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ON THE EDGE OF FREEDOM:
THE RE-ENSLAVEMENT OF ELIZABETH WATSON

A Thesis Presented

by

Franco A. Paz

to

The Faculty of the Graduate College

of

The University of Vermont

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ABSTRACT

Elizabeth Watson was a Boston-born slave in Halifax, Nova Scotia. After a brutal assault at the hands of master-shipwright Elias Marshall, she petitioned the Halifax Inferior Court of Common Pleas. Watson won her freedom on 23 March 1778. Thirty-one days later, she was seized by Halifax butcher William Proud, who claimed Watson was his runaway slave known as Phillis. The ensuing trial is the object of this thesis, which will survey the historiography of slavery in the Maritime provinces, explore the development of slavery in New England and Nova Scotia, and provide an account of *Watson v. Proud*.

Elizabeth Watson's story is a departure from well-known narratives of African American freedom in Canada. Its telling complicates and nuances historical analyses of the black Atlantic world. Her actions raise important questions and convey potential answers. In petitioning the lower court, she revealed a keen understanding of the legal world she inhabited and her rights as a British subject. Watson's story constitutes the earliest extant record of re-enslavement in the region. But she was also the first enslaved woman to seek possession of her freedom in a Maritime court of law. Elizabeth Watson oscillated from slavery to freedom and back to slavery in the space of thirty-one days. Tracing the genealogy of her unfreedom from Boston to Halifax brings both worlds into a fuller, more vivid light.

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Introduction

Elizabeth Watson lay shackled to the floor of a dark cellar.¹ She was an American slave in Halifax, Nova Scotia. Her owner was Elias Marshall, master shipwright of the royal dockyard.² It was early March 1778, seven o'clock in the morning. Marshall beat her for six hours. Elizabeth Watson was pregnant. He had known for eight days.

Watson went into labor that night, likely due to Marshall's assault. She asked him to seek assistance on her behalf, for "help to have her delivered." Marshall hauled Watson up the stairs and into the cellar where he beat her once again. Hours later, Watson crawled out of the house to a latrine inside the stable. She delivered her own child in this outhouse, "without assistance from any earthly being," surrounded only by Marshall's cattle.

Marshall found her there the following morning. He expected Watson to work. He told her to wash herself, but Watson was ailing. She told Marshall she

¹ The following account comes from Elizabeth Watson's sworn testimony in *Woodin v. Watson*, RG 37, 22/45, Nova Scotia Archives [hereafter NSA].

² For details on Elias Marshall's employment, see W.A.B. Douglas, *Dictionary of Canadian Biography*, ed. Frances G. Halpenny, vol. 7 (Toronto: University of Toronto Press, 1988), s.v. "Sir Isaac Coffin," 196-197; Julian Gwyn, *Ashore and Afloat: The British Navy and the Halifax Naval Yard Before 1820* (Ottawa: University of Ottawa Press, 2004), 107.

was cold. "I will soon cure you," Marshall said. He sent Dursdly, another servant, to fill two buckets with snow and ice water. Marshall emptied these over her body and left Watson there.³

The next day, he took Watson back into the house. Mrs. Marshall was waiting for her. She seized a fire iron from the hall and split her skull open. Marshall dragged Watson up the stairs and into the cellar once more. He tied her hands and feet to a beam and beat her again for one hour. He left her there and walked downstairs to eat dinner.

Once he finished eating he went back to the cellar. This time he beat Watson well into the night. Now her body was no longer bound by skin. She could not lie down, her exposed flesh forced Watson to remain on hands and knees. Marshall was at last obliged to call a doctor. Her life was in peril.

When Halifax surgeon Phillips saw Watson, he fainted.⁴ He pronounced her dead. Marshall could not accept this. A second doctor managed to stabilize her, though this entailed severing large patches of skin and flesh throughout her body. Once her life was no longer in immediate danger, Marshall refused to feed Watson anything but "peas or what [she] could get out of the Hog's Trough."⁵

³ Whether Dursdly was a slave is unknown.

⁴ There were three surgeons in Halifax by the name of Phillips—George, John, and William. Which of the three men this incident involved is unknown. A.E. Marble, *Surgeons, Smallpox, and the Poor: A History of Medicine and Social Conditions in Nova Scotia, 1749-1799* (Montreal: McGill-Queen's University Press, 1993), pp. 86, 107.

⁵ *Woodin v. Watson*, RG 37, 22/45, NSA.

Soon after this brutal assault, Marshall sold Elizabeth Watson to John Woodin.⁶ Upon her sale, Watson petitioned the Halifax Inferior Court of Common Pleas. She told them she was born a free woman in Boston, where she had been abducted “under false pretense.”⁷ As witness she brought Elizabeth Reed, another Boston-born Halifax slave. Reed attested to the veracity of her testimony, stating that she “well knew... Elizabeth Watson to be a Free Woman.”⁸ She added that Watson lived with a Mrs. Lobdell prior to her abduction. Following Reed’s deposition, the court declared Watson a free woman.⁹

She was free for thirty-one days. On 23 April 1779, Halifax butcher William Proud seized Elizabeth Watson and claimed she was his “Right and Property.”¹⁰ The ensuing trial is the object of this work.

Elizabeth Watson’s story is a departure from well-known narratives of African American freedom in Canada. Its telling complicates and nuances historical analyses of the black Atlantic world. Watson’s actions raise important questions and convey potential answers. In petitioning the lower court, she revealed a keen understanding of the world she inhabited and her rights as a British subject. But her alacrity does not account for the trial’s occurrence;

⁶ Woodin was then Keeper of the Halifax Poor House, which was essentially an early version of a Victorian workhouse. Thomas B. Akins, *History of Halifax City* (Nova Scotia, 1895), 78.

⁷ *Woodin v. Watson*, RG 37, 22/45, NSA.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Watson v. Proud*, RG 37, C/21, NSA.

Watson's ability to stand in a court of law against white men suggests a legal apparatus that to some extent allowed blacks to assert themselves. An ensemble of laws, institutions, regulations, and discourses must come together for such a trial to take place: Lawyers willing to take a slave's case, judges inclined to hear it, juries amenable enough so as not to make the act futile. This apparatus is worth exploring, as is its role in regulating the conditions of possibility for both black and white Maritime populations.

Watson's re-enslavement at the hands of William Proud was not outside the norm; the incidence of black kidnappings in Nova Scotia is well-documented, particularly in the wake of the Loyalist diaspora.¹¹ Elizabeth Watson's story constitutes the earliest extant record of re-enslavement in the region.¹² Yet she was also the first enslaved woman to seek possession of her freedom in a Maritime court of law. Elizabeth Watson oscillated from slavery to freedom and back to slavery in the space of thirty-one days. Tracing the genealogy of her unfreedom from Boston to Halifax, Maritime slavery begins to look like an act of

¹¹ See, for example, the story of Sam Ives. Book of Negroes, Guy Carleton, 1st Baron Dorchester: Papers, The National Archives, Kew (PRO 30/55/100) 10427, p. 19. See also Carole Watterson Troxler, "Re-enslavement of Black Loyalists: Mary Postell in South Carolina, East Florida, and Nova Scotia," *Acadiensis* 37, no. 2 (2008): 70-85; Carole Watterson Troxler, "Uses of the Bahamas by Southern Loyalist Exiles," in Jerry Bannister and Liam Riordan eds., *The Loyal Atlantic: Remaking the British Atlantic in the Revolutionary Era* (Toronto: University of Toronto Press, 2012), 185-208. For an attempted measure to curb the incidence of black kidnappings in Nova Scotia, see "Unpassed Bills: 'A Bill Intituled An Act for the Regulation and Relief of the Free Negroes Within the Province of Nova Scotia, 1789,'" NSA.

¹² For more on the fluidity of the unfree condition, see Jared Ross Hardesty, *Unfreedom: Slavery and Dependence in Eighteenth-Century Boston* (New York: New York University Press, 2016). For a discussion of the onerous methodological difficulties a high rate of re-enslavement presents, see Harvey Amani Whitfield, *North to Bondage: Loyalist Slavery in the Maritimes* (Vancouver: University of British Columbia Press, 2016), 13-16.

translation. Her story becomes transnational.¹³ Exploring slavery as it was brought to Nova Scotia by the New England Planters—and later the Loyalists—broadens our perception of Maritime slavery’s unique syntax. Elizabeth Watson brings both worlds of unfreedom into a fuller, more vivid light.

¹³ Comparative work between the two regions began with Stephen J. Hornsby and John G. Reid, eds., *New England and the Maritime Provinces: Connections and Comparisons* (Montreal and Kingston: McGill-Queen’s University Press, 2005). Unfortunately, this edited collection does not delve into slavery.

Historiography

The history of slavery in Canada began in 1628, when David Kertk sold a Malagasy boy named Oliver Le Jeune for fifty half-crowns.¹ It did not end until the Slavery Abolition Act of 1833 freed all slaves in British dominions across the world.² But slavery echoes into the present. In Canadian prisons, blacks constitute ten percent of all inmates, though they comprise only 2.9 percent of the general population.³ At a Halifax drugstore, black hair products are kept under lock and key.⁴ A Zambian immigrant speaks about white Nova Scotians and clarifies, “This is all new to them.”⁵ National mythology has long girded Canada’s past and derailed efforts to shed light in its history.⁶ Still, over the past

¹ T. Watson Smith, “The Slave in Canada,” *Collections of the Nova Scotia Historical Society for the Years 1896-98* 10 (1899), 3.

² William Renwick Riddell, “The Slave in Canada,” *Journal of Negro History* 5, no. 3 (July 1920), 114.

³ “Black Inmates Face Second-Class Status in Canadian Prisons, Ombudsman Warns,” *Globe and Mail* (Toronto), 26 November 2013.

⁴ “Halifax’s Hidden Racism,” *The Coast* (Halifax), 12 November 2015.

⁵ “Situation for Major Stores in Halifax,” *The Signal* (Halifax), 12 November 2015.

⁶ As Afua Cooper writes, “Slavery has disappeared from Canada’s historical chronicles, erased from its memory and banished to the dungeons of its past.” Afua Cooper, *The Hanging of Angelique* (Toronto: Harper Perennial, 2006), 7.

hundred and twenty-five years historians have laid the necessary foundations to dispel the mythopoesis of black freedom in Canada.

In 1898 I. Allen Jack published “The Loyalists and Slavery in New Brunswick,” the first comprehensive study of slavery in Atlantic Canada.⁷ Jack descended from the Loyalists of whom he wrote; he imbued his work with the sympathetic tinge born of familial connection.⁸ His article delivers a full account of *R. v. Jones*, a famous court case involving Caleb Jones and former slave Nancy, who escaped from Jones in the summer of 1786.⁹ Thirteen years after her escape, Nancy filed a writ of habeas corpus against Jones in order to secure her freedom.¹⁰ The Supreme Court of New Brunswick scheduled a trial for February 1800.¹¹

Both plaintiff and defendant secured the finest legal service in the region. Attorney General Jonathan Bliss led a team of lawyers on Jones’ behalf.¹² Solicitor

⁷ I. Allen Jack, “The Loyalists and Slavery in New Brunswick,” *Proceedings of the Royal Society of Canada* 4 (1898): 137-185.

⁸ Jack’s maternal great-grandfather was Isaac Allen, one of the judges involved in *R. v. Jones*. He was also a descendant of David William Jack and Thomas Wyer, the first a Loyalist from Scotland, the latter a British lieutenant colonel during the Revolution. See I. Allen Jack ed., *Biographical Review...of Leading Citizens of the Province of New Brunswick* (Boston: Biographical Review Publishing Company, 1900), 9-10; D.G. Bell, “Isaac Allen Jack,” in *Dictionary of Canadian Biography*, vol. 13 (Toronto: University of Toronto Press, 1994).

⁹ As shown by a runaway advertisement in which Jones describes her as “about 24 years old... [and carrying] with her a Negro child about four years old called LIDGE.” *Royal Gazette* (New Brunswick), 25 July 1786.

¹⁰ *Royal Gazette* (New Brunswick), 18 February 1800.

¹¹ Riddell, “The Slave in Canada,” 370.

¹² Jones’ legal team included Thomas Whetmore, John Murray Bliss, Charles J. Peter, and Witham Botsford. Robin Winks, *The Blacks in Canada: A History* (New Haven: Yale University Press, 1971), 108.

General Ward Chipman and celebrated lawyer Samuel Denny Street took Nancy's case, hoping to challenge the legality of slavery in the province.¹³ On the bench sat four Loyalist judges: Chief Justice George Duncan Ludlow, Joshua Upham, Isaac Allen, and John Saunders.¹⁴ Only Saunders did not own slaves, though he had owned some in Virginia. Upham's wife owned at least six people. Chief Justice Ludlow was a stalwart supporter of slave-owners and a proponent of the notion that the right to own a slave was based on "immemorial usage and custom in all parts of America ever since its discovery," a principle he named "the Common Law of the Colonies."¹⁵ Chipman knew it was essential to ascertain whether neighboring colonies held themselves to such a principle. He wrote a letter to his old friend S.S. Blowers, who succeeded Sir Thomas Strange as Chief Justice of Nova Scotia's Supreme Court in 1797 and maintained his predecessor's policy of judicial attrition toward slavery.¹⁶ Blowers replied eight days later, noting that "no lawyer had ever talked with [them about a] Common Law of the Colonies as distinguished from that of England, nor would [Sir

¹³ Ibid.

¹⁴ W.A. Spray, "Caleb Jones," *Dictionary of Canadian Biography*, vol. 5 (Toronto: University of Toronto Press, 1983), 456.

¹⁵ Ridiculed as it might have been at the time, Ludlow's assertion is an interesting one. *Mos pro lege*—literally 'custom for law,' but better translated as 'tradition is law'—problematic as it may be, has been accepted in many legal systems. In the canon law of the Catholic Church, for example, tradition is accepted as a source of law. English common law recognizes 'long usage.' Indeed, the Canadian constitution protects aboriginal legal traditions and customary laws. See Lisa D. Chartrand, "Accommodating Indigenous Legal Traditions," *Indigenous Bar Association in Canada* (2005); Patrick Macklem, "The Form and Substance of Aboriginal Title: Assimilation, Recognition, Reconciliation," in Peter Oliver, Patrick Macklem, and Nathalie Des Rosiers eds., *The Oxford Handbook of the Canadian Constitution* (New York: Oxford University Press, 2017), 332-338.

¹⁶ Jack, "The Loyalists and Slavery in New Brunswick," 143-147; Winks, *Blacks in Canada*, 102. The full letter, dated 15 December 1797, appears in Jack, 148.

Thomas Strange] have countenanced a position of that kind.”¹⁷ Chipman researched “every trial and every legal decision on slavery in the British empire available to him,” and used these to write a remarkable brief.¹⁸ He based his brief largely on Montesquieu’s political philosophy; Chipman quoted, for example, the French philosopher’s assertion that slavery originated in “the contempt of one nation for another founded on a difference of customs.”¹⁹

The court argued Nancy’s case for two days; the “question of slavery... was discussed at great length.”²⁰ But Chipman’s brief was not enough to sway the bench. The four judges were divided: Ludlow and Upham “being of the opinion that by the existing Law of this Province, Negroes may be held as slaves here,” Allen and Saunders concluding that “the Law upon the subject is the same here as in England and therefore... Slavery is not recognized by the Laws of this Province.”²¹ The non-decision sent Nancy back to slavery. Her tragic end, however, might have led to others’ freedom. It is said that Judge Allen freed his five slaves as a result of Nancy’s trial, though this cannot be confirmed.²²

¹⁷ Jack, “The Loyalists and Slavery in New Brunswick,” 148.

¹⁸ Jack, “The Loyalists and Slavery in New Brunswick,” 149; W.A. Spray, “Caleb Jones,” 5:456.

¹⁹ C.D.S. Montesquieu, *The Spirit of the Laws*, trans. Thomas Nugent (Dublin: W. McKenzie and J. Moore, 1792), 237. Cited in Jack, “The Loyalists and Slavery in New Brunswick,” 157. It is likely that Montesquieu’s influence was a result of Chipman’s correspondence with Blowers, whose own actions to weaken slavery in Nova Scotia closely followed those prescribed in *The Spirit of the Laws*.

²⁰ *Royal Gazette* (New Brunswick), 18 February 1800.

²¹ *Ibid.*

²² D.G. Bell, Barry Cahill, and Harvey Amani Whitfield, “Slavery and Slave Life,” in Barrington Walker ed., *The African Canadian Legal Odyssey: Historical Essays* (Toronto: University of Toronto Press, 2012), 407n32.

What Jack's article lacks in analysis, it counteracts with elaborate detail. Chipman's brief and correspondence, as well as the writ of habeas corpus, its return, and verdict are all printed in full.²³ By presenting all extant evidence, Jack alludes to recurring themes in subsequent historiography. He elucidates the prominent role of judges in ending slavery, the means whereby the practice was gradually replaced with indentured servitude, and the influence of colonial legal policies on neighboring provinces.²⁴ Unfortunately, the article's lack of context leads to a hagiographic portrait of Ward Chipman that is at odds with reality. Indeed, Chipman represented slaveowner Stair Agnew in *Hopefield v. Agnew* five years later.²⁵ The brief he wrote for that case is perhaps the most extensive legal defense of slavery ever offered in British North America.²⁶ Jack does not mention *Hopefield v. Agnew* in his article, though Agnew plays a significant role in his narrative: Jack mistakenly wrote that he was Nancy's true master.²⁷ His oversight

²³ Jack, "The Loyalists and Slavery in New Brunswick," 148-185.

²⁴ The letters exchanged between Chipman and Blowers are particularly illuminating in this respect. On 22 December 1799, Blowers wrote to Chipman that "a summary decision of the question of slavery between master and negro... has always been resisted [in Nova Scotia] ...Several trials have been had here in which the jury has decided against the master, which has so discouraged them that a limited service by Indenture has generally substituted by mutual consent." Chipman later quoted Blowers' statement word for word before the Supreme Court of New Brunswick. Jack, "The Loyalists and Slavery in New Brunswick," pp. 149, 180-181.

²⁵ D.G. Bell, "Slavery and the Judges of Loyalist New Brunswick," *University of New Brunswick Law Journal* 31 (1982), 16.

²⁶ Robin Winks used these words to describe Joseph Aplin, *Opinions of Several Gentlemen of the Law, on the Subject of Negro Servitude, in the Province of Nova Scotia* (Saint John, 1802). That is a testament to Jack's long-lasting influence on Chipman's reputation. See Winks, *Blacks in Canada*, 106n2.

²⁷ This confusion, echoed by later historians, appears to originate from a court case that began around the same time and involved one of Agnew's female slaves. *R. v. Agnew* did not proceed once *R. v. Jones's* non-decision was entered. Whitfield, *North to Bondage*, 104.

obscured Chipman's motives, which had more to do with professional ambition than anti-slavery sentiment, and led to laudatory portrayals dominating Maritime historiography for eighty-five years until D.G. Bell published "Slavery and the Judges of Loyalist New Brunswick" in 1982.²⁸ One last word on Jack's article: Its section titled 'Note' adds an intriguing layer.²⁹ There he presents the reader with facsimiles of two slave advertisements as "evidence of the real existence of slavery in New Brunswick."³⁰ That he felt compelled to provide incontrovertible proof in such overt fashion attests to the dearth of historical knowledge pertaining to the region's slaveholding past.

In 1899, T. Watson Smith published "The Slave in Canada."³¹ Smith's book-length article catalogs the history of slavery throughout Canada. Using a variety of archival sources, including runaway advertisements and court cases, Smith built the framework through which later historians analyzed Canadian slavery. His most important contribution hinges on the recovery of evidence proving that the French established African slavery in Quebec as early as 1689. The second half of his article details slavery's development in the Maritime provinces following the arrival of the Loyalists. Smith examines some of the most

²⁸ D.G. Bell, "Slavery and the Judges of Loyalist New Brunswick," 33-42.

²⁹ Jack, "The Loyalists and Slavery in New Brunswick," 153.

³⁰ Ibid.

³¹ T. Watson Smith, "The Slave in Canada," 1-161. Watson was a Methodist preacher whose best-known work at the time was T. Watson Smith, *History of the Methodist Church Within the Territories Embraced in the Late Conference of Eastern British America* (Halifax: Methodist Book Room, 1877).

famous events related to slavery in Atlantic Canada, including *R. v. Jones*, and ends with a description of the latest extant slave sale advertisements.³²

The article's preface is particularly intriguing. Much like Afua Cooper a century later, Smith notes that "in the collection of these facts not a little difficulty has been encountered... [our historians] have almost wholly ignored the existence of slavery in Canada."³³ Smith's comments are particularly instructive alongside I. Allen Jack's facsimiles; together they raise questions concerning the place of slavery in Canada's historical consciousness and national identity, and invite historians to wonder why historical inquiry turned its eyes toward Canadian slavery at the turn of the twentieth century. Canada was indeed in the midst of great social upheaval; under the leadership of Wilfrid Laurier, the nation's first francophone prime minister, Canada experienced a period of intense industrialization. Its western provinces likewise boomed, due in part to the relative scarcity of high-quality land available in the United States. By the middle of the 1890s, the Canadian government had introduced ambitious policies designed to encourage migration from overseas.³⁴ It is not beyond reason to speculate that the resulting influx of foreigners to the Maritime provinces,

³² *Royal Gazette and Nova Scotia Advertiser* (Halifax), 7 September 1790; *Royal Gazette* (New Brunswick), 16 October 1809; *Royal Gazette* (New Brunswick), 10 July 1816. Cited in Watson, "The Slave in Canada," 71.

³³ Smith, "The Slave in Canada," 1.

³⁴ For more on the history of immigration to Canada, see Ninette Kelley and Michael J. Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy* (Toronto: University of Toronto Press, 2010); Valerie Knowles, *Strangers at our Gates: Canadian Immigration and Immigration Policy* (Toronto: Dundurn Press, 1992); Donald H. Avery, *Reluctant Host: Canada's Response to Immigrant Workers, 1896-1994* (Toronto: McClelland & Stewart, 1995).

among the largest since the arrival of the Loyalists, engendered the necessary national environment to bolster a day of reckoning with the forlorn past, and impelled white Canadians to mine their genealogical roots for stable identities in a changing world. Such an interpretation might certainly explain the nihilistic portrayal of Loyalists in early Maritime historiography.

The early twentieth century furnished few historians to follow men like Jack and Smith. William Renwick Riddell was certainly the most influential among them.³⁵ A prodigious writer, Riddell published over 1,200 articles on legal, medical, and social history.³⁶ He considered himself progressive on racial issues, though he served as president of the Canadian Social Hygiene Council, a group that promoted eugenics as a means to cultural improvement.³⁷ Despite his perplexing views on race, Riddell's abhorrence toward slavery is made explicit in his most influential article, "The Slave in Canada," the most comprehensive

³⁵ Born in Cobourg, Ontario in 1852, Riddell was "the son of a comfortable Scottish Presbyterian farming family," and had "long-standing and established ties to the political, social, and economic elite of the province." A lawyer, he was a lifelong supporter of the Canadian Liberal Party and had a close relationship with Prime Ministers Wilfrid Laurier and Mackenzie King, whom he "petitioned incessantly for judicial elevation." In 1906, he was appointed to the Supreme Court of Ontario. Throughout his life, Riddell cultivated a reputation as the consummate gentleman. He was an avid classicist, fluent in eight languages, and "claimed to read the entire Iliad and Odyssey each year in their original form." He was a public speaker par excellence, giving hundreds of speeches throughout his career. His reputation as a judge was "that of a rather stuffy specimen of the old school." His biographer called him "one of Canada's great publicists for the loyalist, imperial heritage." See Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: University of Toronto Press, 1999), 121-122; "39 Years in Supreme Court—Mr. Justice Riddell Dies," *Toronto Daily Star*, 19 February 1945; "Justice W.R. Riddell Dies Soon After Wife," *Toronto Globe and Mail*, 19 February 1945.

³⁶ John D. Blackwell, "William Renwick Riddell," *The Canadian Encyclopedia* (2008).

³⁷ "Annual Meeting of the Canadian Social Hygiene Council," *Public Health Journal* 17, no. 6 (June 1926): 310-312.

study of Canadian slavery ever published at the time.³⁸ Riddell corroborated T. Watson Smith's assertion that slavery first appeared in Canada within a few years of the nation's settlement by the French.³⁹ But his greatest contribution to the field was proving that slavery in Upper Canada did not end with the 1793 Act Against Slavery, as was commonly believed, but continued until the Slavery Abolition Act of 1833 freed all slaves in British dominions across the world. As Riddell writes, "The Act of 1793 was admittedly but a compromise measure; and beneficial as it was, it was a paltering [i.e. a dishonorable bargain] with sin."⁴⁰

A successor to I. Allen Jack's highly-focused study of Maritime slavery was much slower to appear. In 1948, a full half-century after "The Loyalists and Slavery in New Brunswick" first appeared, C.B. Fergusson published *A Documentary Study of the Establishment of Negroes in Nova Scotia*.⁴¹ His expansive research determined that around 1,200 slaves arrived in the province with the Loyalists, and most of them left for Sierra Leone in 1792. Though he alludes to earlier events, Fergusson's book centers on the aftermath of the War of 1812, which led to the arrival of two thousand black refugees to the region. He chronicles the hardships and discriminations they faced, the inadequate or insufficient land they received, and the refugee community's resulting economic

³⁸ William Renwick Riddell, "The Slave in Canada," *Journal of Negro History* 5, no. 3 (July 1920).

³⁹ A fact that early historians of Canadian slavery loved to trot out. Evidence, perhaps, that serious study in this field by Anglo-Canadian historians arose as a means to diffuse the blame.

⁴⁰ Riddell, "The Slave in Canada," 114.

⁴¹ C.B. Fergusson, *A Documentary Study of the Establishment of the Negroes in Nova Scotia between the War of 1812 and the Winning of Responsible Government* (Halifax: Public Archives of Nova Scotia, 1948).

dependence on white Nova Scotians. Since Fergusson's objective is to engage these events, he does not provide much insight on the Black Loyalists' fruitless push to acquire land and achieve economic independence, which ultimately played a major role in their 1792 exodus to Sierra Leone. Though it lacks the hermeneutic dimension that characterizes modern historiography, Fergusson's work remains a relevant repository for primary sources; the second half of the book containing the primary sources used to write his narrative.

Historians' interest in the field intensified during the 1960s and 1970s.⁴² Against the backdrop of the American Civil Rights movement and its concomitant social unrest, Robin Winks and James Walker wrote two of the most enduring works in the historiography: *The Blacks in Canada* and *The Black Loyalists*. Published in 1971, Winks' book sought "to examine the history of Negro life in Canada from 1628 to the 1960s, and by so-doing to reveal something of the nature of prejudice in Canada," as well as to situate the black

⁴² In alphabetical order, some of the books and articles published during this period include John N. Grant, "Black Immigrants to Nova Scotia," *The Journal of Negro History* 58, no. 3 (1973); Evelyn B. Harvey, "The Negro Loyalists," *Nova Scotia Historical Quarterly* 1, no. 3 (1971); Sidney Kaplan, *The Black Presence in the Era of the American Revolution, 1770-1800* (New York: New York Graphic Society Ltd., 1973); A.P. Kup, "John Clarkson and the Sierra Leone Company," *The International Journal of African Historical Studies* 5, no. 2 (1972); P.E. McKerrow, *A Brief History of the Coloured Baptists of Nova Scotia 1783-1895* (Halifax: Afro-Nova Scotian Enterprises, 1976); W.A. Spray, "The Settlement of the Black Refugees in New Brunswick, 1815-1836," *Acadiensis* 6, no. 2 (1977); W.A. Spray, *The Blacks in New Brunswick* (Fredericton: Brunswick Press, 1972); James W. St. G. Walker, *The Black Loyalists: The Search for Promised Land in Nova Scotia and Sierra Leone, 1783-1870* (New York: Holmes and Meier, 1976); James W. St. G. Walker, "Blacks as American Loyalists: The Slaves' War for Independence," *Historical Reflections* 2 (1975); Ellen Gibson Wilson, *John Clarkson and the African Adventure* (London: Macmillan, 1980); Ellen Gibson Wilson, *The Loyal Blacks* (New York: G.P. Putnam's Sons, 1976); Robin W. Winks, *The Blacks in Canada: A History* (New Haven: Yale University Press, 1971).

community as “an actor in the context of an emerging national history.”⁴³ Winks’ talents are at their most apparent in his account of Josiah Henson, a former Kentucky slave who escaped to Canada in 1830 and claimed to be Harriet Beecher Stowe’s inspiration for Uncle Tom.⁴⁴ Henson’s claim was integral to the mythopoesis of Canadian freedom: As Winks notes, “[That] the greatest, the best known, the most pious black fugitive of all time... sought out Canadian soil for his resurrection... bred a growing Canadian self-satisfaction with racial conditions above the forty-ninth parallel... No year has passed since the late 1860s without a stream of self-congratulatory Canadian newspaper accounts, editorials, and memoirs... in which Henson [has been] cited as sufficient and sole evidence to prove that Canadians shared none of the American racial virus.”⁴⁵ Through sweeping analyses of primary evidence, Winks dispels the notion that Henson’s claim had any foundation on reality.

Throughout his book, Winks is able to evince the frailty of a national mythology that situates Canada as a haven of racial equality. At his best, he reveals the extent to which white Canadians became hostage to their own tenor. Still, it is obvious that Winks’ objective is not to write the history of black Canadians, but to use their history as a vehicle to dissect and diagnose black communities at the tail end of the 1960s. Winks’ American perspective becomes

⁴³ Winks, *Blacks in Canada*, xxii. Lofty purposes, but Winks had been a tenured professor at Yale for the better part of a decade—he was well-positioned to accomplish them.

⁴⁴ Winks, *Blacks in Canada*, 178-195.

⁴⁵ Winks, *Blacks in Canada*, 193-194.

evident through his instigative urge to compare black Canadians to their American counterpart. He excoriates the former, stating that “the Canadian Negro as a whole does not seem to have shown the cumulative pride, energy, enterprise, and courage that the catalog of individual acts of defiance would lead one to expect.”⁴⁶ Elsewhere, he writes that “[despite] his longer period of legal freedom, despite the lack of any historical memory within most white Canadians of an indigenous slave period, and despite his comparative scarcity in Canada, [the black Canadian] has been considerably less aggressive in seeking out and laying claim to his rights.”⁴⁷ Oppression’s antidote having proved elusive, Winks proclaims that black Canadians would do well to imitate their American counterpart’s militancy, and find among themselves a “Canadian Martin Luther King.”⁴⁸ Winks’ short-sighted analysis fails to consider that these factors may indeed have proven detrimental to the creation of a distinct black Canadian culture, which is essential to cohesive political mobilization. His comparative urge in the end amounts to fallacious oversimplification, a false equivalence that disregards the differing environment wherein these two communities developed. Perhaps the most salient point of divergence is slavery’s place in the national historical narratives of these two nations. Whereas the black Canadian community developed under an intense pressure to forget its history, slavery

⁴⁶ Winks, “The Canadian Negro: A Historical Assessment. Part II: The Problem of Identity,” *Journal of Negro History* 54 (January 1969), 2.

⁴⁷ Winks, “The Canadian Negro. Part II,” 1.

⁴⁸ That Winks would have them stop at Dr. King is all-too-telling.

defined the United States' national identity at every step of its contested past. In light of all this, it seems imprudent to draw comparisons between the two.

Winks' use of documentary evidence presents yet another problem. The vast majority of sources related to slavery are of white provenance. The traces left behind by black men and women—that is, traces that do not come to historians by way of white voices—are few and far between. To write a nuanced history that transcends the limitations of available data, it is essential to be cognizant of archives' mediated nature. The reader must be made keenly aware of the black past's white veneer. Winks fails on this crucial point and commits the cardinal sin of taking documentary evidence at face value. Nowhere is this more apparent than in Ward Chipman's portrayal. Winks is quick to extol the virtues of Chipman's brief and calls him "a volunteer for the rights of human nature."⁴⁹ But he does not press Chipman any further, as he did Josiah Henson, and therefore misses an opportunity to uncover Chipman's role in *Hopefield v. Agnew*, of which there is no mention.

In an illuminating passage, Winks details the development of schools accessible to Nova Scotia's black community.⁵⁰ His interpretation of sources reveal an inability to move beyond the white perspectives of available documentary sources. He asserts that "on the whole the Negroes did not support the schools well," yet glosses over evidence that "Negroes were expected to

⁴⁹ Winks, *Blacks in Canada*, 108.

⁵⁰ Winks, *Blacks in Canada*, 58-60.

provide buildings for the schools”—an astonishing fact that he does not elaborate upon.⁵¹ Likewise, Winks makes no special mention of evidence showing that enslaved and free black children met in the same classroom. This is a fascinating morsel of information, as their parents had little contact with each other. But for Winks it merits only a passing remark, wedged between lengthy accounts of the inadequacies of black schools’ teaching methods.⁵²

Winks was aware of the limitations of his work. In its preface, he notes that “little more than half of the material gathered has been incorporated directly into the pages of this book,” and added his hope that other historians would build upon his research.⁵³ Unfortunately, historians largely left the field alone—perhaps feeling that, contrary to his own opinion, Winks had written all there was to write on the subject. But five years later, when it appeared that the history of Canadian slavery was fated to slide back into obscurity, James Walker published *The Black Loyalists*.⁵⁴

As a graduate student at Dalhousie University, where he worked with John Flint, Walker wove himself into the zeitgeist of the Civil Rights movement. During these formative years, he forged friendship with a variety of local black intellectuals and political leaders—chief among these Rocky Jones, the man who

⁵¹ Winks, *Blacks in Canada*, 59.

⁵² Winks, *Blacks in Canada*, 58.

⁵³ Winks, *Blacks in Canada*, xi.

⁵⁴ James W. St. G. Walker, *The Black Loyalists: The Search for Promised Land in Nova Scotia and Sierra Leone, 1783-1870* (New York: Holmes and Meier, 1976).

brought the Black Panthers to Canada, founded the Black United front of Nova Scotia, and started Dalhousie University's Transition Year Program.⁵⁵ These relationships informed Walker's decision to write his doctoral dissertation on the Black Loyalists, for which Winks served as the outside examiner.⁵⁶

Walker situates the Black Loyalists at the center of broad historical trends; a community that was born from the collapse of the North American British Empire, had a role in the formative stage of a new hegemonic power, and was crucial to the creation of an African colony *sui generis*.⁵⁷ The Black Loyalists are no longer a historical curiosity; they link the most important developments of the time. Walker's narrative opens with the origin of the Black Loyalists—the British proclamations of 1775 and 1779, which promised freedom to all blacks who deserted the rebels and sided with the British.⁵⁸ The most distinctive facet of Walker's work is his emphasis on ethnogenesis.⁵⁹ Before their 1792 exodus to Sierra Leone, Walker writes, black Nova Scotians built “a parallel society; black,

⁵⁵ James W. St. G. Walker and Burnley Jones, *Burnley “Rocky” Jones Revolutionary: An Autobiography by Burnley “Rocky” Jones* (Black Point, NS: Fernwood Publishing, 2016).

⁵⁶ James W. St. G. Walker, “The Black Loyalists in Nova Scotia and Sierra Leone” (PhD dissertation, Dalhousie University, 1973).

⁵⁷ Walker, *The Black Loyalists*, 1.

⁵⁸ Walker, *The Black Loyalists*, 2-6.

⁵⁹ For more on the concept of ethnogenesis as it applies to Atlantic history, see James Sidbury and Jorge Cañizares-Esguerra, “Mapping Ethnogenesis in the Early Modern Atlantic,” *William and Mary Quarterly* 68, no. 2 (April 2011): 181-208; James H. Sweet, “The Quiet Violence of Ethnogenesis,” *William and Mary Quarterly* 68, no. 2 (April 2011): 209-214. For some of the early studies of Sierra Leone's history, see Christopher Fyfe, *A History of Sierra Leone* (London: Oxford University Press, 1962); Arthur T. Porter, *Creoledom: A Study of the Development of Freetown Society* (London: Oxford University Press, 1963); John Peterson, *Province of Freedom: A History of Sierra Leone, 1787-1870* (London: Faber and Faber, 1969).

Christian... to some extent educated, different from their white neighbours, but different too from the slave culture they had left behind.”⁶⁰ The disparity between his and Winks’ work is distilled into this sentence. Where Winks arrived at the assimilationist conclusion that the Black Loyalists’ independent institutions proved schismatic and ultimately retrogressive, Walker saw their development as an empowering force which allowed the Black Loyalists to form “a unique society... [belonging] to a new way of life that began and grew in Loyalist Nova Scotia.”⁶¹ Through revealing the multi-racial, socially heterogenous nature of Loyalist settlements, Walker exposes the discrimination and economic exploitation faced by black communities in Nova Scotia. His work emphasizes the Black Loyalists’ lived experiences, motivations, and beliefs without falling into earlier paradigms of historical symbiosis. Walker is thus able to manifest the social mechanisms that gave rise to a continuum of unfreedom.⁶² By rejecting the notion of a binary opposition between freedom and slavery, Walker enables himself to examine the implications of evidence that Winks glossed over.⁶³ For instance, where Winks only mentions that enslaved and free

⁶⁰ Walker, *The Black Loyalists*, 85.

⁶¹ *Ibid.*

⁶² For more on unfreedom, see Jared Hardesty, *Unfreedom: Slavery and Dependence in Eighteenth-Century Boston* (New York: New York University Press, 2016).

⁶³ Binary opposition is the process wherein two theoretical opposites are systematically defined against each other (e.g. light/dark, male/female, life/death, self/other, presence/absence, freedom/slavery). The problem with binary oppositions is that they are intrinsically value-laden; a violent hierarchy is established, one inevitably becomes defined by what it is not. See Ferdinand de Saussure, *Course in General Linguistics* (Paris: Lausanne, 1916); Jack Goody, *The Domestication of the Savage Mind* (London: Cambridge University Press, 1977); Jacques Derrida, *Positions*, trans. Alan Bass (Chicago: University of Chicago Press, 1981).

black children shared classrooms, Walker is quick to note that this “presented a problem for slave owners... [since] it was difficult to maintain the notion, in the slave’s mind, that he deserved to be in servitude because of his colour.”⁶⁴

In 1972 W.A. Spray published *The Blacks in New Brunswick*.⁶⁵ Among the most understudied works in the historiography, Spray’s book is “an attempt, fragmentary as it must be, to try to relate the history of Black settlement in New Brunswick.”⁶⁶ Spray foreshadows later theoretical developments with his emphasis on the ambiguity of freedom; writing, for example that “the status of the majority of Blacks who were listed as ‘servants’ was... no different than that of those listed slaves.”⁶⁷ He stresses the historical significance of the ‘Common Law of the Colonies,’ noting that “Although no laws were ever passed in New Brunswick which legalized slavery, it was considered legal simply because it was recognized in other British colonies.”⁶⁸ Spray proceeds to describe the lives of black Canadians who chose to remain in New Brunswick when most left for Sierra Leone, as well as the lives of refugees who arrived in the province after the War of 1812. He notes that they were considered “little better than slaves,” citing incidents such as the allotment of 1,050 acres in the ‘Black Refugee Tract’ to six

⁶⁴ Walker, *The Black Loyalists*, 41.

⁶⁵ W.A. Spray, *The Blacks in New Brunswick* (Fredericton: Brunswick Press, 1972).

⁶⁶ Spray, *The Blacks in New Brunswick*, 9.

⁶⁷ Spray, *The Blacks in New Brunswick*, 16.

⁶⁸ Spray, *The Blacks in New Brunswick*, 23.

white men, which left only fifty-five acres available to be distributed among seventy-four refugees.

The 1980s were marked by a failure to build upon the achievements of the previous generation of historians—perhaps mirroring the state of the field in the decades following I. Allen Jack and T. Watson Smith.⁶⁹ D.G. Bell emerged as the sole historian of note during this decade. In his greatest article, “Slavery and the Judges of Loyalist Nova Scotia,” he examines the history of slavery in the region from a judicial perspective and unearths its most fascinating dimension: Its existence and development—indeed its flourishing—in a place where slavery lacked statute recognition.⁷⁰ *R. v. Jones* (1800) and *R. v. Agnew* (1805-06) again take center stage as Bell discusses the conservative legal traditions that enabled slavery to thrive. At the same time, he dismantles Ward Chipman’s pervasive mythos. Bell remains, for good reason, among the most influential scholars of Maritime slavery. But his was the only truly innovative scholarship produced during this period. Popular histories and biographies of local scope, however, went some way toward opening the field to the general public.⁷¹

⁶⁹ There appears to be a natural ‘digestion period’—as it were—following major historiographical achievements.

⁷⁰ D.G. Bell, “Slavery and the Judges of Loyalist New Brunswick,” *University of New Brunswick Law Journal* 31 (1982): 1-42.

⁷¹ Bridglal Pachai, *Beneath the Clouds of the Promised Land: The Survival of Nova Scotia’s Blacks* (Halifax: Black Educators Association, 1987); Colin Thomson, *Born with a Call: A Biography of Dr. William Pearly Oliver, CM* (Dartmouth: Black Cultural Centre for Nova Scotia, 1986).

The 1990s were a welcome return to ground-breaking.⁷² By the middle of the decade, Barry Cahill and Ken Donovan emerged as leading figures in the field. Cahill continued the tradition of I. Allen Jack and D.G. Bell, exploring the legal history of slavery in Nova Scotia and emphasizing judges' role in ending the practice, thereby deepening historians' understanding of the judiciary decision to end slavery gradually rather than through immediate abolition.⁷³ Meanwhile, Ken Donovan connected Nova Scotia to the Atlantic world, particularly the French Atlantic, through a series of meticulous articles that revealed slavery's existence in eighteenth-century Ile Royale.⁷⁴

As the millennium came to a close, Barry Cahill took part in the historiography's most fascinating debate. The question appeared simple: Could blacks *be* Loyalists? An answer to this question that the term itself be defined. In a 1999 *Acadiensis* forum, Barry Cahill and James Walker battled over the meaning

⁷² Judith Fingard and Suzanne Morton's work placed a new emphasis on the experience of black women. Though neither Morton nor Fingard wrote about slavery—indeed their work deals with a much later period—their articles provide a useful framework for historians of Maritime slavery. See Judith Fingard, "Race and Respectability in Victorian Halifax," *Journal of Imperial and Commonwealth History* 20 (1992); Suzanna Morton, "Separate Spheres in a Separate World: African-Nova Scotian Women in late-Nineteenth Century Halifax County," *Acadiensis* 22 (1993). Fingard's article analyzes the relationships between concepts of race and respectability in Victorian Halifax, particularly the ways whereby notions of the latter affected racial ideology. Morton's article proves that racial divisions superseded gender divisions in late-nineteenth century Nova Scotia. Their work led to the publication of Jane Guildford and Suzanne Morton eds., *Separate Spheres: Women's World in the 19th Century Maritimes* (Fredericton: Acadiensis Press, 1994).

⁷³ Barry Cahill, "Habeas Corpus and Slavery in Nova Scotia: R. v. Hecht, ex parte Rachel, 1798," *University of New Brunswick Law Journal* 44 (1995); Barry Cahill, "Slavery and the Judges of Loyalist Nova Scotia," *University of New Brunswick Law Journal* 43 (1994).

⁷⁴ Kenneth Donovan, "Slaves in Ile Royale, 1713-1758," *French Colonial History* 5 (2004); Kenneth Donovan, "A Nominal List of Slaves and their Owners in Ile Royale, 1713-1760," *Nova Scotia Historical Review* 16, no. 1 (1996).

of the term 'Loyalist,' and debated whether the term should be applied to blacks who journeyed to Nova Scotia with the British.⁷⁵ Cahill's article, "The Black Loyalist Myth in Atlantic Canada," argues that slaves could not be Loyalists. He grants that a few Loyalists were black, but only those who had been born free or been freed before the rebellion should be labeled as such. In Cahill's view, "Slaves chose liberty... not Loyalism."⁷⁶ The Black Loyalist 'myth,' as he called it, took agency from the slaves who escaped; to speak of Black Loyalists was an affront to black history, as it allowed for its assimilation into—or rather its colonization by—a white historical paradigm. And according to Cahill, the Black Loyalist myth was James Walker's creation.⁷⁷

Walker's response, "Myth, History, and Revisionism: The Black Loyalists Revisited," essentially calls into question Cahill's ability to analyze documentary evidence. He rejects Cahill's fundamental assertion that blacks did not consider themselves Loyalists, and cites myriad examples to that effect.⁷⁸ Verging on insolence, Walker notes that Cahill's errors were "easily avoidable...[as] every document cited in the preceding pages was listed in the footnotes of *The Black Loyalists*."⁷⁹ He takes issue with the assertion that Black Loyalists were 'freed' and not 'free,' noting that "African American fugitives freed themselves, by

⁷⁵ Barry Cahill, "The Black Loyalist Myth in Atlantic Canada," *Acadiensis* 29 (1999); James W. St. G. Walker, "Myth, History and Revisionism: The Black Loyalists Revisited," *Acadiensis* 29 (1999).

⁷⁶ Cahill, "The Black Loyalist Myth," 86.

⁷⁷ Cahill, "The Black Loyalist Myth," 79.

⁷⁸ Walker, "Myth, History and Revisionism," 89.

⁷⁹ Walker, "Myth, History and Revisionism," 92.

running away from their enslavement.”⁸⁰ Ultimately, Walker concludes that the term Black Loyalists is not assimilationist; on the contrary, it grants black Nova Scotian communities a sense of origin and entitles them to their roots as founding members of Maritime society.⁸¹

It is true that Cahill’s article is flawed and makes factual errors. For example, Cahill writes that Walker criticized Winks’ *The Blacks in Canada* for failing to “put an end to the victims’ school of Black Canadian historiography.” But Walker never said that—Winks did.⁸² The ‘myth’ argument is contrived; when he charges Walker with its creation, the reader cannot help but recall that Cahill opened his article by describing a late-eighteenth century painting that depicts precisely that which he is calling a myth.⁸³ Prejudicial language—loaded and emotive—prevails throughout the article in an attempt to attach intrinsic moral value to the argument. In an ironic twist, Cahill’s greatest logical error is the historian’s fallacy. *The Black Loyalists* cannot be separated from the zeitgeist of the Civil Rights movement, just as Cahill and Walker’s debate cannot be separated from that of the culture wars. Yet Cahill was more than willing to put *The Black Loyalists* on trial and avail himself of the full weight that had gone by

⁸⁰ Ibid.

⁸¹ Walker, “Myth, History and Revisionism,” 105.

⁸² Cahill, “The Black Loyalist Myth,” 72; Winks, “Review of Walker, *The Black Loyalists*.”

⁸³ Cahill, “The Black Loyalist Myth,” 76.

since its publication. Walker would not have written the same book in 1999, and he admitted as much when he recognized its shortcomings.⁸⁴

All of this is not to say that Cahill's article does not hold a degree of truth. In fact, Walker agrees with Cahill's overarching assertion that more scholarship on Maritime slavery needs to be written. But Cahill attacked the wrong angle; myth-making should not have been the basis of his argument. Instead, it should have been an ancillary argument to the greater quarrel to be had. *The Black Loyalists* is very much a political statement; again, this is an unavoidable reality given the circumstances of the book's inception. Walker had no trouble admitting this, writing that Cahill had "correctly identified the ideology and psychology of the civil rights and human rights movements... as a prevailing influence."⁸⁵ Historical writing for political ends is a noble pursuit; its prudence is yet to be determined. Perhaps Cahill's argument might have been better served by calling into question the wisdom of politicizing history. When history is no longer a mirror—oftentimes unflattering, sometimes magnificent, always a place of reckoning—and becomes a vehicle for cultural validation, it loses its intrinsic power to provoke thought. History must allow the past to inform the present, not vice versa.

⁸⁴ Walker, "Myth, History and Revisionism," 102.

⁸⁵ Walker, "Myth, History and Revisionism," 101.

In the mid-2000s, Cassandra Pybus and Simon Schama explored Atlantic Canada through the eyes of its African-descended peoples.⁸⁶ In *Epic Journeys of Freedom*, Pybus recounts the astounding stories of thousands of slaves who fled from their masters in the wake of the American Revolution. In a series of vignettes—or, as Pybus styles them, “biographies of flight”—she recovers the lives of over thirty individuals and combines them into a single heroic narrative spanning the entire world.⁸⁷ Her objective, Pybus writes, is “to show people in the process of entering their own stories and creating their own destiny.”⁸⁸ *Epic Journeys of Freedom* is individualistic, transnational, and cosmopolitan; it hinges on the irreducible kernel of human agency. Where comparable earlier books such as Benjamin Quarles’ *The Negro in the American Revolution* pivoted on the contested existence of metanarratives, thus necessarily focusing on collective experience, Pybus chooses instead to derive a larger narrative through the weaving of individual stories into a universal tapestry.⁸⁹ Simon Schama’s *Rough Crossings* likewise attempts to complicate history and “turn it upside down” by looking at it “through the eyes of enslaved blacks.”⁹⁰ The dazzling narrative is a testament to Schama’s preternatural ability as a writer, but his book provides

⁸⁶ Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston: Beacon Press, 2006); Simon Schama, *Rough Crossings: Britain, the Slaves, and the American Revolution* (London: BBC Books, 2005).

⁸⁷ Pybus, *Epic Journeys of Freedom*, xi.

⁸⁸ Pybus, *Epic Journeys of Freedom*, xvii.

⁸⁹ Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill: The University of North Carolina Press, 1961). Other influences for Pybus’ work ostensibly include Herbert Aptheker and Sylvia Frey.

⁹⁰ Simon Schama, *Rough Crossings*, 10.

little in the way of groundbreaking scholarship. Still, masterful narrative turns *Roughs Crossings* into a triumph of popular history. If Maritime slavery is to be brought to a wider audience, its scholars would do well to couple Schama's narrative skill with steadfast research. His work provides the foundations to take this history to the general public.

Over the past decade, the rise of transnational paradigms has led to an ever-rising interest in the history of the Black Loyalists. Historians such as Elizabeth Mancke, John G. Reid, and Jerry Bannister have been particularly influential in this regard.⁹¹ Maya Jasanoff's *Liberty's Exiles: American Loyalists in the Revolutionary World* is the first book to examine loyalism as a transnational phenomenon.⁹² Alan Gilbert and Ruth Holmes Whitehead have written recent scholarship on the Black Loyalists.⁹³ The work of historians such as Carole Troxler, Catherine Cottreau-Robbins, Ken Donovan, and Harvey Amani Whitfield has been groundbreaking.⁹⁴ While these historians have begun

⁹¹ Elizabeth Mancke, Huw V. Bowen and John G. Reid eds., *Britain's Oceanic Empire: Atlantic and Indian Ocean Worlds, 1500-1850* (Cambridge: Cambridge University Press, 2012); Elizabeth Mancke and Carole Shammass eds., *The Creation of the British Atlantic World* (Baltimore: Johns Hopkins University Press, 2005); Elizabeth Mancke, *The Fault Lines of Empire: Political Differentiation in Massachusetts and Nova Scotia, c. 1760-1830* (New York: Routledge, 2004); John G. Reid and Stephen J. Hornsby eds., *New England and the Maritime Provinces: Connections and Comparisons* (Montreal: McGill-Queen's University Press, 2005); Jerry Bannister and Liam Riordan eds., *The Loyal Atlantic: Remaking the British Atlantic in the Revolutionary Era* (Toronto: University of Toronto Press, 2012).

⁹² Maya Jasanoff, *Liberty's Exiles: American Loyalists in the Revolutionary World* (New York: Alfred A. Knopf, 2011).

⁹³ Ruth Holmes Whitehead, *Black Loyalists: Southern Settlers of Nova Scotia's First Free Black Community* (Halifax: Nimbus Publishing, 2013); Alan Gilbert, *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence* (Chicago: University of Chicago Press, 2012).

⁹⁴ Kenneth Donovan, "Female Slaves as Sexual Victims in Ile Royale," *Acadiensis* 43 (2014); Catherine Cottreau-Robbins, "Searching for the Enslaved in Nova Scotia's Loyalist Landscape," *Acadiensis* 43 (2014); Carole Watterson Troxler, "Re-enslavement of Black Loyalists: Mary Postell

connecting Atlantic Canada's black migrations to the larger narratives of African diaspora, much work remains to be done. Atlantic Canada must be situated as a region worth exploring in and of itself, not merely as a function of British-American relations. Likewise, the lives of those who stayed behind when twelve-hundred black Nova Scotians migrated to Sierra Leone remain woefully understudied. Researching slavery among New England Planters would be a fruitful endeavor, as would a comparative study of slavery in a Maritime town and a New England equivalent. The field's growth since the days of I. Allen Jack and T. Watson Smith is unquestionable, but it was yet to materialize the opportunities afforded by the rise of transnational paradigms.

in South Carolina, East Florida, and Nova Scotia," *Acadiensis* 37 (2008); Harvey Amani Whitfield, "The Struggle Over Slavery in the Maritime Colonies," *Acadiensis* 41 (2012); Harvey Amani Whitfield and Barry Cahill, "Slave Life and Slave Law in Colonial Prince Edward Island, 1769-1925," *Acadiensis* 38 (2009); Harvey Amani Whitfield, *North to Bondage: Loyalist Slavery in the Maritimes* (Vancouver: University of British Columbia Press, 2016).

I

Mystic Fort, 26 May 1637. A Pequot man shouted, “Owanux! Owanux!” *Englishmen! Englishmen!* The raiders burst part the barrier before the gate, swords on their right hand and muskets on their left. Pequot warriors fired their arrows and several English soldiers fell, “pierced through the shoulder... the face... [and] the legs.” The Pequots killed two and wounded twenty, but the English remained numerous. Faced with the certainty of defeat, they retreated through crowded alleys deep inside the fort. Near the gate, Captain John Mason came across two soldiers. “We should never kill them after that manner,” he said. “We must burn them.” He took a torch and set the wigwams nearby on fire. Soon flames marched through the village. Between four and seven hundred Pequots laid dead within the hour.¹

The remaining Pequots fled and took refuge in a swamp near present-day Fairfield, Connecticut. The English surrounded them six weeks later. They

¹ John Mason, *A Brief History of the Pequot War Written by Major John Mason, a Principal Actor Therein* (Boston: S. Kneeland & T. Green, 1736), 7-8; John Underhill, *Newes from America; or, A New and Experimentall Discoverie of New England; Containing, A True Relation of Their War-like Proceedings* (London: J.D. for Peter Cole, 1638), 34-35; Alfred Cave, *The Pequot War* (Amherst: University of Massachusetts Press, 1996), 148-152.

surrendered. The English enslaved 180 women, children, and elderly men.²

There already was slavery in New England prior to the founding of Massachusetts Bay Colony in 1628. Samuel Maverick was the first slaveowner; he arrived in Noddle's Island with two African slaves in 1624.³ But the enslavement of the Pequots at Fairfield was the first large-scale, institutionalized distribution of people as property in the British North American colonies.⁴

The English captured 319 Pequots throughout the war. They sent the enslaved to families throughout New England without delay, though eighteen male children were sent to Providence Island at a later date.⁵ The remaining 301

² John W. DeForest, *History of the Indians of Connecticut* (1850), 149; Mason, *History of the Pequot War*, 16; Guy Chet, *Conquering the American Wilderness: The Triumph of European Warfare in the Colonial Northeast* (Amherst: University of Massachusetts Press, 2003).

³ Noddle's Island is now in Boston.

⁴ Lorenzo Greene, *The Negro in Colonial New England* (New York: Columbia University Press, 1942), 16; George Henry Moore, *Notes on the History of Slavery in Massachusetts* (New York: D. Appleton & Co., 1866), 7-8. For more on Samuel Maverick, see "Josselyn's Account of Two Voyages to New England," *Massachusetts Historical Society Collections*, III, iii, 231; Wendy Anne Warren, "The Cause of Her Grief: The Rape of a Slave in Early New England," *The Journal of American History* 93, no. 4 (March 2007): 1031-1049.

⁵ The English meant to ship the Pequot boys to Bermuda in the first instance, but due to a navigational error they were delivered to Providence Island. They did not arrive in Bermuda until 1640. See *Winthrop's Journal: History of New England, 1630-1649*, James Kendall Hosmer ed., 2 vols. (New York: Barnes and Noble Inc., 1908), 1:227-228; Ethel Bossevain, "Whatever Became of the New England Indians Shipped to Bermuda to be Sold as Slaves?" *Man in the Northeast* 21 (1981): 103-114; James Ernest Smith, *Slavery in Bermuda* (New York: Vantage Press, 1976), 23-25; F. Van Wyck Mason, "Bermuda's Pequots," *Harvard Alumni Bulletin* (February 1937), 616-620. Providence Island was a colony established by English Puritans in 1631. Though intended to be a model Puritan colony, it was used as a base for privateers. The Spanish captured the colony in 1641. It is now part of Colombia. See Alison Games, *Migration and the Origins of the English Atlantic World* (Cambridge: Harvard University Press, 1999); Karen Ordahl Kupperman, *Providence Island, 1630-1641: The Other Puritan Colony* (Cambridge: Harvard University Press, 1993); David Wheat, "A Spanish Caribbean Captivity Narrative: African Sailors and Puritan Slavers, 1635" in Kathryn Joy McKnight and Leo J. Garofalo eds., *Afro-Latino Voices: Narratives from the Early Modern Ibero-Atlantic World, 1550-1812* (Indianapolis: Hackett, 2009), 195-213.

Pequot slaves stayed in Massachusetts Bay, Connecticut, and Plymouth.⁶ They increased the population of these colonies by an estimated three percent, and the servant population by eighteen percent.⁷

New Englanders welcomed the distribution of enslaved Pequots. Famed Puritan preacher Hugh Peter wrote to Massachusetts Bay Governor John Winthrop in 1637; he “heard of a dividence of women and children in the bay and would be glad of a share, viz: a young woman or girl and a boy if you think good.”⁸ The following year, Phillip Vincent wrote that the colonists had been resolute in their desire to make the Pequots “their servant, their slaves, either willingly or of necessity, and docible enough, if not obsequious.”⁹ But the Pequot slaves struggled in the duties assigned to them in the colonial household. They

⁶ In a letter to Plymouth Colony Governor William Bradford dated 28 July 1637, John Winthrop wrote, “The Prisoners were divided, some to those of the river [Connecticut Colony] and the rest to us. Of these we send the male children to Bermuda, by Mr. William Peirce, & the women & maid children are disposed about in the towns.” *Massachusetts Historical Society Collections*, IV, iii, 360. The high ratio of men to women in New England, as well as the preponderance of male servants in the region, meant that female slaves were far more valuable. See Michael L. Fickes, “They Could Not Endure that Yoke: The Captivity of Pequot Women and Children after the War of 1637,” *The New England Quarterly* 73, no. 1 (March 2000), 63-66.

⁷ Fickes, “They Could Not Endure that Yoke,” 61-62n14. Fickes derives this calculation from Evarts B. Greene and Virginia D. Harrington, *American Population before the Federal Census of 1790* (Gloucester, Mass: Peter Smith, 1966), pp. 10, 12, 47; and Virginia Anderson, *New England's Generation: The Great Migration and the Formation of Society and Culture in the Seventeenth Century* (New York: Cambridge University Press, 1991), 16-17.

⁸ *Massachusetts Historical Society*, iv, 95.

⁹ Phillip Vincent, *A True relation of the Late Battell Fought in New England, Between the English, and the Savages: With the Present State of Things There* (London: M.P. for Nathanael Butter & John Bellamie, 1637), 110. A special note must be made regarding the flexibility of the language used to describe the status of the captive Pequots; the terms ‘servant’ and ‘slave’ seem to be used interchangeably. See, for example, the 1641 Massachusetts Bay General Court order demanding the return of “all Pequots that [are] servants or slaves to the English that have runne away wherever they find them.” Thomas Lechford, “Note-book Kept by Thomas Lechford, Esq., Lawyer, in Boston, Massachusetts Bay, from June 27, 1638, to July 29, 1641,” in *Transactions and Collections of the American Antiquarian Society* 7 (1885): 434.

were subsumed into a work environment with which they had no experience; tasks such as milking a cow, mending a stocking, or churning butter would have been new to most.¹⁰ Language barriers made communication an often-insurmountable challenge, further reducing the Pequots' ability to adapt. Before long, Hugh Peter again wrote to Governor Winthrop and voiced his frustrations, "Truly we are so destitute having none but an Indian that we know not what to do."¹¹ Most captive Pequots did not remain in the service of their English captors for long. As Captain John Mason declared, "The captives we took... we divided, intending to keep them as Servants... but they could not endure that Yoke."¹²

The Pequots inability or unwillingness to perform the tasks demanded of them led the English to seek alternative sources of labor. To this end they began importing African slaves, a "more gainful pillage," as Emmanuel Downing described them in a 1645 letter to Governor Winthrop.¹³ On 26 February 1638, the ship *Desire* returned to Boston from Providence Island with "some cotton, and tobacco, and negroes, etc."¹⁴ The *Desire's* voyage introduced African slave trade to Massachusetts and presaged growing economic interdependence between

¹⁰ Fickes, "They Could Not Endure That Yoke," 72.

¹¹ *Winthrop's Journal*, 4:139.

¹² Mason, *A Brief History*, 39. The few captives who did remain are referenced in two extant documents. According to Middlesex County Court records, "Elline a Pequet servent to Mr. Edaward Collines" was whipped for fornication in 1655. The second reference appears in the Stratford land records, which indicate that some captives remained with the colonists twenty-one years after the war. See Fickes, "They Could Not Endure That Yoke," 74n57.

¹³ Lorenzo Greene, *The Negro in Colonial New England*, 20.

¹⁴ *Winthrop's Journal*, 1:254. Note that African slaves are here classified on the level of commodities.

colonial New England and the West Indies.¹⁵ The following year, when the government of Providence Island began to fear the number of African slaves in the colony had grown intractable, they considered selling some “to New England or Virginia,” perhaps indicating the existence of a well-established slave trade between the two regions as early as 1639.¹⁶

The colonists enacted slavery into law before long. The first slave statute in the American colonies appeared in the *Body of Liberties of the Massachusetts Colony in New England*, adopted in December 1641.¹⁷ Under the heading of ‘Liberties of Foreigners and Strangers,’ the ninety-first article of the *Body of Liberties* declares that “There shall never be any bond slavery, [villeinage] or captivity amongst us unless it be lawful captives taken in just wars, and such strangers as willingly sell themselves or are sold to us... This exempts none from servitude who shall be judged thereto by Authority.”¹⁸ A problem with the

¹⁵ George Francis Dow, *Slave Ships and Slaving* (Salem, 1927), 268; Moore, *Notes on the History of Slavery in Massachusetts*, 6-7. As Moore notes, “this first entrance into the slave trade was not a private, individual speculation. It was the enterprise of the authorities of the Colony...on the 13th March 1639, it was ordered by the General Court ‘that 3l 8s should be paid Lieutenant Davenport for the present, for charge disbursed for the slaves, which, when they have earned it, he is to repay it back againe.’”

¹⁶ *Calendar of State Papers, Colonial Series, 1574-1660*, ed. W. Noel Sainsbury (London, 1860), 296.

¹⁷ Moore, *Notes on the History of Slavery in Massachusetts*, 11. Prior to the code’s passage, New England slavery relied on “prevalent views of universal jurisprudence or the law of nations, supported by the express or implied authority of the home Government.” See John Codman Hurd, *The Law of Freedom and Bondage in the United States* (Boston: Little, Brown & Company, 1858), 1:216-225.

¹⁸ William H. Whitmore ed., *A Bibliographical Sketch of the Laws of the Massachusetts Colony from 1630 to 1686, In Which Are Included the Body of Liberties of 1641, and the Records of the Court of Assistants, 1641-1644* (Boston: Rockwell and Churchill, 1890), 53. The idea that losing a ‘just war’ is divine punishment for sin, and thus constitutes a forfeiture of freedom in the part of those vanquished, is derived from the writings of St. Augustine—who in turn based this theory on his reading of Romans 13:4. See St. Augustine, *The City of God*, trans. Henry Bettenson (New York: Penguin, 2003), 1:21. For a short analysis of the implications of adopting such a reading of

wording of the law soon became evident. The usage of 'stranger' created a loophole whereby slave's children could claim their freedom. On 12 October 1670, the General Court ordered that 'stranger' be struck from the law, removing the necessity for alienage as qualification for slave status.¹⁹

This law was not designed to regulate the status of indentured servants, but that of slaves specifically. This is manifested in the colonial government's decision not to include this law with those under the heading of 'Liberties of Servants,' thus differentiating servants from "bond-slaves." This distinction remains persistent through all subsequent revisions of the law. White servants held under contract were not thought 'strangers.' In a 1651 letter to Oliver Cromwell, John Cotton writes that "The Scots, whom God delivered into your hands at Dunbarre, and whereof sundry were sent hither... have not been sold for slaves to perpetual servitude, but for six, seven, or eight years, as we do our owne."²⁰ The corollaries to the *Body of Liberties'* slave statute were intended only to deliver legal sanction to the systematic enslavement of three distinct groups: Africans, Native Americans, and criminals.²¹ This law remained in effect through

scripture, see Edmund Morgan, *The Puritan Family: Religion and Domestic Relations in Seventeenth-Century New England* (Boston: Trustees of the Public Library, 1944; reprint, New York: Harper & Row, 1966), 109-111.

¹⁹ Moore, *Notes on the History of Slavery in Massachusetts*, 17.

²⁰ Thomas Hutchinson, *A Collection of Original Papers Relative to the History of the Colony of Massachusetts Bay* (Boston: Thomas and John Fleet, 1769), 235.

²¹ Africans through the corollary allowing for the enslavement of "strangers," Native Americans through the usage of "in Just Wars," and criminals through the language of "... judged thereto by Authority." Though there is no evidence to support a claim that criminals were indeed sold as chattel, or enslaved as punishment for their crime, this is a matter of social custom. The language of the law is explicit in declaring that they could be enslaved.

the end of the colonial period and was never expressly repealed.²² The *Body of Liberties* was an absolute recognition of slavery as a lawful legal status within Massachusetts. It sanctioned slave trade as well as the perpetual bondage of Native Americans, Africans, and their progeny. Above all, it entitled Massachusetts to precedence over all other colonies in the enactment of such legislation: The *Body of Liberties* predated any comparable law found in the statutes of British North American colonies.²³

Still the line between slave and indentured servant remained ambiguous throughout the seventeenth-century. When Boston merchant Antipas Boyse wrote his will on 3 July 1669, he stipulated that his slave Janemet should be freed two years after his death on condition that she continued to serve her master “faithfully.”²⁴ Likewise, Mary Smith’s testament delivered freedom to her slaves Susan and Maria on account of their “good care & diligence of me & my [late] Husband.”²⁵ However, this promise of freedom was contingent on their behavior through the remainder of Smith’s life. While slaves could be bequeathed, such

²² Moore, *Notes on the History of Slavery in Massachusetts*, 18.

²³ In 1661 Barbados became the first colony in the British Caribbean to legalize slavery. Virginia codified *partus sequitur ventrem* in 1662. James Curtis Ballagh, *A History of Slavery in Virginia* (Baltimore: The Johns Hopkins Press, 1902), 28. It must be noted that though Massachusetts was first in enacting slave statutes, the eventual laws in other colonies were far more brutal. In New York, for example, “any slave found travelling alone forty miles from Albany was upon conviction to be put to death.” See *New York Colonial Laws*, I, 582, cited in Greene, *The Negro in Colonial New England*, 142. Likewise, runaway slaves in colonial Virginia were to be dismembered. See Henry Walter Hening, *Statutes at Large of Virginia*, IV, 132.

²⁴ *Suffolk County Wills: Abstracts of the Earliest Wills upon Record in the County of Suffolk, Massachusetts* (Baltimore: Genealogical Publishing, 2005), 338.

²⁵ Wendy Anne Warren, “Enslaved Africans in New England, 1638-1700,” (PhD diss., Yale University, 2008), 135.

arrangements indicate that some colonists considered slavery to be finite and, much like indentured servitude, not necessarily lifelong. It is likely that the city's black community shared this notion, perhaps making a Bostonian such as Elizabeth Watson—whether she was enslaved or free at the time—more likely to be assertive in seeking her freedom.

The number of slaves in Massachusetts remained relatively low through the end of the seventeenth-century. In 1676, colonial administrator Edward Randolph stated that there were “not above 200 slaves in the colony... and those are brought from Guinea and Madagascar.”²⁶ The vast majority of these slaves had been imported; Governor Simon Bradstreet told the Lords of the Committee for Trade and Foreign Plantation that “There are very few blacks born here... not above five or six at the most in a year.”²⁷ But the number of slaves in the colony rose quickly after 1696, likely due to British Parliament revoking the Royal African Company's monopoly over English trade with West Africa.²⁸ There were

²⁶ *Edward Randolph; Including His Letters and Official Papers from the New England, Middle, and Southern Colonies in America, With Other Documents Relating Chiefly to the Vacating of the Royal Charter of the Colony of Massachusetts Bay. 1676-1703*, 5 vols. (Boston: The Prince Society, 1898), 2:236.

²⁷ Moore, *Notes on the History of Slavery in Massachusetts*, 49.

²⁸ The monopoly's revocation allowed the colonists to enter the African slave trade legally; they had theretofore been forced to rely on smugglers or entrepreneurial New England traders who sought slaves from the eastern coast of Africa—a much longer, albeit far less perilous journey. “An Act to Settle the Trade to Africa,” 5 July 1698, in Elizabeth Donnan ed., *Documents Illustrative of the History of the Slave Trade to America*, 4 vols. (Washington D.C.: Carnegie Institution of Washington, 1932), 421-429. See also K.G. Davies, *The Royal African Company* (London: Longmans, Green & Co. Ltd., 1957); P.C. Emmer, “The Dutch and the Making of the Second Atlantic System,” in *Slavery and the Rise of the Atlantic System*, ed. Barbara L. Solow (Cambridge: Cambridge University Press, 1993); P.C. Emmer, *The Dutch in the Atlantic Economy, 1580-1880: Trade, Slavery, and Emancipation* (Aldershot and Brookfield, England: Ashgate & Variorum: 1998); Johannes Menne Postma, *The Dutch in the Atlantic Slave Trade, 1600-1815* (Cambridge: Cambridge University Press, 1990); David Eltis, “The Relative Importance of Slaves and Commodities in the

550 slaves in the colony by 1708, and by 1720 the number had risen exponentially— Governor Samuel Shute estimated that “With respect to slaves... they may be computed at about Two Thousand” before adding that the number had shown no significant fluctuation in the seven years past.²⁹ Massachusetts’ largest black community concentrated in Boston, where increased importation and natural population growth raised their number from 400 in 1708 to 1,374 in 1742.³⁰ Boston’s black population continued to grow until 1752 when it reached 1,541—ten percent of the city’s population.³¹ Elizabeth Watson was likely born sometime in the 1750s, placing her childhood at the height of Boston’s black community.³²

Many years later, Samuel Maverick was to remember the distant days of New England’s first settlement. At that time “the place in which Boston is now seated, [he] knew... to be a Swamp and Pound.”³³ He was proud, Boston was

Atlantic Trade of Seventeenth-Century Africa,” *The Journal of African History* 35, no. 2 (1994): 237-249; William Babcock Weedon, *Economic and Social History of New England, 1620-1789*, vol. I (Boston: Houghton, Mifflin and Company, 1890), 265; Liliana Mosca, “La Schiavitù e la Sua Abolizione nel Madagascar,” *Africa: Rivista Trimestrale di Studi e Documentazione dell’Istituto Italiano per L’Africa e L’Oriente* 52, no. 4 (Dec. 1997): 497-535; Frederic Cooper, *Plantation Slavery on the East Coast of Africa* (New Haven: Yale University Press, 1977); Virginia Bever Platt, “The East India Company and the Madagascar Slave Trade,” *The William and Mary Quarterly* 26, no. 4 (Oct. 1969): 548-577; W.D. Weatherford, *The Negro from Africa to America* (New York: The George H. Doran Company, 1924), 93.

²⁹ For 1708 see Moore, *Notes on the History of Slavery in Massachusetts*, 49. For 1720 see “An Answer to the First Query Propos’d by the Right Honorable the Lords of Trade &c Referring to the Province of the Massachusetts Bay,” in James Phinney Baxter ed., *History of the State of Maine Containing the Baxter Manuscripts*, 24 vols. (Portland: Lefavor-Tower Company, 1907), 10:106-107.

³⁰ Moore, *Notes on the History of Slavery in Massachusetts*, 50.

³¹ Greene, *The Negro in Colonial New England*, 84.

³² This would make her between 19 and 28 years old at the time of *Woodin v. Proud*.

³³ Samuel Maverick, *A Brief Description of New England and the Severall Townes Therein Together with the Present Government Thereof* (Boston: David Clapp & Son, 1885), 26.

“now a great Towne, two Churches, a Gallant Statehouse & more to make it complete, than can be expected in a place so late a wilderness.”³⁴ This pride from the man who at the age of twenty-two brought the first two slaves into Massachusetts; indeed, the first man in the history of the American colonies known to venture into slave breeding.³⁵ In the space of a single lifetime, Boston had grown from swamp and pound into “the most flourishing Town for Trade and Commerce in English America.”³⁶ The role of the enslaved in this staggering expansion cannot be overstated. For white Bostonians, the presence of slaves in their midst was a fact of everyday life. As early as 1687, a French refugee noted that “there is not a house in Boston, however small may be its means, that has not one or two slaves.”³⁷ And yet despite its conspicuity, New England slavery was different, better concealed, in some ways more insidious albeit far less deadly than its Caribbean counterpart. Slavery in the West Indies was a death sentence; the staggering profits of the sugar fields paid the burden of their weight in African blood. In the second half of the seventeenth-century, slave traders brought more than a quarter million Africans to the shores of Barbados,

³⁴ *Ibid*, 27.

³⁵ Warren, “The Cause of her Grief,” 1031-1032. For an overview of slave breeding and its significance in American history and culture, see Gregory D. Smithers, *Slave Breeding: Sex, Violence, and Memory in African American History* (Gainesville: University Press of Florida, 2012).

³⁶ Daniel Neal, *The History of New-England, Containing an Impartial Account of the Civil and Ecclesiastical Affairs of the Country, to the Year of Our Lord, 1700*, vol. 2 (London, 1720), 587-590.

³⁷ *Report of a French Protestant Refugee, in Boston, 1687: Translated from the French by E.T. Fisher* (Brooklyn, 1868), 20. Interestingly, he also notes that there is little danger of slaves running away, as “...The Moment one is missing from the Town, you have only to notify the [Natives], who, provided you promise them Something, and describe the Man to them, he is right soon found.”

Jamaica, and the Leeward Islands. Only about one hundred thousand remained by 1700. The rest succumbed to the exigencies of the sugar plantations.³⁸

Unlike the sugar islands of the Caribbean, New England did not have a staple crop that required large amounts of slave labor.³⁹ There was no need for large-scale plantations; the typical slave-owning household in New England might own three slaves at most. They were multi-occupational, and functioned as domestic and agricultural labor or, if the master was an artisan, skilled labor. In other words, New England slave labor looked like free labor. The role of the enslaved in Boston's economic development is thus obscured by the nature of their work. In October 1735, Boston cordwainer Thomas Salter placed an advertisement in the *Boston Evening Post*. His slave George, a "sturdy well-set Fellow, aged about 26 or 27 years," had run away "about the beginning of September last."⁴⁰ George, like his master, was "a shoemaker by trade."⁴¹ The distinction between Thomas Salter and George was not in their labor but in their

³⁸ See Richard S. Dunn, *Sugar and Slaves: The Rise of the Planter Class in the English West Indies, 1624-1713* (Chapel Hill: University of North Carolina Press, 1972).

³⁹ As David Brion Davis notes, another central difference between the British Caribbean and North American mainland colonies was the high positive growth rate achieved in the latter—in contrast to slave populations throughout the rest of the Western hemisphere. Because of this, African-American slavery was able to flourish in the United States without the need to continue importing slaves directly from Africa. See David Brion Davis, *The Problem of Slavery in the Age of Revolution 1770-1823* (Ithaca, NY: Cornell University Press; reprint, New York: Oxford University Press, 1999), 10n5.

⁴⁰ *Boston Evening Post*, 20 October 1735.

⁴¹ *Ibid.*

profit. In August 1750, two slaves named Philip and Ned escaped from their master Captain Thomas Bloss. Both men were sailmakers.⁴²

Slave sale advertisements reveal the range of skilled trades wherein New England slaves were employed. Between 1704 and 1781, the *Boston News-Letter* and the *Boston Gazette* published almost fifteen hundred slave sale advertisements.⁴³ The slaves described therein worked as coopers, tailors, blacksmiths, shoemakers, barbers, tanners, gunsmiths, potters, carpenters, shipwrights, and more. Artisans and merchants owned the highest percentage of Boston slaves; many of them trained their slaves in the skills they knew. This was financially beneficial, as it provided the master with a source of income while concurrently raising the value of his property. Sometimes, though this was rather uncommon, masters hired out their slaves to earn extra money. Less frequently still, masters authorized their slaves to work independently as a means to counterbalance the cost of their upkeep.⁴⁴

The skilled and semiskilled nature of Boston's slave labor led to a degree of self-sufficiency and autonomy rare in the Atlantic world. The nature of Boston's black community might well account for Elizabeth Watson's assertive disposition. There is no better indication of black Bostonians' nature than can be found through an examination of runaway slave advertisements. In 1738, a man

⁴² *Boston Post-Boy*, 20 August 1750.

⁴³ Robert E. Desrochers Jr., "Slave-for-Sale Advertisements and Slavery in Massachusetts," *The William and Mary Quarterly* 59, no. 3 (July 2002): 623-664.

⁴⁴ Jared Ross Hardesty, "The Negro at the Gate: Enslaved Labor in Eighteenth-Century Boston," *The William and Mary Quarterly* 87, no. 1 (March 2014): 72-98.

named Millet ran away from his master. He was a shoemaker; when he escaped, he carried his tools in a small bag.⁴⁵ Millet's ability to shoulder his own livelihood must have been a powerful reminder of his volition. Exeter, a tailor, escaped from his master in August 1741. Though the advertisement does not specify whether he carried tools, it is likely that he did. His former master wrote that he believed Exeter "to be at Work in some Country Town."⁴⁶ When Imanuel fled from his master in 1722, he carried with him a saw and an axe.⁴⁷ Pompey York, a tinker by trade, also carried his tools when he escaped in 1742.⁴⁸

The runaways carried other things too; things dictated by necessity. Clothing was high on the list. The clothes they carried were often a reflection of their master's wealth; no slave escaped barefoot if they could avoid it.⁴⁹ Sambo is among the first runaway slaves to appear in Massachusetts' historical record. He carried a gray jacket, coarse woolen Kersey breeches, a soldier's cap, and an old pair of shoes. He did not carry stockings.⁵⁰ Lester escaped on a mid-summer

⁴⁵ *Boston Evening-Post*, 23 October 1738. It is likely that Millet was never recaptured, as the runaway advertisement was once again reprinted over a year later. See *Boston Evening-Post*, 24 December 1739.

⁴⁶ *Boston Weekly News-Letter*, 20 August 1741.

⁴⁷ *Boston News-Letter*, 13 August 1772.

⁴⁸ *Boston Weekly News-Letter*, 9 April 1742.

⁴⁹ Of course, there is also an element of self-fashioning to the choice of clothes they carried. But the fact remains, they could only take that which they had access to. For more on runaways and self-fashioning see David Waldstreicher, "Reading the Runaways: Self-Fashioning, Print Culture, and Confidence in Slavery in the Eighteenth-Century Mid-Atlantic," *The William and Mary Quarterly* 56, no. 2 (April 1999): 243-272. See also Shane White and Graham White, "Slave Clothing and African-American Culture in the Eighteenth and Nineteenth Centuries," *Past & Present* 148, no. 1 (August 1995): 149-186.

⁵⁰ *Boston News-Letter*, 2 October 1704.

night in 1713 from his master's home in Boston. He carried a yellow broadcloth jacket with gold buttons, a light coat, old blue and white linen breeches, homespun stockings, and round-toed shoes.⁵¹ Lester's broadcloth garments were far superior in quality to Sambo's Kersey clothes. The former was the highest-quality wool available and had to be imported from England, while the latter was produced in the colonies at an early date.⁵² According to mid-seventeenth century records, broadcloth was almost five times more expensive per yard than Kersey.⁵³

Some runaways carried symbols. Penelope was a Malagasy slave, around thirty-five years old in 1704 when she escaped from Captain Nathaniel Cary's Boston home.⁵⁴ Her runaway advertisement ran for two consecutive issues of the *Boston News-Letter*. It is short and devoid of detail. She is described only as "a well set middle sized Madagascar Negro Woman." There is only one detail of note in the entire advertisement: Penelope carried "a flowered damask Gown." Damask was an opulent silk fabric, worn almost exclusively by wealthy white

⁵¹ *Boston News-Letter*, 22 June 1713.

⁵² Florence M. Montgomery, *Textiles in America, 1650-1870: A Dictionary Based on Original Documents...* (New York: W.W. Norton & Company, 2007), 177-178.

⁵³ George Francis Dow, *Every Day Life in the Massachusetts Bay Colony* (Boston: Society for the Preservation of New England Antiquities, 1935), pp. 244, 152. The price difference between the two wools lessened but remained; in 1826 the average value per yard was estimated at one dollar for Kersey, and three dollars for broadcloth. See *The American Annual Register; For the Years 1826-7, or, The Fifty-First Year of American Independence* (New York: E. & G.W. Blunt, 1828), 446

⁵⁴ *Boston News-Letter*, 19 June 1704. Cary's wife, Elizabeth, had been accused of witchcraft during the Salem witch trials. See "Nathaniel Cary's Account of His Wife's Examination, May 1692," in Alison Games, *Witchcraft in Early North America* (Lanham, MD: Rowman & Littlefield, 2010), 181-183.

women.⁵⁵ Anne Shippen Willing of Philadelphia wore a silk Damask gown when she sat for a portrait with acclaimed artist Robert Feke in 1746; Martha Dandridge likewise wore a Damask dress when she married George Washington in 1759.⁵⁶ Penelope's Damask gown was almost unquestionably stolen. In that stolen silk dress lies the countenance of her dignity; escaping bondage, she wore for the occasion the best clothes she could find. A contemporary black author noted, as he traced James Baldwin's footsteps in the small Swiss village of Leukerbad, that "to be a stranger is to be looked at, but to be black is to be looked at especially."⁵⁷ This has always been especially true of black women. Perhaps Penelope sensed the harrowingly public nature of escape and resolved to be watched on her own terms. The stolen silk dress speaks to Penelope's frame of mind: This was no temporary escape. She did not intend to use fleeting absence to negotiate improved living conditions.⁵⁸ There is a latent finality to the image of the stolen silk dress, and in Penelope's appropriation of an incontrovertible symbol of freedom, by then irrevocably intertwined with whiteness and wealth.

⁵⁵ Florence M. Montgomery, *Textiles in America, 1650-1870*, 213-214.

⁵⁶ Zara Anishanslin, *Portrait of a Woman in Silk: Hidden Histories of the British Atlantic World* (New Haven: Yale University Press, 2016); Linda Baumgarten, *What Clothes Reveal: The Language of Clothing in Colonial and Federal America* (New Haven: Yale University Press, 2002), 84.

⁵⁷ Teju Cole, "Black Body," in *Known and Strange Things* (New York: Random House, 2016), 6-7.

⁵⁸ This was indeed not a rare occurrence. As historian Billy Smith notes, "some women employed escape and other forms of resistance as bargaining devices to assert some control over their own lives and to curtail the power of their owners. This strategy might not gain their freedom, but it could improve the lives of slaves..." See Billy G. Smith, "Black Women Who Stole Themselves in Eighteenth-Century America," in *Inequality in Early America*, eds. Carla Gardina Pestana and Sharon V. Salinger (Hanover: University Press of New England, 1999), 152.

The stolen silk dress is at the still point of her self-becoming; Penelope raised herself to the *telos* of freedom when she stole it.

The runaways carried old wounds. In 1731 two unnamed slaves escaped from Matthew Ellis. One of them had “his little finger in one hand cut off.”⁵⁹ A thirty-year-old man named Caesar escaped from William Ellery in 1749. He had “lost his left hand little finger.”⁶⁰ These two cases might well be evidence of a common punishment.⁶¹ Also in 1749, a slave named Cato ran away from Dr. Stevens’ Boston home. He was twenty-five years old and had “lost all his Toes by the Frost.”⁶² Considering the hardship and pain endured by a man trudging toward freedom without toes to bear the weight of his body, Cato’s escape is a monument to resilience.⁶³ Newport ran away from Captain Samuel Chapman in 1762. He played the violin and had “the top of one of his Fingers shot to pieces.”⁶⁴ The runaways also carried literacy; Mingo “could read and write,” when he escaped he carried with him “a Pocket Compass and several Books.”⁶⁵

⁵⁹ *New England Weekly-Journal*, 11 October 1731.

⁶⁰ *Boston Gazette*, 2 May 1749.

⁶¹ Other instances of this particular wound can be found at *Boston Gazette*, 9 March 1761; *Boston Gazette*, 3 May 1762.

⁶² *Boston Weekly News-Letter*, 20 July 1749.

⁶³ A man who had all of his toes amputated in 1982 was found twenty years later to still have “his walking distance... reduced to 100 yards with the help of a stick.” L.G.H. Jacobs et al, “An Unusual Case of Amputation of All Toes as a Salvage Procedure,” *Foot and Ankle Surgery* 8 (2002), 118. See also Leslie Klenerman, Peter Clark, and Janet Hughes, “The Importance of the Toes in Walking,” *The Journal of Bone and Joint Surgery* 72, no. 2 (March 1990): 245-251.

⁶⁴ *Boston Weekly News-Letter*, 16 September 1762.

⁶⁵ *Boston Gazette*, 22 July 1734. For more on runaway literacy, see Antonio T. Bly, “Pretends He Can Read: Runaways and Literacy in Colonial America, 1730-1776,” *Early American Studies* 6, no. 2 (Fall 2008): 261-294.

The runaways carried languages. In October 1766, an unnamed “Mulatto indentured servant” escaped from John Peck in Boston, wearing a blue pea coat, short trousers, and a seaman’s bonnet. He spoke English and Dutch.⁶⁶ Champain escaped from Joshua Barker on October 1774; he was “about thirty-five years old, slim, handsome, five feet eight inches high... [and] spoke good French.”⁶⁷ In 1737, a slave named Peter ran away from Captain William Mirick of Boston. He spoke “good French and Spanish, and pretty good English.”⁶⁸ The range of languages spoken by Boston slaves indicate their cultural diversity, the far-reaching nature of New England’s slave trade, and Boston’s evolution from its provincial beginning to a truly cosmopolitan city by the time of the American Revolution.

Reading the myriad runaway advertisements in Boston’s historical record, it is difficult not to be struck by the sense that Elizabeth Watson may have also carried some of these things.⁶⁹ The runaways reveal themselves through their

⁶⁶ *Boston Gazette*, 6 October 1766.

⁶⁷ *Boston News-Letter*, 6 October 1774.

⁶⁸ *Boston Gazette*, 26 September 1737. Further examples of multilingual slaves abound in Boston’s historical record. Joseph, who had escaped from Boston caulker John Grelea, was described as speaking “but little English, but good French.” Another slave, Philip, spoke Portuguese as well as English; Jacob spoke English, Spanish, French, and Dutch. For Joseph, see *Boston Gazette*, 10 October 1757. For Philip, see *Boston Evening Post*, 11 October 1742. For Jacob, see *Boston Gazette*, 5 March 1764.

⁶⁹ An interesting side note: As historian Christy Clark-Pujara pointed out, a remarkable number of slaves escaped from their masters in the five years leading up to the start of the Revolutionary War. Some historians attribute this to the 1772 *Somerset* decision wherein slavery was found to be at odds with English common law. See William R. Cotter, “The Somerset Case and the Abolition of Slavery in England,” *History: The Journal of the Historical Association* 79, no. 225 (February 1994: 31-54. Cited in Christy Clark-Pujara, *Dark Work: The Business of Slavery in Rhode Island* (New York: New York University Press, 2016), 180n60.

actions, mediated as they may have been by white words, as unquestionable exponents of a budding cosmopolitanism within colonial society. But above all else, the runaways reveal themselves as people. It is easy to fall prey to the inherent shortcomings of history and forget the ahistorical nature of the past, thinking the runaways as words on an old newspaper. But Penelope's stolen silk dress did exist, and so did Elizabeth Watson. They were as concrete, as vivid, as colorful, and as true as anything. Runaway slave advertisements are essential to understanding the human countenance of slavery. Still these advertisements also offer insights into some of the paradoxes of slavery as a paradigm of power. Runaway advertisements manifest a fundamental tension between two antithetical schemas. They uphold slavery as an institution through the act of publishing; they undermine it through the public portrayals of men and women who escaped from its grasp. Runaway advertisements project an image of the ideal slave as one who is fully subject to their condition as property. Still, they cannot help but betray the shadow of slaves who, however briefly, overcame their enslavement to embody a transgressive identity.⁷⁰

⁷⁰ The same holds true, perhaps even to a greater extent, of court cases such as Elizabeth Watson's.

II

The first European settlement in Nova Scotia was established in 1605 by the French. Led by Pierre Dugua and Samuel de Champlain, they founded Acadia's first capital at Port-Royal. Aside from a few trading outposts, Port-Royal was then the only European settlement in Nova Scotia. Acadia was France's first North American colony; Port-Royal continued to function as its epicenter until its destruction by British forces in 1613. The British conquered the region in 1710 following the Siege of Port-Royal, and officially gained control of the province with the signing of the Treaty of Utrecht in 1713.¹ However, the British were generally unable to exert effective control over the territory until the arrival of the New England Planters fifty years later.² Indeed, Mi'kmaq

¹ See John G. Reid ed., *The "Conquest" of Acadia, 1710: Imperial, Colonial, and Aboriginal Constructions* (Toronto: University of Toronto Press, 2004); Phillip Buckner ed., *Canada and the British Empire* (Oxford: Oxford University Press, 2008); Elizabeth Mancke, "Early Modern Imperial Governance and the Origins of Canadian Political Culture," *Canadian Journal of Political Science* 32, no. 1 (March 1999): 3-20. For more on the treaty of Utrecht, see Renger E. de Bruin, Cornelis van der Haven, Lotte Jensen and David Onnekink eds., *Performances of Peace: Utrecht 1713* (Leiden, The Netherlands: Brill, 2015)

² Indeed, it was not until Halifax was founded that it "became a certainty that Nova Scotia would remain British at all." See John G. Reid, *Essays on Northeastern North America: Seventeenth and Eighteenth Centuries* (Toronto: University of Toronto Press, 2008), 15-16.

communities successfully subverted British rule in the years immediately following the Treaty of Utrecht.³

There were Africans in the Canadian Maritimes from the time of its first settlement.⁴ Mathieu da Costa, the first free black in Canada, was a member of Pierre Dugua's 1605 exploratory party. He likely worked as a translator between the French and Mi'kmaq, but it is unclear how da Costa "might have travelled to North America, how long he stayed, for whom he worked, and with whom he interpreted."⁵ His last name reveals some connection to Portugal; his story links Da Costa to Atlantic Creoles, who were well-versed in "the commerce of the Atlantic, fluent in its new languages, and intimate with its trade and cultures... [and thus] cosmopolitan in the fullest sense."⁶ It is likely that Da Costa spoke multiple languages, including French and Mi'kmaq, and that he was familiar with the culture of the latter. Though his life remains obscured by a lack of extant

³ See William Wicken, *Mi'kmaq Treaties on Trial: History, Land, and Donald Marshall Junior* (Toronto: University of Toronto Press, 2002); William Wicken, *The Colonization of Mi'kmaw Memory and History, 1794-1928: The King v. Gabriel Sylliboy* (Toronto: University of Toronto Press, 2012).

⁴ Harvey Amani Whitfield, *North to Bondage: Loyalist Slavery in the Maritimes* (Vancouver: University of British Columbia Press, 2016), 37.

⁵ A.B.J Johnston, "Research Note: Mathieu Da Costa along the Coasts of Nova Scotia: Some Possibilities," *Journal of the Royal Nova Scotia Historic Society* 4 (2001): 152-164.

⁶ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998), 17. For more on Atlantic Creoles, see Linda Heywood and John Thornton, *Central Africans, Atlantic Creoles and the Foundation of the Americas, 1585-1660* (New York: Cambridge University Press, 2007); Jane G. Landers, *Atlantic Creoles in the Age of Revolutions* (Cambridge: Harvard University Press, 2010); James H. Sweet, *Domingos Alvares, African Healing, and the Intellectual History of the Atlantic World* (Chapel Hill: University of North Carolina Press, 2011); Ira Berlin, "From Creole to African: Atlantic Creoles and the Origins of African American Society in Mainland North America," *The William and Mary Quarterly* 53, no. 2 (April 1996): 251-288.

sources, the known fragments of his story connote connections between distant regions of the Atlantic world. Other Africans arrived in Nova Scotia during the seventeenth-century; little is known about their lives or whether they were slaves. The archive holds a few scattered throughout the region—most notably La Liberté, who lived in Cape Sable around 1686 and was likely “a slave who had escaped from one of the colonies to the south.”⁷ In 1671, the Chevalier de Grandfontaine wrote to a minister in Paris and described an incident wherein a Franciscan friar “performing the functions of a [priest]... caused a negro to be hung without any formalities.”⁸

The majority of slaves in the Canadian Maritimes during the first half of the eighteenth century resided in Ile Royale, known eventually as Cape Breton.⁹ At least 266 slaves lived in Ile Royale between 1713 and 1758—232 of these in Louisbourg, a cod fishing port and a fortress of formidable reputation founded after the Treaty of Utrecht forced the French out of Nova Scotia.¹⁰ Though most came from different backgrounds, the 266 slaves in Ile Royale shared similar experiences. Most spoke French and worked as servants, nurses, maids, or

⁷ Nova Scotia Archives, Vol. II, Doc. 28, in C.B. Fergusson, *A Documentary Study of the Negroes in Nova Scotia between the War of 1812 and the Winning of Responsible Government* (Halifax: Public Archives of Nova Scotia, 1948), 1.

⁸ Beamish Murdoch, *A History of Nova Scotia, or Acadie* (Halifax, NS: James Barnes, 1866), 1:149.

⁹ Kenneth Donovan, “Slaves in Ile Royale, 1713-1758,” *French Colonial History* 5 (2004): 25-42.

¹⁰ A.J.B Johnston, “From Port de Peche to Ville Fortifiée: The Evolution of Urban Louisbourg, 1713-1758,” *Proceedings of the Meeting of the French Colonial Historical Society* 17 (1993): 24-43; Robert Emmet Wall, Jr., “Louisbourg, 1745,” *The New England Quarterly* 37, no. 1 (March 1964): 64-83; A.J.B Johnston, “To Mark and To Celebrate: Commemoration Efforts at Eighteenth-Century Louisbourg,” *French Colonial History* 1 (2002): 161-175.

gardeners.¹¹ Only nineteen slaves worked outside their household: one fisherman, two cabin boys, fifteen sailors, and an executioner.¹² Still they came from disparate parts of the world— mostly from the British American Colonies, the West Indies, and Africa. In contrast to other areas of New France, where slaves were largely Aboriginal, over ninety percent of Ile Royale slaves were black.¹³ There were only a few slaves per household; the small-scale nature of Ile Royale slavery, where close contact between slaves and masters was the norm, led to a prevailing culture of sexual violence.¹⁴

In 1749 Edward Cornwallis sailed into the waters of Chebucto with thirteen transport ships and a sloop of war, which altogether carried 1,174 families. There they disembarked along the spruce-lined shore of the harbor and founded Halifax.¹⁵ Slaves became a habitual sight soon thereafter; they made their way to Nova Scotia with Cornwallis' settlers and through the business dealings of early Halifax merchants. In 1750 Captain Thomas Bloss of the Royal Navy purchased a small island where he "built a very good house at his own

¹¹ Kenneth Donovan, "A Nominal List of Slaves and Their Owners in Ile Royale, 1713-1760," *Nova Scotia Historical Review* 16, no. 1 (June 1996): 151-162; Kenneth Donovan, "Slaves in Cape Breton, 1713-1815," *Directions: Canadian Race Relations Foundation* 4, no. 1 (Summer 2007): 44-45.

¹² Donovan, "Slaves in Ile Royale," 26.

¹³ *Ibid.*

¹⁴ Kenneth Donovan, "Female Slaves as Sexual Victims in Ile Royale," *Acadiensis* 43, no. 1 (2014): 147-156.

¹⁵ George T. Bates, "The Great Exodus of 1749: or, The Cornwallis Settlers Who Didn't," *Collections of the Nova Scotia Historical Society* 38 (1973): 227-262; see also John Grenier, *The Far Reaches of Empire: War in Nova Scotia, 1710-1760* (Norman: University of Oklahoma Press, 2008).

expense,” intending to settle there with his sixteen slaves.¹⁶ It is likely that Bloss’ slaves worked as agricultural laborers and domestic servants.¹⁷ In September 1751, the *Boston Post-Boy* advertised the sale of “ten strong hearty Negro men mostly tradesmen, such as caulkers, carpenters, sailmakers, and ropemakers.”¹⁸ This advertisement reveals the type of skilled labor that characterized Maritime slavery, as well as the existence of established trade routes between newly-founded Halifax and Massachusetts. The following year Thomas Thomas, “late of New York, but now of Halifax,” wrote a will wherein he arranged for the fate of his “goods, chattels, and negroes.”¹⁹ Thomas bequeathed “all my plate and my negro servant Orange that now lives with me at Halifax... to my son.”²⁰

The diversity of skills Maritime slaves possessed were once again displayed in merchant Joshua Mauger’s 1752 sale notice in the *Halifax Gazette*.²¹ Mauger’s advertisement was published shortly after his return from the West Indies, and describes “several Negro slaves... a likely Negro Wench, of about thirty five years of Age... capable of doing Needle-Work of all sorts... Washing,

¹⁶ Letter from Governor Cornwallis about Captain Bloss and his Slaves, 22 September 1750, RG 1, Vol. 35, no. 25, NSA; Douglas Brymner, *Report on Canadian Archives* (Ottawa: S.E. Dawson, 1895), 280; Harvey Amani Whitfield, *Blacks on the Border: The Black Refugees in British North America, 1815-1860* (Burlington: University of Vermont Press, 2006), 15.

¹⁷ Letter from Governor Cornwallis, NSA. The number of slaves Bloss brought with him to Halifax places him among the largest slaveholding estates in Nova Scotia history, a fact that indicates the continued small-scale nature of slavery in the region.

¹⁸ Cited in William Renwick Riddell, “The Slave in Canada,” *Journal of Negro History* 5, no. 3 (July 1920), 98.

¹⁹ Cited in T. Watson Smith, “The Slave in Canada,” *Collections of the Nova Scotia Historical Society for the Years 1896-98* 10 (1899), 9.

²⁰ *Ibid.*

²¹ *Halifax Gazette*, 30 May 1752.

Ironing, Cookery and every other Thing that can be expected of such a Slave... Likewise two healthy Negro Slaves about 18 years of Age, of agreeable Tempers, and fit for any kind of Business."²² This advertisement indicates both the existence of a viable slave-trading market in Halifax and the city's growth as an urban center, by then part of a larger Atlantic trading network between North America and the West Indies.²³ Coupled with the 1751 *Boston Post-Boy* sale notice, these advertisements evince the versatile, multi-occupational nature of Maritime slavery and reveal labor patterns that would be replicated in the lives of slaves brought to the province by the New England Planters in 1759 and the Loyalists in 1783.²⁴

On 12 October 1758, Governor Charles Lawrence issued two proclamations inviting New Englanders to settle in large tracts of Nova Scotia farmland that had been vacant since the Expulsion of the Acadians in the years prior.²⁵ The first was published in the *Boston Gazette and Country Journal* in

²² *Ibid.*

²³ See Gregory E. O'Malley, *Final Passages: The Intercolonial Slave Trade of British America, 1619-1807* (Chapel Hill: University of North Carolina Press, 2014).

²⁴ Jerry Bannister, "Atlantic Canada in an Atlantic World? Northeastern North America in the Long 18th Century," *Acadiensis* 43, no. 2 (2014), 28. For a general overview of the major demographic shifts, see Margaret Conrad and James Hiller, *Atlantic Canada: A History* (Toronto: Oxford University Press, 2010), chaps. 6-8.

²⁵ For more on the Expulsion of the Acadians see A.J.B. Johnston, "The Acadian Deportation in a Comparative Context: An Introduction," *Journal of Royal Nova Scotia Historical Society* (2007): 114-131; John Mack Faragher, *A Great and Noble Scheme: The Tragic Story of the Expulsion of the French Acadians from their American Homeland* (New York: W.W. Norton & Company, 2005); N.E.S. Griffiths, *From Migrant to Acadian: A North American Border People 1604-1755* (Montreal & Kingston: McGill-Queen's University Press, 2005). For a general overview of Governor Lawrence, see James S. MacDonald, "Life and Administration of Governor Charles Lawrence, 1749-1760," *Collections of the Nova Scotia Historical Society* 12 (1905): 19-58.

November 1758.²⁶ Lawrence proclaimed Britain's victory over the French who, following years of "[disturbing] and [harassing] the Province of Nova Scotia...[had] been compelled to retire and take Refuge in Canada."²⁷ He followed with the assertion that this presented "a favourable Opportunity... for the peopling and cultivating [of the] Lands vacated by the French."²⁸ The first proclamation ended with a description of Nova Scotia's land, "so intermixed that every single Farmer may have a proportionable Quantity of Plow-Land, Grass-Land, and Wood-Land... all situated about the Bay of Fundy."²⁹

Lawrence issued his second proclamation on 11 January 1759, printed in Boston by *Boston News-Letter* editor John Draper.³⁰ He outlined the land grants he was empowered to bestow: Townships would consist of "One Hundred Thousand Acres of Land, or about Twelve Miles square," include "the best and most profitable Land...and such rivers as may be at or near such Settlement... and extend as far up into the Country as conveniently may be, taking in a necessary Part of the Sea Coast."³¹ Most importantly, Lawrence promised "One Hundred Acres of wild Wood-Lands... to every Person, being Master or Mistress

²⁶ *Boston Gazette and Country Journal*, 6 November 1758. See also Margaret Ells, "Clearing the Decks for the Loyalists," *The Canadian Historical Association* 12, no. 1 (1933), 44.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ "Questions about the Vacant Lands," (Boston: John Draper, 1759). For more on John Draper, see Isaiah Thomas, *The History of Printing in America with a Biography of Printers, and an Account of Newspapers in Two Volumes* (Worcester, MA: The American Antiquarian Society, 1874), 1:125-126.

³¹ "Questions about the Vacant Lands."

of a family... [and] Fifty Acres for every White or Black man, Woman or Child, of which such Person's Family shall consist."³² The additional fifty acres per person made it profitable for settlers to bring slaves into the province.

Eight thousand New England Planters answered Governor Lawrence's call.³³ They sailed from Massachusetts, Connecticut, Rhode Island, and New York; they settled along the southern shores of Yarmouth, Barrington, and Liverpool, in Annapolis and in Granville, in Horton and in Cornwallis, in East and West Falmouth, in Sackville, Maugerville, Cumberland, and Amherst.³⁴ Still it is important to note that while the Planters came from New England, their settlement was not a colonial project. It was an imperial project, designed to stabilize a weak periphery and secure the interests of the British Empire.³⁵ The British had a somewhat tenuous hold on the region; indeed, they had been forced

³² *Ibid.* The only limitation was that "no one Person can possess more than One Thousand acres by Grant in his or her own name." This was surely an effort to avoid land speculation. See Esther Clark Wright, *Planters and Pioneers* (Hantsport, NS: Lancelot Press Ltd., 1978), 7.

³³ For more on the New England Planters see Stephen E. Patterson, "1744-1763: Colonial Wars and Aboriginal Peoples," in *The Atlantic Region to Confederation: A History*, ed. Philip A. Buckner and John G. Reid (Toronto: University of Toronto Press, 1994), 125-55; Margaret Conrad ed., *They Planted Well: New England Planters in Maritime Canada* (Fredericton, NB: Acadiensis Press, 1988); Margaret Conrad ed., *Intimate Relations: Family and Community in Planter Nova Scotia, 1759-1800* (Fredericton, NB: Acadiensis Press, 1995); T. Stephen Henderson and Wendy G. Robicheau eds., *The Nova Scotia Planters in the Atlantic World, 1759-1830* (Fredericton, NB: Acadiensis Press, 2012); George Rawlyk and Gordon T. Stewart, *A People Highly Favoured of God: The Nova Scotia Yankees and the American Revolution* (Toronto: Macmillan, 1972).

³⁴ Patterson, "1744-1763: Colonial Wars and Aboriginal Peoples," in *The Atlantic Region to Confederation*, 151.

³⁵ See an earlier plan proposed by Massachusetts Governor William Shirley to settle Nova Scotia with a mix of New Englanders and disbanded soldiers, discussed in R.S. Longley, "The Coming of the New England Planters to the Annapolis Valley," in *They Planted Well: New England Planters in Maritime Canada*, ed. Margaret Conrad (Fredericton, NB: Acadiensis Press, 1988), 17; and Chester Martin, *Empire and Commonwealth: Studies in Governance and Self-Government in Canada* (Oxford: Clarendon Press, 1929), 60-67.

to sign peace treaties with the Mi'kmaq in 1726 and 1752.³⁶ This is why the deportation of the Acadians and their replacement with loyal subjects became an imperial priority.³⁷

Nova Scotia's black population increased as a result of the New England Planters' arrival. Still, a colonial census taken in 1767 shows that Nova Scotia's black population hardly exceeded one hundred.³⁸ But the census almost certainly left out the enslaved population; the exact number of slaves in Nova Scotia prior to the arrival of the Loyalists is therefore almost impossible to calculate.³⁹

Though their lives may have been erased by the quiet tyranny of the archive, the presence of slaves in pre-Loyalist Nova Scotia remains evident. Elizabeth Watson is only one example. As early as 1760, the *Halifax Gazette* advertised for the sale "...at public auction on Monday the 3rd of November, at the house of Mr. John Rider, of two slaves, viz. a boy and a girl, about eleven years old."⁴⁰ Rider was a Surveyor of Highways who managed—perhaps

³⁶ For an overview of the treaties between the British and the Mi'kmaq, see Bill Wicken, "26 August 1726: A Case Study in Mi'kmaq- New England Relations in the Early Eighteenth Century," *Acadiensis* 23, no. 1 (Autumn 1993): 5-22.

³⁷ Longley, "The Coming of the New England Planters," 16-18. Also worth noting—"Planter" is an Elizabethan term for 'settler.' While modern usage may lead one to believe the New England Planters were in Nova Scotia to plant crops, they were in fact there to plant the British flag. See *Oxford English Dictionary*, s.v. "planter."

³⁸ 1767 Nova Scotia Census, RG 12, NSA.

³⁹ As Barry Cahill writes, "Collection of quantifiable data is complicated by Black people not being enumerated in extant early census records. Blacks as a rule were slaves, slaves were chattels (movable property), and personality was not censual." See Barry Cahill, "Colchester Men: The Pro-Slavery Presbyterian Witness of the Reverends Daniel Cock of Truro and David Smith of Londonderry," in *Planter Links: Community and Culture in Colonial Nova Scotia*, eds. Margaret Conrad and Barry Moody (Fredericton, NB: Acadiensis Press, 2001), 134.

⁴⁰ *Halifax Gazette*, 1 November 1760. The advertisement continues with "Likewise [for sale] a puncheon of choice cherry brandy with sundry other articles," thus bringing to light the

owned—the Wolfe Tavern, deemed in its day a “very elegant resort... [whose] wines were noted for excellence.”⁴¹ And it is known that Rider’s house was a common site for public auctions, community events, and the sale of various miscellany.⁴² It is not known, however, whether Rider owned the two children sold at his home in the spring of 1760.

Nova Scotia, unlike Massachusetts, never had a statute law that recognized or regulated slavery.⁴³ Indeed Prince Edward Island was the only Maritime province ever to enact slavery into law.⁴⁴ In 1762, Nova Scotia came as close as it ever would to acknowledging the existence of slavery within its

commodification of slaves. For more on the commodification of slaves see Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999); for a controversial look at the economics of slavery, see William Robert Fogel and Stanley L. Engerman, *Time on the Cross: The Economics of American Negro Slavery* (Toronto: Little, Brown and Company, 1974); for a thorough rebuttal of Fogel and Engerman’s methods and conclusions, see Herbert G. Gutman, *Slavery and the Numbers Game: A Critique of Time on the Cross* (Urbana: University of Illinois Press, 1975).

⁴¹ Thomas B. Akins, *History of Halifax City* (Halifax: Nova Scotia Historical Society, 1895), 63; James S. MacDonald, *Annals of the North British Society in Halifax, Nova Scotia with Portraits and Biographical Notes 1768-1903* (Halifax, NS: McAlpine Publishing Company Ltd., 1905), 17.

⁴² An advertisement in the *Nova-Scotia Gazette* dated 1 September 1768, for example, states that tickets to a performance by the American Company of Comedians at the Halifax Theatre would be sold at John Rider’s house. See *Nova-Scotia Gazette*, 1 September 1768, printed in C.B. Fergusson, “The Rise of the Theatre at Halifax,” *Dalhousie Review* 29, no.3 (1950): 419-427. Record of various meetings held at Rider’s house in Halifax can be found in MacDonald, *Annals of the North British Society*, pp. 17, 22, 23.

⁴³ See D.G. Bell, “Slavery and the Judges of Loyalist New Brunswick,” *University of New Brunswick Law Journal* 31 (1982): 9-42; I. Allen Jack, “The Loyalists and Slavery in New Brunswick,” *Proceedings of the Royal Society of Canada* 4 (1898): 137-185; Robin Winks, *The Blacks in Canada: A History* (New Haven: Yale University Press, 1971), 24-60; Barry Cahill, “Slavery and the Judges of Loyalist Nova Scotia,” *University of New Brunswick Law Journal* 43 (1994): 73-135; Barry Cahill, “Habeas Corpus and Slavery in Nova Scotia: R v. Hecht, ex parte Rachel, 1798,” *University of New Brunswick Law Journal* 44 (1995): 179-209.

⁴⁴ “An Act, declaring that Baptism of Slaves shall not exempt them from Bondage,” 1781, Public Archives and Records Office of Prince Edward Island; see also Harvey Amani Whitfield and Barry Cahill, “Slave Life and Slave Law in Colonial Prince Edward Island, 1769-1825,” *Acadiensis* 38, no. 2 (2009): 29-51.

territory. The second session of the Third General Assembly convened that year and passed the Innholders Act, which banned the sale of alcohol on credit “[for] any sum exceeding five shillings... to any soldier, sailor, servant, apprentice, bound servant, or negro slave.”⁴⁵ It is not beyond reason to speculate that the language of the bill might have been engineered in such a way as to give slavery a legal footing in the province. After all, the Third General Assembly counted slaveowners among their rank. In 1759 Malachy Salter wrote to his wife Susanna Mulberry and asked her to buy a slave. As Salter explained, one of their young slaves had proven troublesome: “Jack is Jack still,” he wrote, “but rather worse. I am obliged [to beat him] almost every day.”⁴⁶ Likewise, Henry Denny Denson of West Falmouth owned at least five and possibly up to sixteen slaves at his 4,000-acre estate at Mount Denson.⁴⁷ Colonel John Burbidge certainly owned slaves; on 25 December 1790 he wrote a deed of manumission for a woman named Fanny, seventeen-year-old Peter, seven-year-old Hannah, and two-year-old Flora. Fanny

⁴⁵ “1762 Innholders Act,” *Statutes at Large, Nova Scotia* (Halifax, 1805), 77. For a list of members of the Third General Assembly of Nova Scotia, see Murdoch, *A History of Nova-Scotia*, 2:404.

⁴⁶ Malachy Salter to Susanna Mulberry, 2 September 1759, MG 100, vol. 217, doc. 27, Nova Scotia Archives. Malachy Salter was among Halifax most prominent early entrepreneurs. A ruthless businessman, he was described by contemporaries as “A Litigious troublesome Man...who has treated us in a Barbarous cruel manner.” He was the most litigious man of his time, having been “plaintiff in 110 actions and a defendant in 30.” See James Muir, *Law, Debt, and Merchant Power: The Civil Courts of Eighteenth-Century Halifax* (Toronto: Osgoode Society for Canadian Legal History, 2016), 38.

⁴⁷ John V. Duncanson, *Falmouth: A New England Township in Nova Scotia, 1760-1965* (Windsor, ON, 1965), 30-32; John Bartlet Brebner, *The Neutral Yankees of Nova Scotia: A Marginal Colony During the Revolutionary Years* (New York: Columbia University Press, 1937), 185. For more on Mount Denson, and Henry Denny Denson’s desire to imitate European estates based on landlord-tenant relationships, see J.M. Bumsted, “Henry Denny Denson,” in George W. Brown et al., eds., *Dictionary of Canadian Biography* (Toronto: University of Toronto Press, 1979), 4:208-209.

was to have her freedom after seven more years of servitude; her children theirs once they reached the age of thirty. The same conditions applied to any other children Fanny might have before the seven-year term ended.⁴⁸ If she or any of her children were removed from Nova Scotia they would be freed immediately—in all likelihood a safeguard against kidnapping. Burbidge also stipulated that the children be taught to read and given two good sets of clothing at the moment of freedom—one for Sundays, one for weekdays.⁴⁹ Burbidge was a devout Anglican, and in that context the date of their manumission becomes noteworthy.⁵⁰ Anglicans, much to the dismay of Puritans, celebrated Christmas.⁵¹ It is clear that though slavery was never legally recognized in Nova Scotia, its existence was manifest and its influence pervasive within Nova Scotia's legislative body.

In the summer of 1767 Halifax assemblyman Charles Proctor sold a “Mulatto girl” to Mary Wood of Annapolis, wife of missionary Reverend

⁴⁸ Fanny would have three more children before 25 December 1797. Arthur Wentworth Hamilton Eaton, *The History of Kings County, Nova Scotia: Heart of the Acadian Land, Giving a Sketch of the French and Their Expulsion; And a History of the New England Planters Who Came in Their Stead; With Many Genealogies, 1604-1910* (Salem, MA: The Salem Press Company, 1910), 234.

⁴⁹ *Ibid.*

⁵⁰ Burbidge was named a member of the Society for the Propagation of the Gospel in 1784 after a nomination from the archbishop of Canterbury. He also founded the Church of St. John in Cornwallis, for which he donated the land and money—perhaps even to the detriment of his own financial standing, as he wrote two memorials in 1784 and 1785 wherein he asked for one hundred pounds to complete the church. The first memorial was refused, the second “referred for future consideration. “Request for Money for Church at Cornwallis,” Nova Scotia Archives, RG 1, vol. 301, pp. 55, 65.

⁵¹ See Jeremy Gregory, “Refashioning Puritan New England: The Church of England in British North America, 1680-1770,” *Transactions of the Royal Historical Society* 6, no. 20 (2010): 85-112. For a brief overview of Puritan's reaction to Anglican festivities, see Stephen Nissenbaum, *The Battle for Christmas: A Cultural History of America's Most Cherished Holiday* (New York: Vintage, 1997), 3-48.

Thomas Wood.⁵² The girl's name was Louisa; she cost fifteen pounds. According to the census of January 1771, there were seven other slaves in Annapolis. Ebenezer Messenger owned one of them. Messenger was born in Boston in 1723; he was the son of Ebenezer Messenger, grandson of Henry Messenger, and great-grandson of Andrew Messenger, who was born in the county of Yorkshire in 1588 and arrived in Boston on 26 June 1637 aboard the ship *Hector* with his wife Sarah and their three children, the youngest of whom bought a piece of land in Tremont Street which became one of Boston's most valuable lots—where Horticultural Hall later stood until 1901 when it was demolished and replaced with an eleven-story office building that is still there today.⁵³ Nothing is known about the man Ebenezer Messenger owned. Elsewhere in Annapolis, Magdalen Winniett owned a man, a woman, and a girl. Joseph Winniett owned a woman and a boy. Ann Williams owned one man. Mary Wood transferred ownership of Louisa to her daughter Mary Day, and Louisa disappeared from history.⁵⁴

⁵² For background on Charles Proctor, see Ronald Rompkey ed., *Expeditions of Honour: The Journal of John Salusbury in Halifax, Nova Scotia, 1749-53* (Montreal & Kingston: McGill-Queen's University Press), 173. For Thomas Wood, see C.E. Thomas, "Wood, Thomas (1711-78)," in *Dictionary of Canadian Biography*, vol. 4 (Toronto: University of Toronto Press, 1979).

⁵³ *Biographical Sketches of Representative Citizens of the Commonwealth of Massachusetts* (Boston: Graves & Steinbarger, 1901), 1005; Charles Nelson Hickok, *The Hickok Genealogy: Descendants of William Hickoks of Farmington, Connecticut, with Ancestry of Charles Nelson Hickok* (Rutland, VT: Tuttle Publishing Company, 1938), 385; W.A. Calnek, *History of the County of Annapolis, Including Old Port Royal and Acadia, with Memoirs of its Representatives in the Provincial Parliament, and Genealogical Sketches of its Early English Settlers and Their Families* (Toronto: William Briggs, 1897), 548; Isabel Macbeath Calder, *The New Haven Colony* (New Haven: Yale University Press, 1934), 29-31, cited in Harold Lancour ed., *A Bibliography of Ship Passenger Lists 1538-1825, Being a Guide to Published Lists of Early Immigrants to North America* (New York Public Library, 1963), 27; Jerilyn Jacklin Reniger, *The Messenger Family in Portage and Geauga Counties, Ohio* (Lansing, MI: 1966), 6; Gloria Negri, "Face of a Goddess: Donors' Features Cast in Restored Statues," *Boston Globe*, 23 August 2002; "Horticultural Hall To Go," *Boston Globe*, 9 May 1900.

⁵⁴ See T.W. Smith, "The Slave in Canada," 15n2.

Elizabeth Watson likely arrived in Halifax sometime in the 1770s. Though the nature of slave labor in the region remained relatively unchanged following the arrival of the New England Planters, there is one local slave advertisement that denotes the particular skills she may have been expected to possess. In May 1776, a man published a notice on the *Nova Scotia Gazette and Weekly Chronicle*.⁵⁵ He hoped to acquire “a Negro woman, about 25 or 30 years of age, that understands country work... the management of a dairy... and domestic labor.”⁵⁶ The staggering breadth of skills that slaves—particularly women—were expected to have would likely have included “farming, cooking, cleaning, washing clothes, and looking after children.”⁵⁷ Physical tasks might have been as diverse as “cutting, carting, threshing... milling wheat... husking corn... cutting cornstalks; mowing, raking, and carting hay; digging... sledging stones and building stone walls; building fences; cutting and scowing wood; hoeing and picking peas, beans, and turnips.”⁵⁸

Slavery in Nova Scotia prior to the American Revolution shared many of the characteristics found in New England. The small number of slaves per household implies an inherent level of proximity between slaves and slaveowners; low population density in turn indicates a greater difficulty in

⁵⁵ *Nova Scotia Gazette and Weekly Chronicle*, 28 May 1776; cited in Harvey Amani Whitfield, *North to Bondage*, 41.

⁵⁶ *Ibid.*

⁵⁷ Whitfield, *North to Bondage*, 41.

⁵⁸ Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780-1860* (Ithaca: Cornell University Press, 1998), 14.

forming black communities and producing a distinct black culture compared to the large-scale plantations of the southern colonies and the Caribbean.⁵⁹ But this is not to say that Nova Scotia slaves were unable to develop communities or a distinct culture; certain aspects of low-density, small-scale slavery with multi-occupational, semi-skilled, and skilled labor might even lend themselves to cultural diffusion in a way that large plantations do not. 'Abroad' marriages and romantic relationships, for example, were likely to be far more common in Nova Scotia than South Carolina. In addition, skilled workers were often able to travel unsupervised. All of these represent valuable opportunities to network and build communities across large distances. One may look at the American South itself for examples of these processes at work—indeed, the almost-unexplored history of slavery in the mountains of Southern Appalachia may well hold some promise for future comparative studies of Maritime slavery.⁶⁰

Though the number of slaves brought to Nova Scotia by the New England Planters will almost certainly remain elusive, there are enough extant sources to

⁵⁹ For slave culture in eighteenth-century New England, see William D. Piersen, *Black Yankees: The Development of an Afro-American Subculture in Eighteenth-Century New England* (Amherst: The University of Massachusetts Press, 1988); Gary B. Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720-1840* (Cambridge: Harvard University Press, 1988). For slave life and culture in the American South, see John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York: Oxford University Press, 1972); Herbert Gutman, *The Black Family in Slavery and Freedom, 1750-1925* (New York: Pantheon Books, 1976); George P. Rawick, *From Sundown to Sunup: The Making of the Black Community* (Westport, CT: Greenwood Press, 1972).

⁶⁰ See Wilma A. Dunaway, *Slavery in the American Mountain South* (Cambridge: Cambridge University Press, 2003); John C. Inscoe ed., *Appalachians and Race: The Mountain South From Slavery to Segregation* (Lexington: The University Press of Kentucky, 2001).

suppose it modest.⁶¹ The New England Planters largely came from overcrowded areas of southern New England. They were above all else attracted to Nova Scotia by the promise of free developed land. They did not have much money; they were likely to have bought land in New England if they had the financial resources to do so.⁶² Governor Lawrence's offer included subsidies to cover the cost of resettlement, further enticing New Englanders of lower socio-economic status.⁶³ All of this amounts to the unlikelihood that slaveholding was widespread among Planters. But slavery had an influence far more pervasive than may be expected from numbers alone. Planters who had the greatest financial resources were likely to take on positions of leadership within the province. These same men were the most likely to buy and own slaves. Slaveholders may have been a minority, but—as evidenced by Malachy Salter, Henry Denny Denson, and Colonel John Burbidge—they tended to have outsized influence over public and legislative policy. In outright political terms, it did not matter whether the New England Planters brought twenty slaves or two thousand slaves as long as the right people owned them.

⁶¹ Historian Karolyn Smardz Frost argues there may have been as many as two hundred slaves brought into the region by the New England Planters, though she notes that slaves continued to be imported after the initial migration. Cited in Harvey Amani Whitfield, "The African Diaspora in Atlantic Canada: History, Historians, and Historiography," *Acadiensis* 46, no. 1 (Winter/Spring 2017), 213n1.

⁶² Graeme Wynn, "A Province Too Much Dependent on New England," *Canadian Geographer* 31 (1987): 98-113.

⁶³ Robert McLaughlin, "New England Planters Prior to Migration: The Case of Chatham, Massachusetts," in *Planter Links*, eds. Conrad and Moody, 17.

Nova Scotia never recognized or regulated slavery through statute law—the legitimacy of slavery predicated on the notion that custom attains the force of law, and as such remained “implicitly lawful... until adjudged or legislated to be explicitly illegal.”⁶⁴ This rationale began to be challenged in the 1780s following the arrival of the Loyalists; but even then, these occurred rarely and often without success. Fruitful legal challenges on the basis of title warranty defect did not become the norm until the Black Loyalist exodus to Sierra Leone in 1792. Elizabeth Watson’s court cases should not be confused with these actions, which were explicitly designed to test the legality of slavery within the province. Her cases are best interpreted as those of a woman exercising her incontrovertible right to avail herself of the judicial system, in actions more concerned with assault and false imprisonment than slavery as such.

⁶⁴ Cahill, “Slavery and the Judges of Loyalist Nova Scotia,” 79.

III

I said to my soul, be still, and wait without hope.

There will be no redemption at the end of this story. Elizabeth Watson returned to slavery by order of the Supreme Court of Nova Scotia on 20 October 1779 and disappeared from the historical record. “We find for Defendant William Proud,” the jury declared, ‘...that said *Elizabeth Watson* is his property and slave.”¹ At least she won her name. Watson petitioned the Halifax Inferior Court of Common Pleas in March 1778. She claimed she was “brought from Boston [to Halifax],” and unknown to herself sold to Elias Marshall as a slave. By doing so, she became the first black woman to seek possession of her freedom in a Nova Scotia court of law.² Her keen understanding of the legal world she inhabited, and her rights as a British subject, may well be a testament to the veracity of her testimony. Indeed, freedom suits were a well-established legal recourse for New England slaves by the time Elizabeth Watson arrived in Nova Scotia.³

¹ *Watson v. Proud*, RG 37, C/21, NSA.

² *Woodin v. Watson*, RG 37, 22/45, NSA.

³ The date of her arrival is unknown, though it is likely sometime in the mid-1770s.

Joan Jackson was the first black woman to win her freedom through judicial proceedings in New England. She was declared free in 1716 in Cambridge, Massachusetts, and spent the remainder of her life seeking freedom for her children.⁴ By 1750, three other enslaved women had obtained their legal freedom—one in South Kingstown, Rhode Island, and two in Portsmouth, New Hampshire.⁵ These women seized their liberty through ‘freedom suits,’ civil actions brought by slaves which often culminated in a lower court trial.⁶ In other words, New England’s freedom suits were traditionally brought in the exact fashion that Elizabeth Watson sought her freedom in March 1778. Though freedom suits originated in colonial Virginia, where six such actions had been brought by 1670, the legal loopholes that allowed slaves to sue for freedom in the South did not remain open for long.⁷ By the eighteenth century, New England’s

⁴ See Allegra di Bonaventura, *For Adam’s Sake: A Family Saga in Colonial New England* (New York: W.W. Norton, 2013); Allegra di Bonaventura, “It’s Complicated: Rethinking Family Life in Early New England,” *Historically Speaking* 14, no. 3 (June 2013): 7-8.

⁵ Catherine Adams and Elizabeth H. Pleck, *Love of Freedom: Black Women in Colonial and Revolutionary New England* (New York: Oxford University Press, 2010), 127.

⁶ Graham Russell Hodges, *Root and Branch: African Americans in New York and East Jersey, 1613-1863* (Chapel Hill: University of North Carolina Press, 1999), 129-130.

⁷ For more on the history of freedom suits, see Paul Finkelman, *Slavery in the Courtroom: An Annotated Bibliography of American Cases* (Washington, D.C.: Library of Congress, 1985); Paul Finkelman, *Imperfect Union: Slavery, Federalism, and Comity* (Chapel Hill: University of North Carolina Press, 1981); Ariela Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton University Press, 2000); Edlie L. Wong, *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel* (New York: New York University Press, 2009); William E. Foley, “Slave Freedom Suits Before Dred Scott: The Case of Marie Jean Scypion’s Descendants,” *Missouri Historical Review* 79 (1984): 1-23; Loren Schweninger, “Freedom Suits, African American Women, and the Genealogy of Slavery,” *The William and Mary Quarterly* 71, no. 1 (January 2014): 35-62; Jason A. Gillmer, “Suing for Freedom: Interracial Sex, Slave Law, and Racial Identity in the Post-Revolutionary and Antebellum South,” *North Carolina Law Review* 82, no. 2 (January 2004): 535-619. For the only extant first-person account of a freedom suit, see Lucy Delaney, *From the Darkness Cometh the Light, or Struggles for Freedom* (St. Louis, MO: J.T. Smith, 1891).

legal system was unique in granting judicial access for such actions to slaves and free blacks. Even in the northern colonies there were few freedom suits outside of New England. None occurred in Pennsylvania or New Jersey prior to the end of the American Revolution. Likewise, there is no record of a civil suit brought by slaves seeking freedom in New York.⁸ By contrast, fourteen Massachusetts women filed civil lawsuits to secure their freedom between 1716 and 1783.⁹ All of this points to the veracity of Elizabeth Watson's testimony in regard to her New England provenance. In addition, it establishes *Woodin v. Watson* as a transnational extension of New England's freedom suits and suggests the need for historians to study it as such.

Elizabeth Watson's petition and subsequent capture of her freedom can be interpreted as the ultimate assertion of her rights as a British subject, as well as a powerful statement to her self-perception and identity.¹⁰ It can also be interpreted as a violent reminder of the aporia that permeated blackness and slavery in New England, which Elizabeth Watson embodied as she stood astride her status of legal personhood and chattel. On the other hand, her re-enslavement at the hands of Halifax butcher William Proud, and the Nova Scotia Supreme Court's decision to affirm her slave status, can be interpreted as symbolic of the ideological battle over the meaning of freedom—and therefore

⁸ Hodges, *Root and Branch*, 129-130.

⁹ Adams and Pleck, *Love of Freedom*, 127.

¹⁰ See Van Gosse, "As a Nation, The English Are Our Friends: The Emergence of African American Politics in the British Atlantic World, 1772-1861," *The American Historical Review* 113, no. 4 (October 2008): 1003-1028.

slavery—that seized British North America around the time of the Revolutionary War.¹¹ Indeed, the 1765 Stamp Act coincided with a sharp rise in the incidence of freedom suits. This has two-fold importance: While Elizabeth Watson clearly knew about and was influenced by these suits, so did the Loyalist judges and lawyers who later proved instrumental to ending slavery in Nova Scotia during the 1790s.

Thirty-one days after the Inferior Court granted Watson her freedom, she was seized by William Proud, who claimed Watson was his runaway slave known as Phillis. A Court of Special Sessions of the Peace sat for the trial, which began on 1 August 1778.¹² The judges were John George Pyke, Thomas Bridge, George Smith, and John Newton, the first three of whom heard the original suit. Elizabeth Watson secured the services of George Thomson, the most junior attorney in the province.¹³ William Proud, by contrast, was represented by Solicitor-General Richard Gibbons, Jr., the senior member of the bar and its most

¹¹ See Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton, 1975); David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Ithaca: Cornell University Press, 1975); Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968); Jack P. Greene, *All Men Are Created Equal: Some Reflections on the Character of the American Revolution, An Inaugural Lecture* (New York: Oxford University Press, 1976); Jack P. Greene, "Slavery or Independence: Some Reflections on the Relationship among Liberty, Black Bondage, and Equality in Revolutionary South Carolina," *South Carolina Historical Magazine* 80 (July 1979): 193-214.

¹² Justices typically held 'special' sessions between regularly scheduled Courts of Quarter or General Sessions of the Peace, intended to prevent delays in the administration of justice. See J.H. Baker, "Criminal Courts and Procedure at Common Law 1550-1800," in J.S. Cockburn ed., *Crime in England 1550-1800* (Princeton: Princeton University Press, 1977), 30.

¹³ For mentions of *Watson v. Proud*, see Barry Cahill, "Slavery and the Judges of Loyalist Nova Scotia," *University of New Brunswick Law Journal* 43 (1994), 80; and Julian Gwyn, "Female Litigants before the Civil Courts of Nova Scotia, 1749-1801," *Histoire Sociale/Social History* 36, no. 72 (2003), 340-341.

prominent attorney—which points, perhaps, to the potentially high-profile nature of the trial. Elizabeth Watson’s sworn deposition, signed with an ‘X,’ is transcribed here in full:

At a Court of Special Sessions of the peace on the first Day of August 1778. —Present, John Newton, George Smith, Thomas Bridge, and John George Pyke Esqs., Justices. — Elizabeth Watson, being duly Sworn Deposeeth and Saith that on, or about the 16th Day of July last, about three of the Clock in the Morning being Warm, and much fatigued by Cooking &ca. in the House of Mr. William Proud, she went out to the necessary, when said Mr. Proud came out thither with a Candle, and this Deponent being in the necessary ask’d who came there. And immediately [Proud] asked who this Deponent had with her, and Demanded her to open the Door, and come out Directly, and this Deponent came into the House accordingly, and one Mr. Barn being in the House much in Liquor with this Deponent taking Notice of by Expressing the same. Mrs. Proud the wife of the said William Proud immediately Struck this Deponent in the face with her Hand after which this Deponent went up the Stairs, and said Mr. Proud and his Wife both follow’d this Deponent. And the said Mr. Proud flogged, or Beat, this Deponent Violently with a Horse Whipp he had brought with him until he broke it & after got another, and continued to repeat the same for a long time, and then kicked her this Deponent with his feet down the Stairs, or some part thereof.

/Signed/ [X for Elizabeth Watson]

Sworn before—

/Signed/ [Thomas Bridge]¹⁴

¹⁴ *Watson v. Proud*, RG 37, Public Archives of Nova Scotia, C/21.

The Supreme Court of Nova Scotia took over the case through a writ of *certiorari* filed by Richard Gibbons after Watson's assertion that she had suffered "damage to the value of One Hundred Pounds."¹⁵

The proceedings at the Supreme Court began when George Thomson applied for and obtained a writ *de homine replegiando*. This writ is crucial to understanding the significance of Elizabeth Watson's trial. *De homine replegiando* is one of the oldest medieval writs, first appearing in the Pipe Roll records of 1165-66.¹⁶ The writ *de homine replegiando* "lies to replevy a man out of prison, or out of the custody of any private person—in the same manner that chattels in distress may be replevied—upon giving security to the sheriff that the man shall be forthcoming to answer any charge against him."¹⁷ The writ was "a popular remedy to obtain a release from simple custodies," and evolved through medieval times into the customary common law method to replevy villeins seized by a lord by writ *de nativo habendo*.¹⁸ By the eighteenth-century, the writ *de*

¹⁵ *Ibid.* For more on writs of *certiorari*, i.e. definitions and uses, see William Blackstone, *Commentaries on the Laws of England*, iv, xxiv.

¹⁶ Note that the earliest extant record of the continuous series dates to 1155-56. Elsa de Haas, *Antiquities of Bail: Origin and Historical Development in Criminal Cases to the Year 1275* (New York: Columbia University Press, 1940), 62; Christopher Coredon, *A Dictionary of Medieval Terms & Phrases* (Woodbridge: D.S. Brewer, 2004), 219.

¹⁷ William Blackstone, *Commentaries*, 3:129; see also Joseph Harrison, *The Practice of the Court of Chancery*, 2 vols. (London: A. Strahan, 1796), 1:164-166.

¹⁸ Maxwell Cohen, "Some Considerations on the Origin of Habeas Corpus," *Canadian Bar Review* 16 (1938), pp. 92, 96, 97; Phineas Pemberton Morris, *Practical Treatise on the Law of Replevin in the United States; with an Appendix of Forms, and a Digest of Statutes* (Philadelphia: Kay & Brother, 1878), 255-265. For more on the writ *de nativo habendo*, see Blackstone, *Commentaries*, 1:26.

homine replegiando had long been rendered obsolete by *habeas corpus*.¹⁹ The two writs worked in much the same fashion; both could be brought on behalf of the detainee by a third-party. But *de homine replegiando* held one great advantage over *habeas corpus*: Where *habeas corpus* called for a bench trial, *de homine replegiando* called for a jury trial.²⁰ That Watson sought to take an outdated action that guaranteed her a trial by jury speaks to Nova Scotia's ideological state at the time of the Revolutionary War. Watson and her attorney must have thought a jury would be more likely to grant her freedom than the Supreme Court Justices, a twist that may point to schisms between the political elite and people likely to serve in a jury. Of course, a jury would still comprise land-owning white men, but it has already been established that this segment of Nova Scotia's population prior to the arrival of the Loyalists had—at least to some extent—been drawn from New England's lower socio-economic strata.²¹

The Supreme Court proceedings began in earnest on 13 July 1779, when Chief Justice Bryan Finucane and the Assistant Justices heard the plaintiff's

¹⁹ Bryan A. Garner, ed., *Black's Law Dictionary*, 9th ed. (Eagan, MN: West, 2009), s.v. "De Homine Replegiando."

²⁰ Some Defects in the Law of Habeas Corpus," *The Law Review and Quarterly Journal of British and Foreign Jurisprudence* 22 (1855): 149-168; James Kent, *Commentaries on American Law*, 4 vols. (Philadelphia: The Blackstone Publishing Co., 1889), 26-33.

²¹ See Graeme Wynn, "A Province Too Much Dependent on New England," *Canadian Geographer* 31 (1987): 98-113; Robert McLaughlin, "New England Planters Prior to Migration: The Case of Chatham, Massachusetts," in *Planter Links: Community and Culture in Colonial Nova Scotia*, eds. Margaret Conrad and Barry Moody (Fredericton, NB: Acadiensis Press, 2001). For more on the history of jury trials in Canada specifically, see Regina Schuller and Neil Vidmar, "The Canadian Criminal Jury," *Chicago-Kent Law Review* 86, no. 2 (2011): 497-535; R. Blake Brown, *A Trying Question: The Jury in Nineteenth-Century Canada* (Toronto: University of Toronto Press, 2009).

declaration in replevin, followed by the defendant's avowry and the subsequent replication:

Be it remembered that on Tuesday the Thirteenth day of July in this same Term Before the Honorable Bryan Finucane Esquire and his Assistant Justices of our Lord the King of the Supreme Court held at Halifax in Nova Scotia Came Elizabeth Watson by George Thomson her Attorney and brought here into the said Court of our said Lord the King then there his certain Bill or Declaration against William Proud late of Halifax in the County of Halifax Yeoman alias Butcher in the Custody of the Provost Marshall of a Plea wherefore the said Elizabeth he took and taken holdeth &ca. Declaration— William Proud late of Halifax in the County of Halifax Yeoman alias Butcher was Attached to Answer Elizabeth Watson of a Plea Wherefore the said Elizabeth he took and taken holdeth &ca. And Whereupon the said Elizabeth by George Thomson her Attorney Complains that the said William on the Twenty Fourth day of April in the nineteenth year of our Lord the Present King at Halifax in the County of Halifax took the said Elizabeth her taken still holdeth Wherefore She Says that She is injured and hath damage to the Value of One hundred Pounds and thereof She brings Suit &ca—

Avowry-- And the Said William Proud by Richard Gibbons his Attorney Comes and defends the force and Injury when &ca. And well avows the taking and holding of the said Negro Phillis falsely calling herself Elizabeth Watson in the aforesaid Place Wherein &ca and justly &ca. because he Saith that before the aforesaid time wherein the taking of the said Female Negro is supposed to be done And at the time wherein she was so taken by the Said William Proud She was a Negro Slave and Servant and did on the twenty

third Day of April in the Year aforesaid at Halifax in the County aforesaid without the consent and against the Will of the Said William Proud desert and abscond from his service Wherefore the Said William doth well avow the taking and holding of the Said female Negro Slave and Servant truly called and known by the name of Phillis but falsely and pretendedly calling herself Elizabeth Watson in the aforesaid Place wherein &ca. and justly &ca. as the absolute Slave and Servant, Right and Property and part of the proper Goods Chattels and Estate of the said William Proud and not a good Lawful and Free Woman—

Replication— And the said Elizabeth by her Attorney aforesaid Saith that the Said William Proud. by Reason of the Allegations aforesaid cannot Justly and legally avow the taking and holding of her the said Elizabeth by the Said William aforesaid as in the aforesaid Plea wherein &ca. because She Saith that at the time aforesaid She was and Yet is a Good Lawful and Free Woman justly and truly named Elizabet Watson Without this that She is a Slave and Servant the Property or part of the Goods Chattels and Estate of the said William as he hath in his said Avowry aforesaid alledged—

Issue: And this She prays may be enquired of by the Country. And the said William Proud doth so likewise &ca.

Venire: Therefore, the Provost Marshal is Commanded That the cause to come here before the Justices of our Lord the King aforesaid on Friday the Twenty Third day of July instant. Twelve free and lawfull Men of the Body of the Country of Halifax by whom &ca and who are neither &ca To Recognize &ca because as well &ca.—²²

²² *Watson v. Proud*, RG 37, Public Archives of Nova Scotia, C/21.

William Proud, through attorney Richard Gibbons, thus argued that Elizabeth Watson was his runaway slave Phillis, who had absconded from his service on the night of 23 April 1778. He admitted to having assaulted her the following day, but proclaimed he had been well within his rights to do since she was his property. But Elizabeth Watson had been declared a free woman by the Court of Quarter Sessions on 23 March 1778, a decision that was on record.

On 14 September 1779, the court deposed Samuel Laka—the defendant's key witness—at the home of Chief Justice Bryan Finucane. Laka declared that he had personally bought Elizabeth Watson in Boston and transported her to Halifax:

Samuel Laka being duly sworn on the holy Evangelists and on the part of said William Proud interrogated answers as follows:

1. Did you at any time...purchase a Negro Woman of the Name of Phillis in Boston and from whom & for what sum.

To the 1st Answers—He did purchase such a Woman of Nicholas Lobdell in Boston but when he paid the Money and received her said Nicholas was not present but it was transacted between the Deponent and said Lobdell's Wife—Don't recollect the time—the cost sum is he believes twenty-seven pounds.

2. When and to whom and where did you dispose of said Woman.

To the 2nd. He disposed of her in Halifax to Mr. Elias Marshall.

3. In the Bill of Sale now shewn to you with a Receipt Signed with your Name a Bill of Sale of said Woman from you to Elias Marshall and is the name Samuel Laka hereto subscribed your handwriting.

To the 3rd. Answers it is.

4. Is the instrument now shewn to you under seal signed “Agnes Lobdell on behalf of my Husband Nicholas Lobdell” the original Bill of sale of said Negro Woman to you—

To the 4th. Answers it is.

5. Did said Negro Woman at or before the time of her being sold to you or at any time afterward while she was with you declare herself to be a Free Woman and no slave or claim to be set at liberty as such or did she object to being sold by you to Mr. Marshall as a slave.

To the 5th answers—She expressed an uneasiness at coming to Halifax but never heard from herself or any one else that she pretended to be Free or that I had not a Right to dispose of her as my Property or any thing like it until my arrival at this time in Halifax.

6. How long have you known the said Negro Woman and what reasons have you to believe her a slave and not a Free Woman.

To the 6th answers—I know her to be a servant in Mr. Lobdell’s Family about six months before I purchased her and was told by Mr. and Mrs. Lobdell they had bought her of one Ebenezer Gorham from whom I have a Bill of Sale of her to said Lobdell.

7. [Crossed out] What were the reasons that induced Mr. Lobdell to sell her to you if you know them declare them. [Crossed out]

8. Did you ever hear or know of any Other Name by which said Negro Woman was at any time called or known than Phillis—if yea what was it and when where and by whom so called.

To 8th answers—Never heard of any other than Phillis.

9. [Crossed out] If you know declare from whom when where and by what means Nicholas Lobdell became the Owner of said Negro Woman as his slave. [Crossed out]

10. Did the said Negro Woman at the time of her being sold to you and of your selling her to Mr. Marshall know of her being so sold and disposed of as a slave.

To 10th answers—yes—

11. Did you ever hear or know that either of the Parents of said Negro Woman were Free Persons what were their names and if slaves to whom were they or either of them slaves—And are you Eventually interested in the Slavery or Freedom of said Phillis.

To 11th answers—He knows not—He is not interested.

Sworn at Halifax the 14th Day of September 1779. Mr. Thomson in behalf of said Phillis being present and having no Questions to ask the Deponent before me.

[Signature]²³

Elizabeth Watson's attorney George Thomson was indeed present yet declined to question the deponent. In the end, Samuel Laka was only witness at the trial.

Elizabeth Reed, on the strength of whose testimony Watson secured her freedom one year earlier, was not summoned to appear before the court.²⁴

The trial took place on 20 October 1779. George Thomson's failure to act on Watson's behalf—in terms of questioning Samuel Laka, objecting to any part of his testimony, or bringing a witness of his own—meant that William Proud's attorney presented all evidence considered by the jury. Having heard no

²³ *Ibid.*

²⁴ The reasons for this are unknown.

evidence to the contrary, the jury declared Elizabeth Watson to be Proud's "property and slave."²⁵

This is not the only such story, though Elizabeth Watson's case remains the earliest extant record of re-enslavement in Nova Scotia. There might have been others before. There were certainly others after.²⁶ Mertilla Dixon, who fled her master's Virginia home during the Revolutionary War and found her way to Nova Scotia, where again she was impelled to flee from an employer who "threatened to ship her to the West Indies, and... dispose of her as a Slave."²⁷ She took refuge with her father, and invited her old employer to "prove his claim."²⁸ Lydia Jackson, whose poverty forced her to indenture herself to a Loyalist man who sold her to Dr. William Bulman, who beat her "with tongs, sticks, pieces of rope about the head and face...[and] in the most inhuman manner stamped upon her whilst she lay upon the ground... though she was in the last month of

²⁵ *Ibid.*

²⁶ The re-enslavement of free and allegedly free blacks became all too common in the wake of the Loyalist diaspora. The relative lack of surviving sources pertaining to re-enslavement in the Maritimes reveals a need for historians to look elsewhere for analogous historical processes. Alongside Nova Scotia, the Bahamas had the highest incidence of wrongful re-enslavement in the Loyalist diaspora. There the practice became pervasive enough that governor Lord Dunmore established a succession of courts dedicated solely to hearing evidence to the legal freedom of blacks. The means of re-enslavement in the Bahamas mirrored those often seen in Nova Scotia: destruction of freedom papers, followed by sale to the West Indies. See Carole Watterson Troxler, "Use of the Bahamas by Southern Loyalist Exiles," in Jerry Bannister and Liam Riordan eds., *The Loyal Atlantic: Remaking the British Atlantic in the Revolutionary Era* (Toronto: University of Toronto Press, 2012), pp. 194-195, 199-200.

²⁷ Complaint of Mertilla Dixon, RG 34-321, M 97, Nova Scotia Archives, cited in Whitfield, *North to Bondage*, 14.

²⁸ *Ibid.*

pregnancy.”²⁹ The courts did not help her, silenced as they were by Dr. Bulman’s overbearing influence; for three more years she lived with him, until at last she “made her escape in a wonderful way through the woods.”³⁰ And Mary Postell, who was born a slave in South Carolina and fled to British lines with her daughters Flora and Nell. They were re-enslaved in 1785 when Jesse Gray destroyed Postell’s certificate of freedom. He took her and her two daughters to Nova Scotia, where he forced them to “Work and Labour... as the Slave and Slaves of him.”³¹ Postell grew fearful that Gray intended to sell her away from Flora and Nell. They fled his home, and Postell went to court.³² Though he submitted paltry evidence—a bill of sale from his own brother Samuel—the court ordered that Postell and her daughters return to Gray’s home, “on condition that he give Security for not Selling her... in Twelve Months from this Day.”³³ The following year, Gray sold Mary Postell for a hundred bushels of potatoes. Three years later, he sold Flora south to North Carolina for five pounds.³⁴ Fearful that Nell would suffer the same fate, Postell returned to court

²⁹ Cumberland County Census 1785, RG 1, vol. 443, no. 37, Nova Scotia Archives; Cumberland County Census 1791, RG 1, vol. 444, no. 1, Nova Scotia Archives; C.B. Fergusson ed., *Clarkson’s Mission to America 1791-1792* (Halifax: Public Archives of Nova Scotia, 1971), 90.

³⁰ *Clarkson’s Mission to America*, 90.

³¹ General Sessions at Shelburne, Nova Scotia, 8 July 1791, Shelburne Records, MG 4, vol. 141, Nova Scotia Archives.

³² General Sessions at Shelburne, Nova Scotia, 10 April 1786, Shelburne Records, MG 4, vol. 141, Nova Scotia Archives.

³³ *Ibid.*

³⁴ Carole Watterson Troxler, “Re-enslavement of Black Loyalists: Mary Postell in South Carolina, East Florida, and Nova Scotia,” *Acadiensis* 37, no. 2 (2008), 77.

and “Complained against Jesse Gray... for taking away her children.”³⁵ Mary Postell had a much stronger case than Elizabeth Watson; two separate witnesses testified to her freedom and her work for the Loyalist cause. Still the court decided Mary Postell had not proven her freedom, and returned her to slavery.³⁶ Her bitter end should not cast a shadow over the fact that she fought, tooth and nail, for five years.

These four admirable women—Mertilla Dixon, Lydia Jackson, Mary Postell, Elizabeth Watson—join countless others of all ages and genders whose names are lost to history. Their number will never be known with any degree of certainty. Nova Scotia may not have been a place of widespread slavery, but it was a place of rampant unfreedom.

Ultimately, it would be easy to blame Elizabeth Watson’s wretched fate on George Thomson’s inability, or unwillingness, to represent his client with a semblance of integrity. But all evidence points to this: Elizabeth Watson lied.

Perhaps she did not. Perhaps Samuel Laka conspired with William Proud and delivered false testimony. Perhaps together they falsified three bills of sale, the genealogy of her unfreedom—from Ebenezer Gorham to Nicholas Lobdell, to Samuel Laka, to Elias Marshall. Perhaps the truth lies somewhere in the middle. Perhaps Elizabeth Reed did know her as Elizabeth Watson, a free woman born of a free mother. Perhaps she was left destitute when her parents died. Perhaps she

³⁵ General Sessions at Shelburne, Nova Scotia, 5 April 1791, Shelburne Records, MG 4, vol. 141, Nova Scotia Archives.

³⁶ Troxler, “Re-enslavement of Black Loyalists,” 84.

was not enslaved in Halifax, but in Boston. And yet—perhaps a young slave woman named Phillis landed on the shores of a foreign land and sensed an opportunity to fashion herself anew. Perhaps in Boston she heard stories of women who sued for their freedom and won. Perhaps she used this knowledge and her natural intelligence to navigate Nova Scotia’s fledgling legal system. Perhaps she gave herself a new name, borne from the wellspring of her own self.

Perhaps, perhaps, perhaps— this is the stuff of history. What does it matter if she lied? These questions will never find their answer— and all the world’s certainty would not avail, nothing could change her fortune. Here is what we do know with certainty: Sometime in the mid-1770s, Elizabeth Watson arrived in Halifax from Boston. In March 1778 she suffered an atrocious beating at the hands of Elias Marshall. The Halifax Court of Quarter Sessions granted her freedom on 23 March 1778.³⁷ She was seized by the butcher William Proud thirty-one days later. Yet she persisted. The Supreme Court of Nova Scotia returned her to slavery on 20 October 1779.³⁸ Nothing else is certain. The archive silenced her, as it did so many others. Elizabeth Watson is neither flesh nor fleshless, forever *in medias res*. Her story comes to us as a frantic solitary shout amid a sea of silence, a fervid light that flashed once and was never seen again. The child she carried almost certainly died.³⁹ Its body was likely buried somewhere in Elias

³⁷ *Woodin v. Watson*, RG 37, 22/45, NSA.

³⁸ *Watson v. Proud* RG 37, C/21, NSA.

³⁹ She could not have been too far along in her pregnancy. She told Marshall she was pregnant eight days before the beating, and it is unlikely she would have told him unless necessary. This points to the physical changes characteristic of pregnancy becoming too pronounced to hide,

Marshall's land—four hundred acres bounded by Washmill Lake to the east and Fox Lake to the west.⁴⁰ There are no plaques here, no memorials or remembrances, no markers or headstones.⁴¹ The soil remains; still bucolic, by now idyllic, long reclaimed by balsam firs and red spruce.⁴² Past the western shore of Fox Lake there is primeval forest, taller and heavier—the sole reminder that people lived in this place.

leading to estimate that Watson may have been twenty-one weeks pregnant at most. Even with modern medicine and healthcare, a preterm birth at this stage of pregnancy is not considered viable. See Barbara J. Stoll et al., "Causes and Timing of Death in Extremely Premature Infants from 2000 through 2011," *The New England Journal of Medicine* 372 (2015): 331-340.

⁴⁰ "Index Sheet 66," Halifax County Land Grants, Department of Lands and Forests, Crown Land Information Management Centre, Nova Scotia.

⁴¹ As prominent archaeologist Charles E. Orser, Jr. wrote, "Only archaeology has the power to resurrect the daily lives and cultural patterns of the invisible men and women of the past. By piecing together the often-scant evidence left behind by a people in their artifacts and building remains, archaeologists can construct pictures of the past that are unique, insightful, and intimately human." Charles E. Orser Jr., *Images of the Recent Past: Readings in Historical Archaeology* (Walnut Creek, CA: Altamira Press, 1996), 10. For more on historical archaeology, and what land can tell historians about the people who lived in it, see Heather Macleod-Leslie, "Archaeology and Atlantic Canada's African Diaspora," *Acadiensis* 43, no. 1 (2014): 137-145; Catherine Cottreau-Robbins, "Searching for the Enslaved in Nova Scotia's Loyalist Landscape," *Acadiensis* 43, no. 1 (2014), 129-131; Alexandra A. Chan, *Slavery in the Age of Reason: Archaeology at a New England Farm* (Knoxville: University of Tennessee Press, 2007); James Deetz, *In Small Things Forgotten: The Archaeology of Early American Life* (New York: Anchor Press, 1977).

⁴² For identification of trees, see G.L. Saunders, *Trees of Nova Scotia: A Guide to the Native and Exotic Species* (Halifax: Department of Lands and Forests, 1973), 1-37.

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