

Guardians of Bondage: Enforcing Slavery in New France and Barbados, c. 17th-18th

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A few different things happen once you tell your friends and family that you're leaving law school to study the history of slavery. First, one faces forced smiles, chortles of disapproval, and the occasional unsolicited aunt/relative/etc leaning in to solemnly whisper "are you sure about this?" But beyond these mild amusements, you discover that unearthing and sharing lives from the past not only provides satisfaction but is a worthy endeavour. As is the grim but illuminating work of understanding how it came to be that over 12 million human beings were owned and traded during the Trans-Atlantic Slave Trade.

A year on from this choice myself, I am immensely grateful to all those who made this intellectually nourishing journey possible. Thanks to my family who (despite some raised eyebrows) ultimately came around to support me fully, and to my close friends for the advice and endless great laughs. The McGill History Department, meanwhile, was an enjoyable place to learn. Leonard Moore's guidance and particularly his Civil Rights course sparked a curiosity in racial injustice and its history which influenced this project. My peers made the experience stimulating and assisted by sharing helpful comments on drafts. Thanks is also owed to the help from a host of scholars from far and wide who provided valuable sources and suggestions: Jerome Handler with his insights on Barbados, Afua Cooper and Brett Rushworth on slavery in Canada, as well as Damian Alan Pargas for fielding some theoretical questions. Finally, the prompt and professional assistance from archivists at Library and Archives Canada and the Université de Montreal was not just appreciated but indispensable to my primary source research.

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Abstract

This paper is a comparative study of the enforcement and policing of slavery and forced labour in c. 17th-18th New France/Quebec and Barbados. I seek to: a) compare the legal orders governing the ownership and control of enslaved people in both societies; b) understand how slave owners, militias, slave catchers and jail keepers surveilled, controlled and captured enslaved people to enforce slave legislation in their two respective societies and c) explore how enslaved people responded and resisted to these efforts. In a broader thematic sense, this paper also aims to re-insert the marginalized history of slavery in New France/Quebec into the wider scholarship of slavery studies.

Table of Contents

Plate List	4
Introduction: “To use their Utmost Endeavours”	5
Section I: Legal Context	12
The Legal Context of Slavery in New France: “The King sees fit”	12
Extradition and Treaty of Whitehall	12
Governor Denonville, Intendant Champigny and the Argument for Labour	14
Intendant Hocquart’s Manumission Ordinance	17
Barbados: Legal Context	19
Section II: Primary Actors and Methods	27
Barbados	27
Effectiveness	33
New France/Quebec	35
Edward William Gray and the Bailiffs	36
Outsourcing / Appealing to authority	37
Section III: Responses and Resistance	42
Conclusion	49
Plates	53
Bibliography	55

Plate List

Fig. 1 Anonymous, “RUN-AWAY, the 25th Instant” *Quebec Gazette*, 6 October 1766

Fig. 2 Constant Freeman, “RUN AWAY from the Schooner Lucy” *Quebec Gazette*, 5 June 1788

Fig. 3 Elizabeth McNiell, “RUN AWAY the 28th or 29th” *Quebec Gazette*, 9 June 1785

Fig. 4 Anonymous, “RUN away on Friday the 10th instant” *Quebec Gazette*, 9 June 1785

“People and nations forge memories and narratives which are the stories they choose to live in. We make stories that tell us who we are. Sometimes they are the stories that are good to know, and sometimes, we try to tell the stories we ought to know.” - David Blight

Introduction: “To use their Utmost Endeavours”

On a late September night in 1777, a man crept quietly along the deserted Saint-Paul Street in Montreal. His name was Bruce and with the pale moon as his guide, he broke into a cellar and stole provisions for his journey. He was going to escape slavery and in the eyes of the law, steal himself. Perhaps he briefly paused to peer out into the vast expanse of the St-Lawrence valley before disappearing into the still night. What would he have been thinking? Did he ponder the dangers that lay ahead or consider how many others had engaged in the same act of defiance? How would he stay away from those who would seek to apprehend him? We know little about where Bruce went or how far he got. What is certain is that his flight caused great concern and was relatively short-lived. His distressed owner had immediately notified the city sheriff who hastily posted a runaway slave ad in the *Montreal Gazette*. It described the tall “high-nosed” man and implored “all Captains of Militia and other peace Officers to use their utmost endeavours to apprehend *Bruce*.”¹ Indeed, within a year of his flight Bruce stood indicted at a Montreal courthouse for his crimes. Despite his best efforts, a legal system underpinned by racialized surveillance, designed for the very purpose of enforcing his enslavement, had done its work.²

¹ Frank Mackey, Edwd. Wm. Gray, Montreal – September – Escape/Male (35), *Quebec Gazette* "Appendix I: Newspaper Notices" In *Done with Slavery: The Black Fact in Montreal, 1760-1840*, (McGill-Queen's University Press, 2010) 319.

² Ibid, Frank Mackey explains the following on the base: “Bruce was arrested at Quebec the following winter, returned to Montreal, and tried under the name Thomas Bruce for felony and burglary at the March Term of the Court of King’s Bench in 1788. He pleaded not guilty at his arraignment on 3 March, but was convicted at his trial on 5 March. On 10 March, he was sentenced to hang on 10 April, but there is no trace of a confirmation of his execution or record of his death.” Ignoring the issue of Bruce’s actual factual “guilt”, accusations of this nature were a normal tactic used to criminalize the enslaved.

Throughout the Atlantic world, slave owners grappled with the persistent problem presented by people like Bruce: how to keep living property controlled and secured? In response, elaborate systems of surveillance, pursuit, and social control had to be put in place. Laws and codes were carefully drafted and a host of actors — slave owners, sheriffs, jailers, slave catchers, and militia men — kept a watchful eye. In the eyes of the slave owning class, if the institution was to survive, these several actors would need to work together and act as the institutions guardians. Although we know much of slavery in the Atlantic world, and how the early settlers from Montreal to Barbados, traded and exploited thousands of enslaved Indigenous and African people we still know relatively little about how the institution of slavery was legally enforced. Who pursued and captured Bruce? What forms of law enforcement would he have confronted during his flight? To answer these questions, a comparative approach is taken in this paper to explore the enforcement of late-17th and 18th century slave law in two distinct slaveholding societies: Barbados and New France/Quebec/Lower Canada. To this end, I explore a series of questions. First, how did the ambiguous legal status of slavery in New France/Quebec develop in contrast to the more explicit Barbadian regime? Second, what methods did slave owners, city sheriff's, militias, private slave catchers, newspapers and jail keepers use to surveil, control and capture enslaved people? Finally, what modes of resistance did enslaved people develop in response?

My research situates itself within two gaps in the vast scholarship on slavery. First, my project seeks to re-insert the marginalized history of slavery in New France/Quebec/Lower Canada into the wider scholarship of slavery studies. Canada has long been overlooked by scholars of slavery as being a site of relatively little importance. Part of the goal of my paper is to demonstrate that slave holding in what is now referred to as Canada shared similarities with other slave holding societies while also having its own unique elements. Second, I contribute what is only the second

work on organized slave control in the “New World” (and first in the Canadian context). The legal history of slavery is a small and vibrant subfield of slavery studies but the majority of work has not gone beyond strictly legal texts and interpretation.³ Sally Hadden’s rare work *Slave Patrols: Law and Violence in Virginia and the Carolinas* (2001) remains an outlier in this sense for how it comprehensively seeks to understand slavery from the perspective of those who concretely enforced it. My paper thus seeks to further this area of the field by bringing the often-abstract historiography of slave law in the Atlantic World down to the level of specific, legally mandated individuals.

To this point, very little has specifically been written on the topic of slave control and policing in the Atlantic world, and no work has compared these two societies on this question. This explains why the majority of secondary source work consulted is either more general work on slavery in New France/Quebec/Lower Canada and Barbados, or legal histories of these contexts. I will begin with Barbados. Key authors studying the history of slavery in Barbados include Jerome Handler, Hilary McD. Beckles, Richard S. Dunn, and Edward B. Rugemer.⁴ Beckles’ works provide larger overviews of slavery on the island and help establish the rise of sugar exports, slave importation rates, some background information on slave codes, as well as

³ Edward B. Rugemer, "The Development of Mastery and Race in the Comprehensive Slave Codes of the Greater Caribbean during the Seventeenth Century." *William & Mary Quarterly* 70, no. 3 (2013), 429-458.

⁴ Hilary McD. Beckles, “A ‘riotous and unruly lot’: Irish Indentured Servants and Freeman in the English West Indies, 1644–1713; Jerome S. Handler, "Life histories of enslaved Africans in Barbados." (1998), 129-140; Jerome S. Handler, "Slave revolts and conspiracies in Seventeenth-Century Barbados" *Nieuwe West-Indische Gids/New West Indian Guide* 56, no. 1/2 (1982), 5-42; Jerome S. Handler, "Escaping Slavery in a Caribbean Plantation Society: Marronage in Barbados, 1650s-1830s." *NWIG: New West Indian Guide/Nieuwe West-Indische Gids* 71, no. 3/4 (1997), 183-225; Jerome S. Handler, "Custom and law: The status of enslaved Africans in seventeenth-century Barbados." *Slavery & Abolition* 37, no. 2 (2016), 233-255.; Jerome S. Handler and John T. Pohlmann, “Slave Manumissions and Freedmen in Seventeenth-Century Barbados,” *William and Mary Quarterly*, 41, 3 (July 1984), 390-408; Richard S. Dunn, “The Barbados Census of 1680: Profile of the Richest Colony in English America,” *William and Mary Quarterly*, 26, 1 (January 1969), 3-30; Jerome S. Handler and Robert S. Corrucini, “Plantation Slave Life in Barbados: A Physical Anthropological Analysis,” *Journal of Interdisciplinary History*, 14, 1 (Summer 1983), 65-90.

certain primary sources to consider.⁵ Jerome Handler, meanwhile, provides more detailed analysis on marronage, runaways and slave law in Barbados. Handler's work is useful in that he extensively examines the state of the law in Barbados as well as the social realities of it, thereby exposing how the legal order in Barbados operated in practice.⁶

The Canadian side of the literature, as is often the case in slavery studies, is sparser. The early work of jurist William Renwick Riddell offers an important starting point for scholars in this area but suffers somewhat from its outdated nature.⁷ The legal histories of crime and punishment in New France written by André Lachance, Raymond Boyer, and Donald William Dyson also prove useful, providing helpful context for how criminal justice was dispensed in the region.⁸ Above all, however, the seminal scholarship on Canadian slavery by Marcel Trudel, Robin Winks, Frank Mackey, Charmaine A. Nelson, Brett Rushforth, and Afua Cooper has been essential to allow for these types of studies.⁹ These pioneering authors have explored Canadian slavery in

⁵ Hilary McD. Beckles and Verene Shepherd, *Caribbean slavery in the Atlantic world: a student reader*, (Kingston Jamaica, Ian Randle, 2000); Hilary McD. Beckles *A history of Barbados: from Amerindian settlement to nation-state*, (Cambridge [England]: Cambridge University Press, 1989); Hilary McD. Beckles, *Natural rebels: a social history of enslaved Black women in Barbados*, (New Brunswick, N.J.: Rutgers University Press, 1989); Hilary McD. Beckles, *White servitude and Black slavery in Barbados, 1627-1715*, (Knoxville: University of Tennessee Press., 1989).

⁶ Jerome Handler does this particularly well, for example, in his article *"Escaping Slavery in a Caribbean Plantation Society: Marronage in Barbados, 1650s-1830s,"* *NWIG: New West Indian Guide/Nieuwe West-Indische Gids* 71, no. 3/4 (1997), 183-225.

⁷ William Renwick Riddell, "Additional Notes on Slavery." *The Journal of Negro History* 17, no. 3 (1932), 368-377; "Notes on Slavery in Canada." *The Journal of Negro History* 4, no. 4 (1919), 396-411; *The slave in Upper Canada. Canada (1919).; The Baptism of Slaves in Prince Edward Island . The Journal of Negro History*, 6, 3, 307-309 (July 01, 1921); *Notes on the Slave in Nouvelle-France. The Journal of Negro History*, 8, 3, 316-330 (July 01, 1923); *The Slave in Early New York. The Journal of Negro History*, 13, 1, 53-86 (January 01, 1928).

⁸ André Lachance, *Juger et punir en Nouvelle-France: chroniques de la vie quotidienne au XVIIIe siècle*. Montréal: Libre expression; Boyer, Raymond. 1966. *Les crimes et les châtements au Canada français du XVIIe au XXe siècle*. Montréal: Cercle du Livre de France; Fyson, Donald William. 2006. *Magistrates, police and people: everyday criminal justice in Quebec and Lower Canada*. (Toronto: Osgoode Society for Canadian Legal History by University of Toronto Press, 2000).

⁹ Marcel Trudel, *Dictionnaire des esclaves et de leurs propriétaires au Canada français* (LaSalle, Québec: Hurtubise HMH, 1990); Marcel Trudel & D'Allaire, *Deux siècles d'esclavage au Québec* (Montréal: Hurtubise HMH, 2004); Robin Winks, *The Blacks in Canada: A history* (Montreal: McGill-Queen's University Press, 1997); Frank Mackey, *Done with slavery: The Black fact in Montreal, 1760-1840* (Montreal: McGill-Queen's University Press,

general, specific, comparative and interdisciplinary ways and in doing so have built a foundation for understanding how enslaved people in Canada lived, worked and were treated. Despite this important progress, however, more research is needed on legal regimes and enforcement.

This, however, is not a regionally specific gap in the historiography. Indeed, in the broader field of slavery studies there remains a lack of work on surveillance, patrols and policing. Hadden's 2001 book, *Slave Patrols: Law and Violence in Virginia and the Carolinas* is the only recent work which directly addresses the subject.¹⁰ In it she identifies slave patrols as an early form of policing, and maps out its administration, organisation, development and daily functions. I draw on her work extensively. Despite this gap in the literature, many insights can be gleaned from the existing work in the two areas of fugitivity and resistance. The historiography of fugitivity and resistance occasionally addresses patrols and search parties. For instance, though Sergio Lussana's recent work *My Brother Slaves: Friendship, Masculinity, and Resistance in the Antebellum South* (2016) contains references to slave patrols, and particularly evasion tactics used by enslaved people it is a subject that is engaged in passing, rather than directly. The same can be said for Jerome Handler's articles which discuss marronage and fugitivity in Barbados.¹¹

2010; Charmaine Nelson, *Slavery, geography and empire in nineteenth-century marine landscapes of Montreal and Jamaica* (Routledge, 2016); Brett Rushforth, *Bonds of Alliance: Indigenous and Atlantic slaverries in New France* (UNC Press Books, 2012); Afua Cooper, *The Hanging of Angélique: The Untold story of Canadian slavery and the Burning of old Montréal* (Toronto: HarperCollins, 2006).

¹⁰ Sally E. Hadden, *Slave patrols: Law and violence in Virginia and the Carolinas* (Cambridge, Mass: Harvard University Press, 2001).

¹¹ Sergio Lussana, *My brother slaves: friendship, masculinity, and resistance in the Antebellum South* (University Press of Kentucky, 2016); Handler, Jerome S. "Life histories of enslaved Africans in Barbados." (1998), 129-140; Jerome S. Handler, "Slave revolts and conspiracies in Seventeenth-Century Barbados" *Nieuwe West-Indische Gids/New West Indian Guide* 56, no. 1/2 (1982), 5-42; Jerome S. Handler, "Escaping Slavery in a Caribbean Plantation Society: Marronage in Barbados, 1650s-1830s" *NWIG: New West Indian Guide/Nieuwe West-Indische Gids* 71, no. 3/4 (1997), 183-225; Jerome S. Handler, "Custom and law: The status of enslaved Africans in seventeenth-century Barbados" *Slavery & Abolition* 37, no. 2 (2016), 233-255.; Jerome S. Handler and John T. Pohlmann, "Slave Manumissions and Freedmen in Seventeenth-Century Barbados," *William and Mary Quarterly*, 41, 3 (July 1984), 390-408; Jerome S. Handler and Robert S. Corrucini, "Plantation Slave Life in Barbados: A Physical Anthropological Analysis," *Journal of Interdisciplinary History*, 14, 1 (Summer 1983), 65-90; Jerome S. Handler and Charlotte J.

Overall this project seeks to contribute to the field of slavery studies and Canadian and Caribbean slavery studies specifically by placing the focus on the mechanics of how slavery was enforced. The legal enforcement and development of slavery has often been overlooked or taken as a given, yet without it, enslaved people would have escaped, and small scale efforts at rebellion could have spiralled out of control. In this sense, by shedding new light on the quiet work of the law, the effectiveness of certain approaches, as well as the distinct conditions for legislating slavery in two different societies our understanding of slavery in the Atlantic world and its development is expanded.

There are two reasons to compare New France/Quebec/Lower Canada and Barbados. First, although both societies' underlying need for enslaved people was driven by labour scarcity, this was for different reasons. In New France, a large geography and a small population, drove settlers to demand labour for work in both agricultural and urban settings while in Barbados the intense sugar manufacturing needs which began in the 1640s provided the impetus for the mass importation of enslaved people. This similar problem is a starting point of the analysis. In this sense, exploring the legal regimes that both societies deployed, and enforced, assists in understanding how early modern polities dealt with labour scarcity, and the differences from their European and West African counterparts. The degree of political unity and autonomy is a second line of analysis that lends itself to a comparative approach of the two societies. Barbados, a British colony from 1627, proceeded to legislate in improvised and unilateral ways through the united leadership of the Assembly, Council and Governor, while in New France, local colonial authorities struggled with the French Crown to define and regulate slavery. This involved negotiation with

Frisbie *"Aspects of slave life in Barbados: music and its cultural context," Caribbean Studies* 11, no. 4 (1972), 5-46; Gad Heuman, *"Runaway slaves in nineteenth-century Barbados," Slavery and Abolition* 6, no. 3 (1985), 95-111.

the metropole and the repeated articulation of local demands. Overall, by comparing two different slaveholding sites, one can better appreciate the idiosyncrasies of slavery in both environments.

Finally, a brief word is on terminology in this work is needed. Geographical terms can be somewhat problematic, but in general terms “New France” is referred to the period of French colonial rule in the territory that would later be asserted as Quebec following British conquest in 1760. The term Indigenous and Native is used to denote the first peoples who inhabited the lands prior to the still disputed assertion of sovereignty by the British and French in North America. The sources also frequently refer to Indigenous people as “Panis”, a term which became common for enslaved Indigenous people. This catch all term referred to those of the Pawnee tribes of the American Midwest who had been captured by neighboring tribes and sold into slavery in New France/Quebec.¹² Carib, meanwhile, is used to denote Indigenous people from the Caribbean region which I discuss. There are also a series of terms used to designate escaped enslaved people. The term runaway or fugitive connotes a temporarily escaped person, while the term maroon (or marronnage) refers to the act of a person fleeing to (or with the aim of reaching) a permanent or semi-permanent formerly enslaved community, in geographic proximity to the site of initial enslavement. Though it is not the focus of the study, it is worth remembering the tremendous risks and uncertainties that escapees undertook. Often traveling in uncharted territory, and facing significant punishment or execution if caught.

¹² Trudel, M. & D'Allaire, “Introduction” in *“Deux siècles d'esclavage au Québec,” Montréal: Hurtubise HMH, (2004).*

Section I: Legal Context

The Legal Context of Slavery in New France: “The King sees fit”

Legal rules governing the ownership and trade of slaves in New France was marked by a constellation of loosely connected ordinances, regulations, decrees and informal practices. This unique legal web unfolded in two phases. During the first phase, between 1685 and 1701, an ongoing conversation on the permission to own slaves took place between colonial officials and the King. Could the colony practice slavery? How would it be regulated? By 1701 a second phase of legal development had quite clearly begun. With slave ownership in New France growing, colonists realized a clear legal order was lacking. On this front, leading colonial officials took initiative and sought to crystallize the legal status of enslaved people by drafting explicit ordinances and renewing a royal assent to own slaves. Despite these attempts at clarification, however, confusion between the colony and metropole persisted. Why was the King explicitly discouraging the colony from legislating slavery in 1735 despite previously granting permission to own slaves on multiple occasions? Moreover, given the 1664 Coutume de Paris which standardized laws across the French empire, what application did the Code Noir have in New France? Finally, how did slave ownership in New France, a practice which encompassed both peoples of Indigenous and African ancestries, affect the intricate diplomatic alliances with Native groups? The following section explores the above developments in an effort to shed light on the legal context of slavery in New France.

Extradition and Treaty of Whitehall

Issues of extradition and reciprocity shaped New France’s early developments on the regulation of enslaved people. By 1686 a steady trickle of enslaved runaways from New England presented a problem for colonists. Given the unclear status of slavery in New France at the time,

were these escapees free or would they be returned? An early answer can be found in Governor Jacques-René de Brisay de Denonville's role attempts to extradite these runaway. Upon receiving word from Thomas Dongan, the Governor of New York, that two enslaved people had reportedly deserted to New France, Denonville diligently reported that he "had them looked for everywhere."¹³ Denonville went a step further, adding that "should they turn up in the colony I will in good faith have them bound and manacled to be sent to you, hoping that you will do likewise."¹⁴ Denonville's assurances hints at early principles of reciprocity that were beginning to form on the issue of runaway slave extradition. Although the enslaved population of New France was very small at the time, slavery seemed to figure prominently in Denonville's future plans for the colony. With informal reciprocal agreements and goodwill in place, the Governor surely hoped that any future runaways from New France would be duly returned as well.

The informal nature of these extradition agreements between colonial officials in New England and New France changed dramatically with the Treaty of Whitehall. Put into effect in November of 1686, the treaty sought to maintain peace between English and French colonies in North America despite ongoing warring between the powers in Europe. The treaty mostly dealt with issues such as fishing and trading rights as well as respect for one another's property. What stood out, however, was an entirely separate article crafted specifically to deal with enslaved people and the issue of runaways. According to article ten of the treaty, settlers of each nation could not "Harbor the Barbarous or wild Inhabitants, or the Slaves or Goods, which said Inhabitants have taken from the subjects of the other Nation", nor could they "give them any

¹³ Letter from Jacques-René de Brisay de Denonville to Gov. Dongan of New York, June 5, 1686 in Ansel Judd Northrup, *Slavery in New York: A Historical Sketch*, No. 4 (University of the State of New York, 1900), 258.

¹⁴ Ibid.

Assistance or Protection in their said Depredations.”¹⁵ This racially ambiguous language indicates that the article was likely intended to apply to African and Indigenous populations alike. Although the Treaty of Whitehall was ultimately poorly enforced and rendered null as King William's War broke out in 1689, the language of the treaty nonetheless demonstrates that the extradition of enslaved people over the porous border between the colonies was an early concern as the regulation of slavery began to form.¹⁶

Governor Denonville, Intendant Champigny and the Argument for Labour

Despite these questions of reciprocity and runaway slave extradition in the last quarter of the 17th century, the core of the issue remained unclear: what legal foundation existed for owning enslaved people? Officials in New France attempted to address these with appeals to the crown to legalize slavery. In 1688, Governor Denonville had just received a Royal Charter allowing the exploitation of mines in the colony. Seeing a window of opportunity, Denonville and his Intendant Champigny made the first known case for slave labour. Arguing that labour shortages hamstrung the local economy, they explained that “workers and servants are so rare and extraordinarily expensive as to ruin all those who attempt to be enterprising. We believe that the best means to remedy this is to have Negro slaves here.”¹⁷ The petition had clearly been given some thought, as they indicated that “the attorney General of the council...assures us that if his majesty agrees to this proposition, some of the principal inhabitants will have some bought for them in the Islands

¹⁵ *England and Wales. 1686. Treaty of peace, good correspondence & neutrality in America: between the most serene and mighty Prince James II by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, & c : and the most serene and mighty Prince Lewis XIV, the most Christian King : concluded the 6/16 day of November 1686.* In the Savoy [London]: Printed by Thomas Newcomber http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_id=xri:eebo&rft_val_fmt=&rft_id=xri:eebo:image:98874, article 10.

¹⁶ King William's War, named after King William III of England, was the first of six intercolonial wars between New France and New England, as well as the respective Native rivals of each side.

¹⁷ Winks, *The Blacks in Canada: A History*, 4.

as vessels arrive from Guinée.”¹⁸ Within a year, this request was granted in part by the metropole. “The king sees fit that the inhabitants of Canada have negroes brought over to tend to agriculture,” wrote back the French Attorney General, adding that the King worried the cold climate might harshly affect Africans forcibly brought to New France.¹⁹ For the first time, colonists had been granted express royal permission to own slaves. Still, this permission was limited as it allowed the ownership of African people and stopped short of sanctioning the ownership of Indigenous people. Falling somewhere past customary law but short of positive law, the appeal operated as an ad-hoc permission rather than full-scale approval.

A small but growing slave trade in Native people emerging in New France between 1689 and 1709 set into motion the colony’s second phase of slave regulation. As David Gilles has usefully noted, Indigenous slavery existed despite the absence of any formal legal instrument regulating the practice. Indeed, a particularity of the slave system of New France was that it contained a half-free, half-enslaved indigenous population.²⁰ This increasing trade, however, created a greater need for clarity on the legality of slave ownership and in 1709, the most direct legal action on the subject was taken by Intendant Jacques Raudot. Raudot’s 1709 ordinance stipulated that all “the Panis and Negroes who have been purchased and who will be purchased, shall be the property of those who have purchased them and will be their slaves.”²¹ The ordinance marked the first time slavery was formally dealt with in New France and set out a fine for any

¹⁸ Ibid. Extracts from the letters of Denonville and Champigny, dated August 10, October 31, and November 6, 1688, are printed in [Jacques Viger and Louis Hippolyte Lafontaine, eds.], “De l’esclavage en Canada,” in *La Société* Historique de Montréal, *Mémoires et documents relatifs à l’histoire du Canada* 1 (1859), 1-2.

¹⁹ Ibid.

²⁰ David Gilles, *La norme esclavagiste, entre pratique coutumière et norme étatique: les esclaves panis et leur statut juridique au Canada (XVIIe-XVIIIes)* (*The Norms of Slavery, between Customary Practice and State Norms: Pawnee Slaves and their Legal Status in Canada (XVII-XVIII Centuries)*), (2008), 104.

²¹ Jacques Raudot, Ordinance Relative to Slavery in Canada, 13 April 1709, *Ordonnances des intendants*, E1, S1, P509, Archives Nationales du Québec, Centre de Québec, accessed at [http://www.canadianmysteries.ca/sites/angelique/archives/colonial correspondence/2295en.html](http://www.canadianmysteries.ca/sites/angelique/archives/colonial%20correspondence/2295en.html).

individuals found to be aiding any runaway slaves. Given its retroactive sanctioning of purchased slaves, Raudot's ordinance, like most law, was a delayed response to social realities that had already taken place. Clearly, people were being purchased and enslaved in the years prior to 1709, and in this sense Raudot simply confirmed on paper what had already been established practice.²²

Although clarity was slowly beginning to form on the question of slavery, occasional confusion continued to occur. For example, though there was agreement between the metropole and colony on the legality of slavery between 1688 and 1709, by 1716 uncertainty arose once more. Intendant Michel Bégon renewed a nearly three decades old plea to the Crown in 1716 with an accompanying brief arguing that the 20,000 inhabitants in the colony needed slaves to cultivate the land and improve commerce. Bégon enthusiastically suggested that enslaved people could “fish for cod, till the soil, saw timber, build ships and export the iron mines.”²³ Bégon was likely no stranger to the arcane world of slave law. Indeed, his father, also named Michel, had been a chief civil and legal official of the French crown in the Caribbean and among his duties as an administrator, he was tasked to compile a digest of slaves in the islands. After touring, Martinique, Guadeloupe and St. Christophe, Bégon sent a 16-page memorandum in 1683 to Versailles — the document that would become the French Code Noir.²⁴

²² Gilles, 104-105. The following year Raudot clarified the state of affairs by specifying, this time in a new ordinance, that “Panis” could only be enslaved so long as they were kept in the colony.

²³ Winks, *The Blacks in Canada*, 8.

²⁴ Brett Rushforth, *Bonds of Alliance: Indigenous and Atlantic slaveries in New France* (UNC Press Books, 2012), 122-124. Though Bégon was certainly very familiar, an expert even, in the realm of French slave law, it would be inaccurate to suggest that Bégon was the Code Noir's sole architect. After setting out to fulfill his appointed task of compiling a “comprehensive ordinance to regulate slavery in all of France's Caribbean colonies,” he drew upon the work of a predecessor, Jean-Baptiste Patoulet who had laid out general principles of slave governance. Moreover, he enlisted the help of Charles de Courbon de Blénac, the governor of Martinique. Of course it would be wrong to completely downplay Bégon's involvement. As Brett Rushforth explains, Bégon spent three months “poring over every surviving slave ordinance issued on all of the French islands except Saint Domingue” and discussed slave management with the “inhabitants” and “wealthy planters” of the island before sending his memorandum. The inception of the Code Noir thus emerged as a result of synthesis, creative legal drafting and a listening tour.

Intendant Hocquart's Manumission Ordinance

Nevertheless, with the most basic issue of legal status up in the air, more complex issues such as manumission caused concern. Between 1706 to 1736, apprehension set in as a growing number of enslaved people were either set free or were claiming to be free.²⁵ A solution was proposed by Intendant Gilles Hocquart in 1736 by issuing an ordinance in 1736 which required manumission to be a formally notarized act, thus marking a departure from the informal practice of verbal manumission. The metropole, meanwhile, continued to express hesitation on how to proceed with the regulation of slavery in the colony. After calls from Intendant Hocquart for a more comprehensive legislative framework, he and Governor Charles Marquis de Beauharnois were told in clear terms by the King that he did not approve of their proposal to decide on the status of “Panis” and other enslaved people by an explicit law.²⁶ Rather, they were told that local judges should be relied on to develop case law that would assist with the legal treatment of enslaved people. Interestingly, as Robin Winks explains, any move to advance the assumption that all Blacks were slaves - as was occurring in the British colonies at the time — and thus formalize their condition along purely racial lines, was blocked.²⁷

Colonists were right to be confused by this instruction from the crown. Particularly in light of the uncertain status of the Code Noir in New France. Drafted in 1682, the Code Noir was promulgated in 1685 at the specific request of the King Louis XIV to have a clear and comprehensive slave law that would primarily target enslaved populations in the French Antilles. The Code regulated everything from what enslaved people could wear, to their education,

²⁵ Winks, 6.

²⁶ MG1-B, Transcriptions - Series B. Sent Letters, Vol. 63 “Ordre ... Année 1735, Tome II, document 11 avril, 1735, [Mémoire du roi à MM. de Beauharnois et Hocquart. A ...]. Transcription found on microfilm reel C-4193 in “Fonds des Colonies” collection, finding aid: MSS 0595.

²⁷ Winks, *The Blacks in Canada*, 8-9.

punishment, marriage, diet, in addition to social, religious and property relationships.²⁸ Though historians have continually debated the application of the Code Noir in New France, the spirit of article 16 spoke volumes, it read: “all our subjects, even if they are not officers and if there is no other conflicting law, we enjoin them to pursue these offenders [runaway slaves], to arrest them and to lead them to prison.”²⁹ Since its promulgation the Code Noir set out, much like in Barbados, that chasing enslaved people was a responsibility for all.

Although slave law in New France developed in fits and starts, as the number of enslaved people grew the colony was forced to deal with its own runaways. The first known legal act explicitly dealing with runaways was published by Intendant Hocquart, targeting a specific Carib Runway. Hocquart’s 1734 ordinance directed “all captains and officers of militia to assist” the owner in question whose slave had fled, adding that fines were to be imposed for anyone who aided the fugitive’s escape.³⁰ It may strike one as odd that this ordinance specifically targeted one runaway, given that the practice of declaring runaways in other colonies of the Atlantic world typically took place through the medium of newspapers. Prior to English conquest, however, New France had no newspapers or printing presses in which runaway advertisements could be printed.³¹ This ordinance was also telling in the way that slave law in the colony developed in an erratic and

²⁸ Gilles, “*La norme esclavagiste*,” 88; Vernon Valentine Palmer, “*The origins and authors of the Code Noir*,” *La. L. Rev.* 56 (1995), 363.

²⁹ Historians have continually debated the question of whether or not the Code Noir applied in New France. Some authors such as William Renwick Riddell take it for granted that it did apply. Others such as Michel Trudel argue that though it did not explicitly apply, it did apply as *de facto* law. Robin Winks, explains that it may have applied, not because French civil law was consistent across the colonies, but rather due to the Coutume du Paris effectively rendered it so.

³⁰ Winks, *The Blacks in Canada*, 15.

³¹ J. L. Hubert Neilson, *Slavery in old Canada, before and after the conquest: read before the Literary and Historical Society of Quebec, the 2nd March, 1906*, 33. McGill University Library’s Microfilm Collection, reel no. 78698; Brett Rushforth, e-mail message to author, June 1, 2017.

ad-hoc fashion.³² Changes arose as needed on a case by case basis with little in the way of the systematization, stitching together a body of customary law, with local administrative acts and customs. Meanwhile, on a small Caribbean island the size of Montreal, Barbadians were taking a significantly different approach.

Barbados Legal Context: “Many great mischiefs have risen in this Island”

As New France struggled to establish a legal order for the ownership of enslaved people, white colonists on Barbados pioneered clear and explicit slave laws. Under a more decentralized British rule, Barbados became a site of legal innovation which influenced numerous neighbouring Atlantic slave societies, primarily through its comprehensive slave code in 1661. Understanding the island’s legal context calls for a discussion of Spanish and Portuguese legal influences; the pre-1661 period of early settlement; as well as the local impact of the 1661 law, and its distant effects far beyond the borders of the island.

As Sally Hadden has found, 16th century practices by the Spanish and Portuguese greatly influenced Barbadian slave law and practices of social control.³³ As early as the 1520s, runaway slaves in Mexico, Peru and Cuba posed problems for colonial authorities as escapees. Escape was certainly an inherently isolating and dangerous experience, but if initial escapees enjoyed success others would follow suit. As a result, the earliest system of slave patrolling and surveillance in the Atlantic world region was formed as a response to this phenomenon. These tactics involved a blend of volunteer militias and expert slave hunters who were paid for each capture. Early Spanish and

³² After 1760, once Quebec fell into British hands, the development of slave law slowed. Notable moments were: the entrenchment of slavery’s status in Article 4 of the Capitulation of Montreal (1763) and an ordinance preventing Montreal tavern owners from admitting the enslaved on their premises in 1764. Of course, part of this dearth of explicit law owes to the English common law tradition of jurisprudence, which in contrast to the French civil tradition, did not rely as much on explicit statutes.

³³ Sally E Hadden, *Slave patrols: Law and violence in Virginia and the Carolinas*, Harvard University Press, 2001, 10.

Portuguese efforts at slave policing also involved the coopting of Natives, free Blacks, as well as former or still enslaved people and whites by offering limited rewards or promises of freedom. These practices, though not necessarily adopted wholesale, foreshadowed what would follow on Barbados.³⁴

Much like New France, the lack of a definitive slave law during the earliest years of settlement meant that overseers and private slave catchers were relied upon to enforce public order. This changed when the island experienced its first major attempted slave rebellion in 1649.³⁵ Though the plot was foiled, colonialists quickly got to work and implemented a pass system which required enslaved people to carry written permission when leaving their plantations. The 1652 “Act to restrain the wandring of servants and Negro’s” (sic) marked the first known legislative attempt to regulate and control slaves. Reacting to the revolt as well as to an increase of runaways, theft, and the illicit trading of stolen goods by enslaved people, the preamble found that “it hath been by dayly experience found, that many great mischiefs have risen in this Island, ... by wandring of Servants and Slaves, on Sundayes, Saturdayes in the afternoon, and other dayes...by stealing and filching their Masters goods and provisions, and bartering and sell.”³⁶ Although later laws would require a slave catcher, be they publically or privately employed, to commit the runaway to a prison, the 1652 law allowed the slave catcher to keep the runaway until retrieved by their masters, thus providing additional labour to the catcher in the interim.³⁷ The act also

³⁴ Ibid and Edward B. Rugemer, *"The Development of Mastery and Race in the Comprehensive Slave Codes of the Greater Caribbean during the Seventeenth Century," William & Mary Quarterly* 70, no. 3 (2013), 433.

³⁵ Hilary McD. Beckles, *"From land to sea: runaway Barbados slaves and servants, 1630–1700," Slavery and Abolition* 6, no. 3 (1985), 80.

³⁶ John Jennings, "Acts and Statutes of the Island of Barbados," *London* 1654: 81.

³⁷ Hadden, *"Slave patrols"*, 228, note 25.

incentivized and rewarded the capture of runaway slaves, offering ten pounds of sugar for each mile traveled by the catcher.³⁸

The legal landscape of slavery changed dramatically in 1661 with the adoption of Barbados' first comprehensive slave law.³⁹ The slave code was not simply a compilation of previously piecemeal attempts of regulation, but rather the culmination of a carefully thought out, and years long, process of rethinking how slavery would function on the island. There were also added factors motivating the comprehensive code: the wake of a failed rebellion, the limited success in enforcing earlier regulation, and gaps in the law. Indeed, the preamble of the code explained that there "being in all the body of law no track to guide us where to walk nor any rule set us how to govern such slaves."⁴⁰ As Edward Rugemer has explained, the need for a comprehensive slave law on Barbados emerged from the lack of common law which existed on slavery. With courts slow to create extensive case law relating to enslaved persons, Caribbean slaveholders soon found themselves at the vanguard of a legal movement to define chattel and racial slavery.⁴¹ Pivotal as it was to Barbadian plantation slave society, what did the 1661 Barbados Slave Act contain? Creating a public duty to ensure public order and police slavery was a

³⁸ Rugemer, "*La norme esclavagiste*," 437-438. Little work has been done on this question but one wonders what an enslaved person might have experienced once caught by a slave catcher, en route back to the authorities. Feelings of dread, despair, fear and frustration would no doubt have been likely, knowing that punishments lay ahead. Moreover, how were enslaved people treated by legal intermediaries at this particular moment of vulnerability (the period after they were caught, but before they were returned)? A slave catcher largely had the free-will to act with impunity so long as the enslaved person was not returned with visible markings of injuries.

³⁹ Scholars believe that a significant body of slave law, which existed on Barbados prior to the 1661 comprehensive slave code, has been lost. Though none was as systematic as the 1661 code, these laws likely dealt with indentured servants and runaways slaves. Jerome Handler estimates that at least 11 laws dealt in some way with marronage. It is also worth noting that a sister law dealing with indentured servants was also passed simultaneously as the slave code.

⁴⁰ Engerman, 105. The preamble expresses frustration at the observance of the code by those on the island: "whereas many good laws have been made in this isle...which yet not met the effect hath been desired and might have been reasonably reasonably expected had the...inhabitants been so careful of their obedience and compliance."

⁴¹ Hadden, 8 and Bertram Wyatt Brown, *Southern Honor: Ethics and Behavior in the Old South* (Oxford: Oxford University Press, 1982).

significant change brought on by the Act. Whereas the earliest legal order that relied upon overseers and private slave catchers was decentralized and unregulated, the 1661 act imposed responsibility on the public at large.⁴² The act conferred in all citizens the sovereignty of the law and expectation to collectively ensure that enslaved people did not escape, cause danger or otherwise furtively plan a revolt. No longer were only “constables and overseers” compelled by law to apprehend runaway slaves, slave control was the responsibility of all whites.⁴³ A collective mindset took root as the enforcement of slavery changed from being a private duty to a public good, one be maintained by “all Masters, Overseers, and other Persons whatsoever.”⁴⁴

Changing demographic realities and racial anxieties were also reflected in the act. Previous wording of enslaved people “wandring away”, paternalistically connoting a harmless nuisance, was replaced with more severe language.⁴⁵ The 1661 act legally dubbed enslaved people as a “Heathenish...uncertain, dangerous pride of people.”⁴⁶ Perceptions of enslaved people as inherently violent or dangerous were closely linked to the rapidly growing enslaved population on the island. By 1661, colonialist in Barbados had forcibly imported approximately 36,000 Africans.⁴⁷ With planters becoming quickly outnumbered, as Michael Craton has argued, the severity of penal laws were “an index to the threat Blacks were thought to pose to white control, which normally related to the proportion of the total population that they represented.”⁴⁸ Indeed,

⁴² The act was amended in 1676, 1682, and extensively revised in 1688. See Hadden, 228.

⁴³ Hadden, 11.

⁴⁴ Ibid, 12.

⁴⁵ In addition to being steeped in paternalism, as Charmaine A. Nelson has argued, the language of colonial slave law served to animalize the enslaved since stray animal ads also appeared in colonial newspapers in which the animals were said to have “strayed” and “wandered”. Nelson, *Slavery, geography and empire in nineteenth-century marine landscapes of Montreal and Jamaica* (Routledge, 2016).

⁴⁶ Stanley L., Seymour Drescher, and Robert L. Paquette. “Slavery.” (2001), 121.

⁴⁷ Curtin, Philip D, *The Atlantic slave trade: a census* (New York: ACLS History E-Book Project, 2004) <http://site.ebrary.com/id/1039493>, 65.

⁴⁸ Michael Craton, *Sinews of empire: a short history of British slavery* (Anchor, 1974), 176.

the requirements to slit the nose and brand the face of an enslaved person upon their second flight indicated as much.⁴⁹ Although clause 22 of the slave code sought to offset this by requiring slave owners to purchase a white indentured servant for every twenty acres of land.⁵⁰

Despite its obvious brutality, the code contained certain revealing elements. Among these elements were a slave registry, obligations on slaveowners, unequal treatment of servants and slaves and new forms of corporal punishment. In an attempt to “know what Negroes are out in rebellion ... to the public peace,” clause 21 of the code created a registry of escapees, requiring all slave owners on the island to report the date of escape and duration of escape within 10 days to the Governor’s Secretary.⁵¹ This effort at systematic information gathering indicated an elaborate and widespread attempt at slave surveillance. Slaveowners understood that if they could quantify and monitor slave flight, they might better adapt their methods of retrieval and pursuit. They also understood that for surveillance to be effective, it would need to be conducted by each slave owner. As such, the code imposed certain obligations, such as requiring overseers to check slave quarters for any harboured escapees as well as weapons, objects, or trade goods.⁵² In addition to surveillance and monitoring, the code also established a parallel system of justice, marking a distinction between servants and slaves. To this end, a slave court designed to judge and punish crimes of theft, murder and robbery committed by the enslaved. During its proceedings, two justices of the peace and three free men, likely slaveholders, would “pass judgment on the accused” and “enforce a punishment in accordance with the law.”⁵³ This parallel system of justice was

⁴⁹ The goal of these sorts of punishments was to permanently mark the bodies of the enslaved as criminal. For more on this idea see: Graham White and Shane White, “Slave Hair and African American Culture in the Eighteenth and Nineteenth Centuries,” *The Journal of Southern History*, vol. 61, no. 1 (February 1995), 48 and Marcus Wood, *Blind memory: visual representations of slavery in England and America, 1780-1865* (New York: Routledge, 2000).

⁵⁰ Engerman et al., “Slavery,” 112.

⁵¹ Engerman, 112.

⁵² Ibid, 107.

⁵³ Rugemer, 440.

indicative of a legal approach which, by the 1660s, was treating white indentured servants and enslaved Africans differently. For instance, enslaved Africans required passes to go off plantation. In the event that an enslaved person was found without a pass, the master or overseer in question would be fined 500 pounds of sugar, with half going to the informer or slave catcher and the other half destined to the public treasury.⁵⁴ In addition, the slave owner or overseer who failed to punish their runaway slave would be fined a further 500 pounds of sugar.⁵⁵ Though it is unclear how these provisions were practically enforced, the same stringent punishment did not apply to indentured servants. As Rugemer has explained, “law encouraged the brutal treatment of Africans with rewards and penalized those who failed to act accordingly. The laws governing the mastery of servants did no such thing.”⁵⁶

The Barbados Slave Code also contained legal “innovations” in corporal punishment. Different degrees of punishment were specified for when an enslaved person struck not only their master or overseer, but any “Christian.”⁵⁷ Finally, the slave code also turned a blind eye to slaveowners who killed enslaved people. Whereas a Christian servant who died was prohibited from being buried until examined by a justice of the peace and two neighbours, an enslaved African who was murdered could be buried with impunity and certainly without any criminal sanctions being imposed.⁵⁸ Important changes were made to the code by 1688. One such change was the “maroon catching” provision. Clause 18 empowered “any justice of the peace, constable or captain of a company” who had knowledge of “the residency or hiding place of any run-away Negroes, or

⁵⁴ Rugemer, 440.

⁵⁵ Ibid.

⁵⁶ Ibid, 441.

⁵⁷ Ibid.

⁵⁸ Rugemer, 442. At most, a slaveowner could be fined 3,000 pounds of sugar if there was cruel intention. Barbados Slave Act, 1661, clause 20, in Stanley L. Engerman, Seymour Drescher, and Robert L. Paquette, *Slavery*, (2001), 111–12.

other fugitive slaves, to raise and arm any number of men, not exceeding twenty, to apprehend and take them, either dead or alive.”⁵⁹ Significant rewards of 50 shillings were given out for those who caught enslaved people who had fled for more than 6 months. This clause demonstrated the extent to which marronage on the island was becoming a significant problem, so much so, that it had to be specifically legislated for.

Barbados’ consequential slave code, which predated the French *Code Noir*, had far-reaching effects far beyond the shores of the island. Jamaica’s first comprehensive slave code in 1684, for instance, essentially copied the 1661 Barbados law, word for word, before until it was adapted in later years to the local context.⁶⁰ South Carolina, in turn, also had its own code by 1691 which it took directly from Jamaica. As the legal apparatus of slave control emerged in the Caribbean, colonists in the Carolinas and Virginia drew on this precedent to develop their own legal orders, experimenting with the payment of slave patrollers, expanding duties and increasing government involvement.⁶¹ As Edward Rugemer explains, the legal ideas on slave control in Barbados evolved, were innovated upon and soon spread across the Anglo-Caribbean to other British colonies.⁶² In this sense, Barbados was very much a “patient zero” for slave law in the Atlantic world, with many colonial slave laws finding their roots to the 1661 code.

⁵⁹ John Baskett, *Acts of Assembly, passed in the island of Barbadoes, from 1648, to 1718* (London: Printed by order of the Lords Commissioners of Trade and Plantations), 137. Accessed at: http://find.galegroup.com/ecco/infomark.do?type=search&tabID=T001&queryId=Locale%28en%2C%2C%29%3AFQE%3D%28BN%2CNone%2C7%29T019070%24&sort=Author&searchType=AdvancedSearchForm&version=1.0&userGroupName=crepuq_mcgill&prodId=ECCO
http://find.galegroup.com/mome/retrieve.do?sort=DateAscend&inPS=true&prodId=MOME&userGroupName=crepuq_mcgill&tabID=T001&bookId=19010082200700&resultListType=RESULT_LIST&searchId=R1&searchType=AdvancedSearchForm¤tPosition=1&contentSet=MOMEArticles&showLOI=&docId=U3607732664&docLevel=FASCIMILE&workId=U107732660&relevancePageBatch=U107732660&retrieveFormat=MULTIPAGE_DOCUMENT&callistoContentSet=ECLL&docPage=article&hilite=y

⁶⁰ Rugemer, 443.

⁶¹ Hadden, 9.

⁶² Rugemer, 434-444.

With the fundamental pillar of slave law on the island established in 1661, legislative attention at the end of the 17th century turned towards the harbour and ships at the capital in Bridgetown. Specifically, the problems of sea-bound fugitives. A major issue was the flight of the enslaved fleeing by boat to nearby islands, what Hilary McD. Beckles has termed “maritime marronage.”⁶³ A set of legislative solutions were crafted in response. For one, a 1667 law gave ship captains the power to “publicly lash” servants and slaves who were found on board their vessels, and have them sent to the “common gaol” where they could be retrieved by their masters.⁶⁴ This, in theory, turned ship captains into agents of the Barbadian planter class. Yet after 20 years, this strategy yielded only mixed results as captains were in fact flouting the law as they kidnapped and employed runaways, at times simultaneously duping slave-owners and the enslaved, by inducing a runaway to become a free sailor, only to sell them at a nearby island. As such, Barbadians brought in outside help and required that ship owners hire specially imported servants to control slaves and servants aboard docked vessels in an effort to discourage the ship captains’ theft.⁶⁵ Headaches continued, however, as enslaved people began stealing boats, the assembly decrying the “freemen, white servants and slaves running from the island in shallops, boats and other vessels.”⁶⁶ The assembly responded by making the theft of a vessel by a slave or servant a felony punishable by death.

While some enslaved people creatively took to the seas with their escape, others plotted violent upheaval on land. A major tremor passed through the island in 1675, when Barbados experienced the first of two major attempted slave revolts. When Anna (or Fortunna), the personal servant of a plantation owner overheard a group of enslaved people discussing a plot, she set off a

⁶³ Beckles, *From land to sea*, ” 79.

⁶⁴ Ibid.

⁶⁵ Ibid, 88.

⁶⁶ Ibid, 88-89.

chain of events. Immediately after notifying her master, the Governor was contacted which triggered a rapid mobilization and intervention of the militia.⁶⁷ The aftermath of the attempted revolt saw swift retribution and a quick legislative response, as the first changes to the 1661 code were eventually made.

Section II: Primary Actors and Methods

Barbados

The responsibility of enforcing slavery on the island of Barbados fell to a host of diverse actors who belonged to different spheres of society, from the decentralized and private to the organized and communal. The island's militia and slave patrollers operated as mandated public agents, carrying the legitimacy of legislative authority as they upheld public order, intervened in times of crises, and surveilled plantations. Private slave catchers seeking financial gain as well as enslaved people and indentured servants were also called upon to actively participate in searching for runaways and administering punishment on behalf of slave owners. Finally, imperial troops were occasionally relied upon, particularly as the island's military grew weak and as aborted revolts were discovered late in the 17th century causing great panic among the plantocracy.

Decentralized and Private Enforcement

For some individual plantation owners, the problem of enforcement was not always seen as a collective issue. An attorney on the Newton plantation, for instance, complained to colleagues about the constant trouble caused by "daily hunting and seeking after...notorious runaway

⁶⁷ In the immediate aftermath, 107 enslaved people were arrested and quickly tried. This resulted in the execution of 17 enslaved, the burning of six others, and the beheading of a further 11, whose bodies were dragged through Speightstown. For more on the rebellion see: Jerome S. Handler, "Slave revolts and conspiracies in Seventeenth-Century Barbados," *Nieuwe West-Indische Gids/New West Indian Guide* 56, no. 1/2 (1982), 14-16.

negroes.”⁶⁸ After presumably having experimented with various solutions, he explained that he had taken to purchasing and branding “good negroes.”⁶⁹ The solution, then, was simply perceived to be one of purchasing the “right” slaves. The fact that other enslaved people were running away on the island was not an issue so long as they were not enslaved people from the Newton plantation. Overseers also played critical roles during the early period of slavery by ensuring that the enslaved were closely monitored and that they did not possess or steal any weapons. This was done primarily by searching slave quarters twice a month.⁷⁰ In contrast to this, at times the private and the community spheres blended. This was the case when planters, such as Thomas More from the St. Joseph parish, appealed to the Barbados Council for assistance. In this instance, More complained that he had lost slaves for some time and that, despite his best efforts, they could not be found.⁷¹ The Barbados Council responded by directing Col. Lewis Morris to order Capt. Weston of his regiment “to levy six files, or more, to apprehend the runaways, but if the said Negroes shall make opposition, and cannot be otherwise taken and subdued, that such as so resist may be lawfully killed and destroyed.”⁷² Clearly, More was aware that organized authorities could be relied upon to protect his property at a moment's notice.

In cases where runaway slaves were successfully found by slave owners (rather than authorities), the law incentivized execution as an enforcement mechanism. The passage of the 1661 code had clearly stated that in the event that a recaptured runaway slave was given the punishment of death, masters were to be compensated by the public treasury for the market value

⁶⁸ Jerome S. Handler, “Escaping Slavery in a Caribbean Plantation Society: Marronage in Barbados, 1650s-1830s,” *NWIG: New West Indian Guide/Nieuwe West-Indische Gids* 71, no. 3/4 (1997), 189.

⁶⁹ Ibid.

⁷⁰ Richard Dunn, *Sugar and Slave: The rise of the Planter Class in the English West Indies, 1624-1713*.

⁷¹ Gad Heuman, ed. *Out of the house of bondage: Runaways, resistance and marronage in Africa and the New World* (Routledge, 2013), 82.

⁷² Ibid, and Beckles, “From land to sea,” 81.

of that enslaved person. The built-in incentive was then to kill a runaway, collect the indemnity, and purchase a new enslaved person who, based on the judgement of the purchaser, was ostensibly less likely to run away. Collecting public indemnities was not an uncommon occurrence: Sir Timothy Thornhill was paid some £20 by the Treasurer for the financial loss of the legally execution of his runaway slave in 1684. The same was true for George Harper who collected £25 in compensation for the execution of his runaway slave, as was Henry Applewhaite who earned £25 in the same year following the execution of his captured runaway.⁷³ Though it is not always clear that these particular owners used their compensation to purchase new slaves, one can reasonably speculate that they would have been inclined to replace their lost labour.

Organized and Communal

By the late 17th century Barbadians began to enforce slavery more collectively. The island militia was a key actor for these efforts. According to Governor Willoughby in 1667 the militia was expected to “keep the slaves in subjection,” even in the absence of a threat from an enemy abroad.⁷⁴ Indeed, the militia’s very purpose, aside from protecting the colony from foreign invasion, was to prevent slave and servant revolts.⁷⁵ This typically involved patrolling the island on horseback, searching slave quarters for weapons and attending a variety of cultural activities that drew crowds. For enslaved people, this meant that the watchful eye of an authority figure always loomed; whether at the funeral of a loved one, in moments of leisure at a festival, and in times of social interaction at markets and assemblies.⁷⁶ The weight of surveillance constantly lingered, as community events were monitored and often required permission to take place rather than unfolding naturally. Inversely, for the militia this meant that much of their work was

⁷³ Beckles, *From land to sea*, ” 85.

⁷⁴ Hadden, 13.

⁷⁵ Ibid.

⁷⁶ Ibid.

preventative during relative times of peace, serving the function of projecting an image of order and authority to owners and enslaved people alike. That said, there were also times when the militia was indispensable following challenges to the legal regime.

Chasing down runaways and preventing revolts were two such instances. As Jerome Handler has shown, in addition to runaways, maroons also consistently fled plantations on Barbados in an attempt to establish permanent or temporary communities.⁷⁷ In 1655 Governor Daniel Searle learned that there were "several Irish servants and negroes out in rebellion in the Thicketts and thereabout," who in so doing "made a mockery of the law."⁷⁸ Searle immediately ordered Lt. Col. John Higginbottom of the St. Philip parish militia to dispatch a regiment in order to "follow the said servants and runaway negroes," and secure or "destroy" them.⁷⁹ As such, the duties associated with finding runaways and maroons frequently required militiamen to scour the forests and caves of the island.

Formal processes and institutions were also increasingly implemented by the militia. The "Bridgetown Cage", a purpose-built prison to hold recaptured runaways situated in the urban centre of Bridgetown was an example of this. The Governor's Secretary commented, that the cage was "made of frames of hard timber," and that in "those miserable receptacles, which, next to the plantation dungeons, are the most lively emblems of slavery, runaways are confined in irons or in

⁷⁷ Handler explains that maroon bands in Barbados frequently hid, moved around and survived from food off the land. They also engaged in "direct action upon white persons and property" by setting cane fires, and as Richard Ligon reported on his 17th century visit to Barbados, maroons often hid in the woods and caves of the island. It should be noted that large-scale deforestation eliminated most hiding places by the 18th century, stemming from the need for land and wood used in the sugar production process. See: Richard Ligon, "1657. A true and exact history of the island of Barbados," (London: Humphrey Moseley, 1976).

⁷⁸ Hilary McD. Beckles, "'A riotous and unruly lot': Irish Indentured Servants and Freemen in the English West Indies, 1644-1713," *The William and Mary Quarterly: A Magazine of Early American History and Culture* (1990), 515.

⁷⁹ Ibid.

flocks, till they are claimed by their owners.”⁸⁰ The public nature of these cages served to further shame and mark runaways as dangerous and so frequent was its use that by 1687, the Provost Marshal of the island requested that the Island Council construct a new facility due to reasons of overcrowding.⁸¹ Where previous attempts at surveillance were largely ad-hoc and improvisational, more systematic strategies to surveil the enslaved on the island began to take root. Rather than simply rely on overseers and planters, as the island had done before, by 1683 mounted militia patrols began on Saturday and Sunday evenings with the express purpose of monitoring enslaved people during the evenings and on the sabbath.⁸² The Governor explained in his instructions that more rigorous surveillance was needed in order to “prevent the disorderly meeting of Negroes who assemble in several places in great numbers at those times, to the terror of the inhabitants.”⁸³

Although enslaved people were often viewed with suspicion, this did not preclude them from being harnessed as tools to preserve the very order which subjugated them. Various military acts and proclamations both implicitly and explicitly acknowledged that “many negroes and slaves are worthy of great trust and confidence.”⁸⁴ As a result, a certain part of the enslaved population was permitted to be armed in times of emergency with a restricted set of weapons such as lances, pikes, and billhooks.⁸⁵ In other cases, ex-servants and even the enslaved would be paid a fee for

⁸⁰ William Dickson (1789), *Letters on slavery* (London: J. Phillips), 137-138. Accessed online: <http://find.galegroup.com/sas/infomark.do?docType=ECCO&contentSet=ECCO&type=getFullCitation&tabID=T001&prodId=SAS&version=1>

⁸¹ Beckles, “*From Land to Sea*,” 84.

⁸² Jerome S. Handler, “*Slave revolts and conspiracies in seventeenth-century Barbados*,” *Nieuwe West-Indische Gids/New West Indian Guide* 56, no. 1/2 (1982), 9.

⁸³ Jerome S. Handler, “*Slave revolts and conspiracies in Seventeenth-Century Barbados*,” 19. The Governor’s comments came at a time when tensions were running high. The island was still reeling from the aborted rebellion of 1676 as well as the panics of 1683 and 1685, see: 19-22.

⁸⁴ Handler, *The Unappropriated People*, 109.

⁸⁵ Handler, *The Unappropriated People*, 111. Handler explains that these never included firearms. William Rawlin, *The Laws of Barbados* (London, 1699), 223-224; William Dickson, *Mitigation of Slavery in Two Parts* (London, 1814), 362; Richard Hall, *A General Account of the First Settlement and of the Trade and Constitution of the Island*

this service.⁸⁶ This strategy is noteworthy for a few reasons. First, it required immense trust to be placed with these enslaved people. In the time of an already unstable situation, such as during the aborted rebellions of 1675 and 1692, planters could have unwittingly been arming individuals who may have simply feigned loyalty. Secondly, the concept of “self-policing” leads one to question how divisions may have been sown between the enslaved, given the potential community ostracization the enslaved may have faced for foiling an escape rather than supporting it.⁸⁷ Finally, because of the potentially dangerous work of tracking down slaves, colonialists could protect themselves by sending out enslaved people and indentured servants in their place. These aspects complicate our understanding of slave policing as typically comprising free people.

The collective mindset of enforcement also manifested itself in unexpected ways. For instance, it occasionally led individuals to go to great lengths to maintain the public order. When white colonialist Josiah Jackson, for example, saw a group of runaway slaves stealing a boat from Bridgetown port with the hopes of fleeing, he quickly gathered a party of nine white men and seven enslaved men to pursue the escapees. Despite having no known connection to the escapees in question, he remarkably led his party on a chase 33 kilometres into the sea on a small vessel before finally successfully capturing the runaways, an act for which he would end up being

of Barbados, Written in the Year 1755 (Barbados, 1924), 22-24. Handler explains that the militia units would go on to be formally segregated by 1805.

⁸⁶ Beckles describes one particular instance in detail: During the 1680s, for example, Robert Frument was a servant on Othoniell Haggess' plantation, where he continued as a paid labourer after his contract had expired. One of his many tasks included retrieving runaway servants and the enslaved. During a chase, Frument suffered the loss of an arm when by a runaway enslaved person. Frument would ultimately go on to catch and execute the escapee in question, but Frument after not receiving any compensation from his master he petitioned the Council pleading for “financial consideration.” See: Beckles, *“From Land to Sea,”* 85.

⁸⁷ As Handler explains, Freedmen — who were either free born or manumitted from slavery — faced considerable legal and political inequities as well as stigma and negative perceptions in Barbadian society because of their racial ancestry. Governor Seaforth wrote in 1802, “there is, however, a third description of people from whom I am more suspicious of evil than from their the whites of slaves: these are the Black and Coloured people who are not slaves, and yet whom I cannot bring myself to call free...for though not the property of other individuals they do not enjoy the shadow of any civil right.

rewarded £40.⁸⁸ Although Jackson may well have engaged in these efforts for financial gain, the dangers associated with his pursuit point to the changing collective mindset that was taking place. From the perspective of an escaped enslaved person, or one considering flight, the emerging culture of enforcement would have reinforced the sense that one could be caught by anyone at any time with or without a specific legal mandate.

Finally, Barbados' system of slave enforcement also featured "Jumpers" or designated slave whippers. The Governor's secretary William Dickson described the position in his writing, explaining in his journals that "owners in the towns, when they punish regularly, employ a fellow called a *Jumper*."⁸⁹ According to Dickson, these hired individuals carried cowskins and ropes as they lashed the enslaved to the amount desired by the slave owner.⁹⁰ The strategy in using jumpers was to outsource the violence committed on enslaved people to a third party. It is telling that these individuals were often of mixed race, implying that though white colonists were integral to the infrastructure of policing and surveillance, that a distance was required in administering certain punishments.⁹¹

Effectiveness

Although Barbadian slave laws were periodically altered and adjusted, they were at times far from effective and not always rigidly enforced. During the period of early settlement (1640s and 1650s), for instance, patrolling efforts were ineffective despite the bold proclamations of the

⁸⁸ Beckles, *"From land to sea"*, 89. The distance is described as "six leagues" which equates to 33 km.

⁸⁹ Dickson (1789), *Letters on slavery*, 16-18, 31. Also see: David Barry Gaspar and Darlene Clark Hine, eds. *More than chattel: Black women and slavery in the Americas* (Indiana University Press, 1996), 115.

⁹⁰ Sean O'Callaghan, *To hell or Barbados: The ethnic cleansing of Ireland* (The O'Brien Press, 2013), Chapter 9.

⁹¹ It is possible that those of mixed race may also have felt a sense of superiority through their ability to distance themselves from the enslaved.

law.⁹² With the island's forests untouched, prior to the large scale deforestation associated with sugar production that would follow in later decades, maroons on the island skillfully evaded authorities by hiding in the woods, forests and caves.⁹³ Even when patrollers or the militia did happen upon runaways and maroons, this was often a product of chance. As expressed in the preamble of the 1688 Barbados slave act, enslaved people who "[hid] themselves, sometimes in one place and sometimes in another, so that with much difficulty they are to be found, unless by some sudden surprise."⁹⁴

A depleted, weak, and at times incompetent island militia also hamstrung efforts to capture runaways and maintain order. As the immigration of poor whites decreased, the militia lacked sufficient personnel and lost its "backbone," prompting the legislature to pass an act encouraging "the importation of Christian servants" in a bid to strengthen the numbers of the militia.⁹⁵ In addition to lacking numbers, the militiamen were poorly armed, undisciplined, underpaid (if paid at all), and made up of men with little to "fight for."⁹⁶ These issues were compounded by incompetence, as evinced by a requirement that officers of the militia place a security with the clerk at the court, as a result of the many "inconveniences" and "damages" caused by the "neglect and carelessness" of militia officers and the Provost Marshal in the execution of their duties.⁹⁷ In

⁹² Hadden, 12-14.

⁹³ Ibid, 11.

⁹⁴ Handler, *"Escaping Slavery in a Caribbean Plantation Society"*, 7. According to Jerome Handler the changes to the 1688 law "concerned itself, often in great detail, with regulating various forms of slave behavior and with the mechanisms of arrest, trial, and confinement and the sanctions against slaves who committed or were accused of having committed various "crimes and misdemeanors." In one form or another, most of the law's clauses were to persist, although enforced with variable regularity and consistency, until the island's entire slave code received a major overhaul in 1826 with final passage of the "slave consolidation act."

⁹⁵ Ibid, 20-22. It was believed that the militia was crucial to act as "an effectual counterpoise to that preponderance which the Negroes must necessarily possess in scale of numbers"

⁹⁶ Dickson (1789), *Letters on slavery* (London: J. Phillips), 97.

⁹⁷ Baskett, *Acts of Assembly, passed in the island of Barbadoes*, 3.

this sense, the militia was not always a welcome or effective force for planters, despite its importance.

Other gaps between the text and reality of the law can be found in the implementation of pass system and the use of branding. By the 1825 Slave Consolidation act, an act which compiled all previous slave legislation to this point, the pass system put into effect in the 1650s was removed. Beckles has interpreted this as signalling the lack of effectiveness of the pass system.⁹⁸ In all likelihood, the system was poorly enforced and “easily bypassed given that many enslaved people would forge passes for one another in order to dupe authorities.”⁹⁹ This interpretation is further cemented by the fact that forgery was made a capital offense. The use of branding is another indication of the inconsistent application of slave law. To be certain, branding could be repeatedly found in Barbadian slave law: as punishment for cane field arsons in 1655, for a second escape, and as privately practiced by slaveowners. However, upon learning that enslaved people in Jamaica were branded to be identified (and not as punishment), the Governor’s secretary remarked that it was “quite a new discovery...the practice of branding slaves does not disgrace the island of Barbadoes.”¹⁰⁰ (sic)

New France/Quebec

As David Gilles has argued, the legal order of slavery in New France, and later in Quebec under British rule after 1760, was characterized by a body of customary law, blended with local administrative acts. It was one that could not be reduced to its formal edicts, acts and ordonnances. Given the number of laws and practices that were not registered with the Conseil Souverain of

⁹⁸ Beckles, “‘A riotous and unruly lot’: Irish Indentured Servants and Freeman in the English West Indies, 1644-1713,” *The William and Mary Quarterly: A Magazine of Early American History and Culture* (1990), 515-516.

⁹⁹ Ibid.

¹⁰⁰ Dickson, *Letters on slavery*, 122.

New France, but that were nonetheless applied in the colony for instance, there was a clear gap between formal laws and everyday practice.¹⁰¹ We turn now to exploring these gaps.

Edward William Gray and the Bailiffs

As Sheriff of Montreal between 1765 and 1810, Edward William Gray was a key figure involved in policing slavery in Quebec.¹⁰² Although duties associated with civil and criminal matters, such as summoning witnesses, carrying out arrests and enforcing court orders occupied most of his time Gray was still well aware of the distinction between policing simple white offenders and enslaved people. Gray's appearance in several runaway slave advertisements printed in the *Montreal Gazette*, both as an author, and as an authority is an example. On several occasions, Gray posted advertisements indicating that an enslaved person had escaped.¹⁰³ In a manner consistent with other such advertisements in colonies across the Atlantic Ocean, Gray also offered a reward; a built in financial incentive structure to entice everyday civilians to pursue the runaway.

As a senior official, Gray played something of a managerial role. This involved delegating the work of pursuing runaways to others. In one such one instance he provided payment to a bailiff named "Plantade" who was hired specifically to pursue and arrest offenders.¹⁰⁴ Much like the Barbados Council, Sheriff Gray was also receptive to specific appeals from slave owners. When Alexander Henry sought to seize the property of a debtor named Gillelande he contacted Gray. Henry later noted that "a Negro of his had deserted from him and was lurking in this Province, I

¹⁰¹ Gilles, "*La Norme Esclavagiste*," 86. The Conseil Souverain of New France refers to the council comprising of New France's Governor, Intendant and Bishop. It was established in 1663 by the French crown to oversee the administration of the colony.

¹⁰² Mackey, *Done with Slavery*, 32-33. In the 1780s, Edward William Gray owned at least one slave, sold another at public auction and, for several years, as the executor of an estate, kept one whose ownership and status was in dispute.

¹⁰³ Ibid, "Appendix I: Newspaper Notices." For Gray's appearances in runaway slave advertisements see pages: 319, 336, 337, 338, and 341.

¹⁰⁴ Edward William Gray to "Plantade," MG23 GII3, vol. 2-3 (correspondence), Edward William Gray Collection, Library and Archives Canada, Ottawa, Ontario.

obtained an execution upon that judgement and got the negro apprehended — who is still in gaol.”¹⁰⁵ Sheriff Gray quickly had the enslaved individual in question tracked down, and set out to sell him in order to help recover Henry’s credit.¹⁰⁶

Although Gray stood at the apex of the criminal justice system in the latter half of the 18th century Quebec, his orders were carried out by a roster of subordinate bailiffs. They were absent in colonial law and discourse, but they conducted the majority of the policing in the colony’s towns and countryside.¹⁰⁷ In Montreal, the 25 judge-appointed bailiffs who acted under the direction of Gray between 1764 and 1787 were predominantly Francophone, Catholic, had some experience with arms, but did not necessarily have low education levels, or a marginal social status (such as militia members in Barbados).¹⁰⁸ These professional urban bailiffs were “the heart of urban policing” and they dealt with everything from stolen sheep, town fights, fine collection, carrying out arrests and organizing the city “gaol”.¹⁰⁹ In contrast to Barbados, the militia played a limited role in administering criminal justice in the cities of Montreal and Quebec City despite the fact that both were garrison towns.

Outsourcing / Appealing to authority

As in Barbados, the violence enacted upon enslaved people in Quebec was outsourced as slave owners relied on one another as well as state authorities to punish the enslaved. For instance, in September of 1776 Charles-Louis Tarieu de Lanaudière reached out to Francois Baby, a successful office holder and businessman of notoriety, with a request to have his slave punished.

¹⁰⁵ William Renwick Riddell, *The Slave in Canada*, Association for the study of Negro Life and History, 1920, 15.

¹⁰⁶ Ibid.

¹⁰⁷ Donald Fyson, *Magistrates, police and people: everyday criminal justice in Quebec and Lower Canada* (University of Toronto Press, 2006), 141.

¹⁰⁸ Ibid, 145-6.

¹⁰⁹ Ibid.

“I have a negro in prison at Quebec, I beg you to tell the provost to have him put in chains for fifteen days, hand and foot, then to remove them to teach him that as I know how to punish, so I know how to reward the well-behaved. No mercy. He is mine, I wish to make an example of him.”¹¹⁰ William Brown, publisher of the *Quebec Gazette*, similarly enlisted the help of the authorities as he searched for Joe, an enslaved pressman from his print shop who had once again escaped. In 1774, Joe was presumably hoping to leave Canada permanently by sea. Perhaps anticipating this, Brown quickly paid seven shillings and six pence to have Joe taken off a ship which was sailing from port.¹¹¹ In 1777, Brown once again drew on established authorities to discipline the enslaved Joe, this time paying the public executioner five shillings to have Joe whipped in the “market square.”¹¹²

Indeed, the starkest indication of how the violence of enforcement was outsourced by white settlers lies in the unenviable position of New France’s executioner. Although seven of Montreal’s executioners were Black, and one a Black woman, we know most about Mathieu Léveillé, a former slave who in 1730 was forcibly brought to New France from Martinique for the sum of 800 livres.¹¹³ Denyse Beaugrand-Champagne has found that Léveillé was condemned to death in Martinique for the murder of another enslaved person and that he was brought to New France as punishment.¹¹⁴ As a result, Léveillé was stripped of his identity and taken to an isolated and foreign

¹¹⁰ Mackey, *Done with Slavery*, 128; and Letter from Lanaudière to Baby, 1775, Collection Louis-François-Georges Baby at the Université de Montréal (P 58), division des archives, document u6716.

¹¹¹ J. L. Hubert Neilson, *Slavery in old Canada, before and after the conquest: read before the Literary and Historical Society of Quebec, the 2nd March, 1906*, 33. McGill University Library’s Microfilm Collection, reel no. 78698.

¹¹² Ibid. It is worth noting that “Joe” is the most prolific fugitive slave in Canada that we know of. He made at least five known escape attempts between 1777 and 1786. See: Mackey, *Done with Slavery*, 534, note 28.

¹¹³ Not all of New France’s executioners were enslaved. Notably, at least 7 were Black and at least one was a Black woman — Ann Wiley, who killed a thief in 1777. It is also worth noting that Edward Gray specifically requested from the administration a “negroe” to carry out the first execution of his appointment as provost marshal. For more on Montreal’s Black executioner’s see Mackey, *Done with Slavery*, 238.

¹¹⁴ Citing unclear source work, Jane Coleman Harbison is skeptical of Beaugrand-Champagne’s finding of Léveillé’s actual guilt in the matter of the Martinique murder. See: Denyse Beaugrand-Champagne, 2004. *Le procès de Marie-*

place to fulfill a task that no settler wanted to take up.¹¹⁵ Although Léveillé would have had the chance to occasionally meet and perhaps socialize with Indigenous and Black people, white servants, and others living on the margins of society, Léveillé ultimately had a violent role to play.¹¹⁶ This involved administering torture and death to at least two enslaved people. The first was an enslaved man named Jean-Baptiste Thomas who was harshly sentenced to death on charges of larceny and torture. Later, he would eventually torture and kill Canada's most well-known enslaved person, Marie-Joseph Angélique, a woman who was accused of setting fire to the city in 1734.¹¹⁷

Indigenous Slave Catchers and Networks of Surveillance

In addition to outsourcing violence, the practice of slave catching involved a blend of tactics. There is evidence indicating that some indigenous people may have been called upon to engage in slave catching. William B. Hart has found that in the St. Lawrence Valley slave catching became a form of employment for young Mohawk men. In Connecticut, store owner Jelles Fonda a paid Mohawk warrior and frequent customer named Seth “1 pound, 2 shillings” of store credit for “4 days going in search of my negro.”¹¹⁸ Apparently, this practice grew as the store would go on to become a “veritable clearinghouse for the exchange of information” on the whereabouts of Black and Native runaway slaves (as well as those who had been kidnapped by Native raids).¹¹⁹

Josèphe-Angélique (Outremont, Québec: Libre expression) and Jane Coleman Harbison, *The Black executioner: the intercolonial interactions of a Martinican slave in Québec, 1733-1743* (Montreal: McGill University Libraries, 2011) Accessed online: http://digitool.Library.McGill.CA/R/?func=dbin-jump-full&object_id=104898.

¹¹⁵ Coleman, *The Black Executioner*, 42.

¹¹⁶ Ibid.

¹¹⁷ See Afua Cooper and Denyse Beaugrand-Champagne. The historical memory of Marie-Joseph Angélique continues to percolate in Canadian society, most recently with the showing of Lorena Gale's *Angélique* by the Black Theatre Workshop at the Segal Centre for the Performing Arts in Montréal this past March of 2017.

¹¹⁸ William B. Hart, "Black 'Go-Betweens' and the Mutability of 'Race,' Status, and Identity on New York's Pre-Revolutionary Frontier" in Andrew R. L. Cayton and Fredrika J. Teute, "Contact points: American frontiers from the Mohawk Valley to the Mississippi, 1750-1830," (Chapel Hill: University of North Carolina Press, 1998), 98-100.

¹¹⁹ Ibid.

In other instances, the wide appeals to the general public, with one Samuel Johnson of Connecticut writing in an advertisement that “if any of the Indians could secure him, his Master would fully reward them.”¹²⁰ Without direct evidence, it is difficult to conclude that similar efforts took place in New France/Quebec. That said, the regional similarities of slavery in New England and New France leads one to believe that Indigenous slave catchers could have plausibly been employed in the latter region.

Firmer evidence, however, exists to reveal that slave owners often relied on their personal or professional network to assist in slave catching. Parsing runaway slave advertisements demonstrate that this network, which included merchants, colleagues and even family, was typically used to dispense rewards for captured runaways or offer additional contacts to whom information could be forwarded. A 1766 Quebec advertisement listing a runaway named “Brouce”, who escaped from one Mr. Grant, indicated that Mr. David Elves, Esq. could be reached should Brouce be found.¹²¹ A 1778 advertisement in the *Quebec Gazette* suggested that information on “Jacob” (or, Jacob himself) could be forwarded to Mr Miles Prentice in Quebec or to Mr. Thomas Richardson at “the Coffee-House in Montreal.”¹²² Information on Jack, an enslaved man who escaped in 1792 from William Grant Ecuyer in Quebec City, could be forward to his brother David Alexandre Grant Ecuyer on Île St-Hélène near Montreal, or Mr. Hardie at St-Jean. Drawing on their personal networks, slave owners sought to increase the possibilities of capturing runaways and in some cases, widen their geographic scope.¹²³

¹²⁰ Cayton and Teute, “*Contact points*,” 98-100.

¹²¹ Frank Mackey, “Appendix I: Newspaper Notices” In *Done with Slavery: The Black Fact in Montreal, 1760-1840*, (McGill-Queen's University Press, 2010) 314-15. *Quebec Gazette*, 25th September 1766.

¹²² Ibid, 320-321; *Quebec Gazette*, July, 22, 1778. Mackey has provided an invaluable contribution to the study of slavery in Canada through his transcription of fugitive slave advertisements.

¹²³ Another common strategy along these lines was to post the same runaway slave advertisements in the newspapers of both Montreal and Quebec, the two major urban centres with the largest enslaved populations.

In a similar fashion to Barbados, the runaway archive of New France/Quebec demonstrates that slaveowners lay at the mercy of ship captains and crews docked at the harbour. Although their assistance was required to help surveil and return the enslaved, it is not always clear that these maritime men were too cooperative. Several advertisements took a gentle approach, “requesting” ship captains and “Masters of vessels” not to “employ or harbour” the escapee in question.¹²⁴ Others were more threatening, warning that when “Masters of vessels carrying them off may depend on being prosecuted to the utmost rigour of the law.”¹²⁵ Clearly slaveowners must have struggled with ship captains stealing, harbouring and employing enslaved people.¹²⁶ Other advertisements not only took a more aggressive approach but offered more detail. John Mittleberger warned that should the escapee be “carried off” a “strict search would be made and warrants issued for that purpose”, implying that the ship would be subject to search, by way of formal legal channels, in the interest of finding the escaped enslaved person.¹²⁷ Meanwhile, James Hath explained that ship captains would be wise not to “harbour, employ, carry off, or conceal” Robin and Lydia, not simply because they would be “prosecuted in the highest manner”, but because “the said James Frazer hath the Protection of Government for said negroes.”¹²⁸ Though unclear why exactly Frazer benefited from protection — perhaps due to status or connections — what is obvious is that other free actors, such as ship captains and sailors, threatened the efficacy of the slave enforcement system of Quebec

¹²⁴ Mackey, “Newspaper Notices,” *Done with Slavery*, 330-331, 327-328 and 320-321. M. Michaels, *Quebec Gazette*, 19 June 1788; Elizabeth McNiell, *Quebec Gazette*, 9 June 1785; *Quebec Gazette*, 23 July 1778.

¹²⁵ Ibid, 323. Hugh Ritchie, *Quebec Gazette*, 4 November 1779.

¹²⁶ It worth remembering that there was a sizeable population of free black sailors in the British Empire.

¹²⁷ Mackey, “Newspaper Notices,” *Done with Slavery*, 323-324. John Mittleberger, *Quebec Gazette*, 4 October 1781.

¹²⁸ Ibid, 338-339. *Montreal Gazette*, 20 August 1798.

Section III: Responses and Resistance

Before exploring how enslaved people resisted the legal enforcement of slavery, it is worthwhile to briefly discuss how scholars have conceptualized “agency” and “resistance”. The debate on agency and resistance has been a longstanding one in the historical literature on slavery. The earliest historical work, with often explicitly racist tones, simply erased the notion that enslaved people could take control of their lives in any meaningful way.¹²⁹ By the 1970s, on the heels of the Civil Rights Movement, more critical and inclusive American scholars began to mount challenges to these ideas, arguing that “agency” in fact animated the lives of enslaved people and reinforced their humanity.¹³⁰ Their resistance, in effect, proved their existence. This view of agency and resistance became standard in the lexicon of slavery scholars, until very recently. Walter Johnson’s forceful claims have added to this conversation. Johnson contends that the term agency has become “unmoored from actual historical experience,” and is used too broadly and interchangeably to refer to “humanity” and “resistance” leading to the categorization of virtually any and all acts by enslaved people as resistance.¹³¹ In the following section, I discuss resistance

¹²⁹ Ulrich Bonnell Phillips, *American Negro Slavery - A Survey of the Supply, Employment and Control of Negro Labor as Determined by the Plantation Regime* (New York, London, D. Appleton and Co., 1940); Robert W. Fogel, and L. Stanley. *Time on the cross: The economics of American Negro slavery* (1974).

¹³⁰ Eugene D. Genovese, *Roll, Jordan, roll: The world the slaves made*. Vol. 652. (Vintage, 1976).; Stanley Maurice Elkins, *Slavery* (University Press, 1968); John W. Blassingame, *"Slave community,"* (1972).

¹³¹ Walter Johnson, *River of Dark Dreams* (Harvard University Press, 2013), 9; Walter Johnson, "On Agency," *Journal of Social History* 37, no. 1 (2003): 113-124. Johnson writes: the term "agency" smuggles a notion of the universality of a liberal notion of selfhood, with its emphasis on independence and choice, right into the middle of a conversation about slavery against which that supposedly natural (at least for white men) condition was originally defined. By applying the jargon of self-determination and choice to the historical condition of civil objectification and choicelessness, historians have, not surprisingly, ended up in a mess. They have, in the first instance, ended up with what is more or-less a rational choice model of human being, and shoved to the side in the process a consideration of human-ness lived outside the conventions of liberal agency, a consideration, that is, of the condition of enslaved humanity (to which we will return). And out of this misleading entanglement of the categories of "humanity" and (liberal) "agency" has emerged a strange syllogism in which the bare fact (as opposed to the self-conscious assertion) of enslaved "humanity" has come to be seen as "resistance" to slavery. To begin to sort this mess out, we need to disentangle the categories of "humanity," "agency," and "resistance." In a review of Johnson’s work, James Shinn Jr. praises the “rethinking of the way scholars discuss slavery,” Shinn concurs that the historiography of slavery is relying

to legal authorities and law with the “intent and possibility” framework put forward by Damian Pargas. In his latest work, Pargas explains that “the concept underscores not only force but also the importance of *intent* and *possibility* in the actions and/or inaction of enslaved people.”¹³² This approach accounts for that fact that enslaved people faced very real limitations and as such, avoids confusing “agency” with “success.”¹³³

Although a significant body of research exists on the ways in which enslaved people resisted slavery in Barbados, an effort should be made at distinguishing amongst the wide array of activities that are encompassed under the framework of resistance. On the one hand, a general view towards resistance to slavery encompasses acts such as setting fire to cane fields, damaging tools or planning or carrying out revolts as well as work slow-downs, feigning illness, preserving cultural and religious practices, and aborting pregnancies which resulted from sexual coercion and rape. On the other hand, specific resistance to the enforcement of slavery unfolded with different tactics and aims. Stealing a boat, building a maroon community or forging counterfeit passes were all acts designed to evade, deceive and circumvent the law. As a result, these acts may not have had the broader aim of, say overthrowing slavery altogether or killing masters. As such, these specific forms of evasion and deception should be viewed distinctly compared to other common forms of slave resistance.

Evading patrollers, the militia and slave catchers was critical to enslaved resistance on Barbados. During an escape, where the enslaved fugitive was being pursued, roaming from plantation to plantation in the hopes of growing their ranks was a tactic that helped to prolong

too much on abstract scholarly terms when discussing resistance. See: James M. Shinn Jr., “River of Dark Dreams: Slavery and Imperialism in the Cotton Kingdom,” *Slavery & Abolition* (2014), 35(1), 187.

¹³² Damian Alan Pargas, “*The quarters and the fields: slave families in the non-cotton South*,” (Gainesville: University Press of Florida, 2010), 7. Accessed at: <http://public.eblib.com/choice/publicfullrecord.aspx?p=744820>.

¹³³ Pargas, 8. Pargas explains that even failed attempts to give shape to one’s life should be considered agency.

fugitivity and keep searchers guessing.¹³⁴ Still, runaways could not presume that all enslaved people would blindly cooperate. Indeed, successful escape required reliable contacts on a variety of estates who would sneak food out to the fugitives, provide temporary shelter, and pass on information.¹³⁵ Trust, therefore, operated as a key ingredient in the success or failure of a potential escape. Confiding in the wrong enslaved person or being overheard could result in capture and its ensuing consequences. Although enslaved people who informed on others could not always count on being receiving the advertised reward, a powerful incentive nonetheless remained.

Once runways on Barbados successfully evaded their pursuers, many turned to marronage as a sustainable form of resistance. Two forms of marronage occurred on Barbados during the period of slavery: land-based and maritime-based.¹³⁶ Prior to deforestation on the island, land-based maroons fled into caves and forests. Long-term escape, however, required guerilla tactics in order to periodically secure food and sustenance. On his visit to Barbados in 1647, royalist Richard Ligon described the process: “the runaway Negroes often shelter themselves in these coverts, and for a long time, and in the night range abroad the countrey, and steale pigs, plantins, potatoes.”(sic)¹³⁷ The most successful runaways were often young men who had relevant survival skills, such as carpentry for instance. As Gad Heuman has discussed, runaways tended to flee at specific moments during the year, namely July and August, just after the crop’s harvest, when food supplies were at their lowest.¹³⁸

¹³⁴ Beckles, “*Land to Sea*”, 83-85.

¹³⁵ Ibid.

¹³⁶ Although the early historiography on slave flight in Barbados found that marronage was “unviable” due to inhospitable and inaccessible terrain, more recent work by Jerome Handler, Gad Heuman and Hilary McD. Beckles has found significant evidence of marronage. For an argument on the unviability of slave flight see: Richard Price, ed., *Maroon societies: Rebel slave communities in the Americas* (JHU Press, 1996), 5.

¹³⁷ Ligon, *A True and Exact History of the Island of Barbadoes*, 98.

¹³⁸ Gad Heuman, ed. *Out of the house of bondage: Runaways, resistance and marronage in Africa and the New World* (Routledge, 2013), 6.

In addition to land-based maroons, maritime marronage was frequent. With the islands of St. Lucia, St. Vincent, Tobago and Dominica nearby, enslaved people had a number of available destinations.¹³⁹ To this end, enslaved people engaged in a variety of tactics to furtively escape their captors. Some hid aboard vessels, others stole small boats, and some even disguised themselves as sailors and soldiers in order to travel aboard military vessels.¹⁴⁰ Although it is difficult to determine the specific numbers of maritime maroons, it was certainly enough to attract the legislative changes discussed earlier at the end of the 17th century, namely, requiring special on board police for docked ships and punishing the theft of boats with capital punishment. Other evidence also points to the effectiveness and prevalence of “maritime marronage.” During debates over whether Barbados should become an independent republic between 1649 and 1651, an argument that was cited to oppose the change was that the general policy of shared jurisdiction within the Anglo-Caribbean would make it more difficult to have enslaved runaways from neighbouring islands returned.¹⁴¹ This suggests that maritime marronage may have been prevalent and successful enough to trouble colonialists. Lastly, it also implied that the shared jurisdiction policy was effective enough at recapturing maroons to be worth citing as a reason against forming a republic.

Instances where the enslaved exploited their trusted status and responded with violence at times made the work of apprehending runaways dangerous. An incident from 1815 serves as an example. When Primus, a slave driver who was provided with a ten day pass to search for runaways of the Mount Wilton Plantation never returned, slaveowner Reynold Ellock responded by hiring three men to search for both Primus and the initial runaways.¹⁴² Only days later, the search party

¹³⁹ In terms of distance, these islands were highly accessible from Barbados. By boat, Vieux-Port, St. Lucia and St. Vincent could be reached 160 km from Bridgetown. Tobago and Barbados were separated by 260km, while between 250-290km stood between Martinique, Dominica and Barbados and a further 350km to mainland Venezuela.

¹⁴⁰ Beckles, *“From Land to Sea,”* 85-86.

¹⁴¹ Ibid, 88.

¹⁴² Gad Heuman, *“Runaway slaves in nineteenth-century Barbados,”* *Slavery and Abolition* 6, no. 3 (1985), 105-106.

was found murdered on a road at night. An advertisement in the *Barbados Mercury* explained that “at midnight...they were suddenly attacked...by 5 or 6 men who had concealed themselves in a corn-field...it being natural to suppose that Prince and Primus had gotten notice of this search and waylaid the men after them.”¹⁴³ Though it is difficult to know for certain whether Primus indeed collaborated with the initial runaways, it is clear that the escapees successfully managed to kill their pursuers. In this way policing slavery was not only a dangerous threat to the enslaved, but also for the authorities that pursued them. Moreover, cases like these underscored the threat posed by enslaved people in trusted positions. Although Primus may have dutifully served as a driver and had been seen as trusted enough to leave for 10 days, it would appear that he took advantage when given an opportunity.

In Quebec, the frequency of prison breaks indicate that the enslaved were repeatedly willing to challenge an imperfect enforcement system. The archive of runaway slave advertisements reveal five different jailbreaks each involving at least one enslaved person (and sometimes also incarcerated whites) that took place at the end of the 18th century. In February of 1786 Joe, the man enslaved by William Brown to labour in his print shop escaped a Quebec City jail with John Peters, a convicted white man.¹⁴⁴ The advertisement describes Joe’s “blue great coat...black breeches...round hat and sulky look” while offering a similar visual assessment of his accomplice.¹⁴⁵ At first glance, these advertisements seem quite similar to other runaway advertisements, given that they also feature a customary reward and list points of contact, in this case James Shepherd, the city sheriff, and John Hill this city’s jail keeper. Advertisements of jailbreaks, however, were unlike runaway advertisements in an important way. They exposed the

¹⁴³ Ibid; *Barbados Mercury*, 27 Jan, 1816.

¹⁴⁴ Mackey, "Newspaper Notices," *Done with Slavery*, 328. *Quebec Gazette*, 23rd February, 1786.

¹⁴⁵ Ibid.

failure of the authorities to do their job of properly securing the enslaved. The critical issue was not that Joe had ran away from William Brown (though he had certainly already managed that on several occasions), it was that he had escaped the very clutches of those who were mandated to control him. In this way, advertisements of jail breaks operated as a moral blow, serving to diminish slaveowners' confidence in the colony's ability to police the enslaved. This signalled to slaveowners that even if a runaway was captured, there was no guarantee that the authorities could safely hold the escapee until the slaveowner arrived. Cementing the fact that the system of surveillance and enforcement was imperfect, even in a white majority slave society where enslaved people, both Native and Black, were rendered hyper-visible.

Jailbreaks not only signalled lapses in enforcement to the broader public, but they also had an internal effect on authorities. In a 1793 jail break in Montreal, an enslaved man named Jacob Simpson escaped with a free Black charged with murder, Louis Braban die Lamie, and a soldier of the military's sixtieth regiment charged with robbery.¹⁴⁶ Immediately, upon hearing of the event, Sheriff Gray contacted his colleague Thomas Aston Coffin, controller of public accounts and future justice of the peace to better understand the situation. Coffin confirmed to Gray that the reports were true and explained that "warrants had been forwarded to all Captains of the militia in the Country to apprehend the prisoners."¹⁴⁷ Still, Coffin was exasperated that he had "made every possible enquiry" but was not yet able to obtain any information.¹⁴⁸ This incident raises several questions. For one, why was it that Gray had to be brought up to speed on such a significant development for the public order of the colony by the colony's accountant of all people? Moreover,

¹⁴⁶ Mackey, "Newspaper Notices," *Done with Slavery*, 336-337. *Montreal Gazette* and *Quebec Gazette*, 16 May, 1793.

¹⁴⁷ Thomas Aston Coffin to William Edward Gray, 13th May 1793, MG23 GII3, vol.2-3 (correspondence), Edward William Gray Collection, Library and Archives Canada, Ottawa, Ontario.

¹⁴⁸ Ibid.

why was Coffin the one forwarding warrants and making inquiries? The overall tone of Coffin and Gray's exchange indicates a sense of loss of control as well as frustration.

Given the outnumbered and comparatively small enslaved population in New France/Quebec, a lack of direct evidence makes it difficult to properly understand more specific tactics of evasion. Still, looking at other slave societies may offer certain hints. The enslaved in South Carolina and Georgia, for instance, deployed a variety of tactics such as establishing preventative warning systems, playing ignorant and innocent when caught, tying ropes across the road to trip the horses of oncoming patrollers and by building trap doors in slave cabins to facilitate escape.¹⁴⁹ That said, a favourable climate and sufficiently large enslaved population were crucial factors enabling these tactics. In contrast to warmer southern or tropical climates, the cold and snowy climate of New France/Quebec was harsh, and functioned as a natural advantage to policing efforts. Indeed, the cold and snow placed additional stresses on runaways in terms of finding clothing, food and shelter along the way.¹⁵⁰ Whereas their Southern or tropical counterparts could roam from plantation to plantation collecting food or shelter from collaborators, no such possibility existed for the enslaved of New France/Quebec/Lower Canada. The largely domestic nature of slavery in the colony meant that little separation existed between master and the enslaved — creating an almost constant form of supervision. The enslaved population size, meanwhile, also had a hand to play. After all, the collective tactics discussed above required a group of people who knew and trusted one another sufficiently to engage in what was quite risky forms of resistance that confronted and hindered the enforcement of slavery.

¹⁴⁹ Philip L. Reichel, "Southern slave patrols as a transitional police type," *Am. J. Police* 7 (1988), 51.

¹⁵⁰ According to Charmaine A. Nelson, such late fall and winter escapes suggest either an increased level of desperation or the desire to outwit an owner who would not expect someone to flee in such weather. E-mail message to author, July 18, 2017.

Conclusion

Barbados and New France/Quebec/Lower Canada dealt with the problem of enforcement in ways that were both similar and distinct. New French colonialists struggled to both establish the status slavery and negotiate local needs with their imperial authorities. In other ways, they were advantaged by the naturally harsh climate and the hyper-visibility of a vastly outnumbered minority enslaved population. Barbadians operated in a different context. A distant British metropole, interested solely in the continual flow of sugar profits, allowed greater latitude to local officials to legislate and enforce slavery as they wished. Comprehensive slave legislation was drafted and refined as a culture of mutual aid and public duty became increasingly ingrained. Unlike New France, Barbados suffered from lacklustre enforcement rather than lack of clarity. At times, however, Barbadians did share the similar challenge that slaveholders in New French/Quebec/Lower Canada faced in dealing with runaways, particularly those who took to the waters — which led to the greater scrutiny of sailors and ship captains.

For enslaved people, life against the law in either society was an ordeal. They constantly faced a host of potential enemies. To be sure, organized law enforcement officials posed the greatest overt threat. Patrollers and “jumpers” in Barbados as well as bailiffs stalking the streets of New France could be identified and were to be avoided. More difficult, however, was to discern the many quiet ways enslaved people were monitored. A neighbour, a passing slave owner or merchant, or a towns person who keenly read fugitive slave advertisements. The difficulties of surveillance aside, the severe punishments for escape were made clear either by Jumpers in Barbados or the executioner in New France. Barbados’ early maroon communities offered some respite, but as sugar development changed the physical landscape, permanent escape became altogether more difficult. Still, the enslaved resorted to a variety of tactics to push back against the legal orders which sought to control them. In Barbados, they stole boats to escape to nearby islands,

set fire to plantations and exploited the trust placed in them by their owners. In Quebec, cooperation between whites and the enslaved prompted several prison breaks and escapes, while others resorted to repeated escapes year after year.¹⁵¹ As complete as they sought to be, the legal orders of slavery in New France and Barbados repeatedly faced challenges from an enslaved population determined on exploiting weaknesses.

The future avenues of research in this area are many and fruitful. For instance, opportunities for further comparative work of this nature exist across the regions of the Atlantic World. How did Caribbean enforcement compare with that of Latin American slaveholding societies? What differences do we find between the civil law of the French Caribbean and the Common law of the Anglo-Caribbean? How can we contrast the French and British legal regimes in the Canadas to the American North, in both theory and practice? Though the general scholarship on American Slavery has reached its saturation point, there could potentially be opportunities to further examine slave patrols and policing. How, for instance, was slavery regulated in the antebellum period— specifically after 1808, once the trading of the newly enslaved from Africa was no longer permitted, but before abolition? How did the practices of slave enforcement inform Jim Crow violence after the Reconstruction era? This work will undoubtedly be difficult for scholars as slavery was designed to make it difficult for the enslaved to leave traces of their lives.

A different area for the legal history of slavery to explore would be the ambiguous maritime settings. Indeed, some of the first experiences in contact with white settlers came not on a

¹⁵¹ For prison breaks see note 143. For repeated escapees see: Mackey, "Newspaper Notices," *Done with Slavery*, 319-322, 326, 328 and 331. For Joe, see: The Printer, *Quebec Gazette*, 27 November, 1777; The Printer, *Quebec Gazette*, 29 January 1778; The Printer, *Quebec Gazette*, 24 December 1778; The Printer, *Quebec Gazette*, 23 September 1779; The Printer, *Quebec Gazette*, 23 Feb 1786; Printing Office, *Quebec Gazette*, 1786; For Ishmaël, see: John Turner, *Quebec Gazette*, 29 July 1779; John Turner, *Quebec Gazette*, 11 March 1784; John Turner, *Quebec Gazette*, 26 June 1788;

plantation or auction block in the Americas or Caribbean, but rather on a slave ship. In addition to the Middle Passage, enslaved people were transported along the West African coast, between Caribbean islands, and within the territory of the United States overland as well as water. How was slavery enforced in the ambiguous settings of oceanic travel or transit? Did private law or public law apply as “property” traveled across jurisdictions? What unique opportunities did this create for enslaved people? Though work exists on the maritime enslaved experience, we still lack a comprehensive understanding of slave law and custom in maritime settings.¹⁵² Answering these questions may well require an interdisciplinary approach, one that brings scholars of different fields together to work beyond the boundaries of their traditional fields of study.

In closing, a brief word is needed on the importance of continuing the study of slavery. In a rapidly changing global world, the story of slavery lays bare some unvarnished truths; that human beings were reduced to objects; that human nature can be vile and violent, that race, racism and stereotypes have discernible origin points, and that labour remain constantly under threat in economic systems that rely on its extraction. Far from being neutral, our laws still reflect these realities more often than they transcend them. It is incumbent on scholars and students of slavery to continue to highlight and share these truths of the past in a visible manner. Though the production of rigorous research through established processes is critical, these ideas should then be taken into the public domain, outside the at times cloistered academic realm to courtrooms, newspapers, legislatures, kitchen tables, street protests, public lectures, film, novels and beyond. Scholars of slavery have much to say on the global exploitation of labour, forced migration, human trafficking, legal discrimination, police violence and racism. These issues have not disappeared

¹⁵² David Richardson, "Shipboard revolts, African authority, and the Atlantic slave trade," *The William and Mary Quarterly* 58, no. 1 (2001): 69-92; Emma Christopher, *Slave ship sailors and their captive cargoes, 1730-1807* (Cambridge University Press, 2006); Marcus Rediker, *The Slave Ship: A Human History*, (New York: Viking Penguin, 2007).

from our modern societies. We do both the past and the present justice by making our voices heard,
and as such, I believe we must.

Plates

For the reader's convenience, the following advertisements reproduce original and painstaking transcriptions by Frank Mackey in *Done with Slavery: The Black Fact in Montreal, 1760-1840* (2010).

RUN-AWAY, the 25th Instant, from Mr Grant, Merchant at Montreal, a Negro Man, named Brouce, the Property of Lieutenant-Colonel Christie: He is a Stout well made Fellow, about 5 Feet 5 Inches high, speaks English and French, and stammers a little in his Speech, Whoever secures the said Negro, and delivers him to the said Mr Grant, or to David Elves, Esq, shall be paid a Reward of TWO DOLLARS, and all reasonable Charges.

13 Montreal, 25th September 1766. [Quebec Gazette, 6 October 1766]

RUN AWAY from the Schooner Lucy, a Mulatto fellow named Pascal Puro, the property of John Sargent; 52 he is about eighteen years of age, a stout strong lad, about five feet six or seven inches high, talks good English, writes and reads, has a scar under one of his ears, calls himself a fee-man, is supposed to be concealed in some house in this town. Any person harbouring or taking away said fellow, will be dealt with agreeable to law. FOUR DOLLARS Reward will be given any person giving information, so that he may be secured, by applying to Quebec, June 3d 1788.

Constant Freeman. [Quebec Gazette, 5 June 1788, supplement]

RANAWAY the 28th or 29th of last Month, A NEGRO MAN named CUFF, about 38 years of age, 5 feet 8 inches high; had on when he went away, a white shirt, a drab coloured waistcoat, the sleeves of old stockings, a blue great coat, round hat, with a band and buckle, a pair of green leggins, and black buckles in his shoes; he has some scars on his temples, and a scar on one of his hands. Whoever will apprehend him and bring him to the Subscriber, shall have SIX DOLLARS reward, and all reasonable charges paid. Captains of vessels and others are requested not to harbour or carry off said Negro.

Quebec, 6th June, 1785. Elizabeth McNiell. [Quebec Gazette, 9 June 1785]

RUN away on Friday night the 10th instant, from Mr Prentice's, a Mulatto fellow call'd Jacob, about eighteen years of age, had on when he went away a light brown fustian short Coat, white cloth Waistcoat and Breeches, and a round Hat, about five feet five inches high, well made and very active, speaks little or no French. Whoever secures

and brings said Mulatto to Mr Miles Prentice in Quebec, or to Mr Thomas Richardson, at the Coffee-House Montreal, shall receive FOUR DOLLARS Reward and reasonable charges. All Captains and Masters of vessels are desired not to take on board said Mulatto.

– Quebec, July 22, 1778. [Quebec Gazette, 23 July 1778]

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