

N^o 5.—*AN ACT to extend certain Privileges of Persons of Free Condition within these Islands.*

WHEREAS by the fifth clause of the act passed in the twenty-fourth year of the reign of his late Majesty King George the Third, intituled, "An Act for governing Negroes, Mulattoes, Mustees and Indians, and for suspending several Acts therein mentioned;" it is enacted, that the oath of free negroes, mulattoes, mustees or indians, shall not be good or valid in law against any white person, excepting in matters of debt: And whereas it is deemed expedient and necessary, that such persons should be made competent witnesses in all civil causes or suits whatsoever; May it therefore please Your Majesty, that it may be enacted, and be it enacted by his Excellency Lewis Grant, esquire, Major-general of Your Majesty's forces, Captain-general and Governor-in-chief of the Council and Assembly of the said islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this act all and every negro and negroes, mulatto and mulattoes, indian and indians, and all and every other person and persons of colour born in these islands, and being of free condition by birth, or by manumission under and by virtue of any deed or will, or other instrument in writing, duly recorded in the office of the secretary and register of records for these islands, or under and by virtue of any verdict and judgment obtained and given by the general court of these islands, in pursuance of an act of the General Assembly of the said islands, made and passed in the forty-fifth year of his late Majesty's reign, intituled, "An Act for fixing the mode of trying questions relative to the freedom of Negroes, and other persons of colour, and for suspending certain Acts therein mentioned," and who shall have been baptized and instructed in the principles of the Christian religion, shall and lawfully may be admitted and received to give evidence for or against white persons in any civil cause or suit whatsoever, which may after the passing of this act be instituted and prosecuted in any of the courts of law or equity in these islands; provided always, that no such negro, mulatto, indian, or other person of colour, shall be deemed or taken to be competent to give evidence under and by virtue of this act, unless such person shall have been baptized into the Christian religion, and shall have been free at least three years 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, duly and regularly authenticated by the minister of the parish in which such person shall have been so baptized, or by the churchwardens thereof in case of the death or absence of such minister; and provided also, that no such negro, mulatto, indian, or other person of colour, being of free condition by manumission as aforesaid, or by verdict and judgment obtained and given in the said general court as aforesaid, shall be admitted to give evidence under this act, unless he or she shall have been so manumitted, or declared free previous to the commission or existence of the fact respecting which he or she shall be produced to give his or her evidence; and any negro, mulatto, indian, or other person of colour as aforesaid, who shall at any time have been a slave, or have been used and considered

Preamble.

Proviso.

Bahamas.

as such, and who shall have obtained freedom by manumission, will or the like, or by judgment of a competent tribunal, shall not be held or considered as having been free within the meaning of or for any of the purposes contemplated by this act, until after such manumission, will or the like shall have been actually recorded, or judgment regularly entered up as aforesaid, neither shall any baptism which shall take place within three years immediately previous to the production of any such witness as aforesaid be a sufficient qualification within the meaning of this act.

II. And be it further enacted, by the authority aforesaid, that after the passing of this act the secretary and register of records of these islands shall record in a separate book or books, all manumissions by deed, will or other instrument in writing produced to him for that purpose, provided the execution thereof shall have been first proved according to law; and after such registry, the said register shall and is hereby required to grant a certificate or certificates to any person or persons requiring the same of any manumission or manumissions having been registered and recorded in his office, in which certificate or certificates he shall state the name of the manumission and the date of the manumission, and whether the manumission was by will, deed or other instrument in writing, and he shall also state therein the day when such manumission was lodged to be recorded, and such certificate shall be deemed, taken and received as good evidence of the manumission of the person or persons therein mentioned to be manumitted, unless it can be proved that such manumission was a forgery, or obtained by fraud or other undue means.

III. And be it further enacted, by the authority aforesaid, that any negro, mulatto or other person of colour, born within His Majesty's dominions (the settlements in Africa excepted) who may be permitted to settle within these islands, and who shall have produced and recorded in the secretary's office a certificate of his or her birth and freedom under the public seal of the government in which they were born or made free, and who shall have actually resided five years within these islands after the date of such record, shall be entitled to the same privileges extended by this act to like persons born within these islands, and under the same restrictions and limitations hereinbefore provided concerning the same.

IV. And be it further enacted, by the authority aforesaid, that if any negro, mulatto, indian or other person of colour, of free condition, shall in any civil cause or suit as aforesaid, whenever he or she shall give his or her testimony, commit wilful and corrupt perjury, such negro, mulatto, indian or other person of colour, shall on conviction thereof suffer such punishment as may be inflicted according to the laws and statutes of Great Britain, in force within these islands, in such case made and provided.

Passed the House of Assembly, December 11th, 1821.

L. Kerr, Speaker.

Passed the Legislative Council, 18th December 1821.

W^m Vesey Munnings, President.

Assented to the 23d day of January 1822.

Lewis Grant.

A true copy from the original act.

C. R. Nesbitt, Dep. Sec.