

*Berrima Jury Lists.***No. XVI.**

An Act to allow the Aboriginal Natives of New South Wales to be received as competent Witnesses in Criminal Cases. [8th October, 1839.]

ABORIGINALS COMPETENT WITNESSES.

WHEREAS it is found expedient and necessary for the purposes of Justice and the more effectual prosecution of crimes and misdemeanors that the evidence of the Aboriginal Natives of the Colony of New South Wales should be receivable in all Courts of Criminal Jurisdiction And whereas they have not at present any distinct idea of religion or fixed belief in a future state of rewards and punishments and therefore cannot be admitted as competent witnesses in any Court of Law without the authority of the Legislature of the said Colony Be it enacted by the Governor of said Colony with the advice of the Legislative Council thereof That every Aboriginal Native or any Half-caste Native brought up and abiding with any tribe of Aboriginal Natives of the said Colony shall be permitted to make an affirmation or declaration to tell the truth the whole truth and nothing but the truth or in such other form as may be approved of by the Court instead of taking an oath in any criminal proceedings that shall be instituted in said Colony and that the evidence so given shall be of so much weight only as corroborating circumstances may entitle it to and if any such Aboriginal Native making such affirmation or declaration shall be lawfully convicted wilfully falsely and corruptly to have affirmed or declared any matter or thing which if the same had been on oath in the usual form would have amounted to wilful and corrupt perjury he or she shall incur the same penalties and forfeitures as by the laws and statutes of England are enacted against persons convicted of wilful and corrupt perjury any law statute or custom to the contrary notwithstanding.

Preamble.

Aboriginal or Half-caste Natives to make affirmation or declaration instead of an oath in all criminal proceedings.

Evidence so given to have such weight only as corroborating circumstances may entitle it to.

Aboriginal Natives making false affirmation or declaration subject to like pains and penalties as for wilful and corrupt perjury.

2. And be it enacted That this Act shall not commence or take effect until the same shall have received the Royal approbation and the notification of such approbation shall have been made by His Excellency the Governor for the time being in the *New South Wales Government Gazette.*

This Act not to take effect until the same shall have received the Royal Assent.