

GRENADA.

Enclosure 2, in No. 19.

AN ACT to repeal the Forty-seventh Clause of an Act, intituled " An Act to consolidate all the Laws now in force relating to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases," and also two certain Acts, intituled " An Act to amend an Act, intituled, An Act to consolidate all the Laws now in force relating to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of Slaves for and against Slaves ;" and " An Act to amend and explain an Act, intituled, An Act to amend an Act, intituled, An Act to consolidate all the Laws now in force relating to the Slave Population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of Slaves for and against Slaves," and for the admission of the testimony of Slaves in all cases without restriction.

Preamble.

WHEREAS by the forty-seventh clause of an Act, intituled, " An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases," it is enacted, " that when any person shall be charged or accused of the crimes of murder, felony, or other offence which, under the laws now in force, shall subject any person or persons to suffer death or transportation, it shall and may be lawful to examine as a witness or witnesses, on his her or their corporal oath or oaths, any slave or slaves before any judge, justice of the peace, grand jury or petty jury, in any court within these islands having cognizance of such crimes, provided that the slave or slaves produced as a witness or witnesses, shall produce before such judge, justice of the peace, or the court to which such grand jury or petty jury are summoned, a certificate of his her or their baptism, under the hand of the clergyman of the parish in which he she or they shall have been resident at the time of his her or their baptism, or an extract of the entry of such baptism from the registry of such parish or cure, and also a certificate under the hand of a clergyman, or of the proprietor, or attorney of the proprietor, of such slaves produced as a witness or witnesses, that such slave or slaves is or are of good character and repute, and that he she or they has or have been so far instructed in the principles of religion, as, in the judgment of the party certifying, adequately to understand the nature and obligation of an oath ; and provided also, that if, on examination by the court before which such slave or slaves is or are produced as a witness or witnesses, the court shall be satisfied with such certificates, and of the accuracy of the facts therein certified ; and provided also, and it is thereby expressly declared, that no white or free person shall be convicted of any of the crimes aforesaid, on the testimony of any slave or slaves, unless two of the slaves produced as witnesses shall clearly and consistently with each other depose to the same fact, act or circumstance ; and also unless such testimony shall be corroborated by circumstantial evidence, to the satisfaction of the court and jury ; and provided that no white or free person shall be convicted of any of the crimes aforesaid, on the testimony of any slave or slaves, unless the person or persons be charged and prosecuted for the same crime or crimes within twelve months after the commission thereof: And it is thereby also enacted, that the clergyman of each parish within these islands, and in the island of Carriacou, shall, under the penalty of ten pounds for each name omitted, enter into a book to be kept for the purpose, the names of such slave or slaves, and the estate or owner to whom such slave or slaves shall belong, as such clergyman shall baptize ; and shall and he is thereby required to give each slave so baptized a copy of such entry, which shall be lodged in the register's office for registration, in a book to be kept for that purpose ; and in default of such registration, no certificate shall be deemed valid ; and that each and every slave omitting to register the certificate shall, during the time the certificate remains unregistered, be disqualified to give evidence before any judge, justice of peace, grand jury, or petty jury, in any court within these islands : " And whereas by an Act, intituled, " An Act to amend an Act, intituled, an Act to consolidate all the laws now in force relating to the
slave

slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of slaves for and against slaves," reciting the said forty-seventh clause of the said Act, and that it might happen that the crime of murder, felony, or other offences, might be committed by slaves when no other persons than slaves were present, who might be incompetent witnesses by reason of their not being able to produce such certificate or certificates, extract or extracts as aforesaid, by means whereof slaves, as well as other persons, might be exposed to many grievous wrongs, and justice might be evaded: for remedy whereof it is thereby enacted, that "when any slave or slaves shall be charged or accused of the crime of murder, felony, misdemeanor, or other offence whatsoever, any slave or slaves shall be a competent witness or witnesses to give evidence in any such case before any justice or justices of peace, or before any court or other tribunal having cognizance of such crime of murder, felony, misdemeanor, or other offence as aforesaid, notwithstanding such slave or slaves should not produce before such justice or justices of peace, or before such court or tribunal as aforesaid, any of the certificates or extracts, or other documents, required in and by the said in part recited Act, to be produced in other cases:" And whereas by an Act, intituled, "An Act to amend and explain an Act, intituled, An Act to amend an Act, intituled, An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of slaves for and against slaves," it is enacted, that "in all cases of trial or examination of slaves for any crime or offence whatever, before any court, judge, justice of peace, or other tribunal or authority whatsoever, every slave shall be deemed a competent witness, and be admitted as such for and against any other slave, without being possessed of, or ever having obtained or registered any of the certificates, extracts or documents, required in aid by the said Act, intituled, An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases," and the production and registration of such certificates, extracts or documents, as are required to be produced and registered in and by the said last hereinbefore recited Act, shall, in all cases of the trial and examination of slaves, be deemed and are thereby declared unnecessary:" And whereas it is advisable that the said forty-seventh clause of the said hereinbefore first recited Act, and the said last hereinbefore recited Acts, should be repealed, and that slaves should be admitted to be competent witnesses to be examined in all cases without any restriction:

Be it enacted therefore by his Excellency the Governor, the Members of His Majesty's Council, and the Representatives of the People of these Islands in General Assembly convened, and it is hereby enacted by the authority of the same, that from and after the publication of this Act, the said forty-seventh clause of the said Act, intituled "An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases;" and the said two several Acts, intituled respectively, "An Act to amend an Act, intituled, An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of slaves for and against slaves;" and an Act, intituled, "An Act to amend and explain an Act, intituled, An Act to amend an Act, intituled, An Act to consolidate all the laws now in force relating to the slave population, for making more effectual provision for their maintenance and protection, and for the admissibility of their testimony in certain cases, in so far as relates to the admission of the evidence of slaves for and against slaves;" and every matter and thing therein contained shall be and the same are hereby repealed, and declared null and void.

And be it enacted by the authority aforesaid, that in all trials and examinations whatsoever, whether in civil or criminal cases, it shall and may be lawful to examine as a witness or witnesses, upon his, her or their corporal oath or oaths, any slave or slaves within the said Island of Grenada and its dependencies, in any court, and before any judge, justice of the peace, grand jury or petit jury, or other tribunal or

Clause 1.

47th Clause of Consolidated Slave Act, and two Acts for amending and explaining same repealed.

Clause 2.

Evidence of slaves admitted on all trials and examinations whatsoever, whether in civil or criminal cases, in the same manner in every respect as free persons

are by law admitted as witnesses, without any restriction whatever arising from their being slaves.

Proviso, That no execution shall take place in any capital criminal case wherein conviction takes place on testimony of slaves alone until case be submitted to and receive approval of governor and council.

Clause 3.

Justices, before whom convictions shall take place required to report same to governor within 24 hours from time of passing sentence, together with their opinion as to finding of jury.

Clause 4.

In all cases where any person is charged with any capital crime where slaves are intended to be examined as witnesses for the Crown, person so charged to be furnished with list of such witnesses as are slaves, with their place of residence, description

authority whatever having cognizance of such cases, in the same manner in every respect as free persons are by law admitted and received as witnesses by and before any such courts, judges, justices, jurors, or other tribunals aforesaid, without any restriction whatever arising from their being slaves; any law, usage or custom to the contrary in anywise notwithstanding: Provided always, that no execution shall take place in any capital criminal case, wherein conviction hath taken place upon the testimony of a slave or slaves alone, until the said case shall have been laid before the Governor or Commander-in-Chief in Council, and shall have received his and their approval and confirmation.

And be it enacted by the authority aforesaid, that the chief justice or other justice or justices before whom such trial and conviction shall have taken place, shall report the same to the Governor or Commander-in-Chief for the time being, within twenty-four hours from the time of passing sentence of death or transportation on the person or persons so capitally convicted, together with his or their opinion as to the finding of the jury.

And be it also enacted by the authority aforesaid, that in all cases where any person shall be charged with any capital crime, 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 owner's names or name, at least four days before any bill of indictment shall be presented to the grand jury upon such charge.

Passed Council,
19th Nov. 1828.

Passed the Council, this 19th day of November 1828.

(signed) *W. A. Horne,*
Acting Clerk of Council.

Passed Assembly,
21st Nov. 1828.

Passed the Assembly, this 21st day of November 1828.

(signed) *John Ch. Ker,*
Clerk of Assembly.

Dated,
24th Nov. 1828.

Dated at the town of St. George in the said Island of Grenada, this 24th day of November, in the year of our Lord 1828, and in the ninth year of His Majesty's reign.

(signed) *Dan. Gibbs,* Speaker.

Assent,
24th Nov. 1828.

Assented to by his Excellency the Governor and Commander-in-Chief, this 24th day of November, in the year of our Lord 1828, and in the ninth year of His Majesty's reign.

(signed) *W. A. Horne,*
Acting Clerk of Council.

Published,
24th Nov. 1828.

Duly published in the town of St. George in the said Island of Grenada, this 24th day of November, in the year of our Lord 1828, and in the ninth year of His Majesty's reign.

(signed) *John Douglas,*
Acting P. M. G.

(signed) JAMES (L. M. S.) CAMPBELL.