



Title: Major political & constitutional documents of the United States Virgin Islands

URL: <http://ufdc.ufl.edu//CA01300015/00001>

Site: University of Florida Digital Collections

COLONIAL LAW -- 1863

Source: Denmark. Collection of the Most Important Laws, Ordinances, Publications etc., Valid in or Referring to the Danish West India Islands, and Issued Since the Colonial Law of the 26th of March 1852: Translations. Copenhagen : Printed by J. H. Schultz, 1884. Pp. 84-103.

The Imperial Council has passed and We by Our Royal Assent confirmed the following Law:

I. § 1. The supreme authority of legislating for the Danish West India Islands in all matters exclusively relating to affairs within the boundaries of the Islands, including their harbours and maritime territory, rests with the legislative power of the kingdom. This authority may, however, with the exceptions mentioned in § 57 and § 85 of this law, and provided no reason be found for issuing a law in the ordinary manner, be exercised by the king and the respective colonial council conjointly, by ordinances. If reason be found for issuing a law, the draft of such law shall be laid before the respective colonial council for its report, unless particular reasons should render an exception necessary. - All the ordinances thus issued shall be laid on the table of the diet in its approximate session.

§ 2. In all other matters relating to the colonies, the respective colonial council shall, before any law containing provisions specially relating to the West India Islands be given, be afforded opportunity of giving its opinion in the matter, unless particular reasons render an exception necessary.

§ 3. The ordinances passed by the colonial council and sanctioned by the king are to be promulgated by the Governor. - In particularly urgent cases the Governor may provisionally sanction those ordinances that have been adopted by the respective colonial council, and thereby put them in force until the king's resolution be obtained.

§ 4. In extraordinary circumstances the Governor has authority to issue provisional laws or ordinances. They shall, however, always be laid before the respective colonial council at its next meeting, and, in case the matter requires to be decided by a law, also before the respective legislative assembly in the mother-country during its first sitting, or, in case the colonial council shall not then have finished its deliberations on the matter, during the second ordinary session of the legislative assembly subsequent to the emanation of the law in question.

§ 5. The Government of the Danish West India Islands rests, under the superior direction of the responsible minister concerned, with the Governor in accordance with the instructions given by the king.

§ 6. The judiciary authority pertains to the courts of justice. The supreme court in the kingdom is the supreme tribunal of justice for the Islands. - The courts of justice are authorized to pass judgements on any question relating to the extent of power vested in the administrative authorities. The person who moots such a question is not, however, by doing so, exempted from obeying the orders of the authorities.

II. § 7. The king can, either directly or through the respective authorities, grant such licenses and bestow such immunities, as are either customary according to existing regulations, or, as may in future be warranted by law or ordinance.

§ 8. The king can pardon offenders and grant amnesties. - The authority now vested in the Governor of modifying certain penal judgements, may be extended or altered by ordinance.

§ 9. The appointment of all officials rests with the king, to the same extent as heretofore. Alterations in this respect can be effected by ordinance, so that the appointment to certain offices under the administration be left to the Governor. No one without the right of nativity can be appointed to an office. - The king can, with the exception mentioned in § 69, dismiss officials appointed by him. Pensions for such officials shall be fixed by the colonial pension-law or ordinance. An official who is removed elsewhere against his will, has the right of demanding his dismissal with a pension according to the general rules.

§ 10. The Danish West India Islands comprise two districts of administration, viz: The Islands of St. Croix and the adjacent Islets. - The Island of St. Thomas with St. Johns and their adjacent Islets. - The Governor is also the superior authority in the district of administration in which he resides. The superior authority in the other district, the president, is also vicegovernor, if no other is appointed.

§ 11. The Governor shall see that the laws are obeyed, and that all the officials and their assistants fulfill their duties, and he is entitled, whenever he considers it necessary, to cause their official protocols to be laid before him for examination. - The Governor is authorized to suspend officials appointed by the king. In such cases, however, there shall within 14 days after, be either instituted a suit against the official for the forfeiture of his office, or legal investigation be instituted regarding his conduct or a representation be made to the minister for effecting his final dismissal. - In case of the death of any official holding royal appointment, or in case of an official's absence from the Islands, or his temporary appointment to another office, or in case of his suspension, the Governor shall temporarily appoint another person to the office.

§ 12. The Governor is commander in chief of all the armed forces in the Islands. - In case of emergency the Governor has authority, on his own responsibility to declare the Islands either entirely or partially in a state of siege, and to exercise unlimited power. Whenever this has taken place, and after good order and tranquillity has been re-established, it is incumbent on the Governor to make a statement thereof to the respective colonial council at its next meeting. This statement together with the remarks of the respective colonial council must be communicated by the Home-Government to the diet in its approximate meeting. - The same authority may, in case of emergency, be exercised by the president on his own responsibility in the district of administration entrusted to him, whenever the circumstances do not allow awaiting the resolution of the Governor.

III. § 13. Each of the two districts of administration shall form a separate municipality. For each municipality a colonial council shall be established, which council, besides exercising the part of the legislative authority vested therein, shall

also, in the manner hereinafter prescribed, partake in the administration of the economical affairs of the municipality.

§ 14. The colonial council for the Island of St. Croix shall consist of 13 members elected by popular elections, and of 5 members nominated by the king. - The colonial council for the Island of St. Thomas with St. Johns shall consist of 11 members elected by popular elections, and of 4 members nominated by the king.

§ 15. The Island of St. Croix is divided into 4 elective districts, viz: 1) the town of Christiansted and suburbs, which district shall elect 3 members; 2) the country-jurisdiction of Christiansted, which district shall elect 4 members; 3) the town of Frederiksted, which district shall elect 2 members; 4) the country-jurisdiction of Frederiksted, which district shall elect 4 members.

§ 16. The Island of St. Thomas with St. Johns is divided into 3 elective districts, viz: 1) the town of Charlotte Amalia, which district shall elect 8 members; 2) the country-jurisdiction of St. Thomas, which district shall elect 1 member; 3) the jurisdiction of St. Johns, which district shall elect 2 members.

§ 17. The members are elected for the term of 4 years. Half of the number of the members withdraw every second year, the first time by the drawing of lots. For Christiansted's elective district withdraw the first time 2 members, and of the crown-members for St. Croix the same number. For the elective district of the country-jurisdiction of St. Thomas together with the elective district of St. Johns withdraw the first time 2 members. - The members who withdraw may be re-elected.

§ 18. The franchise or right of voting is vested in every man of unblemished character, who has the right of nativity or has resided in the Danish West India Islands for 5 years, who has attained the age of 25 years, who has not been legally deprived of the management of his property, and who either owns a property in the municipality that is calculated likely to yield a yearly rent of at least 75 dollars in St. Croix and St. Johns, and of at least 150 dollars in St. Thomas, or in the preceding year has had a clear annual income of 500 dollars. He must moreover have resided at least 2 years in the municipality and 6 months within the elective district in which he sojourns at the time the election takes place, and his name must be on the list of persons entitled to vote. A person having residence in several elective districts can determine in which of them he will exercise his right of voting. - No person can be considered of an unblemished character who by judgement of the court has been found guilty of an act ignominious in the public opinion.

§ 19. Every person who possesses the qualifications on which the right of voting is based is eligible to be voted for as a member. It is not, however, necessary that he shall have resided permanently in the elective district, or that his name shall be on the list of persons entitled to vote. - The Governor and the president, as well as the Government's secretaries and the president's secretary, as also the officials and assistants in the secretary's, the bookkeeper's and treasurer's offices, are not eligible.

§ 20. The elections in every district are to be under the superintendence of a board of directors, consisting of the judge in the jurisdiction as chairman and of two inhabitants of the municipality, one appointed by the superior authority, and the other by the respective colonial council. In case of no one being appointed by the colonial council, or any one appointed being prevented from officiating at the election, the chairman must appoint another qualified inhabitant to act temporarily as a member of the board. - A protocol, duly authorized by the superior authority, must be furnished the elective-board, to which all communications and the election-lists are to be produced. In this protocol the most essential points of the proceedings of the board and the result of the elections are to be entered. The protocol must be signed by the directors at the close of each meeting, and remain in the charge of the chairman. - In case of a diversity of opinion between the members of the board, the majority of votes decides the question, but the minority has the right of entering their dissenting vote in the election protocol.

§ 21. The elections are to take place according to lists containing the names of the persons entitled to vote, which lists are to be drawn up every year. - As one of the bases for framing these lists, the tax-commission of each municipality shall, in the month of December, furnish the chairman of each elective board with a list of all such persons who own properties in the district, which, according to the latest assessment of yearly rent for the calculation of the rent-tax, are considered likely to yield the amount of yearly rent mentioned in § 18, as also a list of such persons who possess property in the district, not assessed for the rent-tax, but which according to an estimate based on the same principles and made by the tax-commission in unison with two competent men, appointed in the usual manner, are calculated likely to yield at least the said amount of yearly rent. The list besides the names of the owners must also state the number of each separate property and the calculated amount of yearly rent. - If a property is owned by several persons conjointly, the amount of yearly rent shall be calculated for each of the owners in proportion to his share in the property.

§ 22. The chairman of the elective board shall, in the beginning of the month of December, by a public notice and if considered necessary also by sending round printed schedules, request all those persons who may have the yearly income fixed in § 18 and are otherwise entitled to vote, to furnish him within the end of the month with the necessary information thereof in writing. The correctness of these statements is to be decided by the board. - In calculating the amount of clear yearly income, all charges connected with each of the several sources of income are to be deducted. Consequently, when calculating the revenue of a landed property, not only the taxes and expenses for repairs and cultivation are to be deducted, but also the interest of the mortgages that may incumber the property is to be subtracted; from the revenue of an industrial profession, the expenses for carrying it on must be deducted; from the revenue of an office, the expenses for stationary &c. must be deducted. For the rest not only the pecuniary income must be taken into consideration, but also emoluments in natura, free dwelling and such like after being computed in money. - In calculating the amount of income it is furthermore to be observed, that it is not sufficient that any one during the past year has had a clear income of the requisite amount, but this

income must also proceed from such sources, as to justify its being considered annual or likely to amount to about the same every year.

§ 23. After the chairman has obtained, during the month of January, such further elucidations as may be requisite to decide whether the parties named possess the right of voting, the elective board shall meet in the first days of February, and must within 8 days frame the election-list. - The election-list shall contain several columns furnishing statements of the full names of the individuals, their age, vocation, whether they are natives or have resided in the Danish West India Islands for 5 years, the period of their sojourn within the municipality and in the elective district, and whether they own a property calculated to yield the stipulated amount of yearly rent, or if they have the requisite amount of yearly income. - The names of those individuals by whom the qualifications as regards age, residence in the Islands or in the elective district, are not yet attained, but who are expected to attain them in the course of the year for which the list is drawn up, are to be stated in a supplemental list, with an express statement of the date when the qualifications will be attained.

§ 24. The election-list thus framed must be exhibited at the court-house of each respective district from the 15th to the 28th of February, both days inclusive, for general inspection 6 hours each week-day. The time when as well as the place where the list is to be exhibited must be promulgated or made known in the manner customary for public notices, at least 3 days previously.

§ 25. Any person who thinks that his name has been wrongfully omitted in the election-list or who finds that the name of another person is on the list who does not possess the qualifications that entitle him to vote, has within 3 days previous to the expiration of the time, during which the list is exhibited for inspection, to make a request in writing to the chairman of the elective board to have his name placed on the list, or demanding that the name of the other person erroneously entered on the list be struck out, giving a brief statement of the reasons on which he bases the request. - The objections thus made against the list are to be decided by the elective board at a public meeting which is to be held in the course of the next 14 days, after the chairman has obtained in the promptest and simplest manner the necessary elucidations for deciding the objections. To this meeting must be summoned the person by whom the objections have been made as well as the one to whom such objections refer, and to whom the chairman must send a copy of the written request. According to the documents produced by the parties and the depositions of the witnesses brought forward, together with the elucidations obtained by the chairman, the questions mooted are to be decided, and a brief award to be entered in the election protocol. The list after having been thus corrected, must be signed by the whole elective board.

§ 26. Whoever is dissatisfied with the decision of the elective board by which the right of voting is denied him, can demand a copy of the award without fees and may bring the matter before the courts for judgement. Such suits are at once to be prosecuted in the West India upper court, and the parties are exempt from all fees in this court as well as in the lower courts, when affidavits or evidence are taken in these

latter for the elucidation of the case, and they shall also be exempt from using stamp-paper; a lawyer must be appointed to defend the elective board in the suit. Should the party concerned obtain a judgement warranting his right of voting, his name shall be entered on the list, on his presenting a copy of the judgement.

§ 27. The lists of those entitled to vote, which must be corrected and completed every year in the manner prescribed, are valid from the 1st of April to the 31st of March ensuing. According to these lists all elections during this interval are to take place, but it must be observed that those persons whose names appear on the supplemental list (§ 23) are only entitled to vote provided they, previous to the day on which the election is held, have attained the requisite qualifications as regards age and residence in the Islands as well as in the district.

§ 28. The day as well as the place of election is to be fixed by the superior authority, and, unless circumstances prevent it, the court-house in the district shall be fixed as the place for holding the election. Whenever general elections in the municipality are to take place, the elections must be held as far as possible on two succeeding days, according as the use of the court-house will admit. The chairman of the elective board gives public notice, as least 8 days previous to the meeting, of the place where the election is to be held, as also of the day and the hour when it is to commence. The public notice must in St. Croix and in St. Thomas be inserted in the newspaper wherein public notices are usually inserted, but in St. Johns it shall be promulgated by placards at Cruxbay and Coralbay and by a circular to the electors.

§ 29. The elective board is to meet at the election on the day and at the hour appointed. The chairman opens the proceedings, and he has to see that the elections are conducted in proper order. The election-protocol and the election-list for the district must be produced. - Every individual who wishes to exercise his right of voting, must meet in person at the place where the election is to be held. When he comes forward for the purpose of voting, he names as many persons as there are members to be elected for the district, stating their full names and vocations, and, if the elective board should find it necessary for the further discrimination of any of them, also their places of residence. The votes are to be registered in two protocols, authorized for that purpose by the superior authority, each of the members of the board to keep one. In one the names of each voter shall be entered and alongside of it the names of the persons for whom he has voted, and in the other protocol the names of those persons for whom votes are given, and under each name the names of those who voted for them. The entries to be read to the voter for verification, and the members of the board to compare with each other. - If a vote be given for any one whom the elective board does not consider eligible, the board cannot, on that account, refuse to register the vote.

§ 30. The recording of votes cannot be ended before 3 hours have expired from the opening of the election. When, at the expiration of this period and after inquiry by the chairman no more persons offer to vote at the election, the members of the elective board, provided they are entitled to vote, register their own votes and sign the two protocols which close the election. - After the number of votes for each person

voted for has been counted, the result shall be made known to the persons present. Those persons who have received the greatest number of votes are declared to be elected members. In case two or more persons have an equal number of votes, the election shall be decided by the drawing of lots which is done by the chairman.

§ 31. The persons thus elected are immediately to be notified thereof in writing by the chairman of the elective board. Every person who is eligible in the Municipality is bound to accept election as a member of the colonial council, unless he has a valid ground of exemption. Any person who is 60 years old, or who during the period of the last 6 years has been a member either of the hitherto existing burgher-councils or any of the colonial councils established by this law, and has served for at least 4 years, may refuse to accept election. The same is applicable to all officials. If the person elected does not within 8 days after the election, provided he is at that time on the Island where the election has taken place, or else within a period to be fixed by the board in each case, state in writing his reason for exemption, he shall be regarded as having accepted the election. But if a reason for exemption be stated in due time, the board is to decide in a meeting held for this purpose, whether the reason given can be considered satisfactory, and if this be admitted to be the case, a new election must take place in conformity with the prescribed rules. - When the election has been accepted, or the reason of exemption given by the person elected has been rejected by the board, a letter of election for him shall be drawn up and forwarded to him. A report thereof in writing is at the same time to be given to the superior authority. - The letters of election are to be drawn up according to a form prescribed by the Governor.

§ 32. If any person should neglect to perform his duties according to §§ 20 - 31, he shall be liable to a penalty not below 10 dollars and not exceeding 200 dollars, unless the existing laws should subject him to a higher penalty.

§ 33. When the popular elections are ended, the king will determine whom he will nominate as crown-members of the respective colonial councils, according to § 14. - Should the king think proper to do so, he may authorize the Governor to nominate the crown-member. - With regard to the obligations to accept nominations as crown-members, and with regard to reasons of exemption, the same rules as for the popular elections shall be applicable, but the Governor shall decide whether the reasons of exemption are admissible, the right of the persons nominated, according to § 46, being, however, reserved.

§ 34. If any person who has been legally elected as member of the colonial council, be afterwards placed in such circumstances as to cause the loss of his eligibility, he must withdraw from the council, with exception, however, of such cases where he ceases to be owner of a property yielding the requisite amount of rent or where he has no longer the requisite yearly income. - Departure for a longer period than 4 months or other temporary hinderance which lasts beyond this period, shall likewise cause the withdrawal of the member. - Whenever a seat in the council becomes vacant, a new election shall immediately take place. - Such new elections as may be necessary for filling vacancies that may occur during the 3 last months

previous to the general election may, however, be postponed until the general election, unless there are more than 3 vacancies at the same time.

§ 35. The general elections shall take place regularly every second year for the half of the number of members of the colonial council. In this case as well as when a council has been dissolved, the elections, both those that are held first as well as the subsequent new elections, shall be valid from the day of the general election. When an election take place in consequence of the withdrawal or of the demise of a member, the new election shall be valid for the same period during which the withdrawn or deceased member according to the ordinary rules, would have held his seat in the council.

IV. § 36. Each colonial council is to assemble for ordinary meetings on a certain day of every second month, which day is to be previously fixed by the superior authority for the whole year, and for extraordinary meetings whenever business makes it necessary, or whenever the Governor or the superior authority convenes such meeting. - The seat of administration of the superior authority shall be the place where the respective colonial council shall meet. In extraordinary cases the Governor or the superior authority may convene the colonial council at another place in the district of administration. - The superior authority can postpone the meetings of the council, but not for a longer period than 14 days. - The Governor has authority to dissolve any of the colonial councils. In this case new elections shall be held as soon as possible, and the new assembly shall be convened within 2 months after the dissolution. More than two dissolutions cannot take place during a period of 2 years.

§ 37. The Governor and the superior authority may either personally attend the meetings of the colonial council, or may depute other persons to represent them at such meetings, and they or the persons so deputed may address the council as often as they may think proper. They may likewise summon persons to be present at the meetings in order to give such information or explanations, as the matters under consideration may require. - All communications between the Home-Government and the councils shall be carried on through the Governor and the superior authority.

§ 38. Each colonial council elects from among its members a chairman for the year who shall conduct the proceedings in the council, also a vice-chairman who has to officiate in the absence of the chairman, and one or more secretaries. The council appoints such assistants as may be required for these their officials. - No resolution can be adopted by any of the colonial councils, when less than half of its members are present.

§ 39. The members of the colonial council may during the debates make use of the Danish or the English language at their own option. The protocol of proceedings is to be kept in both languages. In the same manner the resolutions of the colonial councils are to be drawn up, but when doubts arise the question is to be decided according to the tenor of the Danish text, and only this latter shall be laid before his Majesty for sanction, when such sanction is required. - The rules of business, which

shall also determine to what extent and in what manner the council's proceedings are to be published by printing, are to be adopted by each colonial council and approved of by the Governor.

§ 40. The meetings of the colonial councils are public, under such conditions of access as may be adopted for the maintenance of order by each council with the approval of the superior authority. The Governor or the superior authority is, however, entitled to demand that a matter be discussed within closed doors, and the colonial council may resolve the same at the proposal of the chairman or of such a number of members as prescribed in the rules of business. Whenever a proposal is made to this effect, the auditory are to be excluded, and the question shall then be discussed by the council and decided by plurality of votes.

§ 41. Drafts of ordinances may be laid before the colonial councils by the Governor or the superior authority, according to instructions from the Home-Government or from the Governor or by one or more members of the council. - No ordinance can be finally adopted before it has been discussed 3 several times in the colonial council. At the first discussion the general contents of the draft is to be discussed. At the second discussion the Governor or the superior authority as well as any member of the council may propose amendments. At the third discussion only the Governor or the superior authority may propose amendments. - No money-bill or grant can be finally passed before it has been discussed twice in the colonial council.

§ 42. At the proposal of the Governor the two colonial councils may, in cases concerning laws in common or such matters of mutual interest as may be considered to require such proceedings, refer the same to a joint committee of both councils, consisting of an equal number of members separately nominated by each council. The matter recommended for such proceeding must, however, first have been laid before each council, and the final decision thereon be taken by each council as far as it is concerned.

§ 43. Each of the colonial councils has the right of making petitions regarding alterations in the laws or institutions of the Islands, or complaints of the manner in which the laws are administered or the institutions are governed, either to the Governor, or through him to the minister or to the king. Petitions or complaints from private individuals are to be referred to the respective authorities, unless a member of the colonial council adopts such a memorial as his own.

§ 44. No memorial can be presented to any of the colonial councils except through its chairman or one of its members.

§ 45. Any member of the colonial council can with its consent bring any matter relating to the affairs of the municipality under discussion and request explanation from the Governor or the superior authority on such matter.

§ 46. Each colonial council decides the validity of the election of its members as well as of those reasons for declining to accept an election which a newly elected member might request to have finally settled in this manner, after they have been rejected according to §§ 31 and 33. - The colonial council shall likewise decide questions regarding the withdrawal of its members according to § 34. - No member can be dismissed from any of the colonial councils against his will, except in such cases as are mentioned in § 34, or those to be stated in the rules of business; the colonial council must, however, with a vote of two thirds of the members voting propose to the Governor the dismissal of the member, and this must be approved of by the Governor. The dismissal of a member appointed by the king himself can only be decided by a royal resolution.

§ 47. Each newly elected member of the colonial council, as soon as his election has been declared valid, must sign a declaration in writing, binding himself on oath to perform with conscientious fidelity all the duties that are incumbent upon him in that capacity.

§ 48. The members of the colonial councils are only bound by their conviction and not by any directions from their electors.

V. § 49. For each of the two municipalities a separate colonial treasury to be established, each treasury with the revenue and expenditure as mentioned in §§ 50 - 56 or such as might subsequently be fixed by law or ordinances.

§ 50. The property belonging to the respective Land-Treasuries and the revenue which according to existing enactments would accrue to them, shall be transferred to each respective colonial treasury, viz: from the Land-Treasury of St. Croix to the colonial treasury of St. Croix and from the Land-Treasuries of St. Thomas and St. Johns to the colonial treasury of St. Thomas. - The obligations of the respective Land-Treasuries and the expenses which according to existing rules would have to be borne by them, are to be assumed by the respective colonial treasuries.

§ 51. The property, real and moveable, belonging to the State-Treasury in the Danish West India Islands and intended for the use of the state-service, and not appertaining to the state-property under the denomination "Statsactiverne" or to any branch of the administration not heretofore under the colonial Government, shall be transferred to the colonial treasuries, to which shall also accrue the revenues of the Islands which in conformity with the colonial budget and in accordance with the rules hitherto in force would have been paid into the State-Treasury in such manner that each of the colonial treasuries receives such of these revenues as arise from any source of revenue in the municipality concerned. - The revenue arising from fees and collected by the superior administration in the mother-country or in the Islands and by the upper court of justice, shall be divided between the colonial treasuries, according as the cases in question concern or emanate from the one or the other municipality.

§ 52. Those expenses which according to the rules now in force, would have to be borne for the Islands by the State-Treasury, as posted in the colonial budget, are to be assumed by the colonial treasuries, partly as expenses in common partly as special expenses, with exception, however, of those pensions to former royal officials in the West Indies or to their widows and children, which have been temporarily posted in the colonial budget. The colonial treasuries shall furthermore, according to §§ 53 and 54, take over the expenses for the colonial revising office, and the pensions to royal officials under the colonial administration who retire after this law has come in force, and to their widows and children.

§ 53. Those expenses that are to be assumed by the colonial treasuries as expenses in common are: for the superior administration and the colonial revising office in the mother-country, with a total yearly amount of 12,600 Rd. R. M.; for the upper court of justice, with the exception, however, of 200 dollars, until the reduction in the amount for office-expenses, mentioned in § 4 of the law of the 15th of February 1857, be effected; for pensions for royal officials under the colonial administration who retire after this law has come in force, and for their widows and children, in as far as the salaries to the officials concerned have been defrayed under the expenses in common; for the military department, in as far as the expenses relate to the whole military force on the Islands, and not the separate garrisons, including the amount for pensions posted under B. f. 1 in the colonial budget for the financial year 1863-64; for other purposes in common to all the Islands; for instance the items of expenditure stated under B. e. 4 and f. 2 of the colonial budget for the financial year 1863-64, as approved by the royal ordinance of the 19th of January 1863. - The expenses in common, with the exception of those for the military department, are to be defrayed equally by each of the colonial treasuries. Those for the military department are to be borne by each colonial treasury in proportion to the average-number of privates and non-commissioned officers that have done duty in each Island during the year in question, or, in as far as relates to pension, in proportion to the same average for the last 5 years before the pension in question falls on the colonial treasury.

§ 54. Each of the colonial treasuries shall assume as special expenses all those expenses which specially relate to each respective municipality, including those items of expenditure for all the Islands posted under B. e. 1, 2 and 3 in the colonial budget for 1863-64, in as far as these do not belong under the expenses mentioned in § 53, as also the expenses for pensions for royal officials under the colonial administration who retire after this law has come in force, and for their widows and children, in as far as the salaries to the officials concerned have been defrayed under the special expenses. - The colonial treasury of St. Croix shall also assume 200 dollars of the amount of office-expenses at the upper-court of justice, until the change mentioned in § 4 of the law of the 15th of February 1857 takes place. - As long as the seat of Government is in St. Croix, the colonial treasury of St. Croix has to defray the expenses for the superior local administration in common to all the Islands, on receiving a yearly contribution of 7000 dollars from the colonial treasury of St. Thomas, which contribution can, however, be altered by ordinance.

§ 55. In cases of difference between the colonial councils regarding the division of the revenues mentioned in § 51, or as to whether an expense ought to be defrayed among the common or among the special expenses, or in what proportion an expense shall be defrayed by both colonial treasuries, and when no understanding can be arrived at in the manner prescribed in § 42, the matter will have to be decided by royal resolution.

§ 56. The colonial treasury of St. Thomas shall, as a contribution to the general state-expenses, for the next 10 years after this law has come in force pay an amount of 28,000 dollars annually to the finances of the monarchy. - The colonial treasury of St. Croix shall during the same 10 years be exempted from making any contribution to the general state-expenses. - The amounts of the contributions to be paid after the expiration of the said 10 year shall be determined by law.

§ 57. The obligations originating from the issue of the bills of credit circulating in the Islands will as hitherto rest on the finances of the mother-country. The amount of such bills of credit can only be altered by law. - Those amounts in cash belonging to the State-Treasury in the respective chests in the Islands are to be withdrawn successively, the minister of finances being, however, authorized to allow that an adequate portion of such amounts be retained in each of the colonial treasuries until sufficient cash of their own has been accumulated. - The minister of finances is authorized to cause such outlays as may be required in the mother-country for account of the colonial treasuries to be defrayed as hitherto from the State-Treasury, so that the said outlays be properly charged in account with the colonial treasuries. The Governor may likewise cause sums of money to be received or paid, as also coins or bills of credit to be exchanged by either of the colonial treasuries for account of the other, such transactions to be duly noted mutually.

§ 58. The superior authority shall every year communicate to the colonial council a draft of a budget, containing an estimate of the revenue and expenditure of the respective colonial treasury for the following financial year. - With regard to those items in this draft that are not posted in conformity with existing laws, ordinances, royal resolutions, or according to other rules that must be considered binding until they are repealed by the legislature, the requisite drafts of ordinances or money-bills shall be laid before the colonial council to be voted on. After the last mentioned drafts and bills have been discussed in the council, the draft of the budget shall be rectified by the council, in as far as may be necessary, according to the vote passed in the council, and then be transmitted to the superior authority within the time stated in the rules of business. - If during the financial year question arises of any expenditure for the colonial treasury, not provided for in the budget, an extra-grant will be requisite. - The yearly budgets as well as the extra-grants are to be laid before the king for his sanction, and when this has been obtained, they shall be promulgated and are to be laid on the table of the diet in its approximate session.

§ 59. No tax can be imposed, altered or relinquished, except by a law or an ordinance.

§ 60. No measure concerning the economical affairs of the municipality can be effected by the Governor or the superior authority, nor any disbursement be made from the colonial treasury, without the sanction of the colonial council, either by grants in consequence of the yearly budget or by an extra-grant, unless the measure or the disbursement is warranted by laws, ordinances, royal resolutions or other existing rules that must be considered binding until they are repealed by the legislature, or unless circumstances render it necessary that such a measure be effected before the vote of the colonial council can be obtained. In this last mentioned case, the matter must be laid before the colonial council at its next ordinary, or at an extraordinary meeting, in order to obtain the necessary extra-grant.

§ 61. In accordance with § 60 none of the properties and invested funds belonging to the capital stock of the municipality can be disposed of, nor any loan be raised, without the consent of the colonial council, but in matters of more than general importance, for instance relating to the disposal (either by sale, exchange, gift or agreement) or to the mortgage of any property belonging to the municipality, or to the lease of any such for a longer term than once fixed or in any other manner than by public auction, or to the raising of loans of larger amounts or for a longer period than can be repaid from the annual revenues, or to the renewal or prolongation of terms of payment of such loans, or to the purchase of immovable property, or agreements by which the municipality takes the charge of certain obligations or renounces certain rights, the sanction of the Governor, or, according to circumstances, that of the minister, must also be obtained to render such resolution valid.

§ 62. Should any of the colonial councils refuse to vote an expense, which in consideration of its duty towards the state or towards the municipality it ought to have granted for the proper discharge of the administration according to existing laws, ordinances and other rules, the Governor may protest against such a resolution, and if the colonial council does not then alter its resolution, the Governor may through the minister lay the matter before the king. Until a decision be given by royal resolution, the customary rules or the provisions in the preceding budget are to be observed.

§ 63. Until otherwise prescribed by ordinance the colonial council shall appoint members of the school-commissions, the hospital-commissions, the quarantine-commissions, and other commissions on municipal affairs, to the same extent as heretofore nominated by the burgher-councils. - The administration or supervision of other institutions involving the interests of the municipality may by ordinance be committed to commissions, consisting either entirely of members of the respective colonial councils appointed by the council, or besides of officials nominated by the Governor or the superior authority. - In case of a dissolution of any of the colonial councils the seats in the commissions here mentioned that have been filled by members of the council are temporarily to be filled by other citizens nominated by the superior authority.

§ 64. With regard to the business appertaining to the offices of the bookkeepers and treasurers and the control therewith, the same rules hitherto

observed at the State-Treasury in the colonies shall be applicable at the colonial treasuries, until otherwise prescribed by ordinance. Each of the colonial councils shall, however, yearly appoint two of its members for the purpose of occasionally examining the cash deposited in the chief chest as well as that in the keeping of the treasurer, comparing the same with the account. - The amount of security to be given by future treasurers or collectors for the collections entrusted to them, is to be determined by ordinance.

§ 65. The yearly colonial accounts are to be classified in accordance with the budgets, and to be laid before each respective colonial council, and an extract of these accounts shall be published in print. - After a general revision of the accounts by a committee appointed for that purpose, which committee has the right of demanding all the elucidations that may be requisite, the colonial council may through a memorial to the king complain of such errors in the accounts which in its opinion cannot be decided by a rectifying remark of the council itself.

§ 66. The administrative revision and decision of the colonial accounts shall, until otherwise prescribed by ordinance, be effected according to the rules hitherto observed for revising the State-Treasury's colonial accounts.

VI. § 67. The common and statute-law of Denmark shall as hitherto be applicable in the colonies, as more accurately defined by the laws and ordinances.

§ 68. The exercise of the judiciary authority can only be regulated by laws or ordinances.

§ 69. The judges are in their calling only to be guided by the laws. They cannot be dismissed except by a judgement; neither can they be removed against their wish, except in such cases where an alteration of the courts of justice be effected, or where they are also entrusted with administrative duties. A judge who has attained his 65th year may, however, be dismissed, but without loss of his income.

VII. § 70. The evangelical-lutheran church, which is the Danish national church, shall be supported from the public funds. Contributions towards the ecclesiastical institutions of other denominations may be granted by ordinances.

§ 71. Citizens have the right to assemble in congregations to worship God in accordance with their convictions, provided, however, that nothing be taught or practised contrary to morality or public order. Religious sects whose doctrines must be considered dangerous for the state or to the public welfare may be prohibited by ordinances.

§ 72. No person can on account of his religious persuasion be deprived of the enjoyment of civil or political rights, nor can any person on this account refuse to discharge any of the general duties incumbent on a citizen.

VIII. § 73. Every person who is apprehended for any breach of the laws shall within 24 hours after his apprehension be brought before a judge. If it be found that the person apprehended cannot immediately be discharged or released, the judge shall give an award, deciding whether the person is to be imprisoned or if he may be released on bail, stating the nature and amount of bail; this award shall be given as soon as possible, at farthest within 3 days after the apprehension, and shall be accompanied by a statement of the reasons on which it is based. - The award passed by the judge can immediately and separately be appealed by the party concerned to a court of higher instance. The appeal shall be prosecuted in the manner as a private suit, with summons, however, as for an extra-court, and the plaintiff shall be exempted from using stamp-paper as well as from paying court-fees. He must be given an opportunity to consult a lawyer regarding such an appeal, and fresh evidences may be produced in the upper-court. - No one can be committed to custody for an offence that could only warrant punishment by fines or simple imprisonment.

§ 74. The dwelling is inviolable. House-inquisition, seizure and examination of letters and other papers, can only be effected in virtue of a warrant emanating from a court of justice where no law or ordinance warrants a special exception.

§ 75. The right of property is inviolable. No person can be compelled to cede his property, except when the public welfare demands it. This can only be effected according to a law or an ordinance, and full compensation must be given.

§ 76. Any person who is not in a position to support himself or his family, and whose support does not devolve upon any other person, is entitled to receive support from the public funds, subject, however, to those obligations which the laws and ordinances in this head prescribe.

§ 77. Children whose parents have not the means of providing for their instruction will receive instruction in the public schools.

§ 78. Every person has the right to publish his thoughts in print, under responsibility, however, before the courts of justice.

§ 79. Citizens have the right without previous permission to establish societies for any lawful purpose. No society can be dissolved by an order from the authorities. Societies may, however, be temporarily prohibited, but an action shall be immediately instituted against the society, so as to have it dissolved.

§ 80. Citizens have the right to assemble together unarmed. The police has the right of being present at public assemblies. Assemblies in the open air may be prohibited, when danger to the public peace may be apprehended from them.

§ 81. In case of a riot, the military force must not interfere unless assaulted, before the multitude has been thrice fruitlessly summoned, in the name of the king and of the laws, to disperse.

§ 82. Every man capable of bearing arms is bound in person to contribute towards the defence of the Islands, provided his ties of allegiance to a foreign state do not excuse him, as well as towards the maintenance of public peace, according to the enactments contained in the laws and ordinances. - Every person is bound to aid in the protection of property against fire in the manner prescribed by the ordinances.

§ 83. The enactments contained in §§ 73, 79 and 80 are only applicable to the military forces with such restrictions, as accord with the clauses contained in the military code of laws.

§ 84. The colonial law of the 26th of March 1852 and the ordinance of the 9th of May 1866 concerning the burgher-councils in the Danish West India possessions are hereby repealed. The burgher-councils as heretofore existing shall, however, continue their functions, until the first election of members for the colonial councils in virtue of this law has taken place.

§ 85. Alterations in or additions to this colonial law can only be effected by law, in the manner prescribed in § 1 or in § 2.

§ 86. This law shall come in force from a day to be fixed by the legislative power of the kingdom. - To which all concerned have to conform.

LAW fixing the day on which the colonial law of the 27th of November 1863 is to come in force.

Make known: The diet has passed and we by our royal assent have confirmed the following law: - The colonial law for the Danish West India Islands of the 27th of November 1863 shall come in force from the 1st of April 1865. - As regards those preparatory measures, which it may be requisite to take previous to that day, the enactments contained in the said law are to be observed. - To which all concerned have to conform.

