

# NORTH TO BONDAGE

LOYALIST SLAVERY IN THE MARITIMES

HARVEY AMANI WHITFIELD



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## RAN AWAY

**F**ROM the subscriber living at the Nashwakthis, in the county of York, between the 15th and 21st days of this instant July, the following bound Negro slaves, viz. ISAAC about 30 years old, born on Long Island near New-York, had on when he went away, a short blue coat, round hat and white trowsers. BEN, about 35 years old, had on a Devonshire kersey jacket lined with Scotch plad, corduroy breeches, and round hat. FLORA, a Wench about 27 years old, much pitted with the small-pox, she had on a white cotton jacket and petticoat. ALSO NANCY about 24 years old, who took with her a Negro child about four years old called LIDCE. The four last mentioned Negroes were born in Maryland, and lately brought to this country.

ALL persons are hereby forbid to harbour any of the above Negroes, and all masters of vessels are forbid to take any of them on board their vessel as they shall answer the consequences. A REWARD of TWO GUINEAS, will be paid for each of the men, and SIX DOLLARS for each Negro woman, by Mr. THOMAS JENNINGS, if taken and deliver'd to him at the city of Saint John, at York Point, and if taken any where else and deliver'd to the said JENNINGS, or to the subscriber in York County, the like reward with all reasonable charges will be paid by the said JENNINGS or the subscriber.

CALEB JONES.

24th JUNE, 1786.

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Slave advertisement, *Royal Gazette* (New Brunswick), 25 July 1786.

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# INTRODUCTION

## SLAVERY IN THE MARITIME COLONIES

**D**URING THE AMERICAN REVOLUTION, Marylander Caleb Jones decided to support the British cause. As a result, he fled the American colonies and eventually settled in New Brunswick with several African American slaves, some of whom tried to escape from him throughout the next thirty years. In March 1786, “a negro man named BEN” left Jones’s service. Jones offered a reward of “Five Dollars” for his capture, and he subsequently found Ben and returned him to slavery.<sup>1</sup> Several months later, in the summer of 1786, five of Jones’s slaves attempted a mass escape:

RAN AWAY FROM the Subscriber living at Nashwakshis, in the county of York, between the 15th and 21st days of this instant July, the following bound Negro slaves, viz. ISAAC about 30 years old, born on Long Island near New-York, had on when he went away, a short blue coat, round hat and white trowsers. BEN, about 35 years old, had on a Devonshire kersey jacket lined with Scotch plad, corduroy breeches, and round hat. FLORA, a Wench about 27 years old, much pitted with small-pox, she had on a white cotton jacket and petticoat. ALSO, NANCY about 24 years old, who took with her a Negro child about four years old called LIDGE. The four last mentioned Negroes were born in Maryland, and lately brought to this country.<sup>2</sup>

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Three decades later, at the age of thirty-four, Lidge tried to escape again. Despite thirty years of bondage, he wanted his freedom. In an advertisement, Jones described him as “under five feet high; broad face and very large lips; brought him from Maryland with my family; he took with him a large CANOE ... He was seen going down the River.”<sup>3</sup> During his lifetime, Lidge went from slavery in Maryland to slavery in New Brunswick, followed by a brief period of freedom, re-enslavement for thirty years, and finally – perhaps – permanent freedom.<sup>4</sup>

The intriguing history of slavery in the Maritimes, such as the story of Lidge, has only recently begun to receive sustained investigation. In part, this lack of interest stems from the popular perception of Canada as the protector of fugitive slaves rather than the home of its own system of slavery.<sup>5</sup> Slavery in Canada is still an uncomfortable subject, as it is in New England and the American North more generally.<sup>6</sup> In her 2007 study, *The Hanging of Angélique*, Afua Cooper notes that slavery “has disappeared from Canada’s historical chronicles, erased from its memory and banished to the dungeons of its past.”<sup>7</sup> More recently, as Ken Donovan points out, various artists, writers, directors, and historians have worked on slavery, but it “is not a significant part of the Canadian historical narrative.”<sup>8</sup> He accurately suggests that exploring Canada’s own system of slavery “goes against the dominant image of Canada as a land of freedom.”<sup>9</sup>

Several excellent studies of slavery and the lives of slaves in Canada have challenged this popular conception, including works by David Bell, Barry Cahill, Ken Donovan, Frank Mackey, Brett Rushforth, and others.<sup>10</sup> Also, historians of the black Loyalists, such as Cassandra Pybus, Simon Schama, and James Walker, have certainly touched on slavery and its role within Maritime society.<sup>11</sup> In 2014, the journal *Acadiensis* published an important forum about Atlantic Canada’s African diaspora. The contributors explore many aspects of slavery by using an interdisciplinary approach with an emphasis on historical archaeology. Catherine Cottreau-Robins ably examines slave life on the New England and Nova Scotia plantations of Loyalist general Timothy Ruggles.<sup>12</sup> Heather MacLeod-Leslie discusses how recent excavations have unearthed various artifacts relating to the slave experience.<sup>13</sup> Lastly, Ken Donovan’s work tackles the subject of sexual violence against slave women in Île Royale, an understudied topic in regional history, despite its prevalence within owner-slave relations.<sup>14</sup> Taken together, these works point the way forward for the study of slavery in the Maritime colonies.

Despite these outstanding efforts, slavery has not become part of the Canadian national narrative. This makes sense because the historiography of Canadian slavery still lacks the basic overviews that have enabled scholars of American

slavery to pursue complicated topics. The field has not produced historical narratives that can compare to the classic works of Kenneth Stampp, Eugene Genovese, and Ira Berlin. Indeed, it is quite telling that the most comprehensive treatment of Canadian slavery is still T.W. Smith's 1899 study.<sup>15</sup> This assessment also holds if we compare scholarly discussions of slavery in New England with their equivalents for the Maritimes. The latter do not rival Lorenzo Greene's seminal *The Negro in Colonial New England* or more recent works by William Pierson, Joanne Pope Melish, and Allegra di Bonaventura.<sup>16</sup> The work of these scholars provides helpful road maps for future studies of Maritime slavery, but first we must get the essential contours of the story correct.

Maritime historians have not examined the slaveholding classes or their occupations, the relations between owners and slaves, or the formation and perpetuation of slavery. They do not know much about female slaves and the gendered division of labour. Further, they know little about the maintenance and retention of African cultures among slaves.<sup>17</sup> Most of the best scholarship about Maritime slavery actually focuses on how the institution ended.<sup>18</sup> This approach is understandable, given the readily available evidence in terms of court cases, but it glosses over the experience of slaves and owners within the context of regional slavery. It also underestimates the role that black people played in freeing themselves from bondage.

These lacunae can be partially explained because Maritime historians do not have rich documentation of the type that exists in parts of the American South and the British Caribbean, such as ledger books, plantation records, diaries, journals, and newspapers and magazines dedicated to slavery issues. There is no Maritime equivalent of the Butler Plantation Papers, Thomas Thistlewood's diary, or the *Southern Agriculturist*. The paucity of historical documentation for slaves in the Maritimes is startling, even in comparison to New England, where researchers have several notable sources. Scholars of New England slavery can use the poignant narratives of Venture Smith and James Mars.<sup>19</sup> In the Maritimes, the narratives deal with the lives of free people of African descent, including David George, Boston King, and John Marrant.<sup>20</sup> There are no Maritime equivalents to New England slave women such as Phillis Wheatley and Elizabeth Freeman. Moreover, the vital information found in Rhode Island slaveholder James MacSparran's letter book or the forty-year diary of Connecticut slave-owner Joshua Hempstead offers insights that Maritime sources regularly hint at (relations between slaves and owners, labour patterns, runaways) but do not necessarily equal in terms of detail about specific slaves.<sup>21</sup> Instead, scattered information must be pieced together through slave advertisements, government documents, bills of sale, colonial

musters, court, probate, and church records, township books, and oral traditions that were passed down to writers who recorded them in the late nineteenth and early twentieth centuries. Of course, the major drawback of these sources is the lack of enslaved black voices, which can be difficult to glean unless carefully ferreted out through a white intermediary. The few times that we hear slaves speak – in court records, diaries, or oral traditions – are extraordinarily enticing but somewhat limited indications of what they thought or said. One way to recover the ideas, thoughts, and feelings of Maritime slaves is through their actions and interactions with their owners, the court system, and each other.<sup>22</sup> These sources are far from perfect, but they do say much about what slaves faced and how they attempted to better their lives. The history of slavery in the Maritimes can be discovered only through finding small mentions of bondage embedded in often fragmentary sources.

This study of slavery in the Maritimes illuminates three interrelated points.<sup>23</sup> First, as a result of the mass migration of approximately thirty thousand people to the Maritimes in the wake of the American Revolution, slaves and owners lived during a time of flux. This mass relocation required both groups to come up with strategies to define and possibly exploit the system to their advantage. Thus, they used the courts and the legislatures to negotiate the categories of slave and free. The battle over slavery also involved the exploitation of black labour, the brutalization of slave women, and the forced separation of black families. Second, Maritime slaves nevertheless retained agency in the making of their own lives. They asserted themselves and their interests by running away, by not working, and by attempting to keep their families together under the most arduous of circumstances. This agency extended to the process of ending slavery in the Maritimes. Judges chipped away at the institution of slavery, but people of African descent initiated the process by absconding at great personal risk. Third, the chief historical legacy of slavery was the emergence of a deeply entrenched and widespread racism. Most whites came to see black people as nothing better than cheap labour (as illustrated by the treatment of the black refugees after the War of 1812). The ultimate result of slavery in the Maritimes was to make race – that is, to define the place and status of black people. If the region could not have slavery, it would certainly have racial ideas that attempted to proscribe their opportunities. Yet, there were two sides to this coin. As a result of the racism and isolation experienced by black people, several self-reliant and independent communities emerged to support themselves against the flood tide of white discrimination. These groups developed family and kinship networks, churches, and community organizations.<sup>24</sup>

In what is the first book-length treatment of slavery in the Maritimes, this study explores the complicated and contingent lives of slaves and owners through an examination of their American background, owner-slave relationships, the legal structure of slavery, and emancipation. Slavery in the Maritimes deserves its own close scrutiny, with the understanding that studying the uniqueness of regional slavery does not minimize its connections to slavery throughout the African diaspora and the Atlantic world. As the work of several historians shows, the Maritimes were closely intertwined by commerce, family connections, politics, immigration, and slavery to the broader trends of New England, northeastern North America, and the British Atlantic.<sup>25</sup> Slavery existed throughout the British dominions and cannot be marginalized or discounted, even in societies with slaves as opposed to slave societies. There is no periphery in the African diaspora. Rather, the experiences of black people in the Maritimes were intimately connected to those of black people throughout the Atlantic world and beyond.<sup>26</sup> Within this diaspora, however, ranging from Jamaica to Nova Scotia to Latin America to Europe, there were widely divergent experiences.<sup>27</sup> In an impressive article, Heather MacLeod-Leslie states,

Atlantic Canada occupies a unique position in the landscapes of the Atlantic World, the African diaspora, the Black Atlantic World, Canada, and northeastern North America. This unique position has fostered a distinctive cultural incarnation, and it is deserving of its own investigation and explanation based on its own evidence. Specifically, while the African diaspora of Atlantic Canada is strongly related to larger patterns, local identity is critical and black Atlantic Canadians deserve to know their past.<sup>28</sup>

The distinctiveness of Maritime slavery and the experiences of black people in the region support Simon Newman's assertion that even "within the British Atlantic World, slavery was defined, enforced, and experienced in dramatically different ways."<sup>29</sup> The uniqueness of Maritime slavery can also tell us more about the divergent lives of people in the Loyalist diaspora. As Edward Gray notes, "loyalism" or "loyalists" might best be understood from a "microhistorical perspective" because these terms have multiple, contested, and contradictory meanings in various contexts. This study of slavery among American Loyalists allows us to grasp "loyalism's finer textures, by illuminating the often miserable experience of individual loyalists and loyalist families."<sup>30</sup>

The major and most salient difference between the Maritimes and other parts of the African diaspora rests on the migration and settlement histories of Loyalists and their slaves. Between 1783 and 1785, a variegated constellation of American slaveries, from East Florida to northern Massachusetts, settled in the Maritimes. Owners and slaves needed to redefine what slavery meant by partially relying on older experiences while confronting new realities of climate, soil, economy, and population. The first years after the Loyalist influx were devoted to defining a system of slavery that was bedeviled by the large contingent of free black Loyalists and the lack of clarity regarding slavery's legal status. The formation and development of Maritime slavery occurred in the crucible of war, migration, and resettlement. What emerged after 1783 connected the Maritime colonies with slavery throughout the African diaspora in terms of work, life, and culture.

The Maritimes were societies with slaves, where the institution of slavery was widespread and racism became increasingly entrenched. It is a mistake, however, to see the region as monolithically dedicated to both slavery and racism. Instead, though slavery remained strong, it was also highly contested by anti-slavery legislators, judges, lawyers, and religious groups (such as the Quakers). The number of slaves increased after the Loyalist influx, but slavery remained legally insecure and somewhat unstable because though it was recognized under common law as a form of private property, it had no statutory basis (such as a slave code) in Nova Scotia or New Brunswick. In Prince Edward Island, an act that dealt with slave baptism gave statute recognition to slavery.<sup>31</sup> The tenuousness of slavery is underlined by the numerous attempts of owners to gain statute protection for the institution (in 1787, 1789, 1801, and 1808 in Nova Scotia, and in 1801 in New Brunswick). They were defeated each time. Yet Maritime slavery lasted until the early 1820s, and owners fought vigorously in the courts and legislatures to protect their human property. These tensions and contestations, between the widespread nature of slaveholding and the increasing power of those who opposed it, make Maritime slavery so compelling to study.

The challenges to slavery in the Maritimes can be understood as part of a growing trans-Atlantic trend. Educated Maritimers kept up with the debates regarding the slave trade, slavery, and court decisions in England and Scotland. The *Nova-Scotia Magazine* published several articles on these subjects, with titles such as "Cursory Remarks on the Commerce in Slaves" and "Manner of Selling Slaves in the West-Indies."<sup>32</sup> The personal correspondence of Virginian John Saunders, later a New Brunswick Supreme Court justice, demonstrates that Loyalists closely followed the 1790s debates

regarding the end of the slave trade.<sup>33</sup> The important court cases *Somerset v. Stuart* (1772) and *Knight v. Wedderburn* (1778) also informed the local debate over slavery. *Somerset* is one of the most celebrated – and disputed – decisions about the abolition of slavery. Charles Stuart brought his slave James Somerset to England from the American colonies and subsequently attempted to force him to go to Jamaica. Somerset refused and sued for his freedom in court. Lord Mansfield decided that Stuart could not make Somerset go to Jamaica after he had been on the free soil of England. As Alan Taylor points out, the decision itself was “technically narrow” but “became broadly interpreted as upholding Sir William Blackstone’s celebrated legal maxim that any slave became free upon setting foot in England, deemed the great land of liberty.”<sup>34</sup> In *Knight*, John Wedderburn purchased Joseph Knight in Jamaica and brought him to Scotland to serve as a domestic slave. Knight absconded and went to court, claiming that Wedderburn had no right to hold him in bondage. Eventually, the case went before Scotland’s highest court, where the judges issued an emphatic decision against Wedderburn, declaring that he had no right to Knight as a slave in Scotland.<sup>35</sup>

Although these cases were not applied to Britain’s American colonies, they did strengthen the arguments of those colonists who opposed slavery. In the Maritimes, the chief justice of the Nova Scotia Supreme Court, Sampson Salter Blowers, was influenced by both *Somerset* and *Knight*, but “the judicial war of attrition against slavery in the province owed more to *Knight v. Wedderburn* than to [*Somerset*].”<sup>36</sup> Writing in 1800, Blowers noted that “the case of *Knight v. Wedderburne* stands on Better reason [than *Somerset*] ... and I doubt whether the determination in the Scotch Case would not be preferred by the Court of Kings Bench in England at this day.”<sup>37</sup> Both Blowers and his predecessor Thomas Strange carefully avoided ruling directly against slavery in Nova Scotia, but they made it almost impossible for the individuals who appeared before them to prove that they possessed legal title to slaves. The *Somerset* and *Knight* decisions, along with the lack of statutory law about slavery in New Brunswick and Nova Scotia, allowed slaves to find and use loopholes to gain their freedom. At the same time, slave-owners could deceive black people by signing them to limited-term indentures or labour contracts but never freeing them or paying their wages (see [Chapter 5](#)). After the Loyalist influx, slavery remained strong in the Maritimes, but it was vulnerable and unstable due to a growing anti-slavery population, the lack of statutory legal protections (something that owners complained about in petitions and letters), and increasingly assertive slaves, who were willing to

run away and challenge their owners in court. Historians should understand slavery in the Maritimes as widespread and strong but also highly contested and faced with multiple challenges.

### THE PROBLEM OF IDENTIFYING SLAVES IN THE SOURCES

The study of post-1783 slavery in the Maritime region must confront two interrelated methodological difficulties. First, due to the ambiguities in the documentation, whether an individual was enslaved is not always clear. Chattel slaves were often called “servants,” a habit that makes it difficult to distinguish between free black servants and those who remained enslaved after arriving in the Maritimes. For example, the Loyalist enumerator for the township of Chester wrote that one James Green had “built a large House, [and] made great improvements on his Land.” He added that Green’s “three Servants are Slaves,” who had helped him develop his property.<sup>38</sup> In recording this fact, the enumerator unwittingly provided the precise status of these three individuals in a small township on the Atlantic Ocean – a rarity among town returns and listings.

Accurately calculating the number of slaves who came to the Maritimes during and after the American Revolution is challenging. The documentation is unclear and sometimes contradictory. The number of slaves in the Maritimes has traditionally been recorded as 1,232.<sup>39</sup> This number is based on Lieutenant Colonel Robert Morse’s return, which was taken in 1784 and is problematic for several reasons.<sup>40</sup> First, it did not include Shelburne, Nova Scotia, where perhaps the greatest number of slaves and their owners originally settled. Second, the racial identity of those whom Morse listed as servant rather than slave is not mentioned; nor did he indicate whether servants were actually chattel slaves.<sup>41</sup> Nevertheless, most of them probably were. British officials probably listed slaves as “servants” to partially forestall the possibility of any future American compensation claims for lost slave property. Methodist minister and historian T.W. Smith argued that black servants and slaves were basically one and the same. Writing in the late nineteenth century, he had access to people who remembered slavery and who offered him oral traditions about it. He also had recourse to documents about slavery that have not survived. According to Smith,

Still-enslaved Negroes brought by the Loyalist owners to the Maritime Provinces in 1783 and 1784 were classed as “servants” in

some of the documents of the day. Lists of Loyalist companies bound for Shelburne, made out, it is probable, under the direction of British officers whose dislike to the word “slave” would lead them to use the alternative legal terms, contain columns for “men, women, children and servants,” the figures in the “servants” column being altogether disproportionate to those in the preceding columns.<sup>42</sup>

Writing in the late 1960s, Robin Winks explains that there “is no way to know how many of the several thousand Negroes in the Maritime provinces were slave and how many were free.” Winks believes that the indiscriminate use of “servant” and “slave” “reflected a growing sensitivity to slavery as a moral and economic issue.”<sup>43</sup> He suggests that though “most ‘servants’ were slaves,” others were either free black children or indentured adults.<sup>44</sup>

The confusion between slaves and servants occurs in several documents. Slaves were routinely referred to as “servants” in wills, runaway advertisements, pamphlets, and personal letters. The title of an 1802 pro-slavery pamphlet referred to “Negro Servitude” (not “Slaves”), but the pamphlet itself contained an in-depth discussion of the legality of slavery in the British Empire generally and Nova Scotia specifically.<sup>45</sup> Moreover, in their 1807 petition to uphold slave legality, some residents of Digby, Nova Scotia, referred to themselves as “Owners of negro servants.”<sup>46</sup> In this case, “servant” was nothing more than a euphemism for “slave.” In his diary, New England Planter Simeon Perkins recorded a “Bill of Indictment for Murder of a Bastard Child, against Rose, a Black Girl, otherwise called Pol. Welch, Servant or Slave to Benjah Collins, Esq.” Perkins could not even identify the status of this “Black Girl” in court.<sup>47</sup> The terms “slave” and “servant” were often used interchangeably.<sup>48</sup>

The documentation concerning slaves is riddled with such ambiguities. In a letter about southern Loyalists, including Lieutenant James Edward Boisseau, William Shaw mentioned that Boisseau’s “servants” had been working on their master’s land at Country Harbour. Boisseau came from South Carolina and brought five black “servants” whose lack of surnames suggests that some of them were slaves.<sup>49</sup> Some colonial musters list individuals as possessing servants, whereas in fact they owned slaves. According to the muster of Loyalist settlers in Annapolis County, John Ryerson had two “servants” who were over the age of ten.<sup>50</sup> It seems evident that they were slaves, because in the Book of Negroes (a listing of black people whom the British had evacuated from New York), three blacks named Priscilla, Tom, and Sam were given as “John Ryerson’s property proved.”<sup>51</sup> Without this document, the status of Ryerson’s so-called servants might not be clear.

Similarly, John Polhemus (eventually one of the largest slaveholders in early-nineteenth-century Nova Scotia) had two “servants,” according to the Loyalist settlement returns. Yet in the Book of Negroes, these two (Mary and an infant) were listed as “Property of Capt. Polhemus.”<sup>52</sup> Further examples are not hard to find. According to the muster of Loyalists at Dartmouth, Bethaser Creamer had four black “servants” named Ben, Pompey, Mary, and Sarah. But the Book of Negroes lists the “Property of Bethaser Creamer” as including Ben, Sarah, and Mary. Gabriel Purdy initially settled in Clements, Nova Scotia, with five “servants,” four of whom were over the age of ten. The Book of Negroes reveals that Purdy was their owner and that the person who was under age ten was the three-year-old son of his slave Belinda.<sup>53</sup> In another township, a few individuals who were recorded as servants, such as Thom Webster, were probably white, but many “servants” were black and they lacked a surname, including Bristol, William, Nanny, Stafford, Collins, Harry, Cesar, and Alexander.<sup>54</sup> These so-called servants were probably slaves. The return for Belle Vue has a column for servants, whose names – such as William Kelly, John Wilson, and Anne Rogers – clearly indicate that they were white. The same column contains a separate section for “Negroes.” The names of these African Americans included Betty, Joe, Isaac, Sylvia, and Amy Ash.<sup>55</sup> They were probably enslaved.

The problem of distinguishing between slaves and servants, along with a paucity of evidence, makes calculating the numbers of Maritime slaves particularly difficult. Most recently, Ken Donovan estimates that there were “at least 2,000 slaves throughout mainland Nova Scotia and New Brunswick.”<sup>56</sup> In her seminal work, Maya Jasanoff suggests that “a conservative estimate of the number of loyalist-owned slaves [in British North America] would stand at around 2,000.”<sup>57</sup> Historians of New Brunswick estimate that the population of the Saint John area included “at least 500 black slaves.”<sup>58</sup> In Nova Scotia, about 15 percent of Loyalist migrants to Shelburne (1,312 of 8,896) and 16 percent of migrants to Annapolis (397 of 2,530) were “servants” (though the number of servants listed for Annapolis seems unrealistically low). In Saint John, 11 percent of the settlers were “servants” (1,578 of 14,162). There were certainly black slaves in various parts of the Maritimes, such as Fredericton, Halifax, Amherst, Prince Edward Island, Cape Breton, and other areas. They probably numbered between 1,500 and 2,000 at the outset of Loyalist settlement, though their numbers were reduced within a few years due to outmigration back to the United States but could have been as many as 2,500 (see Appendix A: Slave Numbers).<sup>59</sup>

## RE-ENSLAVEMENT AND THE LIMITS OF FREEDOM

The second methodological problem is that free blacks regularly suffered re-enslavement, and some slaves were able to gain their freedom by challenging their legal status in court. A black individual could begin her sojourn in Nova Scotia as a free person, be re-enslaved, and eventually regain her freedom or be sold to a buyer in the Bahamas or the West Indies.<sup>60</sup> Re-enslavement of free blacks occurred throughout the Loyalist diaspora, especially in the Bahamas and the Maritimes. In the Bahamas, wrongful enslavement reached high enough proportions that the governor (Lord Dunmore) initiated a series of courts in which black people could present evidence that they were legally free.<sup>61</sup> Re-enslavement followed a similar course in both the Bahamas and the Maritimes – white Loyalists destroyed freedom papers and sold individuals into slavery in the West Indies. Lord Dunmore noted that

the Negroes, who came here from, America, with the British General's Free Passes, [are] treated with the unheard of cruelty, by *men* who call themselves *Loyalists*. Those unhappy People after being drawn from their Masters by Promises of Freedom, and the Kings Protection, are every day stolen away from these Islands, shipped, and disposed of, to the French at Hispaniola.<sup>62</sup>

The potential for re-enslavement was exacerbated because even the Book of Negroes listed free blacks as being in the “possession” of a white Loyalist.<sup>63</sup> Obviously, this made them vulnerable to re-enslavement or sale to the West Indies. The sliding scales of slavery and freedom defy and challenge historians to acknowledge the textured and multilayered experiences of free blacks and slaves in the Maritime colonies. The line between slaves and servants could be ambiguous and easily manipulated. During the evacuation of New York, for instance, British officials recorded that Samuel Ives had been “sold to Captain Grayson by Jonathan Eilbeck of New York who it does not appear had any right to sell him as he was the property [of] Capt. Talbot of Virginia from whence he was brought by the troops 5 years ago and had a pass from Sir Henry Clinton which Mr. Eilbeck destroyed.”<sup>64</sup> Once they reached the Maritimes, whites regularly attempted to re-enslave free blacks, as the court documents in Shelburne make abundantly clear. In 1787, a free black named Dick Hill was unlawfully placed onboard a schooner to be sent to the West Indies as a slave. Incredibly, Hill had a General Birch Certificate, which

guaranteed his freedom. Shelburne officials wrote to the schooner's captain, warning him that "you must therefore not take this Negro away ... as you will be answerable in case the Negro is taken away." Despite this effort, "the [vessel] was got underway and almost out of the Harbour."<sup>65</sup>

Mertilla Dixon almost suffered the same fate as Dick Hill. According to her deposition, she left her master's home in Virginia during the Revolutionary War. She migrated to Charleston, South Carolina, and eventually went "into Colonel Fanning's Service," but she also ended up working for a series of well-known Loyalists, including the Winslow and Barclay families. Mrs. Barclay employed her in Nova Scotia, but Dixon absconded from her because she repeatedly

threatened to ship her to the West Indies, and there to dispose of her as a Slave, and being fully persuaded that she was to be put on board a vessel, then ready for Sea, she has (about a fortnight since) taken refuge with her father Charles Dixon, in Birchtown and prays Your Honor's Protection, until Major Barclay, can prove his claim.<sup>66</sup>

The kidnapping of black people in Nova Scotia became widespread enough that legislators attempted to pass An Act for the Regulation and Relief of the Free Negroes within the Province of Nova Scotia in 1789. Although the bill failed, it noted that "attempts have been made to carry some of them out of the Province, by force and Strategem, for the scandalous purpose of making property of them in the West Indies contrary to their will and consent."<sup>67</sup> Armed with information from local observers (possibly his brother John and Thomas Peters), the anti-slavery advocate Thomas Clarkson outlined the problems that free blacks faced in the Maritimes:

It was not long till these loyalists, many of whom had been educated with all the ideas of the justice of slavery, the inferiority of negroes, and the superiority of white men, that are universal in the southern provinces of America, began to harass and oppress the industrious black settlers, and even wantonly to deprive them of the fruits of their labour, expelling them from the lands they had cleared.<sup>68</sup>

Clarkson added that whites reduced "again to slavery those negroes who had so honourably obtained their freedom. They hired them as servants, and, at the end of the stipulated time, refused payment of their wages, insisting that they were slaves: in some instances they destroyed their tickets of freedom,

and then enslaved the negroes for want of them; in several instances, the unfortunate Africans were taken onboard vessels, carried to the West Indies, and there sold for the benefit of their plunderers.”<sup>69</sup>

In many ways, these nefarious actions partially explain why the actual number of slaves is so difficult to pin down. The status of blacks during the initial years of settlement (1783–85) could change quickly, and some free individuals could be forced into slavery, whereas others could escape bondage.

There are several specific examples of free blacks who fell victim to the emerging slave system. Jesse Gray simply re-enslaved Mary Postell and her children. Postell went to court to retrieve her daughters, arguing that she had been a free black Loyalist, not Gray’s slave. The Shelburne magistrates, some of whom were themselves slaveholders, determined that Postell could not prove her freedom. Thus, she and her children suffered continued enslavement.<sup>70</sup> The story of Lydia Jackson is equally disturbing. Originally, she settled at Manchester (Guysborough Township) with other free blacks. As a result of poverty and the desertion of her husband, Jackson indentured herself to a Loyalist for what she thought would be a short time. It turned out that he had tricked her into signing an indenture that essentially made her a servant for life. This man then sold her as a slave to a Dr. Bulmer, who brutally mistreated her, regularly beating “her with the tongs, sticks, pieces of rope &c. about the head and face.” John Clarkson, a Royal Navy officer and organizer of the black Loyalist exodus to Sierra Leone in 1792, noted that eventually Jackson escaped to Halifax. Her owner planned on “selling her to some planter in the West Indies to work as a slave.” Lydia Jackson’s story must be considered in the context of Clarkson’s comment that “I do not know what induced me to mention the above case as I have many others of a similar nature; for example, Scott’s case, Mr. Lee, Senr. case, Smith’s child, Motley Roads child, Mr. Farish’s negro servant, &c.”<sup>71</sup> In the case of re-enslavement, historians can only speculate about how many black people were kidnapped and sold to the West Indies but who never made it before a court.

In 1790, black community leader Thomas Peters sent two petitions to the British secretary of state, describing the difficulties that people of African descent encountered in the Maritime colonies. An African who had served in the British armed forces during the Revolutionary War, Peters became an outspoken critic of lapses in British promises to the black Loyalist community. He eventually became a leading advocate for black resettlement in Sierra Leone, but once in Africa he bickered with the Sierra Leone Company and died relatively soon after arriving in Freetown. In one of his petitions, Peters

argued that free blacks in the Maritimes “have already been reduced to Slavery without being able to attain any Redress from the King’s courts.” In fact, once reduced to slavery, one man “did actually lose his Life by the Beating and Ill Treatment of his Master and another who fled the like cruelty was inhumanly shot and maimed.” These people were free blacks. On the other hand, “the poor friendless Slaves have no more Protection by the laws of the Colony.”<sup>72</sup> Peters’s observations show that free black people met with challenging circumstances, regardless of their legal status. They were only nominally free and could easily slip back into a state of slavery. Black preacher David George noted that “white people in Nova Scotia” had “treated many of us as bad as though we [free blacks] had been slaves.”<sup>73</sup> The use of “servant” or “slave” to identify blacks and the ambiguity with which these terms were employed demonstrate that sometimes race mattered as much or more than the fleeting status of free or slave.

Exploring forced black migration to the Maritime colonies after the American Revolution can tell historians about dislocation, resettlement, and the reconstitution of slavery in a new community. As Jennifer Snyder points out, most historical literature “ignores the plight of those who remained enslaved to Loyalists.”<sup>74</sup> One aspect that united the disparate migration of Loyalists to Upper Canada, the Maritimes, East Florida, the Bahamas, and elsewhere is that Loyalist slaveholders fought hard to protect and expand slavery. The expansion of slaveholding in the wider Loyalist diaspora is one of the most definitive aspects of the dislocation and dispersal of Americans after the Revolutionary War. In one part of this wider British world – the Maritimes – the saga of free blacks is only one aspect of the multilayered black experience. The other part was rooted in continued bondage. Re-enslavement, the expansion of slavery, fear of sale to the West Indies, the spectre of living in a society with slaves, brutal forms of indentured servitude, and inequality were as definitive to the African and African American experience in the Maritimes as the hopes of freedom that accompanied the black Loyalist migrants to His Majesty’s northern possessions.<sup>75</sup>

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*North to Bondage* is animated by a series of interconnected questions about the expansion of slavery into the Maritime colonies. Where did Loyalist slaves and their owners originate, and what experiences did they bring to the Maritimes? What role did slavery play in the region before their