

admitted that the slaves have in many instances controverted this right, and have been manumitted, or indented themselves voluntarily to serve for a term of years upon condition of being discharged at the expiration of it.

The question is now for the first time brought forward for a legal decision in this Court.

Its merits have never yet been discussed nor any determination had upon it. No Act of Assembly has ever passed in this Province in the smallest degree recognizing any such custom or condition as slavery. On the other hand, the general opinion, if that were of any consequence, I believe I may venture to assert, is against its admission or toleration here.

Will it be contended because Indians and Negroes were made slaves in Barbadoes and Virginia, in the last century and laws were made there establishing this condition, that that custom and those laws are binding here?

Will the existence of such a custom and such laws in any other of the English Colonies, render them binding here?

It may as well be asserted that the local laws and customs of those Colonies in every other instance, and respecting every other object, are in force here.

But perhaps it will be said that the laws and customs of Nova Scotia are binding here, and that slavery is recognized by the laws of that Province.

I deny their existence in that Province. There is no Act of Assembly of that Province recognizing any such state or condition there, nor do we know of any decision of their Supreme Judicial Court upon the point. The presumption is violent that there has been none, and that the practice there has been the same that has obtained in this Province.

But it must be observed that whatever number of slaves may have been brought to that or this Province, and continued in a state of servitude, this will not affect the right, any more than the same practice in England, before the case of *Somerset* was determined; at the time of which decision there were 14,000 or 15,000 slaves of the same description in different parts of the Kingdom.

Had the condition of slavery been recognized as lawful in that Province, there would have been regulations, remedies and powers provided by Acts of Assembly, as in the other Colonies, when slavery was established or recognized. Therefore, as was said by Mr. Hargrave, in the case of *Somerset*, "The most violent presumption against it is the silence of the laws, were there nothing more."

But, even admitting there had been a decision of the Supreme Court of Nova Scotia in support of slavery, such a decision could be no more binding here than any other decision they may have made upon any other question.

If, however, the existence of the custom of slavery in Nova Scotia is material to the establishment or support of slavery in this Province, it is indispensably necessary it should be proved.

When this shall be proved, the next inquiry will be into the legality of it. Upon inquiry, I am well informed that an attempt was once made in the House of Assembly of Nova Scotia to introduce a clause of the kind into a bill for the regulation of servants, but that it was rejected by a great majority. That agreeably to the practice which formerly obtained in cases of villenage in England, a summary decision of the question of slavery in that Province has always been resisted, and the party claiming the slave has been put to his action, and that several trials have been had in which the jury has decided against the masters, which have so discouraged them that a limited