Council are not public, but an extract of the proceedings is, as soon as possible, to be prepared by direction of the Assembly for publication, in the Danish and English languages.

For the rest the Council institutes its own rules for business. The Council may, through the Government, demand all the elucidations it may require, without the payment of fees, or charges to the public functionaries.

IV.

§26.

In case of a riot, the military force may only interfere, unless assaulted, after the mob has been three times, in the name of the King and the Law, summoned in vain to disperse.

In cases of emergency, the Governor is authorized, on his own responsibility, to declare the Islands either entirely or partially in a state of Seige, and to exercise unlimited power.

When this has occurred, and when the lawful state of things has been re-established, the Governor has to report the same to the first Colonial Council thereafter convoked.

This Report, accompanied with the opinion of the Council, is then to be transmitted to the first session of the Diet.

For the information and guidance of all concerned.

Given in our Palace, Christiansborg, the 26th of March, 1852.

FREDERIK. R.
(L. S.)
R.

W. C. E. SPONNECK.

In fidem translationis,
Notary's Office, St. Thomas, June 8th, 1852.

L. GAD, Not. Pub. Consl.