

COLONIAL LAW -- 1906

SOURCE: Virgin Islands Code, (Washington, D.C.: United States Government Printing Office, 1957), vol. 1, "Historical Documents, Organic Acts, and Constitution", XXI-XLIII.

WE FREDERIK THE EIGHTH,

By the grace of God King of Denmark, the Vandals and the Goths, Duke of Slesvig, Holstein, Stormarn, Ditmarsken, Lauenborg and Oldenburg,

MAKE KNOWN: By virtue of § 17 of Law of this date concerning alterations in the Colonial Law for the Danish West India Islands of 27 November 1863 We have issued the following Colonial Law for the Danish West India Islands:

§ 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 harbors and maritime territory, rests with the Legislative Power of the Kingdom.

Excepting questions concerning the matters dealt with in § 49 and § 50 of this Law and the exceptions mentioned in § 57 and § 84 of this Law, this authority may, however, 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 judgment 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.

§ 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 judgments, 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 Island of St. Croix and the adjacent Islets and the Island of St. Thomas with St. Jan and their adjacent Islets.

The Governor is the Superior Authority for both districts. He may entrust, on his own responsibility, the daily current business of administration in the district in which at any time he is not personally present, to the Government Secretary or the Despatching Secretary.

§ 11.

The Governor shall see that the Laws are obeyed, and that all the Officials and their Assistants fulfil 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 tranquility has been reestablished, 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.

§ 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 that 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. Jan 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 and St. Jan 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. Jan, which district shall elect 2 members.

§ 17.

The members are elected for a 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. Jan withdraw the first time 2 members.

The members who withdraw may be reelected.

§ 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 five 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 300 francs in St. Croix and St. Jan, and of at least 700 francs in St. Thomas, or in the preceding year has had a clear annual income of 1500 Frcs. 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 judgment of the court has been found guilty of an act ignominious in the public opinion.

Within 10 years from the entering into operation of this law the provisions concerning franchise contained in this § are to be revised.

§ 19.

Every person who has the right of nativity and who besides possesses the qualifications on which the right of voting is based is eligible as a member.

During the first 10 years after the entering into operation of this law the absence of the right of nativity, however, will not cause any person, who at the time of its entering into operation was eligible, to forfeit his eligibility.

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, as well as the Government's Secretaries, 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, the 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.

Furthermore the Elective Board shall enter on the lists of electors all such persons as to whom the Board knows, or has reason to suppose, that they are entitled to vote.

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 stationery etc. 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 Indies 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 judgment. 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 judgment warranting his right of voting, his name shall be entered on the list, on his presenting a copy of the judgment.

* * *

§ 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 Lists (§ 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. Jan it shall be promulgated by placards at Cruzbay and Coralbay and by a circular to the electors.

§ 29.

The Chairman of the Elective Board opens the proceedings at the time fixed and sees that the elections are conducted in proper order. The election-protocol and the election-list for the elective district shall be produced.

The voting is secret and in writing. The minister fixes the detailed rules for the proceedings on the basis of the rules contained in Law No. 16 of 7th February 1901 concerning elections to the Rigsdag.

§ 30.

The receiving of votes cannot be ended until 3 hours have elapsed from the commencement of the election proceedings.

When, at the expiration of this time and notwithstanding the invitation by the chairman, no one demands to take part in the election, the members of the Elective Board, in so far as they are voters, record their votes and sign the election-protocol.

When the votes for each one of those, that have been voted for have been counted, the result is made known to those present. Those who have obtained the greatest number of votes are declared to be elected. If two or more persons should have obtained the same number of votes the election is 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 of 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 at the time is 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 50 Frcs. and not exceeding 1000 Frcs. 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 members.

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 no longer has the requisite yearly income.

Departure for a longer period than 4 months or other temporary hindrance 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 three 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 election, 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.

§ 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 Governor for the whole year, and for extraordinary meetings whenever business makes it necessary, or whenever the Governor 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 may convene the Colonial Council at another place in the District of Administration.

The Governor 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 2 dissolutions can not take place during a period of 2 years.

§ 37.

The Governor may either personally attend the meetings of the Colonial Council, or may depute another person to represent him at such meetings, and he or the person 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.

§ 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 assistant 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 are the resolutions of the Colonial Councils 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 Council are public, under such conditions of access as may be adopted for the maintenance of order by each Council, with the approval of the Governor. The Governor 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, 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 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 as well as any member of the Council, may propose amendments. At the third discussion only the Governor 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 on such matter.

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 Councils shall likewise decide questions regarding the withdrawal of its members according to § 34.

§ 46.

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 the 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 Council are only bound by their conviction, and not by any directions from their electors.

They cannot, without the consent of the Colonial Council, be called to account outside the Council for statements made in the Council.

§ 49.

The State Treasury shall pay the expenses for the Central Administration and the Colonial Audit Office in the Mother Country.

§ 50.

The State Treasury shall also pay the expenses for the Government, for the Military Force (Gendarmery Corps), for the School Director for all the islands, for the congregations of the National Church in the islands, as also for the pensions and supports of the officials and functionaries of these institutions and their widows and children.

§ 51.

The public buildings, and the real and movable property, including articles of inventory etc., which serve for the purposes of the Government, the Military Force, and the congregations of the National Church, are transferred to the ownership of the State Treasury. In case of a dispute as to what, in accordance herewith, becomes the property of the State Treasury, the question shall be decided by the king.

§ 52.

The unpaid balance of the loan of 600,000 Kr. which was granted to the municipality of St. Croix in accordance with Law No. 86 of 16 June 1876 concerning a temporary loan granted to the municipality of St. Croix with the interest accrued, shall be remitted.

§ 53.

The Municipality of St. Croix is to pay into the State Treasury as a contribution to the general State expenses, a yearly sum of 75,000 Fr.; until further, no such contribution is to be paid by the municipality of St. Thomas.

Latest within the expiration of 10 years from the time of this Law coming into force the above provision shall be submitted to revision, in order to fix the amount of the contribution from St. Thomas and eventually to regulate the contribution from St. Croix.

§ 54.

Each of the two municipalities of the islands has its separate Colonial Treasury the revenues and expenses of which, with the alterations springing from the above provisions, shall be fixed in the same way as heretofore or by later laws or ordinances.

§ 55.

Should any dispute arise between the Colonial Councils on the question as to which Treasury a given income or expense belongs, the case, when it has not been possible to reach an agreement in the way laid down in § 42, shall be decided by the King.

§ 56.

Should it appear that a municipality is unable, from its ordinary revenues, to cover a deficit that has shown itself in the accounts, it shall be decided by the Ministry of Finances, on the proposal of the Government, that the covering of the deficit shall be brought about by a temporary increase per cent, in the import duty for the following financial year, or, when an agreement thereon is arrived at with the Colonial Council, by a property and income tax, the rules for which shall be fixed by legislation.

Latest before the end of 10 years after this law shall have come into force, these provisions are to be submitted to revision.

§ 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 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 so 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, 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 over 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 is 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 Councils shall appoint such members of the School Commissions, the Hospitals Commissions, the Quarantine Commissions, and other commissions on municipal affairs, as before the Colonial Law of 27 November 1863 were appointed by the Burgher Councils. In case of the dissolution of a Council the seats in the commissions here mentioned that have been filled by members of the Council are temporarily to be filled by other citizens to

be appointed by the Governor. Each of the Colonial Councils shall appoint from among its members a Standing Committee of 5 members which under the name of the Municipal Committee shall exercise supervision over the management of the economical affairs of the municipality and take part in same, according to Bye-Laws to be adopted by the Council and confirmed by the Minister of Finances.

The Municipal Committee for St. Croix shall consist of one elected member from each of the electoral districts and one Crown member; for St. Thomas and St. Jan of 3 elected members from the electoral districts of St. Thomas, 1 elected member from the electoral district of St. Jan and 1 Crown member.

In case of a dissolution of a Council the Municipal Committee is to continue to act until the new Council has assembled and in its first meeting has elected new members for the Municipal Committee. On the occasion of a vacancy in the Municipal Committee the vacant place is to be temporarily filled, if the Council is not sitting and has not elected substitutes beforehand, by another member of the Council appointed by the Committee and if possible from the same electoral district as the member whose seat has become vacant.

§ 64.

With regard to the bookkeeping and cash-transactions at the Colonial Treasuries the rules hitherto observed shall be applicable, until otherwise prescribed by ordinance. Each of the Colonial Councils shall appoint yearly two of its members whose duty it shall be to frequently examine the cash in the principal Colonial chests and in the hands of the Treasurer and to compare the amounts with the account books. The amount of security to be given by the collectors of public revenue is to be fixed by the Governor.

§ 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.

§ 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 judgment; 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.

§ 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 practiced 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.

§ 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 can not 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 where no Law or Ordinance warrants a special exception, only be effected in virtue of a warrant emanating from a Court of Justice.

§ 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 on 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.

Alterations in or additions to this Colonial Law can only be effected by Law, in the manner prescribed in § 1 or in § 2.

§ 85.

This, the amended Colonial Law for the Danish West India Islands of 27 November 1863 comes into force on a day to be fixed by the King, at the latest the 1st of April 1907.

To which all concerned have to conform.

Given at Amalienborg, the 6th of April 1906.

Under Our Royal Hand and Seal.

FREDERIK R.
L.S.

VILH. LASSEN.