

C H A P. VI.

An ACT to fix the times and places of holding the Courts of General Quarter Sessions of the Peace within the several Districts of this Province.

WHEREAS it is necessary to fix the times and places for holding the courts of general sessions of the peace within the several districts in this province; Be it enacted by the king's most excellent majesty, by and with the advice and consent of the legislative council and assembly, of the province of Upper-Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great-Britain, entitled an act to repeal certain parts of an act, passed in the fourteenth year of his majesty's reign, entitled, "An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province," and by the authority of the same, That from and after the passing of this act, the several courts of general sessions of the peace within this province, respectively, shall commence and be holden at the times and places hereinafter mentioned, yearly and in every year, that is to say—

That the courts of general quarter sessions of the peace for the Eastern district of this province shall commence and be holden in New Johnston, on the second Tuesday in the month of October, and on the second Tuesday in the month of April; and in the town of Cornwall, on the second Tuesday in the month of January, and on the second Tuesday in the month of July.

Time & place of holding the quarter sessions in the Eastern district.

In the Midland district.

II. *And be it enacted*, That the courts of general quarter sessions of the peace for the Midland district of this province, shall commence and be holden in Adolphus town on the second Tuesday in the month of July, and on the second Tuesday in the month of January; and in Kingston on the second Tuesday in the month of April, and on the second Tuesday in the month of October.

In the Home district.

III. *And be it enacted*, That the courts of general quarter sessions of the peace for the Home district of this province, shall commence and be holden in the town of Newark, on the second Tuesday in the month of July, on the second Tuesday in the month of October, on the second Tuesday in the month of January, and on the second Tuesday in the month of April.

In the Western district.

IV. *And be it enacted*, That the courts of general quarter sessions of the peace for the Western district of this province, shall commence and be holden in the town of Detroit, on the second Tuesday in the month of July, on the second Tuesday in the month of October, on the second Tuesday in the month of January, and on the second Tuesday in the month of April.

Special sessions at Michilimackinac.

V. *And be it further enacted*, That a court of special sessions of the peace shall commence and be holden, yearly and in every year, in the town of Michilimackinac, on the second Tuesday in the month of July.

C H A P. VII.

An ACT to prevent the further introduction of Slaves, and to limit the Term of contracts for Servitude within this Province.

WHEREAS it is unjust that a people who enjoy freedom by law should encourage the introduction of slaves, and whereas it is highly expedient to abolish slavery in this province, so far as the same may gradually be done without violating private property; Be it enacted by the king's most excellent majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper-Canada, constituted and assembled, by virtue of and under the authority of an act, passed in the parliament of Great-Britain, entitled an act to repeal certain parts of an act passed in the fourteenth year of his majesty's reign, entitled, "An act for making more effectual provision for the government of the province of Quebec,

Preamble.

in North America, and to make further provision for the government of the said province," and by the authority of the same, That from and after the passing of this act, so much of a certain act of the parliament of Great-Britain, passed in the thirtieth year of his present majesty, entitled, "An act for encouraging new settlers in his majesty's colonies and plantations in America," as may enable the governor, or lieutenant governor of this province, heretofore parcel of his majesty's province of Quebec, to grant a licence for importing into the same any Negroe or Negroes, shall be, and the same is hereby repealed; and that from and after the passing of this act, it shall not be lawful for the governor, lieutenant governor or person administering the government of this province, to grant a licence for the importation of any negroe, or other person to be subjected to the condition of a slave, or to a bounden involuntary service for life into any part of this province; nor shall any negroe, or other person who shall come or be brought into this province after the passing of this act, be subject to the condition of a slave, or to such service as aforesaid, within this province, nor shall any voluntary contract or indenture of service that may be entered into by any parties within this province, after the passing of this act, be binding on them, or either of them, for a longer time than a term of nine years from the day of the date of such contract.

II. *Provided always*, That nothing herein contained shall extend, or be construed to extend to liberate any negroe, or other person subjected to such service as aforesaid, or to discharge them or any of them from the possession of the owner thereof, his or her executors, administrators or assigns, who shall have come or been brought into this province, in conformity to the conditions prescribed by any authority for that purpose exercised, or by any ordinance or law of the province of Quebec, or by proclamation of any of his majesty's governors of the said province for the time being, or of any act of the parliament of Great-Britain, or shall have otherwise come into the possession of any person, by gift, bequest or *bona fide* purchase before the passing of this act, whose property therein is hereby confirmed, or to vacate or annul any contract for service that may heretofore have been lawfully made and entered into, or to prevent parents or guardians from binding out children until they shall have obtained the age of twenty-one years.

III. And in order to prevent the continuation of slavery within this province, *Be it enacted by the authority aforesaid*, That immediately from and after the passing of this act, every child that shall be born of a negro mother, or other woman subjected to such service as aforesaid, shall bide and remain with the master or mistress, in whose service the mother shall be living at the time of such child's birth (unless such mother and child shall leave such service, by and with the consent of such master or mistress) and such master or mistress shall, and is hereby required to give proper nourishment and cloathing to such child or children, and shall and may put such child or children to work, when he, she or they shall be able so to do, and shall and may retain him or her in their service until every such child shall have attained the age of twenty five years, at which time they and each of them shall be entitled to demand his or her discharge from, and shall be discharged by such master or mistress, from any further service. And to the end that the age of such child or children may be more easily ascertained, the master or mistress of the mother thereof, shall and is hereby required, to cause the day of the birth of every such child as shall be born of a negroe or other mother subjected to the condition of a slave, in their service as aforesaid, to be registered within three months after its birth, by the clerk of the parish, township or place wherein such master or mistress reside, which clerk shall be authorized to demand and receive the sum of one shilling, for registering the same. And in case any master or mistress shall refuse or neglect to cause such register to be made, within the time aforesaid, and shall be convicted thereof, either on his or her confession, or by the oath of one or more credible witness, or witnesses, before any justice of the peace, he or she

Recital of act
30 Geo. III.

the same in
part repealed.

Provisions a-
gainst the fur-
ther introduc-
tion of slaves,

term of servi-
tude by con-
tract limited.

The owners of
slaves at pre-
sent within the
province, con-
firmed in their
property
therein.

nothing herein
to extend to
contracts for
service alrea-
dy made, nor to
parents or
guardians.

The children
that shall be
born of female
slaves, to re-
main in the
service of the
owner of their
mother until
the age of 25
years, when
they shall be
discharged.

birth of the
children of
slaves to be re-
corded-

penalty for
neglecting or
refusing to re-
cord the same.

shall, for every such offence, forfeit and pay the sum of five pounds, to the public stock of the district.

remedy against
the undue de-
tention of such
children.

provision for
the issue of the
children of
slaves.

Security to be
given on libe-
rating a slave.

IV. *And be it further enacted by the authority aforesaid,* That in case any master or mistress shall detain any such child born in their service as aforesaid, after the passing of this act, under any pretence whatever, after such servant shall have attained the age of twenty-five years, except by virtue of a contract of service, or indentures, duly and voluntarily executed, after such discharge as aforesaid, it shall and may be lawful for such servant to apply for a discharge to any of his majesty's justices of the peace, who shall and is hereby required thereupon to issue a summons to such master or mistress, to appear before him to shew cause why such servant should not be discharged, and the proof that such servant is under the age of twenty-five years, shall rest upon and be adduced by the master or mistress of such servant; otherwise it shall and may be lawful for the said justice to discharge such servant from such service as aforesaid. Provided always, That in case any issue shall be born of such children, during their infant servitude, or after, such issue shall be entitled to all the rights and privileges of free born subjects.

V. *And be it further enacted,* That whenever any master or mistress shall liberate or release any person subject to the condition of a slave from their service, they shall at the same time give good and sufficient security to the church or town wardens of the parish or township where they live, that the person so released by them shall not become chargeable to the same, or any other parish or township.

C H A P. VIII.

An ACT to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof.

Preamble.

Constitution &
jurisdiction of
the court of
probate.

WHEREAS it is expedient to establish a court for the purpose of granting probate of wills and committing letters of administration of the goods of persons dying intestate, having personal estate within this province, Be it enacted by the king's most excellent majesty, by and with the advice and consent of the legislative council, and assembly of the province of Upper-Canada, constituted and assembled, by virtue of, and under the authority of an act passed in the parliament of Great-Britain, entitled an act to repeal certain parts of an act, passed in the fourteenth year of his majesty's reign, entitled, "An act for making more effectual provision for the government of the province of Quebec, in North-America, and to make further provision for the government of the said province," and by the authority of the same, That there be constituted and established, and there is hereby constituted and established, a court with full power and authority to issue process and hold cognizance of all matters relative to the granting of probates, and committing letters of administration, and to grant probates of wills, and commit letters of administration of the goods of persons dying intestate, having personal estate, rights and credits within this province, to be called and known by the name of the Court of Probate of the province of Upper-Canada, and that the governor, lieutenant-governor, or person administering the government thereof, shall preside in the said court, to hear, give order or decree, or pronounce judgment in all questions, causes or suits that may be brought before him, relative to the matters aforesaid, and that for such purpose he may from time to time, when he shall be so disposed, call such person or persons as he shall think proper to be assessor or assessors with him, and that it shall and may be lawful for the governor, lieutenant-governor, or person administering the government in this province, to nominate and appoint from time to time, an official principal of the court together with a register and such officers as may be necessary for the exercise of the jurisdiction to the said court belonging.

II. *And whereas it will be convenient for the inhabitants of this province to be enabled to*