

Barbadoes.

AN ACT to remove certain Restrictions affecting the Testimony of SLAVES.

(June 1831.)

WHEREAS by the Third Clause of an Act, intituled, "An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act the several Laws relating thereto, and for the better order and government of Slaves, and for giving them further Protection and Security, for altering the Mode of Trial of those charged with Capital and other Offences, and for other purposes;" it is required that all Slaves appearing as witnesses in any of the Courts of this Island shall produce a certificate of baptism, and also a certificate from under the hand of a clergyman, setting forth that such Slave has been sufficiently instructed in the principles of the Christian religion adequately to understand the obligation of an oath, and certain other restrictions are by the said Clause imposed upon the Evidence of Slaves: And whereas it is deemed expedient to dispense with such Certificates, and to remove such restrictions; Be it therefore Enacted, by his Excellency Sir James Lyon, Knight Commander of the Most Honourable Military Order of the Bath, Grand Cross of Hanover, Governor and Commander-in-Chief of this Island, Chancellor Ordinary and Vice-Admiral of the same, the Honourable the Members of His Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, the Third Clause of the said Act, intituled, "An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act the several Laws relating thereto, and for the better order and government of Slaves, and for giving them further Protection and Security, for altering the Mode of Trial of those charged with Capital and other Offences, and for other purposes," which passed the Eighteenth day of October One thousand eight hundred and Twenty-seven, shall be and the same is hereby repealed and made void.

Preamble.

Clause 1st.

The 3d Clause of the Consolidated Slave Act repealed.

Clause 2d.

The Evidence of Slaves to be admitted in all Courts, &c. subject to the same regulations as are observed towards any other of His Majesty's subjects;

due regard being had to the credibility of the Witness.

Clause 3d.

The restrictions on Slave Evidence being removed, it is necessary to secure persons likely to be affected thereby.

Any white, free coloured or free black Person charged with a crime not bailable, and such charge sup-

And be it further Enacted, by the authority aforesaid, That Slavery shall hereafter be no bar to the admission of the evidence of persons in that condition, and that all Slaves shall be admitted to give evidence in any of the Courts of this Island, and before any Justice of the Peace, Coroner or other officer, authorised to administer oaths, upon the same terms and subject to the same rules and regulations as any other class of His Majesty's subjects in all things, especially in reference to incompetency from want of sufficient understanding, defect of religious principle, conviction for certain crimes, or interest; due regard being had to the consistency and intrinsic credibility of such Evidence.

AND whereas whilst the restrictions on Slave Evidence are thus removed, every security should be extended to persons likely to be affected by such Evidence, by permitting bail to be taken for capital offences where the charge rests on the testimony of Slaves alone, and particularly, too, when from the situation of Slaves the parties prejudiced by their testimony can have no adequate redress for the wrongs inflicted on them; Be it therefore further Enacted, by the authority aforesaid, That if any white, free coloured or free

ported on Slave Evidence only, the offender may be admitted to bail until regularly tried.

Clause 4th.
Any person charged with a capital offence shall be furnished with a List of the Names of such Slaves as are intended to be examined against him, and also a Copy of the Indictment, eight days previous to the Bill being presented to the Grand Jury; such person paying the officer of the Court 20s. Every person to be tried for murder, &c. shall be defended by Counsel, who, as also the Solicitor of the accused, shall have free access to him or her at all reasonable hours.

Clause 5th.
Subpœna to issue to Owners of Slaves for their attendance as Witnesses.

Any person refusing to produce a Slave as a Witness, to forfeit 10l., to be raised on servants' wages.

Clause 6th.
A Slave committing perjury, and convicted at the Grand Sessions, to be imprisoned, not exceeding Three Months; and if a male, flogged three times during his imprisonment, or worked on the tread-mill; if a female, to be worked on the tread-mill at the discretion of the Court.

Clause 7th.
This Act to be in force for Five Years.

Clause 8th.
This Act not to be in force until his Majesty's pleasure be known.

black person shall be charged with the commission of any crime for which according to law bail cannot be taken, and such charge be supported by the testimony of a Slave or Slaves only, then and in such case it shall and may be lawful for any two Justices of the Peace to admit the offender to bail until he or she can be duly tried for the same, any law to the contrary notwithstanding.

And be it further Enacted, by the authority aforesaid, That in all cases where any person or persons shall be charged with any capital offence, where any Slave or Slaves is or are intended to be brought forward and examined as a Witness or Witnesses for the Crown, such person or persons so charged with such capital offence shall be furnished with a list of such witnesses as are Slaves, with their place of residence, description, and owners' names or name, and also with a true copy of the whole indictment, to be delivered unto him eight days at the least before the Bill of Indictment shall be presented to the Grand Jury, upon such charge; such person or persons paying the officer his reasonable fees for writing thereof not exceeding 20s.; and every person hereafter to be tried for murder or other felony shall be allowed to be defended by Counsel, who shall and may address the Jury in his or her behalf according to the practice heretofore observed in this Island in similar cases, in the same manner as is permitted in cases not capital; and such Counsel, and also the Attorney-at-Law or Solicitor of such accused person or persons, shall have free access to him, her or them, at all reasonable hours.

And be it further Enacted, by the authority aforesaid, That when any person or persons shall require the testimony of any Slave or Slaves before any Court, Judge, Coroner or Justice, a Writ of Subpœna shall and may be issued in the usual manner, by such Court, Judge, Coroner or Justice, directed to the owner or possessor of such Slave or Slaves, or the person under whose immediate charge such Slave or Slaves may be, requiring him or her to bring or produce, or cause to be brought or produced in Court, or before such Judge, Coroner or Justice, such Slave or Slaves, at the time and for the purposes in the said Writ mentioned; and if the person to whom such Writ may be directed, shall wilfully neglect or refuse to produce such Slave or Slaves, on proof of the same having been served on him or her by some competent person, he or she shall forfeit the sum of Ten Pounds, current money, to the uses of the Island, to be levied and raised as in the case of servants' wages, by warrant from the said Court, Judge, Coroner or Justice.

And be it further Enacted, by the authority aforesaid, That if any Slave shall commit perjury before any Court, Judge, Coroner or Justice of the Peace, he or she shall, upon conviction thereof, at the Court of Grand Sessions, be punished by imprisonment, not exceeding Three Months; and if the offender be a male, he shall also be whipped, not exceeding three times during the period of his imprisonment, and not exceeding 99 stripes at each whipping, or be worked on the tread-mill during his imprisonment; and if the offender be a female, she shall be worked on the tread-mill during her imprisonment, at the discretion of the Court.

And be it further Enacted by the authority aforesaid, That this Act be and continue in force for the period of Five Years, and no longer.

Provided always, and be it further Enacted by the authority aforesaid, That this Act shall not be in force until His Majesty's pleasure on the same shall be known.

Read three times, and passed the Council the 17th day of May 1831.

(signed) *W. Husbands,*
D. Clerk of the Council.

(signed) *James Lyon.*

Read three times, and passed the General Assembly this 26th day of April 1831.

(signed) *John Mayers,*
Clerk of Gen^l Assembly.

Passed 1st June 1831.

Assented to by his Excellency the Governor, on the 1st day of June 1831.
(signed) *W. Husbands,* D. Secretary.

A (true Copy.)

Attested this 2d day of June 1831.

(signed) *W. Husbands,* D. Secretary.