

An ACT to repeal several Acts and the clause of an Act of this Island, respecting persons of Free condition, and for granting to such persons certain privileges

1813-12-04, Jamaica

Transcription

WHEREAS it is expedient to admit all people of free condition born in this Island, or manumised pursuant to the laws thereof, being baptized and instructed in the Christian religion, to give evidence in all cases, civil and criminal; and also to repeal the several Acts, and the clause of an Act of this Island herein-after mentioned relating to such persons: May it please Your most Excellent Majesty that it may be enacted; be it therefore enacted by the Governor, Council, and Assembly of this Your Majesty's Island of Jamaica, and it is hereby enacted by the authority of the same, [Clause 1] That from and immediately after the passing of this act, a certain Act made and passed in the twenty-first year of the reign of His late Majesty, King George the Second, chapter seven, intituled "An Act for making free Negroes, Indians, and Mulattoes, evidence in all causes against one another, in all the courts of this Island;" a certain other Act, made and passed in the second year of the reign of His present Majesty, chapter eight, intituled "An Act to prevent the inconveniences arising from exorbitant Grants and Devises made by white persons to Negroes and the Issue of Negroes, and to restrain and limit such Grants and Devises;" a certain other Act, made and passed in the thirty-sixth year of the reign of His present Majesty, chapter twenty-three, intituled, "An Act for granting certain Privileges to Persons of Colour, and Negroes being of free Condition and Christians;" and the first clause of a certain other Act, made and passed in the twenty-fifth year of the reign of His present Majesty, chapter seventeen, intituled, "An Act to prevent the Captains, Commanders, or Masters of Ships and all other Vessels whatsoever from clandestinely carrying off this Island negro or other slaves," shall be and stand repealed, annulled, and made void, to all intents and purposes whatsoever; any thing in the said Acts, or either of them, or in any Act or Act contained to the contrary in anywise notwithstanding.

[Clause 2] And be it further enacted by the authority aforesaid, That from and after the passing of this Act all and every person and persons of free condition, born in this Island, or manumised pursuant to the laws thereof, and who have been baptized and instructed in the principles of the Christian religion, shall and lawfully may be admitted and received to give evidence on any trial or suit, of any nature or kind whatsoever, or on the hearing of any complaint instituted or exhibited in any of the courts of law or equity in this Island, or before any magistrate or coroner: Provided always, that no such person shall be competent to be admitted or received to give evidence under and by virtue of this Act, unless such person shall have been baptized six months at the least previous to the time of such person being produced to give evidence, and unless such person shall at such time produce a certificate of his or her baptism, and which certificate shall have been produced to, and the production thereof attested by, the custos or some magistrate, and one of the churchwardens of the parish wherein such person shall reside, any thing hereinbefore contained to the contrary thereof in anywise notwithstanding: And provided also, that no negro or mulatto who shall be made free shall be admitted to give evidence by virtue of this law, unless he or she has been manumitted, or made free, for the space of twelve months previous to the commission of the

offence or existence of the fact respecting which he or she shall be produced to give his or her evidence.

[Clause 3] And be it further enacted by the authority aforesaid, That all and every person and persons of free condition, in the several parishes of this Island, shall and they are hereby required to give in their respective names and places of abode in the several parishes wherein they respectively reside, to the mayor, alderman, and common council, in the city and parish of Kingston, and in the other parishes, to the justices and vestry in open vestry, to be recorded in a book to be kept for that purpose; and shall then and there produce the certificate of his or her baptism, and also his or her manumission, or prove to the satisfaction of the justices and vestry, his or her right to freedom; and in default of compliance with the requisition herein contained, each person so making default shall, during such non-compliance, forfeit all benefit and advantage he or she would otherwise be entitled to under and by virtue of this Act: And the clerk of the common council of Kingston, and the clerk of the vestry of each other parish, shall, under the penalty of fifty pounds for each name omitted, record the names of such persons of free condition who may so give in their names to the said mayor, aldermen, and common council, and to the justices and vestry as hereby required, and prove their right to freedom, and forthwith grant certificates thereof to such persons who may apply therefore; and which certificates shall be to the effect following:

“These are to certify, That [blank] did, one the [blank] day of [blank] in the year of our Lord [blank] give in his [or, her] name at a vestry, holden at [blank] and did then and there produce the Certificate of his [or, her] baptism, and show how he [or, she] obtained his [or, her] freedom.”

And for which certificate the clerk of the vestry shall be entitled to receive a fee of one shilling and three-pence, and no more.

[Clause 4] And be it further enacted by the authority aforesaid, That such certificate, or the record thereof in the vestry-book, shall on all and every occasion where a party is tendered as a witness, be received and taken as proof of the freedom of the person producing the same, and shall entitle such person to be received as a witness under and by virtue of this Act, unless it shall be satisfactorily proved to the court before whom such person is produced as a witness, that such person is not of free condition

[Clause 5] And be it further enacted by the authority aforesaid, That if any person of free condition shall, in any cause [sic] where he shall give his or her testimony, commit wilful and corrupt perjury, such person, being thereof convicted, shall be punished according to the laws and statutes of Great Britain in such cases made and provided.

[Clause 6] And be it further enacted by the authority aforesaid, That the penalty hereinbefore mentioned shall be recovered in a summary manner before any two of His Majesty's justices of the peace of the parish wherein the offence shall have been committed, and to the use of the party or parties complaining thereof.

[Clause 7] And be it further enacted by the authority aforesaid, That it shall and may be lawful to navigate all drogers, vessels, or boats plying round this Island for hire, by negroes, mulattoes, or by any other description of persons, whether free or slave, notwithstanding any thing to the contrary in any other Act of this Island at any time heretofore made: Provided nevertheless, that the master of such drogger shall be a native subject of free condition.

Citation

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Colonial Laws relating to Importation and Protection of Slaves in W. India Colonies, 1788-1815. House of Commons, HC 226, 1816. (Pages: 136-137)