

527

"Also a clause further to confirm the present law of the colony, forbidding, under certain suitable penalties, the labour of Slaves on Sundays, except in cases of urgent necessity; to prevent all kind of public markets on that day, except a market for fresh meat, fish, fruit, milk, and vegetables, to be closed for the day, at nine o'clock in the forenoon; and to cause all stores and shops, for the sale of merchandise, as well as all retail liquor shops, to be shut from nine o'clock on Saturday night, until daylight on Monday morning, with an exception in favour of the sale of medicines for immediate use.

"Also, a clause to confirm, by law, the right of Slaves to property, real and personal, (Slaves only excepted) and the acquirement thereof by purchase or inheritance: and to enable them to bring and defend suits by *prochain ami*, and under proper circumstances in *forma pauperis*, to provide for a bank or place of security, in which Slaves may deposit their monies, with such limitations and restrictions as may be necessary to prevent all dishonest acquisition of such monies by such Slaves.

"Also a clause to further regulate the present prohibition of the separation of families under any circumstances, in the sale of Slaves, and declare all such sales void.

"Also a clause to further prevent abuses in the punishment of Slaves, and to make it illegal to punish female Slaves by flogging except in private, or by sentence of some court of competent jurisdiction.

"Also a clause to admit Slaves professing the Christian religion, and understanding the nature of an oath, to give evidence in all cases tried or to be tried by a jury, according to the course of the common law, or the provisions of any act of assembly of these islands; excepting only in *ex-officio* informations, and cases in which a question of freedom may be at issue, or implicated, directly or indirectly.

"Also a clause authorizing the manumission of Slaves, having the means of purchasing their freedom, by compensating their owners for all losses sustained or to be sustained by such owners, by reason of such manumissions: that is to say, that the compensation is to be estimated, not merely by the probable market price of the Slave if exposed to sale as such, but with due regard also to any further remuneration that owners may shew themselves entitled to under the special circumstances of each case: and that the estimate shall, in disputed cases, be made by referees fairly chosen, and sworn to make their estimate on the above principle; and that the referees shall have power to award an immediate manumission, or, at their discretion, when it can be shewn that such immediate or any early manumission would seriously affect the interests of owners, to postpone the same according to circumstances, but in no case for more than one year."

The Report ordered to lie on the Table.

(No. 10.) An Act to amend an Act, entitled "An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes."

WHEREAS it is expedient that an Act passed in the fourth year of his present Majesty's reign entitled "An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes" should be amended: May it therefore please your Majesty, that it may be enacted, and be it enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-Chief; the Council and Assembly of your Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, so

Preamble, that the Act 4th Geo. IV. to amend, consolidate, and bring into one Act the Laws relating to Slaves, should be amended.

So much of the several Acts next hereinafter mentioned as relate to free blacks and free persons of colour suspended.

much of the several Acts next hereinafter mentioned as relates to free Blacks and free Persons of Colour, be and the same is hereby suspended for and during the continuance of this Act, that is to say, an Act passed in the seventh year of the reign of his late Majesty King George the Third, entitled, "An Act for governing Negroes, Mulattoes, and Indians," also one other Act, passed in the eighth year of his said late Majesty's Reign, entitled "An Act for suspending a Clause in an Act, entitled 'An Act for governing Negroes, Mulattoes, and Indians, and for amending the said Act,' also one other Act passed in the twentieth year of his said late Majesty's reign, entitled, "An Act for suspending Parts of certain Clauses, and amending other Clauses in an Act entitled, 'an Act for governing Negroes, Mulattoes, and Indians,'" also one other Act passed in the year last aforesaid, entitled "An Act for governing Negroes, Mulattoes, Mustees, and Indians" and for suspending several Acts therein mentioned;" also one other Act passed in the same year last aforesaid, entitled "An Act to amend a Clause in an Act passed in the Seventh Year of his said late Majesty's Reign, entitled, 'An Act for governing Negroes, Mulattoes, and Indians;'" also one other Act passed in the twenty-fourth year of his said late Majesty's Reign entitled "An Act for governing Negroes, Mulattoes, Mustees, and Indians, and for suspending several Acts therein mentioned," also all and every Act and Acts, Clause and Clauses of Acts respecting the governing of Negroes, Mulattoes, Mustees, and Indians, which in and by the said last-recited Act, are or were thereby suspended during the continuance of the said Act; also one other Act passed in the thirty-seventh year of his said late Majesty's reign, entitled "An Act to consolidate and bring into one Act the several Laws relating to Slaves, and for giving them further Protection and Security, for altering the Mode of Trial of Slaves charged with capital Offences, for suspending the several Acts and Clauses of Acts therein mentioned, and for other Purposes."

No future manumission, gift, bequest, or conveyance of Slaves to be valid, unless by will nuncupative, or written, or by deed.

2.—And be it further enacted that from and after the passing of this Act, no manumission, gift, sale, assignment, devise, bequest, or other conveyance of Slaves, shall be valid or effectual in law or equity unless by nuncupative or other last will and testament, duly executed and published according to law, or by deed of gift, deed of bargain and sale, or other instrument in writing, duly executed under seal or otherwise, attested by at least one literate, free, competent, and disinterested witness; all which wills, deeds, and other instruments of writing, shall and may be proved, recorded and dealt with in the proper court or office of this government, in manner and form, and to the same effect and under the same regulations as wills and deeds are proved, recorded and dealt with, according to law in other cases: Provided however, that nothing herein contained shall invalidate or in any manner affect any manumissions, gifts, sales, devises, bequests, or other conveyances of Slaves, granted or made at any time before the passing of this Act: and provided also, that in the wills and deeds and other instruments of writing as aforesaid hereinbefore required, no particular form of words shall be considered necessary, but the same shall be taken and understood, according to the true intent and meaning of the same, as therein written and expressed: and provided also, that all manumissions and conveyances of Slaves in fraud of creditors or others having a legal or equitable interest in the same, shall as heretofore be void, anything hereinbefore contained to the contrary notwithstanding.

Proviso. Former manumissions not to be attested.

In such wills and deeds as are by this Section required, no particular form of words necessary.

Manumissions and conveyances of Slaves in fraud of creditors to be void.

Part the 3d. Section of the 4th Geo. IV. suspended, manumissions to be valid although the person manumitted be incapable of labour, the manumittor remaining liable for the maintenance of such person.

3.—And be it further enacted that so much of the third section of the said first above-recited Act, to which this Act is an amendment, as declares void all manumissions, or intended manumissions of Slaves, by reason of such Slaves being rendered incapable of labour by sickness, age, or infirmity, be, and the same is hereby suspended during the continuance of this Act; the manumitters and their estates, however, being still liable for the keeping, maintenance and comfort of such manumitted Slaves, for their natural lives, in manner and form, under the regulations and penalties of the said Act, according to the substance and true intent and meaning of the same, and the several provisions thereof in that behalf.

So much of the 18th Section of the said Act of 4th Geo.

4.—And be it further enacted, that so much of the eighteenth section of the said Act, to which this Act is an amendment, as authorizes or em-

powers, or is construed, or supposed to authorize or empower the keeper of any jail, or the supervisor of any workhouse, to inflict any manner of corporal punishment on Slaves committed to their custody without authority from the owners or employers of such Slaves or other lawful representatives of such owners or employers, or of some court or magistrate having competent jurisdiction in the premises, be, and the same is hereby suspended for, and during the continuance of this Act: Provided, however, that the keepers of jails or workhouses shall not be hereby precluded from placing refractory prisoners in close confinement, or otherwise under lawful restraint, so far as the same may be temporarily necessary for the maintenance of discipline in such jails or workhouses.

5.—And be it further enacted, that whensoever any Slave or alleged Slave shall be arrested, or lodged in jail, except by or under the authority, directly or indirectly, of the owner of such alleged Slave, on a charge, or under a suspicion of being a runaway Slave, such alleged runaway shall be, as soon as it may conveniently be done, taken by the person arresting such alleged runaway, or the keeper of such jail, before a magistrate for examination, which magistrate shall thereupon, upon due inquiry into the circumstances of the case, either commit the prisoner to jail as a Slave to be claimed, or otherwise dispose of him or her according to law: Provided however, that no such commitment on that account shall be for a longer space of time than one year, and if on the expiration of that year the prisoner, after having been duly advertised, as in and by the provisions of the said first-above recited Act is required, shall be again taken as before to a magistrate, and by him discharged from custody, or otherwise dealt with according to law, and so much of the said Act as directs that the prisoner, if not claimed as a Slave by his or her owner or owners, within the year as aforesaid, shall be sold as a Slave, shall be and the same is suspended for and during the continuance of this Act.

6.—And be it further enacted, that any person of free condition, who shall knowingly aid, abet, or in any manner assist in harbouring or concealing any runaway Slave or Slaves, or in their deserting and going off these islands to another, shall be guilty of a misdemeanour, and on conviction thereof shall suffer fine or imprisonment, or both, at the discretion of the court in which the offender shall be tried, and also further imprisonment until such fine shall be paid: Provided however, that the governor or commander-in-chief for the time being, may with the advice and consent of his Majesty's council, in and for these islands, with the assent of the convicted offender, commute the imprisonment in either case to banishment for life from these islands, but at the sole proper charge and expense of such offender, and in such manner and on such conditions as to the time within which such offender shall depart, as the governor or commander-in-chief shall designate or appoint; and should such offender not so depart within the time so limited or appointed, or after having departed, shall be again found at large within the limits of this government, such offender shall, on conviction thereof, be sentenced to imprisonment for life: Provided however that in case of unavoidable accident, or necessity, the governor or commander-in-chief may enlarge at discretion the time for the departure of any such offender as aforesaid, and all Slaves guilty of like offences as last aforesaid, shall, on conviction thereof, be punished by flogging, and receive not more than two hundred nor less than fifty stripes, on the bare back, at the discretion of the court before whom they shall be tried; and so much of the thirtieth, fifty-third, and fifty-fourth sections of the said first above recited Act, to which this Act is an amendment, and of any other provisions of the same, as in any manner contravene, or are inconsistent with the several last mentioned provisions of this Act as aforesaid, touching the punishment of free persons or Slaves, harbouring runaways, or assisting them in desertion, be, and the same are hereby suspended, during the continuance of this Act: Provided, however, that nothing in this Act contained shall in any manner preclude any person or persons, injured by desertion of Slaves, from any action of damages which he, she, or they might otherwise lawfully have against him, her, or them who shall have so harboured such runaways, or assisted them in their desertion as aforesaid.

IV. suspended as empowered a jailer or workhouse-keeper to inflict corporal punishment on Slaves without the consent of the owner, &c.

Proviso. That refractory Slaves may be put in close confinement.

How Slaves are to be dealt with who are arrested or lodged in jail under a charge or suspicion of being runaways.

And so much of said Act 4th Geo. IV. as directs them to be sold if not claimed within a year, suspended.

Punishment of persons of free condition who shall knowingly aid, abet, harbour, and conceal a runaway Slave.

Punishment of Slaves for the like offence.

And so much of the 30th, 53d, and 54th Sections of said Act 4th Geo. IV. as contravenes the Provisions of this Section is suspended.

Punishment of free Negroes, Mulattoes, Mustees, Indians, or other free persons of colour, for using threats of unlawful violence, or any scandalous or abusive language to a white person.

Trial before two magistrates in New Providence, or before one magistrate and two freeholders on any other island.

Fine not more than twenty pounds. Imprisonment not to exceed six months.

Punishment of Slaves for the like offence.

Punishment of Slaves. The use of the whip, cat, or other like instrument for the purpose of coercing Slaves to labour in the field or about any salt pond, declared unlawful.

Persons offending guilty of a misdemeanour.

It is declared unlawful for any person hereafter to inflict on any Slave, in any one day, for any offence, &c., more than thirty-nine lashes, or to whip any Slave unless he shall be free from any laceration occasioned by former whipping.

And the owner, or other person authorizing the punishment, must be present and witness the whole of the punishment.

Persons offending guilty of a misdemeanour.

Proviso. That nothing herein contained shall extend to any punishment inflicted by any court or magistrate.

Proviso. The owner need not be present when the punishment is inflicted by a jailer or workhouse keeper.

No female Slave shall

7.—And be it further enacted, that if any free Negro, Mulatto, Mustee, Indian, or other person of colour, shall use any threats of unlawful violence or injury, or any scandalous or other abusive language, to any white person or persons, such free Negro, Mulatto, Mustee, Indian, or other person of colour, shall and may on complaint, under oath of the party menaced or insulted, be lawfully tried for the same before any two or more magistrates, on the Island of New Providence, and before any one magistrate and two white freeholders, on any other island, and on confession or conviction thereof, be, by the said magistrates, or magistrate and freeholders, fined in a sum not more than twenty pounds of lawful money of these islands, and by them committed to jail or other place of confinement until such fine is paid, provided such confinement shall not exceed the term of six months; and if any Slave shall be in like manner convicted before two magistrates of any like offence, as last aforesaid, such Slave shall be punished by whipping, and to receive not more than fifty lashes.

8.—And be it further enacted by the authority aforesaid, that it is and shall henceforth be unlawful for any person or persons within the said Bahama Islands, to use any whip, cat, or other instrument of the like nature, while superintending the labour of any Slave or Slaves in or upon the field of any plantation, or at or about any salt pond within the said islands, for the purpose of impelling or coercing any Slave or Slaves to perform labour of any kind or nature whatsoever; and in case any person or persons, contrary to the provisions of this Act, shall use any whip, cat, or other instrument as aforesaid, while superintending the labour of any Slave or Slaves, in or upon the field of any such plantation, or at or about any such salt pond, for the purpose of impelling or coercing any Slave or Slaves to perform labour of any kind or nature whatsoever, then, and in every such case, the person or persons so offending, and each and every the person or persons thereunto directing, authorizing, instigating, or procuring or aiding, assisting or abetting, shall be deemed guilty of a misdemeanour.

9th.—And be it further enacted by the authority aforesaid, that it is, and henceforth shall be unlawful for any person or persons within these said islands to inflict in any one day, upon any Slave, for any offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding thirty-nine in the whole, or to inflict upon any such Slave any punishment or correction, by the whipping, scourging, or beating of his person, unless the person of such Slave shall, at the time of such punishment or correction, be free from any laceration occasioned by any previous whipping, scourging, or beating, or to inflict upon any such Slave any such punishment or correction as aforesaid, unless the owner or other person by whose authority the punishment is inflicted shall be present at and witness the infliction of the whole of such punishment; and in case any person or persons, contrary to the provisions of this Act, shall inflict in any one day, upon any one Slave, for any offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding thirty-nine in the whole, or shall whip, scourge, or beat any such Slave at any time, when there may be upon his person any laceration, occasioned by any former whipping, scourging or beating, or shall inflict upon any Slave any such punishment or correction as aforesaid, without the presence and attendance during the whole of such punishment, of the owner or other person by whose authority such punishment is inflicted, then, and in every such case, the person or persons so offending, and such and every the person or persons thereunto directing, authorizing, instigating or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour: Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishment or punishments which may be inflicted upon any such Slave, under or by virtue of any sentence or judgment of any magistrate or magistrates, or other court of competent jurisdiction: Provided also, that nothing herein contained shall extend, or be construed to extend, to require the presence of the owner or other person by whose authority the punishment is inflicted, when the same shall be inflicted by the keeper of a jail or supervisor of a workhouse.

10.—And be it further enacted by the authority aforesaid, that it is

and henceforth shall be unlawful to correct or punish by whipping or flogging any female Slave within the said islands, for any offence committed by any such Slave, in the presence of any male person, excepting only the owner, or owners of such Slaves or others, by whose authority such punishment is inflicted, and the persons actually inflicting the same; and if any person or persons within the said islands shall whip, flog, or correct any such female Slave otherwise than as aforesaid, then, and in every such case, the person or persons so offending, and each and every person or persons thereunto directing, authorizing, mitigating, or procuring or aiding, or assisting, or abetting, shall be deemed guilty of a misdemeanour.

hereafter be stripped in the presence of any male person except the owner, &c.
Persons offending guilty of a misdemeanour.

11.—And be it further enacted by the authority aforesaid, that if any Slave shall hereafter commit any offence within the said islands, which by the law or laws now in force there, are punishable by whipping or flogging, it shall and may be lawful for the owner, manager, or other person or persons in charge of any such offending Slave, at the discretion of any such owner, manager, or other persons in charge as aforesaid, to commute the punishment of flogging, for one or other of the punishments or modes of punishment hereinafter mentioned, that is to say, first, by solitary confinement with or without work, in any fit and proper place, on any plantation or estate or elsewhere within the said islands: Provided that no such solitary confinement shall continue for any greater period, or be of longer duration than fourteen days at a time for any one offence, and that no such Slave shall be subjected to any punishment by solitary confinement more than twenty-one days in any one calendar month: Secondly, by field stocks for confinement of the hands: Provided that the said period of any such confinement shall not at any one time exceed six hours, and shall not be repeated a second time, until twenty-four hours between the time of any such repetition, and the termination of any such previous punishment: Thirdly, by horse stocks for the hands and feet, or either of them, with or without seats during any period of the day: Provided that the period of any such confinement shall not exceed four hours for any one offence, and that no such punishment shall be repeated twice within the period of twelve hours: Fourthly, by bed stocks for the confinement of the feet during the night: Provided that no such punishment shall be repeated within the period of twelve hours: Fifthly, by distinguishing dresses to be used either with or without the stocks: Provided that such punishment be not continued for any longer period than ten days for any one offence, and that the same be not repeated within one week between the time of any such repetition and the termination of any such previous punishment.

The punishment of Slaves by flogging may be commuted for any of the modes of punishment after mentioned.
1st. Solitary confinement with or without work.
2d. By field stocks.
3d. By horse stocks.
4th. By bed stocks.
5th. By distinguishing dresses.
The duration of the punishment, and the interval before the repetition of it defined.

12.—And be it further enacted by the authority aforesaid, that if any person or persons shall repeat any such punishment as aforesaid, at an earlier period than is hereby allowed, or shall continue any such punishment beyond the period of duration for that purpose herein prescribed and limited, or shall use any stocks for the purpose of punishment in any such manner as to affect the health of the Slave confined therein, or to inflict any permanent injury on his or her person; or shall fail to supply the Slave undergoing any such punishment, where the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food, and with a proper supply of water, or who shall punish any woman, known or supposed by him to be pregnant, by solitary confinement, or by any stocks applied in such a manner as to produce the risk of a miscarriage, then, and in every such case, the person or persons so offending, and each and every the person or persons thereunto directing, authorizing, instigating, or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour.

Persons violating the provisions of the last, as more fully explained in this section, shall be guilty of a misdemeanour.

13.—And whereas the improvement which has been for several years past in progress in the moral condition of the Slave population of these islands, renders it at this time safe and expedient to admit Slaves with certain exceptions, and under certain restrictions to give evidence in cases, civil and criminal: Be it further enacted by the authority aforesaid, that from and after the passing of this Act, all Slaves not being natives of Africa who shall have resided in this colony five years and upwards, and who shall have been sufficiently instructed in the Christian religion to under-

Evidence of Slaves. Slaves admitted to give evidence with certain exceptions and under certain restrictions, in civil and criminal cases.
Must not be natives of Africa, must have resided five years in the colony, and under-

stand the nature and obligation of an oath. Admitted as witnesses in all civil cases (except, &c.) in the civil courts and before all magistrates.

In criminal cases (except, &c.) prosecuted by way of indictment according to the common law.

Proviso.

Not to give evidence on prosecution of free persons by way of libel or other proceeding in cases of penalty, &c., where the facts may be tried otherwise than by a jury.

Nor any *ex-officio* information although the facts may be tried by a jury.

Clergymen of the established church of England, and ministers of the kirk of Scotland, authorized to grant certificates of competency to Slaves by name and description.

To be registered by the clerk of the crown, his fee 2s. currency to be paid by the colony.

Proviso.

Notwithstanding such certificate of competency, Slaves may be examined on their *voir dire* as to their religious instruction and capacity.

The person by whom a Slave is produced as a witness, must also produce to the court a certificate that such proposed witness is registered. This certificate to be given gratis.

Proviso.

A Slave not admitted to give evidence against a white person charged or prosecuted for an offence punishable with death, nor against his owner in any criminal prosecution whatever.

stand the nature and obligation of an oath to be certified as is hereinafter set forth, shall, during the continuance of this Act and no longer, be admitted as witnesses in all civil cases (except as is hereinafter excepted) in the several courts of these islands, and before all magistrates and other authorities legally competent to administer oaths: and also in like manner in all criminal cases (except as is hereinafter excepted) prosecuted or to be prosecuted by way of indictment according to the course of the common law; it being hereby provided, and it is hereby further enacted, that no Slave shall under any pretence be admitted to give evidence in the prosecution of free persons by way of libel, plaint or other proceedings at law in cases of penalty or forfeiture or otherwise, on any account whatsoever, when the facts of the same are tried or liable to be tried otherwise than by trial by jury according to the usual course of the common law, or some Act or Acts of the General Assembly of these islands; neither shall any Slave be admitted to give evidence in the prosecution of free persons by way of information *ex officio*, or otherwise in any court of law or equity, even in cases in which the parts of the case may be tried by a jury.

14.—And be it further enacted by the authority aforesaid, that from and after the passing of this Act, every clergyman of the established church of England, and every minister of the kirk of Scotland, shall be and he is hereby authorized to transmit and deliver under his hand to the clerk of the crown, certificates setting forth the names or name and places or place of abode of any Slaves or Slave, together with the name or names of the owner or owners, and the colour and probable age of each, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath; and the said clerk of the crown to whom any such certificates shall have been so transmitted or delivered, shall forthwith register the same in a book to be kept by him for that purpose, stating therein the date of every such certificate, and the name and place of abode of the person by whom the same may have been granted, together with the name or names of the owner or owners, and the colour, size, and probable age of each and every Slave mentioned and included therein, and for every such certificate so registered by the clerk of the crown he shall be entitled to the sum of two shillings to be paid to him quarterly by warrant of the governor or commander in chief in council on the treasurer of the colony, in the same manner as other quarterly accounts against the public are usually rendered and paid: Provided always, that nothing herein contained shall be held or in any manner construed to prevent any competent magistrate or jury from examining any witness on his *voir dire* or otherwise, as to his or her religious instruction and capacity to understand the nature and obligation of an oath, and decide accordingly as to the competency or credibility, as the case may be, of all such witnesses, any such certificates as aforesaid to the contrary notwithstanding.

15.—And be it further enacted by the authority aforesaid, that no person shall henceforth be rejected as a witness, or be considered incompetent to give evidence in any court of civil or criminal justice within the said Bahama Islands, in any case or cases in which Slaves shall be competent to give evidence in pursuance of the provisions of this or any other Act of the General Assembly of these islands, and not otherwise, by reason of his or her being in a state of Slavery, if the person or persons by whom such Slave may be produced and tendered as a witness, shall also produce and exhibit to the court a certificate under the hand of the said clerk of the crown, that such proposed witness is registered in the before-mentioned book; and the said clerk of the crown shall, and he is hereby required to grant without fee or reward to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered in the said book: Provided always, that no person being in a state of Slavery shall be admitted to give evidence in any case wherein a white person may be charged with, or prosecuted for any offence punishable with death, or against the owner or owners of such Slave or Slaves, in any common prosecution whatsoever: Provided also, that nothing herein contained shall extend, or be construed to extend, to render any Slave a

competent witness in the law in any case in which such Slave would be incompetent to give evidence if he or she were a white person, or to depart, take away from, or diminish any power or authority which any court of criminal justice within the said islands now already hath, to admit in any case the evidence of persons being in a state of Slavery.

This Act not to render a Slave competent witness in any case in which he would be incompetent if a white person, nor to diminish the power which any court already hath, to admit in any case the evidence of a Slave.

16.—Provided nevertheless, and be it further enacted by the authority aforesaid, that no Slave to be admitted as a witness, under and by virtue of this Act, shall be allowed to give evidence of any fact whatsoever, which may have been committed, or alleged to have been committed, or to have taken place, in any manner whatsoever at any time previous to the date of the registration of his or her competency with the clerk of the crown as aforesaid, anything herein contained to the contrary notwithstanding.

Slaves not to give evidence of any fact committed previously to the registration of their competency.

17.—And be it further enacted by the authority aforesaid, that no Slave shall on any account, or under any pretext, or on any pretence whatsoever, in any cause, civil or criminal, or any proceedings in or concerning the same in any court of law or equity, or before any magistrate or other authority lawfully competent to administer oaths, be admitted to give any manner of evidence, either by way of affidavit, deposition, declaration, or examination under oath or otherwise, of any fact or circumstance whatsoever, either directly, indirectly, or by implication, incidently or in any manner whatsoever, touching any right or claim, or supposed right or claim of any Slave or Slaves, or asserted Slave or Slaves to be or become free, or in any manner exempt from his, her, or their obligation of servitude, or asserted obligation of servitude to the owner or owners, or asserted owner or owners of such Slave or Slaves, or in any manner to affect the full and complete right, title, claim and authority of such owner or owners, or asserted owner or owners, into, or over such Slave or Slaves as such; and should any such forbidden evidence as aforesaid, be through ignorance, inadvertency, or otherwise, in any manner admitted or taken as aforesaid, contrary to the foregoing provisions of this Act, and the true intent and meaning thereof, all such evidence shall be, and be held and considered as illegal and of none effect whatsoever.

Nor in any case directly or indirectly touching the claim of any Slave to freedom.

18.—And be it further enacted by the authority aforesaid, that Slaves shall not under any circumstances be competent witnesses to attest or prove the execution of any deed, or other instrument of writing, or the making and publishing of any last will and testament, or document at any time intended for such manumitting or relating to the manumission of any Slave or Slaves, whether with or without conditions, limitations, or restrictions, or in any manner whatsoever, or conveying, bequeathing, assigning, transferring, or disposing of any Slave or Slaves, or in any manner affecting the right, title, interest or property of any person or persons whatsoever, in or to the same: Provided however, that Slaves duly qualified to give evidence as aforesaid, if sufficiently literate to read and write, shall be competent to attest and prove the execution of all other deeds, wills, and instruments of writing: And provided also, that the attestation of any such last-mentioned instruments by a Slave duly qualified to give evidence as aforesaid shall be, and be held good and valid in law as to such part or parts of the said last-mentioned instruments, as shall not in any manner relate to the manumission of, or other disposition of property in Slaves: And provided also, that nothing hereinbefore contained shall be held, construed, or understood in any manner to prevent Slaves duly qualified as aforesaid, from being competent to give evidence in any matters concerning the right, title, and interest of other Slaves, in and to any goods or effects, real or personal, debts, covenants, or promises, or offences, or injuries committed by or against the person or property of a Slave, wherein no question of freedom, or one touching the property of any free person in Slaves, shall be directly or indirectly involved.

Nor shall a Slave be a competent witness to prove the execution of any deed or writing, or any will intended for the manumission of a Slave, or conveying or bequeathing Slaves.

Proviso.

That Slaves duly qualified to give evidence, if sufficiently literate to read and write, may attest and prove other deeds and wills.

And the attestation of a Slave to any such last-mentioned instruments shall be valid as to such parts of them as do not relate to the manumission, or disposition of property in a Slave.

And Slaves duly qualified may give evidence concerning the right of Slaves to goods, or effects, or real estate, debts, covenants, promises, or offences, wherein no question of freedom, or one touching the property of any free person in Slaves, shall be directly or indirectly involved.

19.—And be it further enacted by the authority aforesaid, that the evidence of Slaves duly qualified as aforesaid, shall (except in the several cases hereinafter excepted, or concerning which provision is otherwise made in and by this Act) be admitted under oath received, taken and acted on in the same

The evidence of Slaves (duly qualified) shall, except as hereinafter excepted, be received and taken under oath as the

evidence of others is taken, and subject to the same rules, except that no Slave shall be examined *debene esse*, or otherwise than *vivâ voce* in open court.

Perjury and subornation of perjury, how punished.

To remove the doubts of conscientious persons.

Reciting the Act for granting a further extension of privileges to certain free persons of colour, and the proviso therein contained, and in this section set forth, and that it is expedient to amend such proviso.

manner and to the same effect in all respects, as the evidence of others is now or may be admitted and taken in similar cases, and subject to the same rules of law and practice, except that no Slave shall be in any case examined *debene esse* in any cause by commission, or rule of court, or otherwise than *vivâ voce* in open court: Provided however, that when any Slave admitted to give evidence (whether in fact qualified according to the provisions of this Act or not,) shall on any occasion commit wilful and corrupt perjury, or if any Slave shall be guilty of subornation of perjury in or touching any causes, trials, or other proceedings in the General Court, or Court of Admiralty Sessions, or in any affidavit, examinations, or other proceedings before magistrates, coroners, or other authorities, in which suits or prosecutions in the General Court, or Court of Admiralty Sessions are usually grounded, the parties charged with such perjury, or subornation of perjury, shall be tried for the same in the said General Court, but in all other cases of perjury, or subornation of perjury by Slaves or others, liable to be tried in Slave Courts according to the form and effect of the Act of Assembly already in such case made and provided; and on the conviction of every Slave as aforesaid, either in the General Court, or other court of competent jurisdiction in the premises, of wilful and corrupt perjury, or subornation of perjury, the party convicted shall be forthwith punished with not more than one hundred nor less than fifty lashes, publicly inflicted on the bare back, and shall be conspicuously and indelibly branded by a hot iron brand in the middle of the forehead or cheek with the letter P, of at least one inch and three quarters of an inch in length, and shall further be and remain utterly disqualified for giving evidence, or deposing under oath in any case or legal proceedings whatsoever, for ever afterwards.

20.—And whereas doubts have been entertained by sundry conscientious persons within these islands, whether the evidence of any one or more competent witnesses, when not contradicted or impugned by other evidence, is not legally entitled to full faith and credit, notwithstanding that the court and jury may have good cause to question the veracity of the witnesses on the truth of their statements: *And whereas*, on that account, objections have been taken to the admission of Slave evidence altogether, and it is therefore expedient that all such doubts should be removed: Be it further enacted and declared by the authority aforesaid, that whensoever any witnesses whatsoever, white, black, or coloured, free, or Slaves, are examined as witnesses by or before any court, judge, or judges, magistrate, or magistrates, or other lawful authority in this behalf, or by or before any grand, special, or petit jury, or inquest, of whatsoever nature such inquest shall or may be, it shall and may be competent for all such courts, judges, magistrates, and other authorities aforesaid, and for all such juries, to discredit and reject either wholly or in part, the evidence of all such witnesses, although the same shall not have been actually contradicted or impugned by other evidence at the same trial, investigation, or inquiry, whensoever from the notorious bad character, or obvious ignorance or incapacity of any witness so examined, the great improbability of the truth of the witness's statements, the inconsistency of such statements on comparison of one part of the same with another, or any fair ground of violent presumption that the testimony of the witness is given under the influence of vindictive or dishonest motives, or any direct though latent interest in the cause,—credence shall and may be conscientiously refused to the evidence in question.

21.—And whereas, in and by an Act passed in the fourth year of his Majesty's reign, entitled "An Act for granting a further Extension of Privileges to certain free Persons of Colour in certain Cases" it is enacted that all creole Negroes, Mulattoes, and other persons of colour born within these islands, or elsewhere, although not free at the time of their birth, but who shall have been lawfully manumitted by bequest, deed of gift, or otherwise, and who shall have actually and *bonâ fide* enjoyed a state of freedom for the space of five years at least, within these islands, and professing the Christian religion, shall be admitted to all the rights, privileges and immunities of persons of colour born free, within these islands, within the intent and meaning of this (the last above recited) Act; provided however that

no such manumitted person or persons shall be allowed to give evidence of any treason, felony, misdemeanour, or other offence against the peace or trespasses with force, which may or shall have been committed, or alleged to have been committed, previous to their emancipation; and whereas it is expedient that the said proviso should be amended: Be it further enacted by the authority aforesaid, that all manumitted Slaves who while in a state of Slavery shall have been duly registered under the provisions of this Act in the office of the clerk of the crown as competent witnesses shall be allowed to give evidence as to any fact or facts committed, or alleged to have been committed, or to have or in any manner taken place subsequent to the date of their said registration, anything in the said last above recited Act to the contrary notwithstanding. Provided however that such manumitted Slave shall not be competent to prove any fact or facts which shall have been, or alleged to have been, committed or to have taken place in any manner whatsoever, at any time between his or her registration of competency as aforesaid, and his or her emancipation, which shall or may bear in any manner directly, or indirectly, on any question as to the freedom or right to freedom of any Slave, or asserted Slave, or affect the life of any white person, or the person, liberty, or property of his or her late owner or owners in any criminal prosecution whatsoever.

22.—Provided, however, and be it further enacted by the authority aforesaid, that no writ of *subpœna ad testificandum*, or other process of like nature, shall be issued out of any court, or by any magistrate or other authority, to be addressed to or served upon any Slave or Slaves whatsoever, in any case, civil or criminal, or in any manner whatsoever, and the issuing or service of any such writ or process shall be, and be held void, and of none effect to all intents and purposes whatsoever, anything in this Act before contained to the contrary notwithstanding; but when the evidence of any Slave or Slaves shall, or may be on any occasion lawfully required, the court in or magistrate or other authority before which such evidence shall or may be so required, shall have authority to issue a writ or process in the nature of a *habeas corpus ad testificandum*, to be addressed to the owner, employers, or others, having actual possession or charge of such Slave or Slaves, commanding the said owners or others as aforesaid, to produce the body or bodies of such Slave or Slaves, naming them particularly, and designating their place of abode, and the name or names of the owner or owners, and the colour, sex, and probable age of such Slave or Slaves, according to their registration respectively in the office of the clerk of the crown as aforesaid, in pursuance of this or any other Act of assembly, in such case made and provided, at a certain time and place to be therein appointed, before such court, magistrate, or other authority as aforesaid, to give evidence as aforesaid, and the names and descriptions as aforesaid, of any number of Slaves being actually the property of or under the charge of the same person or persons, shall and may be included in the same writ or process of *habeas corpus* as aforesaid; and in case of refusal or neglect to obey any such last mentioned writ or process aforesaid, those who shall so refuse or neglect to obey the same, shall be liable to all and singular the same pains and penalties, suits and actions, as parties in contempt being free persons, for disobedience to a *subpœna ad testificandum* addressed to themselves by the said courts, magistrates, or other authorities as aforesaid respectively are, or would be liable to, and in the same manner and form, and to the same effect in every respect whatsoever, and for each and every Slave so to be produced in obedience to any writ or process of *habeas corpus* as aforesaid herein provided for, the owners or others having charge of such Slave or Slaves shall be entitled to receive from the party requiring the evidence of such Slave or Slaves, or from the public, when such evidence shall or may be required on the part of the crown, in any criminal prosecution, the same allowance in all respects for travelling expenses and subsistence, as are and may be lawfully demanded by free persons subpoenaed to give evidence in like cases: Provided, however, that in all civil cases, no writ or process of *habeas corpus* as aforesaid, shall be issued as aforesaid, commanding the production of any Slave or Slaves as witnesses as aforesaid, until after the party applying for such last mentioned writ or process shall have made affidavit, or cause the same to be made by some one or

It is enacted that all manumitted persons who while Slaves shall have been duly registered under this Act shall be allowed to give evidence of any fact committed subsequently to their registration.

But not any question of freedom of a Slave, not in any case affecting the life of a white person, or the person, liberty, or property of his former owner in any criminal prosecution.

No *subpœna ad testificandum* shall be served on any Slave, but when the evidence of a Slave is required, the mode of proceeding to obtain it is pointed out in this section.

more competent and credible person or persons before the court, or some judge thereof, or the magistrate or other authority aforesaid, before which such Slave or Slaves is or are about to be required to be produced for the purposes aforesaid, stating under oath that the evidence of such Slave or Slaves is absolutely material in the cause or matter in which such Slave or Slaves is or are to be examined, and that the party applicant does not require the production as aforesaid, of more than two of the said Slaves, to any point at issue in the said cause or matter in which they are to be examined as aforesaid, or any one or more Slaves to any point, matter, or thing concerning which such Slave or Slaves shall be legally incompetent to testify or give evidence, according to the provisions of this Act, or of any other Act of the General Assembly of these islands, or of the practice of the courts of these islands, all which affidavits shall in the General Court be made according to the form and effect of the blank form unto this Act annexed, and in all other courts, and before all magistrates and other authorities aforesaid, the same in substance, and as nearly as may be, in form also, changing only what it may be necessary to change, so as to suit the style and practice of such other courts and authorities aforesaid respectively; and when any person or persons, shall in any such affidavit as aforesaid, wilfully depose to any statements therein knowing the same to be false, or not knowing the same to be true, he, she, or they shall be held guilty of wilful and corrupt perjury, and he, she, or they, and any person or persons who shall suborn another or others, so to commit wilful perjury as aforesaid, in any such affidavit as aforesaid, shall be liable to prosecution and punishment for wilful and corrupt perjury, or subornation of perjury, (as the case may be,) as is hereinbefore provided in such cases. And provided also that in such cases of criminal prosecution at the suit of the crown, such writ or process of *habeas corpus* as aforesaid, shall be issued only by the especial fiat of some judge, magistrate, or authority aforesaid, and shall require the production only of such Slave or Slaves, the materiality or probable materiality of whose evidence shall distinctly appear in and by one or more of the affidavits or examinations already taken in or concerning the same matter:

Proviso.

In cases wherein Slaves are competent witnesses, criminal prosecutions may be grounded on their voluntary affidavits.

Provided however, that nothing herein contained shall be taken, or in any manner understood, to prevent criminal prosecutions from originating in or being grounded on the voluntary affidavits or examinations of Slaves under oath, in all cases in which they may be competent witnesses according to the provisions of this Act.

Owners of Slave when producing them to give evidence under *habeas corpus* to be allowed a reasonable compensation, to be awarded by court or magistrate.

23.—And be it further enacted by the authority aforesaid, that whensoever owners or others in actual charge of any Slave or Slaves shall be served with any writ or process of *habeas corpus* aforesaid, requiring the production of any such Slave or Slaves, for the purposes aforesaid, or any of them, and the said owners or others in charge as aforesaid, shall attend in person with the said Slave or Slaves, in order to produce the same as aforesaid, or shall employ others to produce the same as aforesaid, there shall be allowed to such owners or others as aforesaid, so employed in producing the said Slave or Slaves, such reasonable compensation as the court, magistrate, or other authority as aforesaid may award for their expenses and trouble in conducting such Slave or Slaves to such court, magistrate, or other authority as aforesaid, there producing the said Slave or Slaves for the purposes aforesaid, and reconducting such Slave or Slaves to his, her, or their places of employment, to be paid by the parties respectively requiring the testimony of such Slaves, or the public, as hereinbefore provided in prosecutions on the part of the crown, all which compensations and expenses last aforesaid shall in all civil cases be taxed with other costs against the parties, eventually liable to pay the same, unless when it shall appear to the court that a needless expense has been incurred through malice, wantonness, or folly, in requiring the production of unnecessary Slave witnesses, in which cases all such needless expenses shall be taxed only against the party which shall so have incurred the same.

Slaves required to give evidence, shall upon the issuing of any such *habeas corpus* remain in the exclusive charge of their owners.

24.—And be it further enacted by the authority aforesaid, that from and after the issuing of any such writ or process of *habeas corpus* as aforesaid, the Slaves therein named, shall nevertheless be and continue, and be considered as being wholly and exclusively in the charge, custody, and keeping of their owners or others acting directly or indirectly under the authority

of such owners, or their lawful personal representatives, excepting only while such Slaves shall be actually under examination before any such court, magistrate, or other authority as aforesaid, during which time, and no longer, the said Slaves shall be held and considered subject exclusively to the authority and under the immediate protection of such court, magistrate, or authority aforesaid, anything in this Act contained to the contrary notwithstanding: Provided however, that in all cases of prosecution for treason, felony, or breach of the peace, it shall and may be lawful for all judges, magistrates, and coroners to commit to safe custody, for the purpose of being produced and examined as witnesses in such prosecutions, any Slave or Slaves, who on their confession, or the evidence of others under oath, shall and may be considered material and legal witnesses on the part of such prosecutions, unless the owners of such Slaves or others duly qualified on their behalf, shall enter into recognizance conditioned for the production of such witnesses at the trial of such prosecutions in like manner as recognizances are or may be by law required, conditioned for the appearance of witnesses in like cases.

Except when actually under examination.

Proviso.
That Slaves to be examined as witnesses in treason, felony, &c., may be committed to custody unless their owners enter into recognizance for their appearance.

25.—And be it further enacted, that the costs and charges be allowed upon any such writ or *habeas corpus ad testificandum* as aforesaid, and the service thereof shall be the same in all respects, as those chargeable by law on a writ of *subpœna ad testificandum* and no more.

Costs and charges on the *habeas corpus* regulated.

26.—And be it further enacted by the authority aforesaid, that from and after the passing of this Act, so much and such parts of the above-recited Act, to which this Act is an amendment, as relate to marriages between Slaves, and between Slaves and persons of free condition be, and the same are hereby declared to be, suspended during the continuance of this Act.

Marriages of Slaves. So much of the Act (4 Geo. IV.) to which this Act is an amendment, as relates to marriages between Slaves and between Slaves and persons of free condition, is hereby suspended.

27.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for Slaves, by and with the consent of their owner or owners, and not otherwise, to intermarry with Slaves, and with persons of free condition in manner and form and to the same effect and according to the same laws, restrictions, and provisions canonical and civil, as marriages are now or may be solemnized between free white persons in these islands, with the exception that a permission or consent in writing of the owner or owners of such Slave or Slaves so to intermarry, shall supersede the necessity in any publication of banns or other license whatsoever: Provided that such permission shall be delivered under the hand or hands of such owner or owners, to the officiating minister, or magistrate, or other person authorized to solemnize such marriages, at least fourteen days before the solemnization of any such Slave marriages, and that the same shall be solemnized on a Sunday, in the usual public manner, and in some church or public place of religious worship, when there shall be such within a reasonable distance of the residence of the parties to be so married, between the hours of eight in the morning and twelve at noon.

Marriages of Slaves. Slaves may lawfully intermarry with Slaves, or with persons of free condition, with the consent of their owners, and not otherwise, in the same manner as free white persons, except that the consent of the owner shall supersede the necessity of banns or license.

The permission of the owner to be in writing, when to be delivered to minister, &c., and how and where such Slave marriages shall be solemnized.

28.—And be it further enacted by the authority aforesaid, that in and by virtue of every permission or consent of the owner or owners of such Slave or Slaves as aforesaid, any clergyman of the established church of England and Ireland, or any minister of the kirk of Scotland, or any public teacher of religion within the said islands being a free white person and carrying on there no other business, profession or occupation with a view to profit, except that of a schoolmaster, (or in case there shall be no such clergyman, minister, or public teacher of religion on the island or quay whereat such marriage is to be celebrated, then any justice of the peace there) shall be authorized to solemnize the marriage of such Slaves or of such Slave and free person: Provided always that no such public teacher of religion (not being a clergyman of the church of England, or a minister of the kirk of Scotland) shall be so authorized to solemnize any such marriage, unless the governor or commander in chief for the time being shall have first granted to such public teacher, a written license to celebrate marriages, nor unless such license shall have been duly registered in the proper office of this government, and shall continue to be in force at the time of his being so authorized to solemnize any such marriage.

After the permission of the owner obtained, by what minister or other person the marriage may be solemnized.

By justice of peace if no clergyman.

In what case the person solemnizing the marriage must be authorized to do so by the governor's license continuing in force.

29.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any such clergyman, minister, public teacher, or

justice aforesaid, upon and after the receipt of any such permission aforesaid, forthwith to solemnize any such marriage as aforesaid, and the same when solemnized, shall be to all intents, constructions, and purposes whatsoever, binding, valid, and effectual in the law: Provided nevertheless, that no such marriage shall confer or be construed to confer on any such Slave or Slave, or on his, her, or their issue, any right or interest inconsistent with the duties which shall or may be owing by the said Slave or Slaves, to his, her, or their owner or owners, or to the government, or be at variance with those rights which the owner or owners and the government respectively are by law entitled to assert and exercise over such Slave or Slaves and their progeny.

Proviso.
That no such marriage shall confer on a Slave or his issue any right inconsistent with the duties owing by him to his owner or to the government, &c.

The person by whom such marriages shall be solemnized shall within six months, transmit (under a penalty of not more than twenty pounds) a certificate of such solemnization to the public secretary at Nassau to be recorded.

30.—And be it further enacted by the authority aforesaid, that the person by whom any such marriage may be so solemnized by virtue of any such permission as aforesaid, shall, within six months after any such solemnization, transmit (under a penalty of not more than twenty pounds of lawful money of the said island, nor less than ten pounds of like money for every refusal and neglect) a certificate of such solemnization to the secretary of these islands at his office in Nassau; and the said secretary shall register in a book to be kept by him for that purpose, every marriage which may have been so solemnized, with the date thereof, and the names, descriptions, and places of *abode* of the parties contracting, and of the persons solemnizing every such marriage without any fee or charge whatever.

No marriage between a Slave and a person of free condition shall be valid, which would be void between persons of free condition.

31.—Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to render any marriage between a Slave and Person of free condition valid and effectual in the law, which would be illegal and void if both such persons were of free condition.

Separation of families.
All sales, bequests, and conveyances under seal or otherwise for the purpose of separating families contrary to the provisions of the Act to which this Act is an amendment, shall be null and void.

32.—And be it further enacted by the authority aforesaid, that all sales, bargains, gifts, grants, bequests, and other conveyances of Slaves, whether under seal or otherwise, or by indenture or otherwise, the purport of which shall be to separate families contrary to the provisions and true intent and meaning of the first above-recited Act to which this Act is an amendment, shall be, so far as related to any such separations, null and void in law and equity, to all intents and purposes whatsoever.

Sunday Market.
No market whatever to be held on Sunday for sale of any goods or merchandise under penalty of the entire forfeiture thereof; to be seized by any magistrate or constable.

33.—And be it further enacted by the authority aforesaid, that no market whatsoever shall be held within these islands on any Sunday throughout the year, for the sale of any goods, wares, or merchandise whatsoever, either by Slaves or persons of free condition, under the penalty of the entire forfeiture of all such goods, wares, and merchandise, which may be offered or exposed for sale at any such markets. And it shall be lawful for any magistrate or constable to levy upon, seize, and sell or cause to be sold all such goods, wares, and merchandise so found for sale at such markets, and apply the proceeds of the sales thereof in the manner following, that is to say, one half to be paid into the treasury of these islands in aid of defraying the expenses of the government thereof, and the other half to such use and uses as the seizer may think proper: Provided nothing herein contained shall be construed to prevent the sale at any public market or markets of butchers' meat, fish, poultry, eggs, milk, or vegetables, or other like articles for immediate consumption, at any time between sunrise and nine o'clock in the morning of all Sundays as aforesaid, at which hour of nine in the morning of Sundays as aforesaid, all such markets shall be closed under the penalty of twenty pounds of lawful money of these islands, to be paid by the clerk or other superintendent of such market, for every such neglect, and all persons presuming to frequent any such markets for the purchase, sale, or barter of any articles whatsoever on any Sunday after the said hour of nine o'clock in the morning of that day, shall be liable to a penalty of five pounds each for every offence: to be recovered by, and to the use of, any person or persons of free condition who may sue for the same.

Application of the proceeds.

Butchers' meat, fish, milk, &c., excepted, if sold between sunrise and nine o'clock in the morning.

When the market shall be closed by the clerk under penalty of twenty pounds.

Five pounds penalty on persons unlawfully frequenting such market.

All warehouses, shops, &c., for the sale of goods, and all liquor shops shall be shut from nine on Saturday night until daylight on Monday morning.

34.—And be it further enacted by the authority aforesaid, that all warehouses, stores, shops, and other like establishments, for the sale or barter of any goods, wares or merchandise within these islands, as well as all shops, booths, and other places in which liquors shall or may be sold by retail, or otherwise, with or without license for that purpose, shall be and continue

339

shut from and after nine o'clock on any Saturday night, until daylight on the ensuing Monday morning; and all persons presuming to open or keep open any such warehouse, store, shop or booth, during the hours last limited, or shall traffic or barter therein, whether shut or open, in or for any manner of goods, wares, merchandise, or liquors as aforesaid, within the same hours so limited as aforesaid, shall be liable to a penalty of twenty pounds each for every such offence, to be recovered as is hereinafter provided, and applied one half to the use of his Majesty's government within these islands, and the other half to any person or persons of free condition who shall or may sue for the same.

Penalty of twenty pounds, persons offending, and the application of it.

35.—Provided, however, and be it further enacted by the authority aforesaid, that nothing hereinbefore contained shall be construed, or understood to prevent, or in any manner render penal, the sale of medicines for the use of the sick, or other articles usually employed in the practice of medicine, surgery, or pharmacy, or the keeping open of any shops or stores for the sale of the same at any time whatsoever.

The sale of medicines not rendered penal.

36.—And whereas, by the usages of the Bahama Islands, persons in a state of slavery have hitherto been permitted to acquire and enjoy property free from the control or interference of their owners, and it is deemed expedient that such custom shall be recognised and established by law, and that provision should be made for enabling such Slaves to invest their said property in good security: Be it further enacted by the authority aforesaid, that no person in the said islands, being in a state of slavery, shall, on account of such his or her condition, be, or be deemed, or taken to be, incompetent in the law to purchase, inherit, acquire, possess, hold, occupy, enjoy, alienate or dispose of property, but every such Slave shall be, and is hereby declared to be, competent in the law, to inherit, purchase, acquire, possess, hold, occupy, enjoy, alienate or dispose of lands, situate within the said islands, or money, cattle, implements or utensils of husbandry, or household furniture, and other effects of such or of the like nature, of what value or amount soever, and to bring, maintain, prosecute, appear to, or defend any suit or action in any court of justice within the colony, for or in respect of any such property, as fully and amply to all intents and purposes, as if he or she were of free condition: Provided nevertheless, that every such suit or action shall be prosecuted or defended by *prochain ami* or guardian, to be for that purpose by the said court to him or her assigned in that behalf, in such and in the same manner as if he or she were an infant under the age of twenty-one years; and that it shall be lawful for the said court on application for that purpose duly made to it, and on affidavit of the party, plaintiff or defendant, stating therein that he or she is not worth the sum of ten pounds in the world, the wearing apparel of him or her and the matter in controversy excepted, to suffer the party so applying being a Slave to prosecute or defend any such suit or action in *forma pauperis*: Provided always that every such *prochain ami* or guardian shall be a person of free condition, and that nothing herein contained shall extend, or be construed to extend, to authorize any Slave to acquire or become the owner of a Slave or Slaves, or of any fire-arms, gunpowder, or ammunition without the especial permission of their owners, or others having charge of them respectively.

The property of Slaves.

Slaves declared competent to hold, inherit, purchase, and dispose of lands, money, cattle, &c., of what value soever, and maintain and defend suits in respect thereof, as persons of free condition.

Proviso. Actions to be brought or defended by *prochain ami* or guardian, and in some cases in *forma pauperis*.

Prochain ami to be of free condition.

Slaves not to become the owner of a Slave, or of fire-arms, gunpowder, or ammunition, without consent of owner.

37.—And for the better preserving of the property of any such Slaves, Be it further enacted by the authority aforesaid, that from and after the twenty-fifth day of March next, the receiver general and treasurer of the colony shall open a chest of deposit, in which all Slaves shall be allowed to deposit any monies which they may think proper to place therein for the safe keeping thereof, and all deputy receivers general throughout these islands, shall in like manner keep like chests of deposit for the benefit of Slaves within their respective districts; and for their trouble in receiving and paying back such monies, the said treasurers and deputy receivers general shall be entitled to a commission of three per cent. payable by the parties depositing any such monies, when such monies shall be drawn out of the said chest at any time within twelve months after the time of depositing the same, and in all other cases by the country in the same manner as other commissions are charged on other monies payable into, and out of the treasury of these islands.

After 25th of March, 1827, the receiver general and his deputies to open chests of deposit for the money of Slaves.

Commission of three per cent payable by the party depositing, if drawn out within twelve months, otherwise by the country.

Any Slave making such deposit, may declare to whom such deposit shall be paid at his death; and such declaration shall be recorded &c. and such declaration in the absence of any other, shall be deemed to be his last will.

Marriage to be deemed a revocation of such declaration.

The property of a Slave dying intestate and without having made such declaration, shall be disposed of according to the statute of distribution of intestate's effects.

In default of legitimate issue and connexions, the putative children and connexions shall take it as legitimate.

And lands shall be considered as personal estate.

No deposit exceeding two pounds to be received at any one time, or in any one week, unless the receiver general, &c. shall be satisfied that the owner has had ten days' notice of the Slave's intention to make a greater deposit.

How such notice may be proved.

Penalty of perjury.

The property of Slaves may be attached for their own private debts.

What proceedings are necessary before and after attachment.

38.—And be it further enacted by the authority aforesaid, that any Slave making a deposit in any such chest, shall be at liberty to make a declaration of the manner in which, and of the person or persons to whom in the event of his or her death, the amount of such his or her deposit or deposits there shall be then paid, applied, or disposed of, and such declaration shall be recorded in a book to be kept for that purpose by the said receiver general, and his deputies, where any such deposit may be made, and upon the death of the Slave making such declaration, the same shall be deemed and taken to be the last will and testament of such Slave in the absence of any other last will and testament; and in case any Slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be a revocation in the law of any such declaration; and if any Slave shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his or her death, then and in every such case, the property of such Slave shall go and be disposed of to, and in favour of such persons or person as by virtue of any Act or Acts of parliament for the distribution of the effects of intestates in force within the colony, would be entitled to any such property: Provided however, that in the absence of all legitimate issue and connexions of any such deceased intestates, the goods and chattels, and other property of the estate of all such deceased intestates shall be distributed among their putative children and connexions in the same manner as if they were legitimate; and provided also that all lands and lots of land, with the buildings and other improvements thereon, as well as all other hereditaments of Slaves, shall be considered as personal property only, and chattels to all intents and purposes, as well for the satisfaction of the debts of any Slave during his or her lifetime, as to be assets in the hands of his or her executors or administrators liable to his or her debts after his or her death, and to distribution among his or her kindred as aforesaid, as personal chattels in manner hereinbefore provided for.

39.—And be it further enacted by the authority aforesaid, that no deposit of money exceeding the sum of two pounds of lawful money of the said islands, in the whole, shall at any one time, or in any one week, be so received in deposit as aforesaid, unless the said Slave at the time of tendering such other or greater deposit, shall make it appear to the satisfaction of the treasurer or deputy receiver general, that the owner or owners of such Slave, or other person or persons having charge of such Slave, have or has had at least ten days' full and sufficient notice of the intention of such Slave to make such last-mentioned deposit, which notice may be proved either by an acknowledgment in writing of the said owner or owners, or others in charge as aforesaid, or by the affidavit of the Slave so wishing to make the deposit last aforesaid, together with one or more persons of character and credit; and all persons swearing to any such affidavit, not knowing the same to be true, shall be held guilty of wilful and corrupt perjury, and on conviction thereof, shall be liable to all and singular the pains and penalties of wilful and corrupt perjury, and to all the disabilities consequent upon such conviction according to law.

40.—And be it further enacted by the authority aforesaid, that when any Slave or Slaves shall contract any debt or debts upon his, her, or their own credit and responsibility, and not for the use and by the express authority of his, her, or their owner or owners, or others having charge of such Slave or Slaves, or shall make themselves individually and personally liable for damages on any account whatsoever, the property of all such Slave or Slaves, whether the said property shall consist of money, goods, rights, credits, or other things of whatsoever description the same may be, shall be liable for the payment of such debts, and the satisfaction of all such damages, and may be proceeded against by writ of attachment in the first instance to be issued upon affidavit of debt or damages as aforesaid, to be made by or on behalf of any party plaintiff in any such proceedings in or before any court of competent jurisdiction as to the amount and nature of the debt or damages sued for, as in cases in which the parties litigant are free persons: Provided however, that no such property shall be so attached unless the said affidavit shall be as full and positive as the nature

54

of the case may admit of, and one of the judges of the court, or the judge or magistrate from which such process may be required, shall endorse an especial order on the writ specifying the amount for which such attachment shall be laid, and the said property whether in the possession of the said Slave or others, shall be taken into the safe keeping of the officer to whom such process shall be addressed, unless sufficient security be to him given, that the person or persons in possession of the same shall hold the same, or the full value of the same, ready to satisfy or answer, so far as the same may go, such judgment as the party plaintiff may eventually obtain in the premises; and if the party defendant shall not appear as by this or some other Act of Assembly is or may be provided for within such time as free persons would be bound to appear upon the service of mesne process on their persons, and defend such suit, the party plaintiff may proceed to judgment by default and execution thereon, in the same manner and form as nearly as may be, and to the same effect as if the suit had been instituted against free persons by personal attachment or summons; and all property so attached as aforesaid, or the value thereof, in whosoever hands the same may be, shall be applied to the satisfaction of such judgment as the party plaintiff may obtain, whether the suit be defended or not. Provided however, that whensoever the court shall have reason to suspect that the party to whom the attached property shall or may belong, had not good, reasonable, and sufficient notice of the attachment of his, her, or their property as aforesaid, the court shall have full authority and power to stay all proceedings in any such case, until satisfied that such notice has been given; and should any person or persons other than the party defendant be in actual possession of any property so attached as aforesaid, and the person or persons so in possession of the same, shall not within a reasonable time after the service of such attachment, give notice thereof to the owner or owners of such property, all such holders of such property shall be liable in damages to such party sued, for all injury sustained by the same by the reason of such neglect as aforesaid of such holder or holders of the said property as aforesaid. And provided also that whensoever any monies are attached in virtue of this Act in the hands of the receiver general and treasurer, or any deputy receiver general of these islands, the said officers shall hold the said monies liable to all such judgments as may be obtained in pursuance of any such attachment or attachments, but shall not be compellable to give any security for the safe keeping of the same, anything hereinbefore contained to the contrary notwithstanding.

41.—And be it further enacted, that no such deposit as aforesaid shall be received or paid out except on Wednesdays between the hours of twelve at noon, and two in the afternoon. And that the books and accounts of the said receiver general and treasurer, and of the said deputy receivers general, shall be and be held and considered to be public records, to which all persons shall have a right of access, with the privilege of inspecting the same, at any time, within the usual office hours of business, on the payment to the person keeping such books or accounts as his fee, the sum of one shilling currency for each inspection.

No deposit to be paid out or received except between certain hours on Wednesdays.

The receiver general's books considered public records.

Open for inspection on payment of one shilling annuity.

42.—And be it further enacted, that whensoever any court, judge, or magistrate shall have reasonable grounds to suspect that any person or persons having any property attached in their keeping, possession or power, shall when required to produce the same according to law, have concealed the same or any part thereof, such party may be ruled to shew cause under oath why he, she, or they should not be held in contempt by reason of such concealment, and shall also answer under oath such interrogatories touching the same premises as the said court, judge, or magistrate may think proper to administer to such suspected party, and if it shall appear by the answers of that party that he, she, or they have been guilty of any concealment, embezzlement, or wilful or negligent diminution or deterioration of any such attached property as aforesaid, while in his, her, or their keeping, possession, or power, the said court, judge, or magistrate, shall have authority to commit the said offender or offenders to prison, until he, she, or they shall satisfy and make good to the party

Persons suspected on reasonable grounds of having attached property in their keeping or power, and refusing to deliver it up, how to be proceeded against.

defrauded all losses in the premises: Provided however, that no such proceedings as last aforesaid, shall bar any party defrauded as aforesaid, of any action which they may have against the party so examined, should he, she, or they become purged of his, her, or their contempt in the premises, by false answers to any such interrogations as aforesaid.

43.—And whereas it would be attended with great inconvenience to planters and those having establishments for raking salt, or farms for raising corn, cattle, or live stock of any kind for market, if the Slaves employed on or about such plantations, farms, or other establishments as aforesaid, were allowed to deal or traffic in the same articles as those in which their owners deal or traffic: it is hereby further provided, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood as preventing or intending to prevent the owners of Slaves or others in charge of the same from prohibiting the said Slaves from cultivating any cotton, wool, or Indian or Guinea corn, or from raking salt, or from raising or keeping for breed any cattle or other live stock as aforesaid: Provided such prohibition shall not extend to the cultivation of sugar canes, pease, beans, pumpkins, fruit of any kind, potatoes, yams, garden stuffs, or ground provisions of any kind, corn as aforesaid excepted, or to the cutting of timber, dye woods, or woods of any kind on the lands of them the said Slaves, or of others with the proprietor's permission, and selling the same, or to their dealing and trafficking in any articles in which their owners shall not at the time deal or traffic, or even to their raising cotton, wool, corn, or live stock, or raking salt, when their owners are not themselves actually engaged in raising cotton or corn, or live stock, or in raking salt for sale.

44.—And whereas it is expedient that from and after the passing of this Act, no duty or tax, or fee of office whatsoever, shall be paid or payable within the said islands upon, for or in respect of, the manumission of any Slave, or the enrolment of any deed of manumission, save and except a fee not exceeding the sum of eight shillings of lawful money of the said islands, which shall be paid to the public secretary and register of records thereof, for the enrolment of any such deed of manumission; and if any person within the said islands shall hereafter take, demand, or receive any such duty, tax, fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine not exceeding forty pounds, and not less than twenty pounds of lawful money of said islands, to be recovered and applied in manner hereinafter directed.

45.—And be it further enacted by the authority aforesaid, that if any person being in a state of slavery within the said islands, shall be desirous to purchase his or her freedom, or the freedom of the wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister of any such Slave, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself, or of herself, or of any such person as aforesaid, at such price, and upon such terms, conditions, and stipulations, as shall or may be agreed on by and between the parties interested in such sale and purchase, and all such agreements, *bonâ fide* entered into for that purpose, shall be good, binding, and valid in law, whether verbal or in writing, the condition of the one or more of the contracting parties being that of slavery, at the time of his, her, or their entering into such agreement or agreements to the contrary notwithstanding.

46.—And be it further enacted by the authority aforesaid, that should any difference exist between the parties aforesaid, as to the price or value at which the Slave or Slaves in question shall or may be entitled to freedom, it shall be the duty of, and it shall and may be lawful for any magistrate, on the application of either party aforesaid to him made, either directly or indirectly, to call to his aid any one or more other magistrate or magistrates; and it shall be the duty of the said magistrates when convened, and they, or any two of them, when so convened, shall have full power and authority to summon and cause the parties aforesaid to appear before them, and endeavour to accommodate all differences between them to the satisfaction of both, but failing therein, to cause two referees to be named, one by or on the part of the owner or owners of the Slave or Slaves in question, and the other by or on the part of the said Slaves with

Recital.

The owners of Slaves shall not be prevented from prohibiting them from cultivating cotton, wool, Indian or Guinea corn, or from raking salt, or from keeping for breed cattle or other live stock; but Slaves shall not be prohibited from cultivating sugar canes, pease, beans, &c.

Or from dealing or trafficking in articles in which their owners do not deal, or even from raising corn and cotton, wool, &c. &c. when their owners are not so engaged.

Manumissions.

No tax or fee of office to be hereafter paid in respect of the manumission of a Slave, or the enrolment of the deed of manumission, except eight shillings currency to the public secretary for the enrolment.

Any Slave who shall be desirous of doing so, may lawfully purchase his or her freedom, or the freedom of his or her wife, husband, child, or brother, or sister, or reputed wife, &c. &c., at such price and on such terms as may be agreed upon between the parties; and such agreements *bonâ fide* entered into, shall be binding notwithstanding the condition of one or more of the contracting parties should be that of slavery.

If any difference shall exist as to price or value of the Slave, a magistrate may be applied to, who, if necessary, shall appoint two referees, one on part of the owner, and one on part of the Slave with their consent; and such referees with the assistance of the magistrate shall determine the amount of compensation to the owner.

their consent and approbation, and the advice and assistance of the said magistrates; and it shall be the duty of the said referees, after diligent investigation of all matters submitted or offered to their consideration by the said parties, to award and determine the amount of such compensation as, in their opinion, the owner or owners of such Slave or Slaves, shall or may be fairly and justly entitled to for such manumission; and such compensation being actually paid or tendered to the said owner or owners of such Slave or Slaves, or duly and fully acknowledged to have been so tendered and paid in the presence of the said magistrates, or any two of them, to transmit to the Attorney-General of these islands, a minute in writing signed by them, of all and singular the several proceedings had before them in the premises; and it shall thereupon be the duty of the said Attorney-General, should he be of the opinion that the same are correct and regular according to law, and if necessary after correcting, with the assent of the said magistrates, any errors in matter or form in the minutes of the same, to cause the same to be recorded in the proper office of this government, and thereupon the said Slave or Slaves shall become and be from henceforth to all intents and purposes, free persons.

If the referees agree, and the compensation by them awarded be actually paid or tendered to the owner, the award after reference to and approval by the Attorney-General, shall be recorded in the proper office, and the Slave thereupon become free.

47.—Provided however, and it is hereby enacted by the authority aforesaid, that should the said referees be unable to agree as to the amount of the compensation as aforesaid, the said referees shall name an umpire between them, and the decision of the said umpire shall be as good, valid, and binding in the premises as if the same had been agreed to by the two referees first named; and provided also that the said two referees and also the said umpire, when an umpire shall become necessary, before they enter on the duties of any such reference or umpirage as aforesaid, shall take and subscribe as nearly as may be, an oath or affidavit in writing to the effect following: that is to say, A. B. and B. C. of the Island of D. (here their additions are to be inserted at length) referees, indifferently chosen to award and determine between E. F. of the Island of G. (here the additions of the owner or owners aforesaid are to be inserted at length) and H. I., &c., the Slave or Slaves being here named, the Slave (or Slaves) of the said E. F., touching the compensation which the said owner or owners ought to receive for the emancipation of his, her, or their said Slave, (or Slaves) being duly sworn on their oaths, severally swear that they will fairly, justly, and equitably, to the best of their skill and judgment, estimate the said compensation not merely according to their view of the probable market prices of such Slave (or Slaves) if exposed to sale as such, but with due regard also to such further remuneration as the said owner (or owners) may shew himself, (herself, or themselves) entitled to, to the satisfaction of them the said referees under the special circumstances of the case, in consequence of any loss or damage which the said owner (or owners) may sustain by reason of his (her, or their) being deprived of the services of such Slave (or Slaves), and the affidavit of the umpire shall be as nearly as may be in the same form and to the same effect.

If the referees disagree, they shall name an umpire whose decision shall be valid.

Oath to be taken and subscribed by the referees.

And by the umpire.

48.—And be it further enacted, that when any owner or owners of Slaves desirous of purchasing freedom as aforesaid, shall not be resident within these islands, or shall be under age, lunatic, or be married women living with their husbands, then and in all such cases, the attorneys or agents of such absent owners, resident within these islands, and the parents or guardians of such minors, and the guardians of such lunatics or their lawful representatives, resident within these said islands, and the trustees of such married women or their lawful representatives, resident within these said islands, shall be and be held and considered as the owners of all such Slaves, for all and singular the purposes last aforesaid, touching the purchase of the freedom of the said Slaves of such owners, who by reason of their absence, nonage, lunacy, or coverture as aforesaid, shall not be in a situation to attend in person to the matter aforesaid.

When the owners of Slaves shall not be resident in these islands, or shall be under age, &c. &c.

The attorneys or agents of such absent owners, and the parents or guardians of minors, &c. &c. &c. shall be considered owners, *quoad hoc*.

49.—And be it further enacted by the authority aforesaid, that any magistrate, who when duly required to perform any of the duties of magistrates as last aforesaid, in touching or concerning the purchase of freedom by Slaves as aforesaid, shall refuse or neglect to perform the same, shall be liable to a penalty of fifty pounds of lawful money of these islands for every

Magistrates refusing when required to perform the said duties touching the purchase of freedom by Slaves, shall be liable to a penalty of fifty pounds.

And the owners of Slaves contumaciously refusing to submit to the authority of the magistrates or wantonly impeding his proceedings, shall be liable to a fine of not less than ten pounds nor more than fifty pounds.

And on conviction the court may empanel a jury and determine by verdict the value of the Slave or Slaves.

And on payment of the amount of such verdict, by or on account of the Slave into court, such Slave shall by the sentence of the court be adjudged to be free.

And the amount so paid into court after deducting the fine and costs, shall be paid over to the owner.

This Act shall not affect the just rights of judgment, creditors, magistrates, &c.

But when the property of owners in Slaves desirous of purchasing their freedom, shall be bound by judgment or mortgage, or any other person shall have a joint or reversionary interest in them, and this fact shall be known by, and wilfully withheld from the referees and the court and jury, any Slave aggrieved thereby may recover from the persons making such wilful concealment or conniving thereat double the amount of the compensation to be paid for his freedom.

But when the referees or court and jury shall have notice of such judgment or reversionary interest, &c. &c., they may determine by award or verdict whether the whole or any part of the compensation shall be paid to the judgment, creditor, or reversioner, &c. &c., and the same shall be so paid to them accordingly, if present, but if absent, to be paid into the public treasury on their account.

Commission thereon, one per cent.

Children under the age of fourteen not to be manumitted against the consent of their owners.

And no Slave shall obtain his freedom under this Act unless he can satisfy the referees and jury that he has honestly ac-

such offence, and should any owners of Slaves desirous of purchasing freedom as aforesaid, or the lawful representatives of such owners as aforesaid, contumaciously refuse to submit to the authority of the magistrates as aforesaid, in the execution of their said duties as aforesaid, or intentionally and unnecessarily delay or wantonly embarrass or impede their proceedings in the premises, all such offenders shall be liable to a fine of not less than ten nor more than fifty pounds of lawful money of these said islands for every offence; and on their conviction for any such offence, it shall and may be lawful for the court before whom such conviction shall take place, so soon thereafter as justice may admit of, under the circumstances of the case, to empanel a sworn inquest or jury of twelve disinterested persons to inquire into and determine by verdict as to the value of the Slave or Slaves in question, and upon payment of the amount of such verdict, by or on account of the said Slave or Slaves into court, the said Slave or Slaves shall, by sentence of the said court to be duly recorded, be adjudged to be free, and the money so paid into court shall, after deducting the amount of the fine aforesaid, and all reasonable costs and charges of all and singular the several proceedings last aforesaid in the said court, be paid over to the said owners or their lawful representatives as aforesaid in this behalf.

50.—And it is also hereby provided, and be it further enacted by the authority aforesaid, that nothing in this Act contained, shall be in any manner taken, held, or construed to destroy, diminish or impair, or otherwise injuriously affect the just rights of judgment, creditors, mortgagees, joint proprietors or reversioners of any description: but whensoever the property of owners in any Slaves desirous of purchasing freedom as aforesaid, shall be bound by any judgment, or mortgage, or any other person or persons, shall have a joint or reversionary interest of any kind in the same, and the same be not made known in the course of any proceedings under, or in virtue of this Act, to the referees as aforesaid, or to the court and jury as aforesaid, and any such information shall be knowingly and wilfully withheld in the premises, any Slave conceiving himself or herself manumitted in virtue of such proceedings or any of them, and who shall afterwards be proved to be still more or less a Slave or liable to any manner of bondage afterwards, then, and in that case, such Slave or Slaves shall be entitled to recover of and from any and all persons and person so having wilfully and knowingly concealed as aforesaid the fact of his, her, or their being bound by any such judgment or mortgage, or of the existence of any such joint or reversionary interest as aforesaid, or who shall in any manner be aiding, abetting, or conniving, at any such concealment, double the amount of such compensation paid for the emancipation of such Slave or Slaves; and if the referees, or court and jury as aforesaid, in the course of any of the proceedings aforesaid, provided by this Act as aforesaid in the premises, shall have notice of any such judgment, mortgage, or joint, or reversionary right as aforesaid, then, and in that case, it shall and may be lawful for such referees or jurors, by their award or verdict to determine whether the whole or any, and what part of the compensation aforesaid, ought in equity and good conscience to be paid to the judgment, creditors, mortgagees, joint owners or reversioners as aforesaid, as the case may be, and the same shall be so paid accordingly; and should any such judgment, creditor, mortgagee, joint owner, or reversioner, not be present to receive any monies so to him, her, or them, payable by reason of the premises, the same shall be deposited in the public treasury of the colony, for him, her, or them, and on his, her, or their sole account, and for receiving and paying out the same, the treasurer shall receive, to be deducted from the same, a commission of one per cent, and no more.

51.—And it is hereby provided also, and be it further enacted, that children under fourteen years of age, shall not be manumitted under this Act except with the consent of the owners thereof, under any circumstances whatsoever, anything hereinbefore contained to the contrary notwithstanding; and provided also, that no Slaves shall obtain their freedom under this Act against the will of their owners (or others having them in charge), unless it shall be shewn to the satisfaction of the referees or jury, as before provided, that the funds from which the compensation is to be paid for

their freedom shall have been honestly acquired, anything hereinbefore contained to the contrary notwithstanding.

quired the funds for compensation.

52.—And be it further enacted by the authority aforesaid, that except in cases in which, in and by the provisions of this Act, or some other Act or Acts of the General Assembly of these islands, the power of trying persons for offences is expressly vested in one or more magistrates, persons charged with any of the offences mentioned in this Act, shall be tried for the same in the General Court of these islands, according to the course of the common law, or the provisions of this or some other act of assembly, applicable in such cases, and on conviction shall suffer fine and imprisonment, or either, within the limits prescribed by this Act, or otherwise by the laws of this colony; and in cases where no limits are so prescribed, then the party convicted shall be sentenced to a fine of not less than five, nor more than fifty pounds lawful money of these islands, and to imprisonment for any space of time not exceeding one month, or to fine or imprisonment only within the same limits at the discretion of the court: Provided, however, that whenever any such offences last aforesaid shall be committed by Slaves, or others liable to be tried by slave courts, according to the form and effect of any Act or Acts of assembly in such case made and provided, and now in force within these islands, the parties charged with such offences, shall and may be tried by such slave courts accordingly, and on conviction be punished as is by law already therein provided, except as is hereinbefore excepted in cases where one or more magistrates shall have summary jurisdiction in the premises according to the provisions of this or some other act of assembly as aforesaid.

Except in cases in which by this or some other act of assembly, the power of trying persons for offences is vested in one or more magistrates. Persons charged with offences mentioned in this Act, shall be tried in the General Court, according to the course of the common law, or of the provisions of this or some other act of assembly, and on conviction suffer fine and imprisonment, or either, as prescribed by this Act, or otherwise by the Laws of the colony, where no such limits are so prescribed. Fine not less than five nor above fifty pounds, and imprisonment not exceeding one month, or fine or imprisonment.

The like offences, when committed by Slaves, how to be punished.

53.—And be it further enacted by the authority aforesaid, that all fines, penalties, and forfeitures, to be imposed, levied, or received, in pursuance of the enactments and provisions of this Act, excepting only as to such fines, penalties or forfeitures, or any parts of the same which are hereinbefore directed to be otherwise applied or appropriated, shall be paid into the treasury of these said islands, in aid of the support of his Majesty's government within the same, in such manner as may be designated by some Act or Acts of the General Assembly of these islands and not otherwise.

Penalties, fines, and forfeitures, how to be applied.

54.—And be it further enacted by the authority aforesaid, that in all cases in which, according to the provisions of this Act, or of the first above-recited Act, to which this Act is an amendment, any affidavits, oaths, examinations, or depositions under oath, as in the case of witnesses on trials, of fact, or otherwise, are required or allowed to be administered, taken, or sworn to the people called Quakers, shall be permitted to substitute their solemn affirmation in the place of all such oaths, anything in this Act contained to the contrary notwithstanding: Provided however, that any such person so affirming to that which the person so affirming does not at the time of such affirmation know to be true, shall be held guilty of wilful and corrupt perjury; on conviction thereof shall suffer the pains and penalties of wilful and corrupt perjury, and be liable to all the disabilities legally consequent upon such conviction: And provided also that no such affirmation shall be received in evidence in any trial for any offence for which the person tried would on conviction be liable to suffer death.

Quakers may substitute their solemn attestation in place of an oath.

False affirmation deemed perjury.

55.—And be it further enacted by the authority aforesaid, that when any person or persons whatsoever, shall or may be sued at law for anything done by the authority, or in pursuance of this Act, or of any of the provisions of the same, or of the provisions of the first above-recited Act, to which this Act is an amendment, the party defendant may plead the general issue, and under that issue give this Act, and any special matter in evidence; and when in any such suit judgment shall pass for the party defendant, or the party plaintiff shall be nonsuited, or discontinue his, her, or their action in the premises, the party defendant shall be entitled to double costs.

Persons sued for any thing done under this Act, or the Act to which this is an amendment, may plead the general issue, &c.

56.—And be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, all such part and parts, section and sections, clause and clauses, provision and provisions, passages and enactments of the said first-above recited Act, to which this Act is an amendment, and of every other Act and Acts of the General Assembly of these islands, inconsistent with this Act, or any of the enactments and provisions of the same,

All parts and sections, clauses and provisions of the Act to which this is an amendment, and of all other Acts inconsistent with this Act, or any of the provisions of it, are hereby suspended.

or which may in any manner be construed to contravene the same, either wholly or in part, be, and the same are hereby declared to be, suspended for and during the continuance of this Act.

Duration of the Act,
until 28th Jan. 1829,
and from thence, &c.

57.—And be it further enacted by the authority aforesaid, that this Act shall be and continue in force from and after the passing thereof until the twenty-eighth day of January, which will be in the year of our Lord one thousand eight hundred and twenty-nine, and from thence to the end of the then next session of General Assembly, and no longer.

Passed the House of Assembly,
15th December, 1826,
L^s KERR, Speaker.

Passed the Legislative Council,
19th December, 1826,
P. BROWN, President.

Assented to the 22d day of December, 1826.

WM. VESEY MUNNINGS.

A. B. }
v. } Trespass on the case.
C. D. }

General Court, Hilary, 7th Geo. IV.

THE above-named plaintiff, A. B., being duly sworn, saith that the following Slaves, the alleged property of E. F., of the Island of Elenthera, planter, as this deponent is advised and believes, are material witnesses on this deponent's behalf in the above cause, namely, G. H. place of abode, governor's harbour at Elenthera aforesaid, colour black, sex male, and about thirty years of age; also J. K., same place of abode, same colour, same sex, and about twenty-eight years of age; and also L. M., same place of abode, a Mulatto, sex female, and about twenty-two years of age; as the said three several Slaves are registered in the office of the clerk of the crown of these islands, as being competent to give evidence in the several courts of the same, in pursuance of the act of Assembly in that case made and proved; and the deponent on his said oath further saith, that he doth not require the evidence of more than two of the said Slaves, to any one point at issue, in the above cause, or the evidence of any one of them, to any point, matter, or thing, concerning which the said Slaves, or any of them, as this deponent is advised and verily believes are legally incompetent to give evidence, on any account whatsoever.

(Signed) A. B.

Sworn to this day of
A. D., 1826.

Before me,

(Signed) N. P., Prothonotary.

A true copy from the original Act,

(Signed) J. NESBITT, Secretary.

“An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes.”

(January 28th, 1824.)

Preamble.

WHEREAS it is expedient that the laws which from time to time have been enacted for the government of Slaves should be amended, consolidated, and brought into one Act, and other provisions made for their protection and the promoting of their moral and religious instruction, and by means thereof, their general comfort and happiness, so far as is consistent with due order and subordination, and the well being of this colony: 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, the Council and Assembly of your Majesty's Bahama 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 the hereinafter-mentioned laws and clauses, and parts of laws,