

THE
NEGRO IN CANADA

DEPOSITED BY THE FACULTY OF
GRADUATE STUDIES AND RESEARCH

IXM



1G79 1930



ACC. NO. **UNACC.** DATE **1930**

T H E N E G R O I N C A N A D A

By Ida C. Greaves

Submitted to the Committee on Graduate
Studies and Research in Partial Ful-
fillment of the Requirements for the
Degree of Master of Arts in Economics
and Political Science. April 1930.

C O N T E N T S

	Page
INTRODUCTION -----	i
CHAPTER 1. Theories of the Negro's Proper Habitat	1
CHAPTER 2. Slavery in French & Early Colonial Times	7
CHAPTER 3. Free Negro Settlers in the Maritime Provinces	23
CHAPTER 4. Fugitive Slaves in the Canadas	36
CHAPTER 5. Public Policy towards the Negro and the Slave	50
CHAPTER 6. Distribution, Assimilation & Migration of Negroes since 1865 -----	58
CHAPTER 7. Occupation & Employment of Negroes	71
CHAPTER 8. Public Position of Negroes in Law & in Practice	83
CHAPTER 9. Social Status of the Negro	92
CONCLUSION -----	103

//////////0000000//////////

THE NEGRO IN CANADA.

INTRODUCTION

Canada was settled by two large slave-owning nations during the period that Negro slavery flourished, but few slaves were brought here. As an adjacent territory offering freedom it was for nearly a hundred years the refuge of slaves escaping from the United States, yet Negroes have always been a very small part of its population. The twelve million Negroes in the United States and the seven million in the West Indies are much nearer than the European countries which have poured millions of immigrants into Canada, but their contribution has been negligible. Is it mere chance that they have not come in larger numbers? Does the lack of economic attraction explain their absence? Is it the coldness of the climate that has prevented extensive Negro settlement? Or has there been some direct or indirect influence in Canadian public policy? It is the purpose of this thesis to attempt an answer to these questions by examining the historical background of the Negro in Canada, and the status and opportunities of the race under the conditions of life in this country.

Since the wave of sentiment aroused by the United States Fugitive Slave Laws died out the matter has received practically no attention in Canada. This neglect can in general be explained by the small number of Negroes in the Dominion, anything concerning them was overwhelmed by more urgent problems of racial and

immigration policy, and the social and economic status of those in the country was so low that they did not seem to be of much significance. But it is unlikely that their present position is permanent and final. Canada has not been altogether isolated from the increasing migratory movement of the race in America, and the colour question everywhere is growing more clamorous than ever before. The matter may again become of public interest in this country.

THE NEGRO IN CANADA.

CHAPTER 1.

THEORIES OF THE NEGRO'S PROPER HABITAT.

Of fundamental importance to the subject is the question of the Negro's suitability for life in the Canadian climate. As soon as it was discovered that negrescence increased as one went from the Poles towards the Equator this fact was accepted as evidence that a warm, damp region was the only suitable habitat for the Negro race. It had not yet been tested by experience when the Slave Trade was going on, and it went unchallenged for sometime afterwards. No doubt it was responsible for the advice Louis XIV gave with his permission to import Guinea slaves into Quebec, that "care should be taken lest the negroes perish from the unaccustomed rigour of the new climate, and thus cause the important project to fail",¹ and in writing of the Negroes in Nova Scotia in 1873 More regretted that they had not been deported with the others, since "the climate of Sierra Leone would be far more suited to the habits and peculiarities of their race than the cold climate of their adopted home".² As late as 1909 Semple confidently repeated the earlier opinion of Brinton that the catarrhal zone north of the 40th parallel in America soon exterminates the negroes, and added that the acclimatisation of tropical people in temperate regions would never become a question of widespread importance since they were concentrated in the "black belt" where they found the heat and moisture in which they thrived.³

But the Negro was not satisfied to stagnate in heat and moisture, and the adaptability he has shown on this continent has confounded these prophets of his climatic destiny. In 1928 the Editor of the American Negro observed, "The sharp reversal of the movement

¹Hamilton, J.C., "Slavery in Canada", Magazine of American History, Vol. 25

²More, W.H., History of Queen's County, N.S.

³Semple, E.C., The Influence of Geographical Environment.

of the center of colored population from a southwesterly to a northeasterly direction has upset Lord Bryce's widely accepted theory that the Negro's problem would solve itself through his segregation in the warmer Gulf States which were supposed to be better adapted to his tropical nature".¹ And Professor Willey of McGill University says, "The African Negro, transplanted to America, is distinguished for his adaptability and for the ease with which he has become assimilated in a country not his own. The colour of the skin and the texture of the hair may have been at one time an index of climatic fitness, but the original causes which led to these structural features no longer exist."² The Negro has become eurythermal, he is not chained by his biological inheritance to a fixed environment.

Winwood Reade, one of the first to study the African peoples in their own home, made the significant observation that the "Negroes of South Africa, enjoying an excellent climate and a wholesome supply of food, are superior to most other people of their race",³ but it was a long time before the implications of this view became a general theory. At the same time that Bryce and Semple were writing Sir Harry Johnston concluded from his own experience that "the Negro probably stands cold as well as the white man does, and in North America and South Africa his race is as much stimulated to better physical and mental development by a temperate climate as is the case with the Caucasian",⁴ and later research into the effect of climate upon mankind generally has supported this opinion. In 1915

Dr. Matthew told the American Academy of Science that the white man's lack of adaptation to a tropical climate is, also true, although to a

¹The American Negro, Introduction. Amer. Academy of Political & Social Sciences.

²Strathcona Professor of Zoology, in a letter to the writer.

³Winwood Reade, "Martyrdom of Man", Chapter 2, The Africans.

⁴H. Johnston, "The Negro in the New World", Chapter 1.

less extent of the lower races of man. The most acclimated race-the Negro-reaches its highest physical development not in the great equatorial forests, but in the drier and cooler highlands of Eastern Africa; and when transported to the temperate United States the West Coast Negro yet finds the environment a more favourable one than that to which his ancestors have been endeavouring for centuries to accustom themselves". And Huntington in a still more recent book on the relation of civilisation to climate reaches the conclusion that the human race seems to have the best health when the average temperature for day and night together is 64 degrees Fahrenheit. "Even the dusky American negroes whose ancestors have lived for unnumbered ages in the tropical heat of Africa, and who still live where it is fairly warm, are at their best in a temperature scarcely higher than that which is the most favorable for blond Finns under the shadow of the Arctic circle."¹ This amounts to saying that ~~there~~ is no such thing as a White Man's World apart from a Black Man's World, what is good for one will under the same social and economic conditions be equally good for the other, and the present evidence of ethnogeography is that "many coloured races have shown their capacity to become gradually acclimated to cold latitudes, while fair races have not proved so adaptable when they move to the tropics".²

In 1915, however, a paper was read before the Canadian Antiquarian Society containing the statement "la vitalité du noir, du moins en ce pays, était du court durée ---. Pour la santé de ces individus, la plupart nés dans les Etats de Sud, le climat excessif du Canada devait être rigoureux et préjudiciable. Aussi presque aucun, sauf quelque exceptions, n'atteignit un âge avancé".³ This was but the expression of an unquestioned popular opinion, but since the life of

1 E. Huntington, "World Power and Evolution", 1919. p. 91

2 G. H. L. F. Pitt-Rivers, Clash of Culture, 1924. "Race Mixture & Adaptation."

3 O. H. Lapallice, "Les Esclaves Noirs sous le Régime Français", Canadian Antiquarian & Numismatic Journal, 3rd Series, Vol. 12, 3.

enslaved Negroes everywhere tended to be 'du court duree' and their numbers in the south were only kept up by importation, it hardly supplies accurate evidence as to the fitness of race for acclimatisation. Records of slaves who came in with the United Empire Loyalists give a quite different impression of Negro hardihood. "On the faithfulness of these attendant Negroes" says Watson Smith "the voyagers were in great measure dependent for their progress and their comfort. The oar, plied by their strong arm, sometimes aided the sail of their rude bateaux, and at other times replaced it; the camp often owed both safety and comfort to the skill and deftness of their not unwilling hands."¹ And the remarkable longevity of some ex-slaves has attracted constant attention. In 1783 Jeremiah Johnson, about 101 years of age, was living at Liverpool, Nova Scotia, and could still "perform considerable labour", while William Turner living at Bristol at the same time was 113 years old.² A Negro woman died in Nova Scotia in 1893 at the age of 106, and in 1871 the death was reported at Cornwall of a Negro 105 years old who had been wounded at Lundy's Lane.³ Probably the last of the ex-slaves, and one of the oldest men in Canada, was the Negro who died only recently at Welland at the age of 109 years.⁴

The Negro death rate on this continent has certainly been continuously higher than the white, but it is doubtful whether the vast amount of statistics and arguments devoted to the subject in the United States, most of them far from disinterested or unprejudiced, prove anything except that an unaccustomed environment, irrespective of its climatic nature, is more lethal than the habitual one. The average death rate over the period 1915-1919 was eleven per hundred higher among Negroes in Southern cities than among those in Northern cities, but the only area that showed a survival rate was the rural

¹Smith, W.H., "Slavery in Canada", Nova Scotia Historical Society Records, Vol. 10, 1889.

²More, op.cit.

³Smith, op.cit.

⁴Montreal Star, March 22, 1930.

districts of the South, where the deaths per hundred births were sixty-six, against one hundred and twenty-seven in Southern cities.¹ And a few years later a Professor of Howard University claimed that the latest anthropometric report of the Army Surgeon-General showed that the Negro was superior to the white in every physical measurement except breadth and depth of chest, and his mortality rate could therefore "be due to no other reason than his general indifference and ignorance regarding the rules of health and self-preservation".²

Because of his inferior lung development the Negro has shown a particularly fatal susceptibility to pulmonary disease, and this, it used to be thought, would eliminate him from temperate regions, but "there has been a remarkable improvement in this condition in recent years".³ Among colored people insured in the Metropolitan Insurance Company deaths from tuberculosis decreased by 41% and from pneumonia by 14.3% between 1911 and 1923.⁴ It is only reasonable to expect that with good living conditions after a period of adjustment the high rate of Negro mortality will be reduced, and it is also probable that the racial susceptibility will in time diminish. In discussing the American race problem Reuter says, "A high immunity to a certain disease is the result of racial experience ---. Of certain diseases the Negroes have been free for generations or even their whole racial history --- if the race be given a little time, a few generations, an immunity will be established".⁵

There seems therefore to be neither theoretical nor practical evidence that the climate of Canada is a barrier to Negro settlement, and the ordinary observer finds little to support the

1W. Willcox, "Distribution & Increase of Negroes in U.S.", International Congress of Eugenics, 1921.

2Jackson, "Need of Health Education among Negroes", National Conference of Social Work, Toronto, 1924.

3Dublin, "Health Education & Negro Mortality", Ibid.

4 Ibid.

5Reuter, The American Race Problem.

common statement that the Negro cannot stand the climate of the North. On the contrary, Stephen Graham, touring Negro America in 1920, thought the Negroes of New York, Chicago and Boston, and the Canadian Negroes, firmer in flesh and in will than those in the South, and certainly more energetic.¹

¹Stephen Graham, The Soul of John Brown.

CHAPTER 2.

SLAVERY IN FRENCH AND EARLY COLONIAL TIMES.

Slavery was customary in Canada from the earliest times when Indians began to sell their captives to Canadian traders.¹ The first sale of a Negro recorded in Quebec is that of Louis , described in the Register of Notre Dame as a native of Madagascar, who was sold by David kirke in 1628 for 50 half-crowns,² but for a long time afterwards the Indian was the ordinary, and the Negro the exceptional slave. "L'esclavage des sauvages appeles panis etait pratique sur une haute echelle a Montreal sous le regime francais. On comptait des esclaves panis dans toutes les maisons bourgeoises. Les negres etait moins nombreux; paraissaient etre un objet de luxe, et servaient generalement les hautes dignitaires et les riches."³

Later in the century the feeling grew that Quebec was handicapped by lack of labour, and in 1688 the Governor and the Intendant signed petitions to the Secretary of State declaring "les gens de travail et les domestiques sont d'une rarete et d'une cherte si extraordinaire --- qu'ils ruinent tous ceux qui font quelque entreprise. On croit que le meilleur moyen d'y remedier serait d'avoir des esclaves negres."⁴ Being convinced that ~~it~~ was an opportunity "to turn the pagans from their idols"⁵, Louis issued a manifesto early in 1689 announcing "Sa Majeste trouve bon que les habitants du Canada y fassent venir des negre pour faire leur culture; mais il est bon de leur faire remarquer qu'il est a craindre que des negres, venant d'un climat si different, ne perissent en Canada, et le projet serait alors inutile."⁶

¹ J.C. Hamilton, "Slavery in Canada", Mag. of American History, Vol. 25

² T.W. Smith, "Slavery in Canada", Records Nova Scotia Hist. Soc. Vol. 10.

³ O.H.M. Lapalice, "Esclaves Noirs a Montreal", Cndn. Antiquarian & Numismatic Journal, 3rd Series, Vol. 12, No. 3.

⁴ Viger & Lafontaine, "L'esclavage en Canada", Memoires de la Societe Historique de Montreal, Vol. 1.

⁵ T.W. Smith, op. cit.

⁶ Viger et Lafontaine, op. cit.

There can be no doubt that slavery was a legally established institution in New France¹, and that it did not become a widespread practice is due not to the high moral sense of the colony's law-makers whom Garneau praises², but to the nature of the climate. Those inhabitants who could afford Negro slaves were not slow to take advantage of Louis' Manifesto, and there is evidence that they guarded their property jealously.

In 1709 Intendant Raudot found it necessary to issue an Ordinance au Sujet des Negres et des Sauvages appeles Panis, which stated that since the dangerous doctrine of freedom was being preached to slaves by people who owned none, the interests of owners had to be protected, and "Nous, sous le bon plaisir de Sa Majeste, ordonnons que tous les Panis et Negres qui ont été achetés et qui le seront dans la suite, appartiendront en pleine propriété a ceux qui les ont achetés comme étant leurs esclaves."³

By 1736 it had become necessary to settle the status of free slaves, and Hocquart who was then Intendant issued an Ordinance that "tous les particuliers de ce pays --- qui voudront affranchir leurs esclaves, seront tenus de le faire par un acte passe devant notaire."⁴ Without such evidence of freedom a Negro was de facto a slave. In 1745 a decree of the Council of State provided that Negroes escaping from enemy colonies into French territory became the property of the King, and this Act was registered in Quebec in 1748.⁵

¹ Viger et Lafontaine, op. cit.

Abbe Tanguay, A Travers les Registres, p.158.

² Garneau, Histoire de Canada, p.

³ Archiviste de Quebec, 1921-22.

⁴ Ibid.

⁵ Viger et Lafontaine, op.cit.

When Montreal surrendered to the English slave property was important enough to be specifically safeguarded, and the 47th Article of Capitulation reads "Les Negres et Panis de deux sexes resteront en leur qualite d'exclaves en la possession des Francais et Canadiens a qui ils appartiennent; il leur sera libre de les garder a leur service dans la Colonie ou de les vendre; ils pourront aussi continuer a les faire lever dans la Religion Catholique," and it was endorsed "Accorde: excepte ceux qui auront ete faits prisonniers."¹

With the change from French to English rule there was a change in the legal status of slavery which was at the start of no benefit to the slave. In stead it had the effect of riveting his shackles more firmly and making his subjection still more abject. The Coutume de Paris, the Law of French Canada, was based on the Roman Law, which in its developed form recognised the slave as a human being with certain fundamental rights. This was the basis of the decision in 1705 that Negroes in America were "meubles", a condition corresponding to personal property in English law. But the civil law of England which was in force in Canada for eleven years after the Conquest, did not recognise the status of a slave at all, and when forced to acknowledge the fact of slavery it had to identify the slave with other chattel property. Although the Québec Act re-introduced the French Civil Code, it provided that previous acts of the British Parliament regulating commerce with the American colonies should be effective in Quebec, and in consequence the Act of 1732² making "Houses, Lands, Negroes and other Hereditaments" liable to be sold for the satisfaction of debts became operative in the Province.³

¹Visser, et Lafontaine, op. cit.
²W. R. Riddell, "Slave in Canada," Jour. of Negro History, July 1920.
³25 George 2, Chap. 2.

There are throughout the early records of English rule in Canada scattered references to the presence of slavery, a hovering shadow never wholly commended and not yet wholly condemned. General Murray, first Governor of the new colony of Quebec wrote to New York in 1763 to obtain slaves. "Without servants" he said "nothing can be done, and Canadians will work for nobody but themselves. Black slaves are certainly the only people to be depended upon."¹ In 1762 the Council of military officers sitting as a Court of Original Jurisdiction heard the plea of a Negro, Andre, that his old master before selling him had promised to free him at the end of four years, and could not, therefore, have sold him for a longer period. The Court ordered the Negro to remain in slavery until he proved the validity of the time contract, and on hearing the case again the following year held the proof to be insufficient, and ordered Andre to remain in the possession of his master until he produced further evidence or "the official certificate of a magistrate that he was free at the moment of his birth".² The case is notable because it shows that being a Negro was then accepted as prima facie evidence of being a slave, a situation which was completely reversed by the Courts before the end of the century.

General Haldimand's Journal contains frequent references to grievances submitted to him by both owners and slaves, and in 1781 he wrote to Sir John Johnson, Superintendent of Indian Affairs, "Several complaints having been made upon the subject of selling Negroes brought into this Province by scouting parties—who allege a right to freedom, and others belonging to Loyalists ---, I must desire that you upon the most minute inquiry give to the Brigadier-

¹W.E. Riddell, "Slave in Canada", Jour. of Negro History, July 1920.

² Ibid.

General Maclean a Return of all Negroes who have been brought into the Province by parties in any respect under your Directions."¹ This return was duly made, and listed about fifty slaves, nearly half of whom were sold at Montreal, while a few were carried by Indians and whites to Niagara, and the others returned to their former owners. Prices ranged from £20 Halifax currency paid for Charles by the Episcopal Rector of Montreal to £70 paid by Captain McDonnell of the Rangers for Jack.²

There are in the Archives of Quebec records of twentyone registered slave sales between 1737 and 1797.³ Fourteen of these slaves were Negroes, one was a mulatto who changed hands twice, and the other five were panis. Justice Riddell has also obtained from Unpublished Archives of the District of Montreal records of ~~17~~ seventeen slaves sold between 1781 and 1797. A few of these were mulattoes and only two were panis, which seems to show that Indian slavery was decreasing while the Coming of the Loyalists increased the number of Negro slaves. In the Montreal Archives is the record of the sale by "James McGill of Montreal for and in the name of Thomas Currie of L'Assomption in the Province of Quebec to Solomon Levy of Montreal, merchant, for £100 Quebec Currency, of a Negro man, Caesar, and a Negro woman, Flora."⁴

Some United Empire Loyalists settled in the District of Montreal, which as officially designated at that time, included a vast wilderness of country along the river as far as Lake Superior, and of 304 slaves recorded by the Census of 1784, 212 were in the Town and District of Montreal, and 88 in the Town and District of Quebec.⁵

¹Riddell, op.cit., and Canadian Archives

²T.W.Smith, op.cit. supra, p.

³Archiviste de Quebec, 1921-22.

⁴Riddell, "Slave in New France", Jour. Negro Hist., July 1923

⁵Canadian Archives

The importation of slaves at this time, however, was apparently not encouraged indiscriminately. In 1786 the Lieutenant-Governor wrote from Quebec to a captain on the frontier, "I am, by desire of His Excellency the Commander in Chief, to require that no Negro slaves shall be permitted on any account to pass into this Province by the Post under your command."¹ But in 1790 the Imperial Government adopted the very opposite attitude, and passed "An Act for Encouraging New Settlers in His Majesty's Colonies and Plantations in America" which stated that "a subject of the United States" removing to the Bermudas, the Bahamas, Quebec or Nova Scotia could take in Negroes and household goods free of charge by obtaining a permit from the Governor of the colony.² A number of slaves were brought into Canada under this Act, and by the time the Canadas were separated there were three hundred in the Niagara District alone.³ In fact the success of the Loyalist migration was largely due to their exertions in converting the wilderness into a homeland.⁴

It happened, however, that General Simcoe, the first Lieutenant-Governor of Upper Canada, was a determined opponent of slavery, and at the time of his appointment had declared in a letter to a friend that "under no modification would he assent to a law that discriminated by dishonest policy between the natives of Africa, America or Europe."⁵ Soon after his arrival in the Province he had to hear at a meeting of the Executive Council the report of a girl being forcibly bound and transported across the river by her master, and there sold to a new owner in spite of violent screams and struggles. The Council passed a Resolution "That it is necessary to take immediate steps

¹W.R. Riddell, op.cit. 1920.

²Smith op.cit., W. Canniff, Settlement of Upper Canada, p. 578

³Kirby, Annals of Niagara,

⁴Canniff, op.cit.

⁵Riddell, op.cit. 1920.

to prevent the continuance of such violent breaches of the Public Peace, and for that purpose that His Majesty's Attorney-General be forthwith directed to prosecute" the owner involved.¹

But the first Act of the first Parliament of Upper Canada had introduced the English civil law which did not recognise a slave except as feal property, and the Attorney-General knew that as the owner had acted within his rights the direction to prosecute could not be carried out.² The Chief Justice and the Solicitor-General shared the anti-slavery sentiments of the Governor, and this incident probably hastened the bill which was presented to the Assembly two months later "to prevent the further introduction of slaves and to limit the term of contract or servitude within this Province".³ The preamble is a striking effort to overcome the difficulty which confronted all abolitionists of reconciling humane sentiments with the sanctity of contract. "Whereas it is unjust that a people who enjoy freedom by law should encourage the introduction of slaves, and whereas it is highly expedient to abolish slavery in this Province so far as the same may gradually be done without violating private property, be it enacted that from and after the passing of this Act so much of a certain Act of the Parliament of Great Britain --- as may enable a Governor to grant a license for the importing of any negro or negroes --- is hereby repealed". It was also provided that no voluntary contract of service entered into within the Province should be binding for a longer term than nine years, although contracts already made should not be affected, and "in order to prevent the continuation of slavery within this Province" children born of slaves should be supported until they reached the

¹ Riddell, op.cit., 1920

² Ibid.

³ Canniff, op.cit.

age of twenty-five years, when each should be entitled to demand and receive a discharge from further service, while "any issue born of such children shall be entitled to all the rights and privileges of free-born subjects". Finally, provision was made that the freed slaves should not become a public charge.

Canniff claims that "the principles which guided the settlers of the country were of too noble a nature to accept the monstrous system of human bondage as an appendage of the colony", but Simcoe gives the Assembly of Loyalists little credit for such principles. With the copy of the Acts of the Session which he sent to Dundas in September 1793 he wrote "the greatest resistance was to the Slave Bill, many plausible arguments being brought forward in respect to the dearness of labour and the difficulty of obtaining servants. Some possessing Negroes --- wished to reject the Bill entirely, others wished to supply themselves by giving leave to import for two years."¹

This Act was really only a compromise with existing slavery, but the limitations which it imposed are a great tribute to the vigour of the administration. In 1798, as soon as Simcoe left the Province, the noble principles of the Loyalist group were so obscured that they introduced a Bill into the Lower House to enable persons migrating into the Province to bring their Negro slaves with them. It was argued that this would induce more settlers to come to Upper Canada, and the Bill passed the Assembly by a vote of eight to four, but in the Legislative Council it received the three months hoist and was not heard of again.²

¹Canadian Archives 1891, State Papers of Upper Canada, p.23.

²Riddell op.cit.1920.

During the American Revolution slaves had been prevented to some extent from gaining the freedom which the unsettled conditions of the time made possible by the prevalence of slave-hunting from Canada, and since this country was in a short time to become an important refuge for escaped slaves it is interesting to note that there was a period when Canadian slaves sought freedom by crossing the border. An Ordinance of Congress in 1787 had forbidden slavery northwest of the Ohio River, but was disregarded in Detroit which remained British de facto until 1796. After this date, however, Canadian slaves gained their liberty by escaping into the Territory, and in 1807 a Memorial was presented to the Lieutenant-General of Upper Canada by the proprietors of slaves in the Western District, complaining of the desertion of slaves into United States territory. The matter was referred to the British representative at New York who replied that "the Treaty between Great Britain and the United States which gave them power to surrender deserters having expired, it was impossible for them to exercise such authority without sanction of the laws".¹

This situation was automatically ended by the United States Fugitive Slave Law which began in 1791, but by that time slavery in Canada was nearly extinct, and the tide of fugitives soon began to flow in the opposite direction.

In Lower Canada slavery did not fulfill the expectations of its early advocates. The profitable slave labour of the South depended upon conditions which did not exist in the North, and slavery here became the luxury of the cities and slave-owning a privilege of the rich.² The public generally had not interest in maintaining it.

¹Riddell, *Slavery in Cnda.*, Jour. of Negro Hist., Vol. 4, No. 4, Vol. 5, No. 3.
²Lapalice, op. cit., Cndn. Antiquarian Journal, 3rd Series, Vol. 12, No. 3.

The last public slave sale held in Montreal was in 1797 when an able-bodied man was sold for £36, and although the required conveyance was passed, the sale was afterwards set aside by legal proceedings.¹ In the same year the Imperial Parliament had passed an Act repealing the provision of 1732 which made slaves on plantations liable to be sold by deed of execution, but the interpretation of the Courts made this Act of much wider effect in Lower Canada, and instead of merely regulating the status of the slave virtually abolished it.² In the next few years the protagonists of slavery fought a losing battle with the hostility of the Courts and the indifference of the Legislature, and a series of judgments which will not now stand a strictly legal examination rendered slavery inoperative in Lower Canada more than thirty years before it was legally abolished by the Imperial Parliament.

Early in 1798 a slave named Charlotte had left her mistress, and when committed to prison by the magistrates, she sought release on writ of habeas corpus and was freed by the Chief Justice.³ When his action became known many slaves renounced their servitude, and one recently purchased for £80 was tried by the Court of King's Bench. Chief Justice Monk discharged her, stating that he would free every Negro, apprentice or servant who should be committed to prison in this way by the magistrates.⁴ This decision was not based on a consideration of slavery as such, but on a statute which gave magistrates power to commit an apprentice to a house of correction but not to the common gaol,⁵ nevertheless its indirect bearing on slavery was sufficient to shake the security of the institution.

¹Smith, op.cit.

²Riddell, op.cit. 1920.

³Hamilton, Riddell, Smith, op.cit.

⁴Riddell, op.cit. supra.

⁵ Ibid.

About the same time also, the Courts adopted the attitude that instead of being regarded as a slave until he could prove the contrary, a Negro was free unless the master could prove his alleged ownership. Thus in 1798 a Negro arrested for absconding, claimed that he was a freeman, and after hearing the argument for the master the Court freed the Negro on the ground that no right or title to him had been established.¹ This was the method used by the Courts in Nova Scotia to wear out slavery gradually, but in Lower Canada a final and decisive judgment on the system as a whole was given in 1800.

In 1799 a slave Robin, alias Robert, infected by the prevalent doctrine of freedom, left his Loyalist master. By warrant of two Justices of the Peace he was committed to the house of correction, and early the following year appeared before the Court of King's Bench on writ of habeas corpus. After hearing the arguments of counsel on both sides, the Court ordered Robin to be discharged on the ground that the Imperial Act of 1797 had revoked all laws concerning slavery. There is now no doubt that the Court was wrong in its view, the sole intention of the Act of 1797 was to exempt slaves from sale under *fiere facias*, and slavery was not legally abolished until 1834, but in the absence of local legislation to the contrary the judgment was effective, and slaves in the Province were no longer under compulsion to remain in servitude.²

At the first session of the Assembly of Lower Canada M. Panet had sought to introduce an "Acte qui tend a l'abolition de l'esclavage en la Province du Bas-Canada", but in April 1793 a motion that the bill rest on the table was carried, and the project dropped.³ In 1799, however, a petition from certain citizens of Montreal was

¹Riddell, op.cit., 1920.

² Ibid.

³Viger et Lafontaine, op.cit.

presented, claiming "que sur la foi du Gouvernement de sa Majeste, -- les habitants de cette Province en general, et les habitants de la Cite et District de Montreal en particulier, ont achetes a grands prix, un nombre considerable d'esclaves Panis et Negres; --- et lesquels esclaves se sont toujours comportes d'une maniere convenable jusqu'a dernièrement, qu'ils sont devenus refractaires par un esprit de desobeissance dont ils se sont imbus, sous pretexte qu'il n'existe point d'esclavage dans ce pays." The petitioners therefore desired an Act of the Legislature that would enable owners to reclaim fugitive slaves, for the decision of the Judges to free them on writ of habeas corpus had endangered property.¹ The motion of the House was "que la dite Requete reste sur la table pour la consideration de membres", and the following year another petition was presented seeking a decision from the Legislature "que l'esclavage, sous certaines restrictions, existe dans cette Province; qui investisse les maitres d'une maniere plus efficace de la propriete de leurs esclaves; ---." A Committee of five was appointed to report to the House on the matter, and reached the conclusion "qu'il existe des fondements raisonnables pour passer une loi qui regleroit la condition des esclaves, qui limiteroit le terme de l'esclavage, et qui previeroit l'introduction ulterieure des esclaves en cette Province."² A Bill to this effect was actually introduced, but never passed into law, and the action of the Courts in the meantime had made it unnecessary.

Slavery was not introduced into Nova Scotia by the Loyalists, for thirty years or more before they arrived Negro slaves were a familiar sight in the towns.³ It was easy at that time to

¹Viger et Lafontaine, op.cit.

² Ibid.

³Smith, op.cit.

buy slaves in New England, but it is probable that some Negroes were brought from English seaports by the original settlers more than twenty years before Lord Mansfield found the air of England too pure for slaves to breathe. These slaves no doubt helped to build Halifax, and in 1751 when building activity was slackening, and advertisement appeared in the Boston Evening Post, "Just arrived ~~from~~ Halifax and to be sold, ten strong, hearty Negro men, mostly tradesmen, such as caulkers, carpenters, sailmakers and ropemakers."¹ In the following year the Halifax Gazette advertised, "Just imported and to be sold --- several negro slaves as follows: A woman aged thirty-five, two boys aged twelve and thirteen respectively, two of eighteen, and a man of thirty."²

Nor was slavery confined to Halifax. There are records of the sale and inheritance of slaves, and of rewards for the capture of fugitives, at Annapolis, Falmouth, Windsor and other townships. In 1770 male slaves appear to have cost about £30 and female about £20, but by 1780 the executors of an estate at Falmouth stated that they had received £75 for one man, £60 for another, and £30 for a woman.³

With the coming of the Loyalists in 1783 slave-holding became a common characteristic of the leading families in every district, but in Colonel Morse's Return of Disbanded Troops and Loyalists settling in Nova Scotia Negroes accompanying families are listed as "servants".⁴ Without some places on the Southern shore these amounted to 1232 in 1784.⁵ It is also certain that slaves were held in Prince Edward Island and Cape Breton Island although the exact number is unknown, and slavery there had much the same history as in

¹Smith, op.cit.

² Ibid.

³ Ibid.

⁴I.A. Jack, "Loyalists & Slavery in N.B.", Transactions of the Royal Society of Canada, 2nd Series, Vol. 4.

⁵Report of the Archives of Canada, 1884.

the other provinces.¹

For three or four years the Government supplied equal rations of pork and flour for servants and masters,² and when this provision ceased the possession of slaves was no longer an asset but a problem, for as Haliburton pointed out, "Independent of political and moral considerations, such a system is by no means suitable to a Colony like Nova Scotia, where there are few branches of business requiring a regular body of labourers, and where their clothing and provision is attended with so much expense."³ This was no doubt the basis of the unfavourable opinion of slavery that grew up in the Maritime Provinces. It had the effect of making juries lenient with fugitives, and the declining security of slave property was reflected in falling prices towards the end of the century, while some owners tried to sell their slaves in places where prices were still high.⁴

In the last decade of the century the legal position of slavery in Nova Scotia was the subject of much profound argument. An Act of 1762, revised in 1783, for the regulation of sellers of spiritous liquors, spoke explicitly of "negro slaves", and this was claimed by one side as a legal recognition of slavery, while the other contended that it was merely a description of a class of people.⁵ In 1787 the Assembly rejected a clause dealing with negro slaves in a bill for regulating servants on the ground that slavery did not exist in the province and ought not to be mentioned.⁶ The course of procedure in the Courts, however, presupposed that it did exist, but in adjudicating each case on its merits juries became skillful in finding a flaw in the master's title to ownership. In December 1799

¹Riddell, op.cit. 1920.

²Jack, op.cit.

³Haliburton, "History of Nova Scotia", Vol. 2, p. 287.

⁴Smith, op.cit.

⁵Jack, op.cit.

⁶Riddell, op.cit. supra.

Chief Justice Blowers of Halifax wrote to Ward Chipman, who was defending counsel for a fugitive slave in Fredericton "the question respecting the slavery of negroes had been often agitated here in different ways, but has not received a direct decision. The right to hold a negro by this tenure is supposed by us to be maintainable, either by the Common Law of England, the Statute Law of England and the colony, or upon adjudged cases."¹

The next year the Supreme Court of New Brunswick was called on to settle the issue when a writ of habeas corpus ordered Caleb Jones to produce Nancy Morton, a black woman held in his custody. Judicial opinion was equally divided between the sanctity of custom and the claims of justice, and the Court therefore could not give a decision. Chief Justice Ludlow was a Loyalist, and he upheld the master's rights founded on the usage and custom of America since its discovery. One other Judge agreed with him, but the other two maintained that it was "beyond the power of human laws to establish or justify" slavery.² Thus the attitude that "mos regit legem" was opposed to the more fundamental principle that Lord Mansfield had enunciated when confronted with the same issue between liberty and property, "fiat justitia, ruat coelum".

In 1808 Nova Scotia slaveowners made an attempt to get protection from the Legislature. They presented a petition to the Assembly showing that the doubts entertained by the Courts were rendering slave property useless, that Negro servants were leaving or defying their masters, and prayed that an Act be passed "securing them their property or indemnifying them for its loss". In consequence a Bill to regulate Negro Servants was introduced and passed its second reading, but never became law.³

¹Jack, op.cit.

² Ibid.

³Smith, op.cit.

In 1829 Haliburton wrote of Nova Scotia that "the question of slavery had never received a judicial decision", and the same is true of New Brunswick, but the system decayed as effectively without the interference of law or statute as it had been established without them. The latest advertisement of a public slave sale that has been discovered in the Maritime Provinces is in the Royal Gazette and New Brunswick Advertiser for September 7, 1790.¹ In the New Brunswick Gazette for October 16, 1809 a Negro woman was offered for private sale "with a good title", which indicates that such a thing was by that time scarce, and the last offer of a reward for a runaway slave appeared in the same paper for July 10, 1816.²

For ~~the~~ early extinction of slavery within her borders Canada owes much to her judges, and at least as much to the counsel who fought for the liberty of fugitive slaves with the hope of success as their only reward, but probably she owes most to her climate. In the South slavery was defended as a natural institution, but in the North nature was its greatest enemy. Few slaves remained in Canada to be freed by the Imperial Act of Abolition in 1833, but this was in point of fact the first law that definitely abolished slavery in Canada.³

¹Smith, op.cit.

²Ibid.

³Riddell, op.cit. 1920.

FREE NEGRO SETTLERS IN THE MARITIME PROVINCES.

The early disappearance of slavery in Canada attracted hither many slaves who escaped from the United States, but even before this independent movement began attempts were made by the British Government to settle free Negroes in Nova Scotia. Some of these were the famous Maroons from Jamaica, who did not stay here long, but the greater number were American slaves who had sought freedom with the English forces during the Wars of 1776 and 1812, so that the same movement which brought in the Loyalists and their slaves also introduced the nucleus of a free Negro population.

During the War of Independence English generals had offered freedom and protection to all fugitive slaves who entered their lines, and by the time the War ended about 2000 of these were in New York, relying on the English promise to save them from the vindictiveness of their former owners. To allay their fears Carleton issued a proclamation guaranteeing the liberty of all slaves who had formally claimed the protection of English commanders, and in refusing to surrender them at the demand of Washington he said that if sending them away should be deemed an infraction of the Treaty, compensation must be made the owners by the British Government.¹ One provision of the Treaty was that the English troops should withdraw "without carrying away any negroes or other property of the American inhabitants", and the United States claimed that besides 3000 slaves removed by order of the Commanding Officer, a large number were carried off in private vessels.² The matter was still in dispute in 1794 when Gay wrote from London to Washington,³ "they contend that the

¹Riddell, op.cit. 1920, & Smith, op.cit.

²Simcoe Papers, Vol. 2, p. 121, letter of Thomas Jefferson, 1793.

³Ibid , p. 352.

article about the negroes does not extend to those who came in on their proclamations, to whom (being vested with property in them by the right of war) they gave freedom, but only to those who were bona fide the property of Americans when the war ceased", and finally all compensation was withheld in retaliation for the confiscation of the Loyalists' estates.

A number of these freed slaves were taken to Nova Scotia, a few hundred others were brought there by warships from Charleston, and they were promised all the rights and privileges that other settlers enjoyed.¹ Benjamin Marston, the surveyor who laid out the town of Shelburne for receiving the Loyalists, notes in his Diary² that on Wednesday, 27th August 1783 he "had a conference --- respecting the black men, who by the Governor's orders are to be placed up the North-West Harbour", and the following Saturday he spends "at the North-West Arm laying out lands for Colonel Bluck's black gentry". This Colonel was himself a mulatto, and was in charge of the Negro immigrants. They called their settlement Birchtown in honour of General Birch, commandant of New York, and on September 19th Marston indignantly relates in his Diary the efforts of white settlers to get possession of the Birchtown lots. But in spite of this "piece of villainy" a list prepared in 1784 showed that 1455 men, women and children enrolled in twenty-one companies, and 67 not in any company ~~company~~ were settled at Birchtown. Two years later "An Account of the Present State of Nova Scotia" published in Edinburgh mentioned that "opposite to Shelburne is Birchtown, peopled by Negroes from New York, about 1400 in number",³ but More says in his History

¹Smith, op.cit.

²Raymond, "Founding of Shelburne", New Brunswick Historical Society Papers, 1909.

³ Ibid.

of Queen's County" that a large number of these removed to Liverpool from Shelburne after the first settlement of that town".

It seems that the equal rights and privileges promised the Negroes by the Imperial Government were not immediately or willingly conceded by the other settlers, for in 1790 they appointed one of their number, Thomas Peters, who had served as a Sergeant in the Black Pioneers, to go to England and explain the injustice of their position.¹ Peters told Grenville, who was then Secretary of State, that before they went to Nova Scotia they had been promised the same grants of land as other soldiers, but they had applied in vain for these as well as for the provisions to which they were entitled, and were besides ill-used in various ways by the local authorities.² Some of the Negroes, he said, would like to get their allotments and remain in the province, but he and others would prefer to return to a warm climate more suited to their constitutions. The influence of the new Sierra Leone Company which was in search of a population of Christian Negroes for its territory is apparent in this alternative.³

Grenville wrote immediately to Governor Parr of Nova Scotia, reprimanding him severely for this neglect of the Negroes, and ordered the promised grants of land to be made at once, and in specially favourable locations to compensate for the loss of time in making them. He also directed that messengers should be sent out among the Negroes to ascertain those who would prefer to go to Sierra Leone and offer them free transport. John Clarkson, brother of the famous abolitionist, arrived in Halifax early in 1791 to take charge of the transportation, and with authority to offer to every Negro who could produce a certificate of "honesty, sobriety and industry" twenty

¹Archibald, Sir W.G., "Deportation of Negroes from N.S.", Records, of the Nova Scotia Historical Society, 1885, Vol. 7.

² Ibid.

³ Ibid.

acres for himself, ten for his wife, and five for every child in Sierra Leone. There was naturally opposition to this plan of removing all the Negroes of good character and leaving the others, and Clarkson criticised severely the official inefficiency and obstruction he encountered.¹ It is clear that although the white people of Nova Scotia were reluctant to recognise the claims of the Negroes to equal justice, they regretted that so much labour should leave the Province. But by January 1792 Clarkson surmounted all difficulties and objections, and 15 ships with 1,190 Negroes set sail for Sierra Leone.²

The next attempt to increase the Negro population of ~~Canada~~ was made in 1796 when the Imperial Government consented to 600 Maroons whom the Jamaica Legislature wanted to deport being sent to Nova Scotia.³ These people were the descendants of slaves who had escaped from the Spaniards when the British captured the island and taken refuge in the mountains. Augmented from time to time by other runaways, they had lived for nearly a hundred and fifty years in their mountain stronghold, resisting all attempts to conquer them, and keeping neighbouring plantations in continual fear of their raids. At last, finding it impossible to subdue them by force of arms, the Government decided to hunt them with bloodhounds. Realising their powerlessness before this new foe, the Maroons offered to surrender on condition that they were allowed to remain in the island. General Walpole made peace with them on these terms, but the Legislature ignored his promise, and appointed two Commissioners with £25,000 credit to arrange for their settlement in Nova Scotia as a free people.⁴

Archibald, op.cit.

2 Ibid.

3 Ibid.

4 Ibid, & Haliburton, op.cit., Vol. 2.

The 600 Trelawney Maroons were provided with such new clothing as the change of climate necessitated, and sailed from Jamaica in June 1796. When they reached Halifax about six weeks later their fine physical appearance made a most favourable impression on Prince Edward, the Commander-in-Chief, and he immediately desired to see their strength and vigour usefully employed.¹ They were set to work on the fortifications on Citadel Hill, where temporary houses were erected for them, and "in a short time this dreadful banditti were considered as a great acquisition to the Country".² By the end of the summer the Citadel had been completed, and the Maroon Bastion still stands in testimony to their labour. The expenditure on their behalf had proved so profitable to the town that their re-embarkation was not favoured, and as the Governor had received instructions from England to settle them in Nova Scotia if it could be done without injury to the Colony, 5000 acres were acquired near Preston, and by October they had all been removed there.

The presence of a French squadron off the coast now caused alarm in Halifax, and the Maroons were enrolled as a militia.³ Two of their chiefs were made Colonels, and others were given lower Commissions. The Governor, in whose barns at Halifax some of them had lived, held a high opinion of them, and aimed at "reclaiming them to the Church of England".⁴ But they had been unfitted by their wild and independent life for such a sudden change of custom and habitat, moreover they were largely ignorant of the English language, and the Governor's plans for diffusing "piety, morality and religion" among them were not successful. By the spring his opinion had entirely changed, and he stated in an official letter "in fact they do not wish to live by industry, they prefer war and mutiny".⁵ The treachery

¹Haliburton, op.cit., Vol.2, p.286.

² Ibid , p.287.

⁴Archibald, op.cit.

⁵ Ibid.

³ Ibid.

that had victimised them at the time of their surrender was still a rankling grievance, and their refusal to work under these unaccustomed conditions cost the Imperial Government £10,000 a year for their maintenance. They made repeated demands to be removed from the Province, and as a result of negotiations with the Sierra Leone Company they embarked for that Colony in the summer of 1800.¹ It is only fair to add that they reached Freetown in time to quell an insurrection of other Negroes, and their courage and character were highly praised in a Report to the English House of Commons.²

The War of 1812 left England with another lot of freed American slaves who had to be found a British home, and Nova Scotia again received the greater part. In 1814 Admiral Cochrane issued a proclamation inviting all those who wished to leave the United States "for the purpose of becoming free settlers in His Majesty's colonies" to come aboard the British warships.³ His meaning was quite clear to the slaves, and crowds seized the opportunity of freedom. Due reckoning for this escape from the land of the free was demanded by the United States at the Treaty of Ghent, which provided for the "restoration of slaves and other private property", but the British officers refused to surrender the slaves, claiming that the real meaning of the Treaty did not cover this case.⁴ In 1818 it was agreed that the Emperor of Russia should settle the question, and he decided in favour of the claims of the United States. The return of the slaves had never been contemplated by England, and a joint commission now determined that the average compensation payable for each slave from Louisiana was \$580, from Alabama, Georgia and South Carolina \$390, and from other States \$280. The United States claimed that 3601 slaves had been

¹Haliburton, op.cit.

²Archibald, op.cit.

³Riddell, op.cit. 1920.

⁴Ibid.

taken away, and in 1827 £250,000 was fixed as payment in full for slaves and other property.¹

In the meantime some of the settlers who had accepted Cochrane's invitation had been taken to Halifax and St. John, and "the Lieutenant-Governor of Nova Scotia sent a message to the house, suggesting that they should facilitate the settlement of the Negroes upon forest lands, representing them as bringing a large accession of useful labour to the agriculture of the country, and appealing to their compassion in favour of those instances of "decrepid age, helpless infancy, and unavoidable sickness" to be found among them".²

Of the freed Negroes who went to New Brunswick about 300 were assigned lands in lots of fifty acres each near Loch Lomond, and formed the Willow Grove Settlement.³ Another group settled on the shores of Lake Otnabog and were granted land by the Legislature in 1830.⁴ But as in other provinces, the Negroes tended to drift into the towns. The Provincial Census of 1840 records 1711 "People of Colour" in New Brunswick, of which 767 were in the district of St. John, and 455 in the County of York.⁵ Socially and economically the Negroes of New Brunswick have had a very similar history to those of Nova Scotia, but their number has always has always been smaller, and records of their fortunes far less numerous than in the latter Province.

Whether it was expediency or accident or blundering that caused these Negroes who had been freed with so much trouble and expense to be taken to Nova Scotia, there is nothing to indicate, but unless either their rescuers or the British Government did not know

¹Riddell, op.cit., 1920.

²Murdoch, History of Nova Scotia, Vol. 3, p. 380.

³Ganong, Origins of Settlements in New Brunswick, p. 85.

⁴Ibid, p. 157.

⁵Gesner, Nova Scotia, with Notes for Immigrants, p. 126.

that the climate of this country was the type supposed to be fatal to the black race, it was a paradoxical way of benefiting them. This opposition to a popular fallacy was in itself of no importance, but a vital mistake was made in failing to provide the Negroes with even a rudimentary training in their new conditions of life. In 1828 Haliburton wrote from personal observation of the coloured settlers near Halifax, "Unaccustomed to provide for their own necessities, or to receive the produce of their own labour, some wandered through the country without object or design; and others, imagining that liberty consisted in a total exemption from labour, subsisted upon the produce of small gardens in summer, and upon rations allowed by the Government during winter."¹

Some of these petitioned the Government in 1820 to remove them to a warmer climate, where "the spontaneous productions of the earth would preclude the necessity of their having to provide for a long and tedious winter"², and in January 1821 seventy-nine men and women and eleven children were embarked on specially chartered vessels for Trinidad.³ The condition of those who remained in the neighbourhood of Halifax did not improve, and until the middle of the century the Legislature had to make almost annual grants for their relief. The situation led to a motion in the Assembly in 1834 "it is feared that upon the Negroes being emancipated from their slavery in the West Indies ---, numbers of them may be brought into this Province, and prove a great burden upon the Community", and a Bill was passed with obvious haste "to Prevent the Clandestine Landing of Liberated Slaves --- from Vessels arriving within this Province".⁴

The following year a Special Committee was appointed to

¹Haliburton, op.cit. Vol. 2, p. 292.

²Ibid.

³Ibid., p. 293.

⁴Journals of the House of Assembly of Nova Scotia, 1834.

consult with the Governor regarding "the best means of either distributing the present Black Settlers at Preston and Hammond's Plains, or removing them to some more genial climate",¹ and His Excellency directed the magistrates of these districts to ascertain and report to him whether the people would be willing to be removed to Trinidad and Demerara. In February 1837 their Reports were presented to the Assembly, and showed that the Negroes were not at all attracted by a "more genial climate". Archibald Gray wrote from Sackville "I visited the Black Settlement at Hammond's Plains --- and gave them as much favourable information as I was able to collect concerning the climate, soil and resources of Demerara and Trinidad. But not one individual would consent to remove; and this decision I attribute to two causes. In the first place they have a foolish and indefinite fear of again being brought into bondage. And secondly, there are several of their number who have great influence among them, and being able to earn their own subsistence, do not wish to leave the Province; and the rest, poor and miserable though they be, are unwilling to remove without them."² He attached a list of sixty couples, five widows and one widower who formed the coloured population of the district, and marked eleven of them with an asterisk as "considered to be industrious, and earning their own subsistence".

From Dartmouth Edward Lowe wrote "I have made the enquiry of those settled at Preston, and find that they cannot be induced to accept the offers proposed to them. They all appear fearful of embarking on the water-many of them are old and have large families, and if a few of the men should be willing to go, the women would not. It is objected among them that they have never heard any

¹Journals of the House of Assembly of Nova Scotia, 1835.

² Ibid, 1837, Appendix

report of those who were sent to the same place a few years ago, and they think that if they were doing well some report of it would have reached them. They seem to have some attachment to the soil they have cultivated, poor and barren as it is, and, I think, feel some jealousy lest such as remain should possess the improvements of all that might leave. One man did express some willingness to move, but expected in such case to be paid at a valuation for the Land he occupies.

It is readily acknowledged by them that too many are settled together, that the land is worn out, bare of fuel, and cannot maintain such a number, particularly in a District where labour is not to be obtained to assist their support, and they all seem ready and willing to remove to any other part of the Province where the land is more fertile and a larger portion can be given them."¹

Seeing no hope of improving the condition of the Black Settlers as long as they remained in their "injudicious location", the Governor and the Assembly agreed that "a few Families might be removed to each county of the Province with advantage to themselves and the County generally".² This suggestion was promptly referred to the Imperial Government, but the sentiments of Westminster had changed since Grenville directed the policy of Governor Parr, and in October 1837 Lord Glenelg replied that the plan of removing the Negroes to more fruitful lands belonging to the Crown was open to serious and insuperable objections. "The free gift of any of the waste lands of the Crown would involve a departure from the spirit, as well as the letter, of the present land regulations, to the strict observance of which Her Majesty's Government has been so repeatedly pledged. Her Majesty's Government feel that they would not be justified in

¹Journals of the House of Assembly of Nova Scotia, 1837, Appendix
² Ibid.

sanctioning any infringement of these regulations ,excepting in cases where satisfactory pfoof could be adduced that the public interest imperatively required their relaxation. In the present instance no such proof is afforded. On the contrary the measure is just an expedient for the relief of these people, the principle as well as the success of which seems to be very doubtful. --- If the want and privations from which they have so long suffered have not furnished sufficient inducement to active and industrious habits, I should fear that the mere occupation of rich land would fail of that effect.

The proposed scheme appears to me directly calculated to cherish the mistaken and mischievous notion that if they are to subsist at all it must be as proprietors of Land, and not as laboners for hire."

After objecting further to the expense involved by the scheme of removal, His Lordship enquired whether the Blacks enjoyed the same means of obtaining work as labourers as others of their class, and if so, whether the Legislature would bear the expense of transferring them to those districts where their labour was needed.¹

This appears to be the last of official effort to improve the impoverished coloured settlements, although grants for their relief straggle through the Estimates until past the middle of the century. In 1836 the Assembly had voted down a Petition for aid in setting up an "Establishment at Preston for the employment of the Coloured People there, in knitting and otherwise",² and there was little opportunity or inducement offered them to leave their precarious foothold on the land.

It must be remembered, however, that these black

¹Journals of the Assembly of Nova Scotia, 1838, Appendix 32.

²Ibid, 1836.

settlers whose misfortunes have been written into the public records were but a few hundred of the Negro population of the Province, which was estimated at 3000 in 1828¹ and which had doubled by the Census of 1851. Nor was destitution and poverty during this period confined to the coloured people. In 1836 the Governor told the House that "during the last spring, representations were made from parts of the Eastern and Western coasts, that great distress was felt by many of the Poor Settlers,"² and similar references are found in other years. At the same time Negroes in other parts of the Province were prospering and seeking opportunities for progress. In 1837 a Petition on behalf of the Coloured People in Halifax was presented to the Assembly, praying aid for the African School in Halifax, and the House granted £40 in addition to the £60 heretofore provided by law.³ Similar petition was made by several other districts, but the School Act of 1849 made education the responsibility of each county, and the Provincial Education Committee could then only recommend that assistance be given the petitioners.⁴ By 1875 More could write an account of the Negroes in Queen's County which is the antithesis of the unfavourable opinion expressed by Haliburton. Here some of those who came to the Province after 1815 "settled and became respectable citizens. Many of their descendants are now living, and compare favourably with many of their white contemporaries. There are some of them among us who are intelligent and industrious citizens, and would, if allowed, fill some public offices with credit to themselves and the community."⁵

"If allowed" is significant. The Negro was rapidly made

¹Haliburton, op.cit.

²Journals of the House of Assembly, 1836.

³Ibid. 1837.

⁴Ibid. 1849. Appendix, Report of the Education Committee.

⁵More, A History of Queen's County.

to learn that freedom did not put him in the same position as other people **who** were free. He was not exempted from militia duty, nor, when he **acquired** sufficient property, from taxation, so that he was from the beginning regarded as fit for the less popular responsibilities of citizenship, but his claim to the "equal rights and privileges" promised by his liberators from American bondage was not quickly nor willingly recognised by ~~the~~ other colonists. Negroes were not allowed to vote in Nova Scotia until 1837, and not allowed to serve on juries until two years later.¹ And in the words of one of those in the Province now "for many years every door of opportunity opened to them reminded one of the cartoon of the Boxer Rebellion, the open door of China that bristled with bayonets which must be faced by anyone who would dafe enter."²

1Smith, "Slavery in Canada", Records of N.S. Historical Society, Vol. 10.
 2Letter of Mr. Kinney, Secretary-Treasurer of the Home for Colored Children, Halifax.

CHAPTER 4.

FUGITIVE SLAVES IN THE CANADAS.

The invention of Whitney's cotton gin greatly increased the value of slaves on southern plantations, and in 1793 Congress passed the first Fugitive Slave Law, providing for the reclamation of "fugitives from labor" who escaped into the free states.¹ By an important coincidence Upper Canada in the same year passed an Act prohibiting the importation of slaves,² which meant that any Negro entering the Province from now on became free, whether he was brought in by a master or came as a fugitive. Lower Canada, having passed no legislation on slavery, was also open to fugitives, and to remove all doubt on the subject of their extradition the Executive Council issued a Report in 1829 declaring, "The state of slavery is not recognised by the law of Canada, nor does the law admit that any man can be the proprietor of another. Every slave therefore who comes into the Province is immediately free whether he has been brought in by violence or entered it of his own accord."³

Between Canada and the slave-holding states of the South was a belt of free states, in which Negroes could not be enslaved, but escaped slaves could be captured and returned to the South, only across the Canadian border could the fugitive be sure of retaining his liberty. Thus the legend of the free and fruitful land of Canada grew in the South until plantation Negroes saw Heaven itself behind the British frontier to the North, and dying slaves expected to meet again in Canada.⁴ An organised system of escape gradually developed which became known as the Underground Railroad, and proved one of the

¹Siebert, W.H., The Underground Railroad, Chap. 1.

²Vide Chap. 2, supra.

³Riddell, op.cit., quoting Canadian Archives, State K. p. 406.

⁴Riddell, op.cit.

most effective of anti-slavery weapons.¹ The way was long and unknown to the fugitives, and they were in constant danger from pursuing owners and other hostile whites, but along the Railroad they found supporters of the abolitionist cause eager to help them to freedom. At intervals on each route were "stations" where the slaves were hidden by day, and given instructions for the next section of their journey by night, or even escorted for some distance by "conductors".² The chief Underground routes were through Ohio, Pennsylvania and New York, and thence to the Canadian side of the Detroit River or Lake Erie, but some also went through Indiana and Illinois, while Canadian terminals were also established at accessible border points between Kingston and Montreal, and some escapes were made by sea from Southern and New England ports to the Maritime Provinces.³

A few fugitive slaves began to find their way into Canada from the beginning of the century, but they did not come in appreciable numbers until some years later. The War of 1812 in which coloured troops fought on the Canadian side provided an excellent opportunity for spreading information about Canada as a refuge for the self-emancipated slave among the Negroes in the United States, and the northward movement to freedom was soon causing apprehension among the Southern owners. In 1819 the British Charge d'Affaires at Washington asked the Governor of Upper Canada whether fugitives could be seized in the Province, or their restitution secured by application to the Government,⁴ and the Attorney-General replied that since freedom of the person was one of the most important civil rights protected by the law of England which the Province had adopted, the Negroes were entitled to personal freedom through residence in the

¹Siebert, op.cit. p.340.

²Ibid.

³Ibid

⁴Riddell, W.H., Jour. Negro History, 1920, Vol.5, No.3.

country, and any attempt to infringe their rights would be resisted by the Courts. In 1826 Secretary of State Clay instructed the United States representative at St. James to take the matter up with the British Government, and proposed an agreement for the "mutual surrender of all persons held to service or labour, under the laws of either party, who escape into the territory of the other". The English replied that "it was utterly impossible for them to agree to a stipulation for the surrender of fugitive slaves", but in 1828 the United States again raised the question, urging that "the evil" was likely to disturb "the good neighbourhood" which they desired to maintain with Canada, and again got the same reply.¹

By a Statute passed in Upper Canada in 1833 any person could be arrested whose extradition was sought by a foreign country on a charge of Murder, Forgery, Larceny or other crime, which if committed within the Province, would have been punishable with death, corporal punishment, the pillory, whipping or confinement with hard labour. But after making an inquiry into the facts of the case, the Governor-in-Council could exercise his discretion in granting or refusing the delivery of the prisoner.² Fugitive slaves came within the provisions of this law if a recognised crime could be proved against them, but difficulty arose in certain cases where a criminal offence could be made the basis of a claim intended to secure the fugitive not for due punishment, but for re-enslavement.

One case which attracted much attention because of its violent ending was that of Solomon Moseby, of Mosely, who used his master's horse to escape from Kentucky, and afterwards sold it. A prima facie case for the theft of the horse was made out and an order sent for the extradition of Moseby. The Attorney-General advised the Executive Council that there was sufficient proof to warrant

¹Siebert, op.cit. p. 299.
²Riddell, op.cit.

complying with the order, and the Governor replied to a petition for the release of the prisoner that "he was bound to deliver up Moseby as a felon, although he would arm the Province to protect a slave".¹ The case excited great public interest, and the coloured people of the district gathered in hundreds round the gaol with the determination to stop the return of Moseby across the Niagara River. When he was at length brought out they attacked the military guard, who were ordered to fire. In the confusion Moseby escaped, but two of his rescuers were killed.² Public opinion was divided over the incident; to the conservatives, the Negroes were a rebellious mob, to the radicals, they were on the same side of the law as Cromwell and George Washington.³

A few days later another fugitive, Jesse Happy, was requisitioned for trial in Kentucky for a similar offence, and the intention was obviously to return him to slavery. Since the re-enslavement of a fugitive was contrary to the principle of their laws, but a man could not be allowed to escape the consequences of his crime because he had been a slave, the Canadian authorities had no clear course of action, and they referred the case to England where it was submitted to the Law Officers of the Crown. Their opinion was clearly intended to promote the cause of freedom. While no distinction in matters of criminality should be made between Slaves and Freeman, they pointed out that the evidence of the crime must be taken in Canada, and further, that the Governor was empowered by the Provincial Statute to exercise his discretion where special circumstances made it inexpedient to accede to the request for extradition.

¹Kirby, Annals of Niagara, p. 277. Also in Publications of the Lundy's Lane Society.

² Ibid.

³Riddell, op. cit., & ibid Vol. 4, No. 4.

In this particular case they thought that the offence was merely the unauthorised use of a horse, not horse-stealing according to the laws of Upper Canada, and concluded that this was sufficient ground for setting the prisoner free.¹ Happy was accordingly released in November 1837, and no request for the extradition of a fugitive slave was made again until after 1842 when the Ashburton-Webster Treaty was concluded. An attempt was made to interpret the clause which provided that all persons charged with murder, or assault with intent to murder, piracy or arson, robbery or forgery should be delivered up to justice by one country to the other, as ground for the rendition of fugitive slaves, but this trouble had been foreseen, and Ashburton had assured Thomas Clarkson that slaves would be given up only for the crimes specifically mentioned in the Treaty.²

In 1860 a notable case arose which tested the obligations under the treaty with reference to slaves. In escaping capture by a man not his owner, a slave had stabbed the man, who afterwards died. Seven years later the Negro was recognised in Ontario by a slave-catcher from Missouri, arrested on a charge of murder, and tried by the Court of Queen's Bench. Lord Elgin had replied to an appeal on behalf of the prisoner that "if twelve freeholders should testify that he had been a man of integrity since his arrival in their dominion, it should clear him",³ but the law and the facts of the case were too clear for such evasion, and the presiding judges disagreed only on the technical point of the form of the warrant. The case attracted a great deal of attention, and when by a majority decision of the Court Anderson was re-committed to gaol, the British and Foreign Anti-Slavery Society applied to the English Court of Queen's

¹Riddell, op.cit., quoting Canadian Archives, State G84, p.277.

²Landon, Fred, Negroes in Upper Canada before 1865, Papers of the Ontario Historical Society, 1925

³Siebert, op.cit. p.353.

Bench for a writ of habeas corpus. This was granted, and was the cause of a Statute in 1862 forbidding English ~~English~~ Courts to issue a writ of habeas corpus into any British possession which has a Court with the power to issue such a writ.¹ But in the meantime an application to another Common Law Court in Upper Canada had proved successful, and the prisoner was discharged. This was the last attempt made to extradite a fugitive slave, and Lincoln's Proclamation two years later put an end to all such claims.

A complete record of cases in the Courts concerning fugitive slaves is beyond the scope of this thesis, these leading decisions have ~~only~~ been quoted merely to show that legal opinion in Canada was determined to maintain the free and independent status of Negroes under its jurisdiction-the Mansfield Judgment had fallen on fruitful ground. For sometime it created a somewhat strange situation since slavery was not legally abolished in Canada until 1833, but it was nevertheless a situation that exercised a subtle and certain ~~on~~ the history of slavery on the rest of the continent. No doubt the system in the United States would have ended sometime anyway, but in judging the friction of conflicting principles which flamed into Civil War in 1861 the trickle of black fugitives who for sixty years and more were guided by obscure and devious routes to freedom on Canadian soil is an influence that cannot be ignored. Both to the South which begrudged their loss, and to the North which was ashamed of their condition, they were an incitement to war.²

Exactly how many Negroes came to Canada during this period is not known, and the records in the first two Censuses ~~are~~ admittedly incomplete. In the 1851 Census of Population there was a column for

¹Riddell, op.cit.

²Cf. Booker Washington, "Story of the Negro". Chap. XI.

Coloured Persons and Indians which contained 2,095 coloured, but a footnote stated, "In several counties these divisions were not given in the abstracts. There are about 8000 coloured persons in Western Canada." The Rev. Ward, who worked among the Negroes and was himself a fugitive, said that they frequently omitted to indicate their colour when making returns, so that even where a colour record was taken it was not complete.¹

The Census of 1861 also had a column for Coloured Persons with the same explanation as before, and showed 11,223 in Upper Canada and 190 in Lower Canada, but Dr. Howe came to Canada in 1862 for the special purpose of studying the refugees, and found the Negro population in every town he visited much beyond the number given in the Census. He estimated the total number in Upper Canada at about 20,000, but this differs as much from the estimates of other travellers as from the Census. The highest figures were 75,000 in 1858, and 60,000 two years later, but some well-informed sources agree that 30,000 - 40,000 were here before 1850, and about 10,000 came in after the Fugitive Slave Law in that year.² This was a rigorous and vindictive measure inspired by the anger of the South at the increasing loss of its chattel labourers, which allowed ownership to be established by the simple affidavit of the person claiming the slave, and not only called upon "all good citizens" to be slave-catchers, but also made all free Negroes liable to be arbitrarily enslaved.³ As a result all terminals of the Underground Railroad reported a great increase in traffic in the decade after 1850, and the growing number of desertions was reflected in the wide range of comment and apprehension.

¹Landon, op.cit.

² Ibid, and "Negro Migration to Canada after 1850", Journal of Negro History, 1920. Vol. 5, No. 1.

³Siebert, op.cit.

in the United States. On Missouri paper even stated that "the evil" threatened to subvert the institution of slavery in that State.¹

Fugitives who had reached Canada safely were eager to help those they had left in slavery to escape, and by 1860 five hundred refugees were returning annually to help "spirit away" slaves.² This interest and enthusiasm led John Brown to come to Canada in 1858 and call a meeting at Chatham in the midst of the refugee settlements, at which he explained his plans for establishing a stronghold in the Virginian Mountains from which to raid the slave-holding planters. But so much time elapsed between the meeting and the raid that only one Canadian Negro was present at Harper's Ferry,³

The only possession with most fugitives arrived was enthusiasm for their new-found freedom. They reached Canada destitute, ill-clothed and ignorant of the conditions that confronted them. Some free Negroes migrating from the Northern States had both property and experience, and came after 1850 in noticeable numbers, bringing horses and wagons, and sometimes buying land,⁴ but these were a small minority, the others were from the start in need of all the necessities of life. Josiah Henson wrote of the refugees he saw in 1830 "at that time they were scattered in all directions and for the most part miserably poor, subsisting not infrequently on the roots and herbs of the fields".⁵ Fortunately the movement was spread over a long period and grew slowly, so that the economic absorption of the fugitives was never a difficult problem.

The Canada Mission was formed in 1838 to help newly-arrived refugees by supplying proper clothing, and offering food and

¹Landon, op.cit., Journal of Negro History.

²Siebert, op.cit.

³Landon, "From Chatham to Harper's Ferry", University Magazine 1919

⁴Landon, quoted op.cit., Journal of Negro History.

⁵Siebert, op.cit.

shelter until they found a means of self-support. There appears to have been a ready response to the needs of the ex-slaves both in Britain and the Northern States, and the Canadian Government admitted supplies sent them from abroad free of Customs Duty.¹ But at the same time every effort was made to encourage the refugees' independence of spirit and prevent them from relying on charity for support, and nothing like the succession of grants made the "destitute and distressed" Negroes of Nova Scotia is found in Ontario.

In 1794 some free Negroes in Upper Canada had petitioned the Executive Council for lands on which to settle, and the petition was rejected.² Unfortunately the official reasons for this action do not appear to have survived, but they were possibly connected with the fact that slavery still existed in the Province and it was not customary at that time to regard a Negro as a landowner. In 1830, after being promised an unconditional welcome by Sir John Colborne, some American Negroes started the Wilberforce Settlement, but in a few years the Canada Land Company refused to sell any more land to Negroes, and for lack of room to expand the colony decayed.³ But such discrimination was apparently not general, and in 1844 Levi Coffin, one of the chief organisers of the fugitive movement into Canada, wrote that land had been easily obtained by the Negroes, "and many had availed themselves of the opportunity to secure comfortable homesteads".⁴ Siebert shares this view, and says "the fact that there were large tracts of good land in that part of Canada accessible to the fugitive was a fortunate circumstance, for the desire to possess and cultivate their own land was widespread among the

¹Siebert, op.cit.

²Cruikshank, Documents from the Canadian Archives, Papers of the Ontario Historical Society, Vol. 25. "Petition of the Free Negroes", v. Appendix.

³Landon, "History of Wilberforce Refugee Colony", London & Middlesex Historical Society, 1918, Part 9, p. 30.

⁴ Siebert, op.cit.

escaped slaves. This eagerness drew many of them into the Canadian wilderness, there to cut out little farms for themselves and live the life of pioneers".¹ In 1846 the Queen's Bush region north-west of Toronto was still a wilderness, then fugitives began to penetrate it and clear the land, and in two years fifty families were settled there.² The busiest terminals of the Underground Railroad were in the inter-lake region of Ontario, and many Negro settlements were formed here between the Detroit River and Niagara. There was a gradual movement to the interior as knowledge of the opportunities for settlement spread, and coloured colonies were established as far north as Owen Sound on the shores of Georgian Bay,³ but apparently few of the refugees retained possession of the land they cleared. Siebert attributes this partly to their ignorance of conveyancing, and partly to the sharp practices of unscrupulous whites. Some early fugitives were received by the Indians under Chief Brant on the elbow of land between Lakes Ontario and Erie, and finding hospitality and a congenial life, the Negroes frequently adopted the customs of their benefactors and remained among them.⁴

Many special attempts were made to organise refugee settlements with the purpose of enabling destitute arrivals to obtain land, and, by providing instruction in practical matters, to remove the disadvantages under which they ordinarily had to begin the struggle for a livelihood. One of the earliest, and probably most successful, of these was the Dawn Settlement founded in 1842, which aimed at being self-supporting, and had a prosperous career for about ten years. Another settlement which attracted a great deal of attention was that formed at Buxton in 1850 under the auspices of the Elgin Association, but most of these communities served a useful purpose

¹Siebert, op.cit.

²Ibid.

³ Ibid.

⁴Hamilton, Slavery in Canada, Magazine of American History, vol. 25.

and then decayed. The immediate employment offered by populous centres was exceedingly attractive to people who had never before worked for money of their own, and large numbers of fugitives found their way to Toronto, Hamilton, Montreal and other towns. Here they were employed in hotels and taverns; as carpenters, plasterers and blacksmiths; and in various unskilled occupations, while a few became shopkeepers and clerks.¹

Howe investigated the fortunes of those who had entered into the competitive life of the towns, and found in 1862 that at Malden one in three of the white population, and one in eleven of the coloured, were paying rates or taxes. The average amount paid by the former was \$9.52, and by the latter \$5.12. At Windsor the proportion of white ratepayers was 1 to 7 $\frac{1}{4}$, and of the coloured 1 to 5, but the percapita average for the white was \$18.76, and for the coloured only \$4.18. Since, however, no special opportunities for acquiring property were offered refugees in these places, Howe thought this by no means a discreditable showing.²

On the whole the state of the country at this time was favourable for an influx of heavy manual labour. Farmers were constantly in need of more labourers to bring new land under cultivation, and railway building was beginning to need workers on a large scale. In 1851 two thousand five hundred Negroes were working on the Canada Railway for \$10 per month and board, and the next year an advertisement for a thousand to work on the Great Western Railway appeared in the "Voice of the Fugitive", a paper published for the refugees by Henry Bibb, a Detroit Negro.³ He tried to urge upon his people the opportunity for solid advancement which Canadian conditions

¹Siebert, op.cit.

² Ibid.

³Landon, op.cit., Papers of the Ontario Historical Society, Vol. 22.

offered, "Canada is no place for barbers, bootblacks and table waiters," he wrote in 1851. "We want farmers, mechanics, and professional men."¹ But many refugees were too ready to sacrifice these opportunities for the readier gains of personal service and subservience, their long inheritance of ignorance and subjection still weighed heavily against them.

Regarding the character of the slaves who escaped to Canada, the United States Secretary of State wrote to London in 1826 "they are generally the most worthless of their class, and far, therefore, from being an acquisition which the British Government can be anxious to make. The sooner, we should think, they are gotten rid of the better for Canada."² But the South was setting a high value upon these worthless absconding slaves, and upon him rested the difficult task of persuading the British Government to exclude them from its territory. It would not have suited his purpose to claim that in the interests of the plantation owners the most sturdy and enterprising slaves must be prevented from escaping, but this is the contradictory view now held by Judge Riddell, who says that the Canadian refugees were the best of their class, for only the strongest and most persevering could succeed in making the long, hazardous journey.³ Siebert's view is more moderate, and probably a more accurate estimate. He says that those who came to Canada were on the whole a representative body of the slave class. The Underground Railroad made flight comparatively easy after 1830, the success of the fugitive did not depend wholly on his own enterprise and endurance, and a scout arranging escapes had little opportunity to select a superior type of slave.⁴

¹Quoted by Landon, op.cit.

²Siebert, op.cit.

³Riddell, op.cit.

⁴Siebert, op.cit.

There were some fugitives who had had a wider range of experience than was generally open to the slave, or who displayed unusual ability, these were thoroughly capable of looking after themselves, but most of the runaways were not equipped by the previous conditions of their existence to reach freedom or utilise its opportunities unaided. Much of the slave's apparent ignorance and resignation was, however, really shrewdness—he knew better than to invite punishment by showing discontentment, but the terrifying rumours about Canada which the planters circulated had as little effect upon his intention to abscond as the Secretary of State's similarly expedient description had upon the British Government.¹ The description which Drew gave in 1856 of the Negro communities he visited might have been true of any race. Some of the people, he said, "were intelligent and respectable, while some wasted their time and neglected their opportunities".² William Lyon Mackenzie wrote to an agent of the American Anti-Slavery Society in 1837 that as a people the Negroes were as well-behaved as the majority of whites, and perhaps more temperate; they showed no greater propensities to crime, and rarely sought public charity. "I regret" he said "that an unfounded fear of a union with the United States --- should have induced them to oppose reform and free institutions in this colony--". The apology I make for them is that they have not been educated as freemen."³

But the Negroes early realised this handicap and set about removing it. Schools for both young and old were attached to the refugee settlements, in mixed communities the question of separate schools arose at an early date, and coloured youths were among the

¹Siebert, op.cit.

² Ibid. Drew wrote "A Northside View of Slavery" in 1856.

³Landon, op.cit., Ontario Historical Society, Vol.22.

first students at the University of Toronto.¹ Perhaps the greatest indication of the Negroes' desire to benefit from their new opportunities is seen in their formation of "True Bands", associations for the purpose of improving schools, increasing school attendance among the coloured people, abating race prejudice, and maintaining a fund for helping destitute persons arriving from slavery.² The Association for the Education of Coloured People was formed in Canada West to meet the need created by the increased immigration after 1850, and in 1859 it was incorporated by statute so that its work among refugees in other parts of Canada might be facilitated.³

In 1864 Howe wrote from his contemporary knowledge of the refugees that they earned a living and gathered property, "they improve in manners and morals, not because they are picked men, but because they are free men", and it was his opinion that they "promote the industrial and material interests of the country, and are valuable citizens".⁴ There is no evidence that practical grounds for a rebuttal of this statement ever existed, but in Canada, as in other countries, the end of Negro slavery was only the beginning of another controversy as to the social relations of the white and the coloured races.

¹Landon, "Canada's part in Freeing the Slave", Papers of the Ontario Historical Society, 1919.

²Siebert, op.cit., p.230.

³ Ibid.

⁴ Ibid.

CHAPTER 5.

PUBLIC POLICY TOWARDS THE NEGRO AND THE SLAVE.

The Canadian attitude to slavery began by reflecting the idea with which Europe colonised the American continent, an idea of dazzling riches to be obtained from the reckless enslavement of Negroes; it ended by joining issue with that opinion in Britain and the Northern United States, which after more than a century's experience of the limited and localised benefits of the system revolted at the horrors of such traffic in human misery. As soon as slavery was abolished in Canada, there grew up a national repugnance to its existence elsewhere. As long, therefore, as the Negro by coming to Canada made slaveholding in the South more precarious he was invited and welcomed, but when there was no longer any slavery from which he could flee, he ceased to find a welcome and scarcely found toleration.

Siebert describes the attitude of the Canadian Government to the fugitives as "one of welcome and protection", and it is clear that the Courts secured to them absolute vindication of their rights to freedom. Slavery had not lasted long enough, nor been widespread enough to place the Negro beyond the bounds of ordinary justice and compassion; and because slaves were no longer among the assets of the property-holding class the situation in other countries could be judged on purely theoretical and humanitarian grounds. The attitude of Canada was therefore as detached and critical as the Mansfield Judgment - and far less tolerant of the sanctions of custom.

It is significant that when a group of Free Negroes in Upper Canada petitioned the Executive Council in 1794, when slavery still existed in the Province, to grant them lands on which

to settle, the Petition was rejected.¹ But in 1829 when a deputation of Cincinnati Negroes asked Sir John Colborne if they could move to Canada to escape the threatened enforcement of the Black Laws in the South, the Governor replied "Tell the republicans on your side of the line that we Royalists do not know a man by his colour. If you come to us, you will be entitled to all the privileges of the rest of His Majesty's subjects!"² Surely a rash statement when there were still over a million slaves in the Empire whom Royalists knew by their colour, but it is the key to the fortunes of fugitives in Canada, they were not judged on their own merits, but as the undeserving victims of a despised republican tyranny. Colborne welcomed them in defiance of his old enemies, but long after this nationalist feeling ceased the general moral question remained, and on this side of the line the opponents of slavery continued eager to free its victims. The promise of equal privileges of citizenship was never retracted or contravened, but neither was it ever subjected to any excessive strain. The fugitives were distributed over the country and absorbed into its economic life without difficulty, the necessity of considering them as an alien racial element never arose, and Lincoln's Proclamation stopped the influx at an opportune time. If Negro immigration had continued for long after 1860 at the rate at which it proceeded in the decade before, it is an open question whether the sympathetic attitude of the public would have survived the prospect of a dark-complexioned population spreading over larger and larger areas of the country, and the influx into the towns of an alien element beyond the native capacity of absorption. But in point of fact during the period that fugitive slaves were

¹Cruikshank, op.cit. supra.

²Landon, op.cit. Ontario Historical Society Papers, 1919.

coming to Canada the future racial aspects of the movement were on the whole obscured by the immediate moral issue.

During the War of 1776 Negroes had been enrolled in the English ranks, and a company of Black Pioneers had served under General Clinton.¹ In 1812 Negroes fought with the Canadian troops, and Sir Francis Bond Head remarked on the readiness with which they enlisted.² During the Rebellion of 1837 Negroes were enrolled in the militia, and Kirby mentions in his Annals of Niagara that a company of coloured men served under Captain Clench on the frontier, and "proved good and trusty soldiers".³

As race or colour was not made the basis of any distinction in the enjoyment of civil rights Negroes who came to Canada obtained the franchise and became eligible for public office on the same terms as other property-holders. Howe declared in 1864 that the Negroes in Upper Canada were "enfranchised citizens of a government that protects their rights". "The Negro voters" he says "use their privilege freely in common with the native citizens, allying themselves with the two regular parties of Canada."⁴ Apparently the Negroes fitted willingly into the political scheme they found, their gratitude led them to support the system that had given them freedom, and William Lyon Mackenzie found it necessary to deprecate their "extravagant loyalty to the Executive".⁵ The head of the Buxton Settlement mentions the offices of pathmasters, school trustees and councillors as those to which coloured men had been chosen within his knowledge, and adds that he thought that white men would refuse to vote for a black running for Parliament.⁶ A Negro official of the Underground Railroad

¹Smith, Slavery in Canada, Records of the Nova Scotia Hist. Society, Vol. 10

²Sir F. B. Head, A Narrative, p. 337.

³Kirby, op. cit., p. 277.

⁴Siebert, op. cit.

⁵Landon, op. cit. Ontario Historical Society, Vol. 22.

⁶Siebert, op. cit.

was told by a friend that the laws of Canada made no distinction and Negroes did jury duty with their white neighbours, and served as school directors and road commissioners.¹

But a change in the Negro's status was not sufficient to extinguish colour prejudice where it was already inherent or acquired by contact with the United States. In 1849 when the Elgin Association was arranging for the settlement of refugees in Kent it met with considerable opposition, and in a special resolution the Western District Council stated, "The increased immigration of foreign Negroes into this part of the province is truly alarming," and mentioned in corroboration that "the Negroes, who form at least one-third of the inhabitants of Colchester, attended the township meeting for the election of parish and township officers and insisted upon their right to vote, which was denied them by every individual white man at the meeting. The consequence of which was that the chairman of the meeting was prosecuted and thrown into heavy costs, which costs were paid by subscriptions from white inhabitants. As well as many others, in the same township of Colchester have not been able to get schools in many school sections in consequence of the Negroes insisting on their right of sending their children to such schools. No white man will ever act with them in any public capacity, this fact is so glaring that no sheriff in this province would dare to summon coloured men to do jury duty. That such things have been done in other parts of the British dominions we are well aware of, but we are convinced that the Canadians will never tolerate such conduct."²

The Reverend Ward, himself a fugitive, replied that he knew Negroes who had served as jurors in Toronto and elsewhere, and that

¹Siebert, op.cit.

²Landon, op.cit. Ontario Historical Society, Vol. 22.

this resolution was only intended to rouse racial antipathy.¹ The attack seems to have been generally understood as an attempt to block the Elgin land grant, but the Montreal Pilot published a reply connecting the incident with the Annexation Movement. "We have on more than one occasion advocated the rights of our coloured fellow citizens in this province and expressed our surprise and indignation at the attempts made to take them away. The opponents of free settlement may be reminded that we are not yet annexed, and that it is far too soon to anticipate by an anti-British policy an event the probable occurrence of which is contemplated by the lovers of genuine freedom and independence with strong feelings of aversion. The prejudice against colour is a moral weakness, to say the least, of which an Englishman should be ashamed. It ought to have no place among us."²

There can be no doubt that the Negro was not persona grata in all the communities he entered. John Scoble, Secretary of the British and Foreign Anti-Slavery Society, visited Canada in 1851 and wrote of the refugees that "By not a few of the French Canadians, the Irish, and, though in not so great a degree, the Scotch and English, they are regarded as an inferior cast and a degraded people, and therefore but little social intercourse exists between them."³ Agitation against the presence of coloured children in the common schools led to the Negroes having separate schools in many places, and coloured people were sometimes refused accommodation in taverns and on steamboats, yet Frederick Douglass declared that the kindly reception he received at a hotel on the Canadian side was in marked contrast to his treatment in American cities.⁴ The situation was

¹ Landon, op. cit. supra.

² Quoted ibid.

³ Ibid.

⁴ Ibid.

probably accurately summed up by Henry Bibb in 1852 when he stated "We are sorry to be compelled to admit that along the frontier we have to contend with Yankee prejudice against colour, although unlike that which is so formidable in the United States. There it is bolstered up by law - here it has no foundation to stand upon and we can live it down. As to there being legal obstacles in the way of our advancement, we know of none."¹ They were yet to learn that other obstacles could be quite as effective.

In 1851 the Canadian Anti-Slavery Society was organised at Toronto with the two-fold object of assisting relief work among the fugitives, and aiding in the extinction of slavery all over the world by the education of public opinion. Abolitionist sentiment had, of course, been strong in Canada for a long time, and the Society did no initiate a policy so much as organise its protagonists. The need and reason for its activities are explained by the words of George Brown at a meeting in 1852, "We, too, are Americans. On us, as on them, rests the responsibility of preserving the honour of the continent. On us, as on them, rests the noble trust of shielding free institutions."² Clearly the Negro was but a pawn in the battle of motives between the slave-holding South and the unencumbered North. When the Society was asked for an opinion regarding the encouragement of Negro migration to the West Indies, it expressed unqualified disapproval, and supported the resolution of the Great North American Convention of Coloured People which had met at Toronto in 1851 and decided that "western Canada was the most desirable place of resort for coloured people in the American continent, and that coloured people in the United States should emigrate to Canada rather than to the West Indies or Africa, since in Canada they would be better able to assist their brethren flying from slavery."³

¹London, pp. cit. Ontario Historical Society, Vol. 22, Negro History, Vol. 1.
²London, Anti-Slavery Society of Canada, Journal of Negro History, Vol. 1.
³Ibid.

Among the members of the Society were a few who crossed the border for the purpose of stimulating and assisting the escape of slaves from the South. One of the most notable white men who joined in the work of abduction was Dr. Alexander Ross, whose pursuit of botanical specimens secured for him easy access to the plantations where he spread plans of escape among the slaves. He says in his Recollections that Uncle Tom's Cabin was to him "a command", and as soon as he read it his "resolution was taken to devote all his energies to let the oppressed go free".¹ Other members were the people, both white and coloured, who had undertaken the task of caring for the refugees and improving their lot, and perhaps most influential in moulding public opinion were the public men who controlled the flow of propaganda. Conspicuous among these were George and Gordon Brown who made the Toronto Globe the leading exponent of the abolitionist cause, Dr. Willis, principal of Knox College, who attacked the general attitude of indifference to slavery displayed by the Canadian Churches, and Oliver Mowat, afterwards Premier of Ontario. At the meeting of the Society in 1857 the Churches were described as the "bulwark" of the slave system, and accused of fraternising with its supporters in the United States.² The Church, a denominational paper, held that it was unnecessary for the Society to denounce slavery in the United States, and the attitude of the Patriot was definitely hostile to the whole anti-slavery movement, while a notable instance of discrimination was the refusal of the Sons of Temperance League to admit Negroes to membership.³

On the eve of the Civil War Sir Francis Head declared that the government held a very favourable opinion of the fugitives as

¹Siebert, op.cit.

²Landon, op.cit. Ontario Historical Society, Vol. 22.

³ Ibid.

settlers and citizens, and could still afford them homes in the Dominion¹; but ensuing events prevented the testing of this invitation. Not only did the abolition of slavery in the United States stop the migration into Canada, but after the War many refugees returned to the United States. Lincoln's Proclamation had filled them with a new confidence in their old home, and some of them still had relatives and friends in the South.

For the large number who remained in Canada, however, conditions were different. Their welcome vanished with the cause that had originated it; the people who had regarded the abolition of slavery as an urgent moral task had no interest in the future of the Negro as such, and the race found in Canada as elsewhere that there are more subtle and pernicious forces of hostility than legal slavery. The people who in a spirit of enthusiasm for righteousness had sung

"Let the law of the land forge its bonds of wrong,
I shall help when the self-freed crave:
For the law in my soul, bright, beaming and strong,
Bids me succor the fleeing slave,"²

cared equally little for the law of the land after it had removed its bonds of wrong, and when the Negro was no longer fleeing from slavery refused to recognise his right to equal justice and social freedom.

¹Siebert, op.cit.

² Ibid.

CHAPTER 6.

DISTRIBUTION, ASSIMILATION AND MIGRATION OF NEGROES SINCE 1865.

The Census returns of Negro Population in 1851 and 1861 were admittedly incomplete, but according to other estimates there were, as we saw in Chapter 4, 50,000 to 60,000 Negroes in the whole of Canada by 1860, and about 85% were in the Province of Upper Canada. The exact number of refugees that returned to the United States after the Civil War is not known, but the total African population in Ontario recorded by the Census of 1871 was 13,435, so that if this figure is really what it purports to be there had been a large and rapid exodus of Negroes from the Province. The Quebec total of 148 appears to reflect the same movement, but on the other hand the Maritime Provinces still show substantial numbers, and the returns for Nova Scotia are more than double the estimate of 3000 made by Haliburton in 1828. Evidently fugitives had entered the Province in spite of the Act of 1834. The African Population of all Canada according to this Census was 21,496, or .62% of the whole population, the largest number as well as the highest percentage that any census has shown.

There was little change in the Negro total in 1881, but the percentage had fallen to .5 of the whole population. A Report on this Census classified the Origins of the People, and showed that the proportion of African origin per thousand of the population was 4.9 for all Canada, 16 for Nova Scotia, 6.3 for Ontario, 5.5 for British Columbia, 5.1 for New Brunswick, 1.4 for Prince Edward Island, .4 for Manitoba, and .1 for Quebec. In every thousand families in the Dominion the number of African origin was 26.3, which was smaller than that

of the old white stocks, but larger than that of the new immigrant groups. In the Census of 1891 there was no enumeration by race, and the returns of 1901, in which the designation "Negro" is used for the first time, shows only 17,437 of this race, a decrease of about 20% from the African total of twenty years before. The Instructions to the Enumerators of this Census stated, "Only pure whites will be classed as whites; the children begotten of marriages between whites and any one of the other races will be classed as red, black or yellow, as the case may be, irrespective of the degree of colour." Similar instructions were given in 1911, but this Census showed a further decline of over 3% in the Negro population, and although the returns in 1921 increased by over 8%.25% of the total had been born abroad, so that an appreciable decline in the number of Canadian Negroes is implied by the figures.

A comparative table of the Dominion Census returns from 1871-1921 shows that while the total number has fluctuated, there has been a steady decrease in the Negro percentage of the whole population.

<u>YEAR</u>	<u>TOTAL</u>	<u>PERCENTAGE</u>
1871	21,496	.62
1881	21,394	.50
1891	#	#
1901	17,437	.32
1911	16,877	.23
1921	18,291	.21

6

This relative decline is easily explained by the large immigration of other races, but the reason for the decreasing number of native-born Negroes is not so clear, and a comparison of

#No separate classification.

their distribution by Provinces during this period shows differing degrees of mobility.

<u>PROVINCE</u>	<u>1871</u>	<u>1881</u>	<u>1901</u>	<u>1911</u>	<u>1921</u>
P.E.I.		155	141	81	43
Nova Scotia	6,212	7,162	5,984	6,541	6,175
New Brunswick	1,701	1,638	1,368	1,079	1,190
Quebec	148	141	280	401	1,046
Ontario	13,435	12,095	8,935	6,747	7,202
Manitoba	-----	25	61	209	491
Saskatchewan	-----	-----	1	336	396
Alberta	-----	-----	37	979	1,048
British Columbia	-----	274	532	473	676

At the beginning Ontario had a Negro population more than double that of Nova Scotia, but it showed a rapid decline while that of Nova Scotia remained practically stationary, so that by 1911 each Province had almost the same number, and together had 13,288 or nearly 90% of the Negroes in the Dominion. As it is unlikely that climatic factors would have operated more severely in the south of Ontario than in Nova Scotia, the explanation of this decline is probably to be found elsewhere than in mortality rates..

An examination of the rural and the urban distribution in these two Provinces reveals another point of contrast. While in Nova Scotia the Negro communities in rural areas such as Preston, Hammond's Plains and Truro, where the first Negroes settled, have remained practically stationary or shown a slight increase, in Ontario the original settlements at Dawn, Dresden, Sandwich and other places which remain rural have dwindled steadily, while urbanised centres such as London and St. Catherine's have held and even increased their Negro population, and Windsor City has attracted 75% of all the Negroes in Essex North County where they were originally scattered in small townships. This movement to industrialised centres is also to be seen in Nova Scotia in the growing Negro population of Sydney

and New Glasgow, but here ^{it} ~~the~~ movement has not affected any considerable earlier settlements at other places.

The tendency to congregate in populous centres which the Negro showed from the time he began to come to Canada does not seem to have diminished. In 1921 the race was fifth in the scale of urbanisation with a proportion of nearly 36% living in cities of 25,000 and over, a rate 11% higher than the average for the Dominion, and less than 8% higher than that of the British races.¹ Census figures since 1901 show that the chief urban centres in every Province have been attracting larger numbers of Negroes.

<u>CITY</u>	<u>1901</u>	<u>1911</u>	<u>1921</u>
Halifax	813		940
St. John, N.B.	460	322	517
Montreal	191	214	933
Toronto	592	468	1,236
Hamilton	450	292	375
Windsor	930	1,018	1,028
Winnipeg	44		422
Edmonton	2		277
Vancouver	130	166	251

The Negro population of the Dominion at the present time can be regarded as composed of three separate groups. The first and still the largest consists of Canadian born Negroes, the descendants of settlers who came in 70 to 150 years ago. Most of these live still in rural settlements in Ontario and the Maritimes, and on the outskirts of large towns, although a few of them have moved into the cities in search of higher wages. The next group, smaller in numbers, but on the average better off economically since it is in possession of regular, comparatively well-paid employment, is composed of United States Negroes brought in to work on the railways. These live from

¹Origins of the Canadian People, Report of the Dominion Bureau of Statistics, 1929.

necessity in the large terminal cities where the increasing demand for their services with the growth of railroad travel can be traced in the expansion of the Negro communities. The third group comprises those West Indian Negroes who came to Canada in search of employment, particularly after 1918, and looked upon the cities as most likely to provide it. Post-war immigration figures seem to indicate that a fourth group is being added by Negroes from the United States who are seeking to settle in the Western Provinces.

The Department of Immigration and Colonisation at Ottawa has supplied the following record of Negroes entering Canada:

		<u>Totals</u>
July 1, 1900 to March 31, 1910	---	371
April 1, 1910 to March 31, 1920	---	1,079
April 1, 1920 to March 31, 1925	---	309
April 1, 1925 to March 31, 1929	---	208
	Total	<u>2,047</u>

In 1916-1928 717 Negroes entered via Ocean Ports, which means that they were mostly British West Indians, and with very few exceptions they gave Quebec, Ontario or Nova Scotia as their destination. During the same period, but without records for 1920-1924 inclusive, 802 Negroes came in from the United States, and a minority gave the West as their destination. This record, however, does not show the total number of Negro immigrants since returns are often made by Nationality instead of Race, and the number of foreign-born Negroes in the Census of 1921 is much larger than the number of immigrants shown by this record. According to the Census 3,099 or 16.94% of the Negroes in Canada had been born in the United States, and 1,507 or 8.24% had come from other countries, mostly the British West Indies. The distribution of native and foreign born by Provinces was as follows:

ORIGINS OF NEGRO POPULATION IN 1921

<u>Province</u>	<u>Total</u>	<u>Born in</u> <u>Canada</u>	<u>Born in</u> <u>United States</u>	<u>Others, mostly</u> <u>West Indians</u>
Dominion	18,291	13,685 (74.82%)	3,099 (16.94%)	1,507 (8.24%)
P.E.I.	43	42	1	-
Nova Scotia	6,175	5,864	57	254
N. Brunswick	1,190	1,133	20	37
Quebec	1,046	336	235	475
Ontario	7,220	5,556	1,079	585
Manitaba	491	114	329	48
Saskatchewan	396	116	249	21
Alberta	1,048	274	741	33
B. Columbia	676	249	384	43

There seems to be a definite connection between the number of foreign-born in each Province and the increase in the Negro population of its cities since 1911. Another striking fact is the preponderance of immigrants over Canadians in the Western Provinces, the ratio in both Alberta and Manitoba being nearly 3:1.

The Acting Deputy Minister of Immigration and Colonization sent the writer this statement of the official policy towards the immigration of Negroes, "Canada seeks certain classes of immigrants and in the search limits the effort to those classes needed in Canada and those races most readily assimilable.

"So far as the Negro is concerned we have never encouraged his settlement in Canada regardless of his occupation, although we have admitted and still admit a few coloured folk who are able to comply with existing immigration regulations. No person is debarred from Canada under the Immigration regulations solely on the ground of race or colour. The Chinese may perhaps be excepted from this general statement.

"Negroes seldom in this country go in for land settlement and seldom engage in any basic industry. They are as a rule better adapted to life in a warmer climate than we enjoy during the winter months. The Negro is never racially assimilated, and one cannot but

hope that the day will never come in this country when we shall have large minority unassimilable groups such as the negro ,who regardless of the possession of excellent qualities can never be assimilated racially, no matter how completely they may be absorbed economically."

Since there are no grounds for assuming that there were more than a few hundred foreign-born Negroes in Canada before 1911, the increase between that year and the next Census, amounting to 25% of the total, leaves a real decrease of about 16% in the Canadian born to be explained. The explanation must lie either in mortality rates, intermarriage or migration, or possibly in a combination of these factors. Unfortunately an Annual Report on ~~the~~ Vital Statistics has been published by the Dominion only since 1921, and did not include the Province of Quebec until 1926, so that comparative mortality rates for significant periods are not obtainable. Moreover, even now the Negroes are not exhaustively classified, and since this race is not distinguishable as some others are by language, religion, or national origin groupings, there is little exact numerical information about it available.

A comparison of the ~~maximum~~ number of Negro Births and the total Negro Deaths over the period 1921-1926 gives these results,¹

	i. <u>Births</u>	ii. <u>Deaths</u>	. <u>Surplus 1 over ii</u>
Total	2349	1975	374
Annual Average	391.5	329	62.5

This is an annual survival rate of approximately 3 per thousand of the total Negro population, and while it compares most unfavourably with the average of 13 for the Dominion, it does not indicate that the race is dwindling from natural causes. It is notable also that

¹From returns in the Report on Vital Statistics, 1921-1926, Bureau of Statistics, Ottawa.

Nova Scotia which in 1921 had a larger total and a negligible proportion of immigrants, has shown in every year except 1923 a markedly higher death rate than Ontario where the Negro population has so greatly decreased.

On the basis of the Vital Statistics Report for 1925 the recent Report on the Origins of the Canadian People gives the rate of Negro Infantile Mortality as 15.9% of the births, a figure exceeded only by Indians, Hungarians and Hindus, and almost double the rate for British stocks. At the same time the Negro Birth Rate was 3 per thousand less than the average for the Dominion, but the percentage of Negroes up to ten years of age was 21.96, a proportion similar to that of the British, but lower than that of Central and Eastern Europeans. Because the Negro population of Canada is practically all in a low economic stratum of society it is to be expected that its death rate will be higher than that of races which have compensating records from higher economic strata, but it is clear nevertheless that some other factor has causing the net reduction of numbers..

Negro births are classified in three sections-those with both parents Negro which shows the smallest number, those with Negro Mothers which shows the highest, and those with Negro Fathers. On the basis of the analysis of births in the Vital Statistics for 1921 the Report on the Origins of the Canadian People reaches the conclusion that 92.9% of the Negro men were married to Negro women, and 85.8% of the Negro women were married to Negro men. Taking the figures of Births as indicative of Marriages it states that Of 338 men 24 or 7.1% had wives outside their own race, while of 366 women 52 or 14.1% had husbands outside their own race. But an examination of Vital Statistics for subsequent years shows that this is a thoroughly erroneous conclusion. Of the 52 children

taken as indicating intermarriage on the part of Negro women, 41 had unspecified fathers, and in the following years when legitimate births were shown separately the number with unspecified became negligible, while illegitimate births not analysed by racial paternity varied from 7% in 1922 to 15% in 1926 of the total births with Negro Mothers. The number of recorded illegitimate births for these five years is greater than the number of legitimate births of mixed parentage for the same period by 242:188, which means that the actual percentage of Negro women marrying outside their race is less than half that given in the above quoted Report. This makes the rate of intermarriage of the women approximately equal to that of the men, and the speculation of the Report on the greater readiness of women to cross the colour line is not relevant in the case of Negroes. Unfortunately the absence of information as to the racial paternity of illegitimate children makes an exact estimate of the intermixture that is proceeding impossible. A few of those with Negro mothers no doubt have white fathers, and social case studies in Montreal show that some of those with Negro fathers have white mothers.

About half the intermarriage of both male and female Negroes is with British stocks, and somewhat more men than women appear to marry into the French race, and the next largest percentage of intermarriage is with Indians, while there are also scattered instances of marriage with German, Dutch, Ukrainian, Icelandic and Jewish peoples.¹ The proportion of intermarriage naturally differs with the opportunities of contact, and is therefore greater in cosmopolitan cities than in rural districts. It is said, for instance, 1Births by Racial Origins of the Parents, Reports on Vital Statistics, 1921-1926.

that 40% of the Negro men in Montreal are married to white women,¹ and of 23 children born of Negro mothers in this city in 1926 only 14 had Negro fathers.²

The comparative table of Negro mortality and births available from the Vital Statistics for the last six years is as follows:

Year	BIRTHS			DEATHS
	Negro Mothers Total	Illegitimate	Negro Fathers .. Both Negro	
1921	366	(41) [#]	338	291
1922	401	28	384	308
1923	386	44	370	344
1924	417	55	364	349
1925	397	47	370	305
1926	<u>382</u>	<u>58</u>	<u>350</u>	<u>378</u>
Total	2359	283	2176	1975

The unusually large number of deaths in 1926 is probably to be accounted for by outbreaks of infantile epidemics in Nova Scotia, but there is nothing to indicate why with Quebec returns included for the first time births should be generally lower. Over this period the number of births recorded as having one parent Negro was 515, if the 283 with Negro mothers, whose racial paternity was shown above to be uncertain, is subtracted from this, the minimum number that can be accurately regarded as the offspring of mixed marriages is 232. This, however, still denotes a considerable amount of intermixture. It is equal to more than 11% of the births with both parents Negro, and even these latter may have some other strain since it is the intention of the authorities to classify partially coloured people as Negro. The Report on the Origins of the Canadian people remarks that "it is questionable whether the terms 'assimilation' or 'assimilability' should be applied in respect of inter-marriage

¹"The Montreal Negro Community", W.E. Israel, Dept. of Sociology, McGill University, 1928.

²Vital Statistics, 1926.

[#]Listed as "unspecified" in absence of "illegitimate" division.

between the whites and the non-whites", but whatever it is called it causes the disappearance in subsequent generations of conspicuous trace of Negro origin.

How far, then, may the Census returns be taken to represent the actual number of people of all degrees of Negro extraction in Canada? In the first place, according to the current classification Haytians and Jamaicans are excluded from the 'Negro' division and listed among the 'Various' races. While there are no doubt few Haytians in Canada, the number of Jamaicans is probably at least as large as that of all other West Indians, which was shown at about 1500 in 1921. In the next place, the warning in the Report on the Census of 1851-52 needs to be recalled, "in reference to the degree of accuracy which may be attributed to the returns, it must be borne in mind that they are chiefly dependent on voluntary information." Since the public attitude to Negroes has been such as to make the name not merely a description but an invidious distinction, it is unlikely that the descendants of mixed marriages would handicap themselves in mere deference to public prejudice by declaring themselves 'Negro' "irrespective of the degree of colour". Another margin of error must be allowed for the fact that when the Census enumerator finds a white woman at a house, the whole family is returned as white although her husband is coloured. The official figures must therefore be taken as indicative of the ~~minimum~~ population of Negro extraction in every district. Probably they are nearer the actual number in rural districts than in urban. In Montreal, for instance, the number recorded is 935, of which 862 are in the City of Montreal, but there is in fact a Negro Community of 2000 or more in the City, and over 1000 coloured people in the North End, besides groups in other districts.¹

¹Information supplied by the Secretary of the Negro Community Centre, Montreal.

It may be noted for what it is worth that cities which have had a considerable number of Negroes for some time showed comparatively large returns of unspecified racial origin. But all the evidence that facts and figures supply falls short of the sweeping statement made by Semple that the Negroes found in Nova Scotia generally have "a large admixture of white blood"¹. Certainly the great majority of those throughout Canada recorded as 'Negro' would be still pure-blooded, although there are probably a large number of partly coloured who do not include themselves in this classification. People of hybridised stock, however, are more adaptable to changed conditions, and therefore usually show a higher survival rate as well as a more progressive mentality, so that they are likely to be more conspicuous socially than a larger number of pure-blooded because they are less fitted for segregation, and more challenging to barriers raised against them.

Neither records nor estimates of Negro emigration from Canada are available, the Dominion has kept none, and the United States does not differentiate between the sources of non-white immigration. But the economic conditions under which Negroes have had to live in Canada should have proved a decided stimulus to emigration, and they would naturally be attracted to the large Negro communities in the United States, offering so many economic and social opportunities which their own groups were too small to provide in Canada, and which their colour debarred them from seeking in the wider community. The information obtainable about actual emigrants is scanty but significant. The University of New Brunswick states that only two Negroes have graduated from there, "one a young man who is engaged in educational work in the Southern States, and the ¹Semple, E.C., Influence of Geographic Environment.

other a young woman now married and also living in the United States."¹ Two natives of Nova Scotia, one a graduate of Acadia University, are now Presidents of Negro Colleges in the United States, while the Supervisor of Playgrounds at the Rockefeller Apartments for Colored People in the Bronx, New York, originally came from Halifax.²

But apart from those of special ability or ambition who found no scope for progress in Canada, emigration must be the chief cause of the steady decrease in the native born Negro population, and the readier accessibility of the United States from Ontario than from Nova Scotia will explain the greater movement out of the former province.

¹Letter from the Registrar of the University to the writer.
²Letter from the Information Branch of the Dept. of Natural Resources, Nova Scotia.

CHAPTER 7.

OCCUPATION AND EMPLOYMENT OF NEGROES

In Canada the Negro plays a very small part in the professional and occupational life of the country. The fewness of his numbers would in any case make his contribution appear relatively unimportant, but in addition a limited part has been assigned him by the prejudices and conventions of society, and his economic role is of necessity humble.

A small number of professional and business men have arisen in the Negro communities, especially in the cities, but their opportunities are necessarily limited by the small numbers of their race and their comparatively low economic status. It is worth noting, however, that three coloured doctors with offices in Montreal in 1928 had more white than Negro patients.¹ In Halifax and Toronto there are also coloured lawyers and doctors, but the number of Negro clergymen, at least one of whom is to be found wherever there is a community of Negroes, is larger than that of any other professional class.

Both men and women also find employment within their own communities as barbers, tailors, seamstresses, and saloon and shopkeepers, and outside as bootblacks, cafe attendants and in other similar capacities. To any Negro with a talent for entertainment the vaudeville stage offers a quite unprejudiced opportunity, and is probably the only competitive employment of which this can be said.

Since travel by Pullman car began the railways have employed Negroes as porters, and this is still an occupation not only unprejudicedly open to them, but entirely reserved for them.

1Israel, The Montreal Negro Community.

Thus the majority of Negro men found in the cities are Sleeping and Parlor Car porters. The number on the payroll of the Canadian Pacific Railway in March 1930 was 535, and an additional 200 or 250 are employed from June to September to deal with the increased summer traffic. They are now paid \$80 per month for a start, rising by increments of \$2.50 to \$90 after three years service. A few picked men in charge of cars get over \$100 per month.¹ The total number employed by the Canadian National Railways in 1927 was 1,095, which would include the summer increase laid off for the rest of the year. The compensation paid them by the railway was \$1,169,913.40, an hourly average of 35.7 cents for the 3,276,056 hours they were on duty during the year.² It is estimated that porters are travelling an average of 16 days in the month, and tips from passengers vary from \$25-60 per month according to the run and the season. While on the train porters buy their meals at a fixed reduction from the passenger rate, and when a Board of Arbitration investigated a dispute between the Canadian Pacific Railway and some of its Sleeping Car porters in 1920 it was estimated that the difference in charges for food on the two lines amounted to \$16 per month in favour of Canadian National Railway employees.³

The Canadian Pacific Railway also employs about fifty Negro Red Caps in Windsor Station, Montreal, and Canadian National Railways still have a few coloured waiters in the Dining Car Service. For this service the Grand Trunk Railway had used coloured crews, but after the amalgamation of this line into the Canadian National system these were replaced by white crews. In consequence a Board of Arbitration heard a complaint made by the Negro employees that this

¹Information supplied by this Department of the Railway.

²Information obtained from the Operating Dept. of the Railway.

³Labour Gazette, March 1920.

was contrary to agreement, a violation of status and of seniority rights, and created uneasiness as to their security in the minds of other coloured employees. The railway claimed that its action was due to the difficulty of obtaining competent coloured help, and an agreement was reached whereby Negroes dismissed from dining cars would be transferred to other work at the railway's expense and without loss of seniority rights.¹

The Canadian Pacific Railway has never used Negro waiters in its Dining Cars, since to the tourist accustomed to 'darkey' service, white waiters are expected to be an attractive change. In 1918, however, white crews were replaced in the Western Division by Negroes brought from the United States, and the dismissed men demanded an investigation under the Industrial and Trades Disputes Act, claiming that the Company's action was due to some of them joining the Brotherhood of American Railway Employees, and therefore constituted an act of discrimination against union labour. The Company claimed that the change was due to the difficulty of obtaining white crews, and the majority of the Board held that there was no evidence of discrimination.² After the War white waiters were again available and the Negroes were removed.

Less than two years after the above dispute, some Negro sleeping car porters were dismissed by the same Railway without any specific reason upon joining the Order of Sleeping Car Porters, and asked for an investigation on the grounds of discrimination against union labour, and again the majority of the Board denied the motive.³ In consequence, however, the porters decided upon an organisation for self-improvement quite apart from trade unionism, and the Porters

¹ Labour Gazette, January 1927.

² Ibid. August 1918.

³ Ibid March 1920.

Mutual Benefit Association has been strengthened and expanded. It collects fees from members, and in return provides sickness and funeral allowances and offers rooms and recreation for porters during 'lay-over' periods in cities. The Headquarters are at Montreal, and the Company has assisted the association to the extent of bringing it to the notice of eligible employees, and deducting the monthly dues from the salaries of members and paying them directly to the Treasurer.¹

Porters on the Canadian National system are eligible for membership in the Canadian Brotherhood of Railway Employees, the preamble to the Constitution of which states, "The purpose of this organisation shall be to promote the general welfare of railroad employees; to guard their financial interests, and elevate their standing socially, morally and intellectually." Membership is, however, optional, and tends to be selective, so that comparatively few porters join.²

Gradually more Negroes are being employed as garage mechanics; a few drive street cars in Toronto, and some are working in factories, but there is a general reluctance to give them more than low grade jobs. A few are found in practically every type of unskilled labour and in some skilled trades, but they have not been allowed to compete seriously with white workers. A Negro engaged in social welfare work in Halifax says that "many who came from the United States were tradesmen: carpenters, blacksmiths, stone-masons, coopers, etc., and even to this day some of these trades are carried on, but they were looked upon as scab labour, a position which could not be bettered as the Trade Unions would not admit them to membership, so that they could do little more than job around."³

¹Israel, op.cit.

²Ibid.

³Letter from the Secretary-Treasurer of the Home for Colored Children to the Information Branch of the Dept. of Natural Resources.

The Secretary of the Trades and Labor Congress of Canada says, however, that "in general the trade unions accept all workers into membership irrespective of race, color or religion". But he continues "We have some sixty international unions affiliated to the Congress all of which have complete autonomy over their own affairs and make their own rules in regard to admission of members. In addition either the American Federation of Labour or the Congress issues charters to workers who may, for any reason, not be eligible for membership in any of the affiliated organisations. So far as Canada is concerned therefore, there is a place for every worker whether white or colored within our trade union movement."¹

But to get such a place the Negro would have to be organised on the same lines as ~~apart from~~ other workers and apart from the white labour which will not admit him into its system, and so far the necessary conditions for any sort of effective organising have been entirely lacking. Scattered in small groups over a large area and many industrial centres, coloured labour has not appeared of much importance, certainly it has not been indispensable. Moreover, the abilities of Negroes of different nationality are not uniform, and they have not acquired the specialised training which comes from apprenticeship in the industrial world. The place of the Negro worker in Canada has in fact been fixed by the competition of newly-arriving immigrants ready to do unskilled work for subsistence wages, and even here two factors have militated still further against the Negro. One is the mere fact of colour, where equal suitability for a job can be assumed employers give preference to a white skin. The other factor is the greater readiness of European low grade labour to work under the constant pressure of a foreman, most Negroes

¹In reply to an inquiry from the writer.

resent any effort to drive them.

Negro women are mostly employed as domestic servants, Some take in washing and do other kinds of casual household work. But like the men they are adversely affected by supply of similar white immigrant labour. A few who are light in colour find employment as waitresses, but unless they have no marked negroid features coloured girls cannot obtain work in offices or stores. A few are also teachers in Negro schools, but the field here is too limited and unremunerative to attract the really capable.

The virtual exclusion of Negroes from the more lucrative occupations cannot be taken as an indication of inferior racial efficiency. With reference to this question the Secretary of the Trades and Labour Congress says, "We have no method of comparing their efficiency, but from the fact that they retain their jobs in competition with other workers the assumption that they are efficient is justified." The essential point, however, is that they are given little chance of competing with other workers, fundamentally psychological factors have dictated their place, an employer simply does not employ a Negro for most kinds of work, nor a white man for that which Negroes do. Nevertheless there is a disturbing fact to be explained in the shrinkage in the field of employment for Negroes and a retrogression in the economic position of the race during the present century. Until twenty or thirty years ago there were coloured waiters in the best hotels, and several Negroes carried on various businesses of their own. All waiters are now white, and except within the limitations of a Negro community a coloured business man is very rare. The Pastor of the Negro Church in St. John, New Brunswick, gives some interesting illustrations of this contrast. "There was a time when the restaurant business was carried on largely by Negroes,

and many names are remembered in this connection. Whetzell carried on a successful ice business, employing between ten and twelve men regularly in the summer and many more at winter. Brackett operated a thriving dyeing business; whilst Walker as lawyer and Richardson, Cole and Henderson as teachers played their parts.

"Today, they have no regular work. Some do trucking, handling coal and garbage, and a few do longshore work, they do general labour work when they can secure same. A Jackson and a Leslie work at the barber trade, their customers being largely White. There are none in business professionally.

"It can be said that their opportunities are limited by public prejudice. There is, however, a very kindly spirit shown towards them by the better thinking people of the City."¹

The mere preference of an employer for white labour, although unfortunate for the Negroes, is not of the fundamental importance of this failure on their part to succeed in the modern business struggle. The statement is frequently made, and is not necessarily derogatory, that the Negro is too easy-going for acute economic competition, he lacks the calculating tenacity of his competitors, not being racially inured to the intricacies of finance he falls an easy victim to unscrupulous greed. Is this sufficient to explain his loss of independence in Canada? Elsewhere Negroes have learned to use the weapons of the white race's civilisation. Or was there a lack of public sympathy with their efforts against which they were too small a minority to succeed?

The present distribution of the Negro population indicates that many Negroes still live in the rural districts where they

¹The Pastor of the African Methodist Church in a statement to the Mayor of St. John, N.B.

originally settled, but as no official records are available of either the property or the occupations of the race it is impossible it is impossible to form any accurate estimate of the number actually engaged in agriculture. Probably Nova Scotia has now the largest percentage of truly rural to urban Negroes, the communities remaining in Kent and Essex counties give Ontario the second largest proportion, and in Quebec, Manitoba and New Brunswick the coloured population is almost entirely in the large cities, but in the other provinces the distinction is not so clear. The census returns for Saskatchewan, Alberta and British Columbia show that while the largest groups of Negroes are to be found in urban centres like Vancouver and Edmonton, there are also settlements in rural districts and small scattered groups throughout each province. Their presence in Winnipeg, Edmonton, North Battleford and other railroad centres is no doubt explained by the nucleus of a colony formed by those employed on the railways, but little information is obtainable about the others. The general indication of the figures of distribution is that a considerable part of the Negro population is engaged in agriculture or other rural industry, but no comprehensive or definite evidence on the subject could be secured.

The Department of Immigration and Colonization at Ottawa stated that "some twenty-five or thirty years ago there was a movement of negro and half-breed Indian people into Saskatchewan and Alberta mainly from the State of Oklahoma. These people did not succeed. I have no doubt that climatic as well as social and racial conditions played a part in the failure. At any rate the movement did not continue, and I doubt whether any of the original settlers are still to be found in our Western Provinces."¹ Concerning the

¹Letter to the writer from the Acting Deputy-Minister, November 23, 1929

same matter the Deputy Minister of Agriculture for Saskatchewan wrote, "The Registrar of Vital Statistics is unable to give me any details as to the number of Negroes engaged in agriculture in Saskatchewan. From another source, however, I learn that a colony of Negro farmers was established in Northwestern Saskatchewan in the district North of Maidstone some years ago, but that only four of five families remain at the present time. The colony did not prove to be very successful from an agricultural point of view, probably only about one percent proving successful as farmers. I do not know of any other district in Saskatchewan where this type of settlement was developed."¹ There have also been two Negro students in agriculture at the University of Saskatchewan.² From Alberta the Secretary to the Department of Agriculture wrote, "We have had two small farming colonies, one at Athabasca and one at Junkins, and I understand that some of the Negro families have done quite well. The families came in some years ago --- but there does not appear to have been any pronounced effort on the part of the negro element to enter this Province for the purpose of settling on farms since that time."³

With regard to Ontario and Nova Scotia definite information is just as scarce, for except in the perfunctory census of racial origins official records completely ignore the presence of Negroes in the economic life of the country. The Deputy Minister of Agriculture in Ontario says that there are a number of Negro communities in this Province, especially in Essex and Kent counties, but "either from lack of industry, or other causes, they do not, as a rule make very successful farmers, but there are, of course, exception

¹Letter to the writer,

²Information supplied by the Registrar of the University.

³Letter to the writer.

⁴Letter to the writer .

In Nova Scotia, says the Information Branch of the Department of Natural Resources, "Negroes are largely employed on farms rather than operating their own. When Negroes have attempted farming on their own account it has generally been in a district where soil conditions and situation were against them, but given the same opportunity as their white neighbours there are cases where the Negroes have become successful farmers."¹ To an inquiry on the matter one of the leading Negroes in the Province replied, "In the Agricultural Districts a great many coloured men work for the white farmers and their labour is highly regarded-the reason: it is quite impossible to work a farm without capital if one is to have a reasonable measure of success. We have no wealth, but we have an increasing number of progressive colored farmers, and many of them have savings accounts.

"Looking back thirty-five or forty years, I can see a marvellous change in the economic condition of the Negro. In that day the colored people would come to town with carpet sewed around their feet for boots, and with baskets on their heads carrying herbs and berries, brooms, etc. Others with oxen and carts with kindling wood, charcoal, etc. Just a little better than beggars. Arising out of that condition, with a little encouragement to help obtain horses and farming implements, they started in a small way; and today many have large farms, and in addition to oxen and horses, some own automobiles and trucks, and they raise large crops for market besides bringing in chickens, eggs, ducks, turkeys and berries."²

The Negro settlers were on the whole never in possession of either rich or extensive lands, and it is not surprising that few

¹Letter to the writer.

²Extract of a letter from the Secretary of the Home for Colored Children to the Information Branch of the Govt.

or them have been able to meet the demands of large-scale capitalist farming. They had no racial experience of the agricultural economy adapted to temperate regions, and even such knowledge as they had acquired in the South did not provide them with the technique required for a successful struggle with the conditions they found here, but except for the refugee settlements in Upper Canada no effort was ever made to overcome this lack of preparation. The Ontario Department of Agriculture now says, "No special attempt has been made to provide educational work for the Negro, but the local short courses and other local activities of the Department are available to him. There are some who take advantage of these opportunities but not very many."¹ And the information from Nova Scotia on the same subject is, "So far as agricultural training is concerned there have been two colored graduates at the Nova Scotia College of Agriculture, Truro. Some others have attended this institution for a short time while a great many others have worked on the college farm and have thus derived a knowledge of good farming methods. The Nova Scotia College of Agriculture requires quite a high matriculation standard and few Negroes are able to qualify. It is the hope of the coloured people to have an agricultural College of a more primary nature in order that training may be made available to a far greater number of these people."²

Such training in any province should do much to remove the economic discrepancy between the coloured and the white, many a difference between the two races which has seemed a mystery was really only a method. There remains, of course, the general question as to whether the temperament of the Negro does not unfit him for the lonely life of a drab wintry countryside, but this is still at

¹ Extracts from a letter to the writer from the Deputy Min. of Agriculture
² " " " " " from Dept. of Natural Resources.

a controversial stage. Certainly the Nova Scotia Negroes seem to have been progressing in spite of their initial lack of training, and evidently their desire is to get more land rather than to leave that which they have.

Remembering the absolutely destitute condition in which many of the first Negroes reached Canada, it is perhaps difficult to say that the economic position of the race in the Dominion has sunk lower than in the days when the Queen's Bush region was cleared and the opportunities of a Negro appeared unobstructed from St. John to Toronto, but it is clear that the promise of that early period of hope has not been fulfilled. Apart from those employed on the railways, many of whom are now hired from outside Canada, the great majority of Canadian Negroes live on the brink of destitution, and for the youth of the race future prospects are depressing. The hopes of the first generation of settlers have vanished, and no tangible basis of security has taken their place. The most to which the Negroes of today can look forward is to re-cross the border over which their ancestors came so gladly and hopefully, the path to Canadian freedom has proved a cul-de-sac.

CHAPTER 8

THE PUBLIC POSITION OF NEGROES IN LAW & IN PRACTICE.

Negroes in Canada have by law the same rights and status as other races, and neither the Federal nor any Provincial Government has passed any legislation discriminating against the Negro as such. There is, however, scope within the law for the expression of personal prejudice by means that actually impose public disabilities, it might in fact be said that the Negro's choice of how he shall exercise his civic freedom is made for him by force of public opinion.

Discrimination of this sort is most frequently displayed by the management of establishments depending on public patronage. The Negro can vote in all elections on the same terms as other citizens, but he cannot obtain accommodation at a good hotel. A Provincial Statute forbids any hotel in Ontario to refuse admission to any person on the grounds of race or colour alone, but if a Negro seeks a room they find that they have none available. The same attitude is adopted by hotels in other provinces. In Montreal, for instance, all the hotels refused the casts of the play "Porgy" and the revue "Blackbirds" from the United States, and in 1928 when a number of visitors attended the annual picnic of the Negro Elks in this city they stayed in the houses of local members because there was no Negro hotel.¹ When the World Baptist Conference was held in Toronto in 1929 it was impossible to obtain rooms in any of the hotels for the coloured delegates. The leading hotels, however, refuse to state whether they have definite policy with regard to coloured people. Some hotels admit them at times, particularly if other business is not very good, and since the attitude of the management

¹Israel, The Montreal Negro Community.

is based, not on a national principle, but on the fear of offending the prejudices of its more profitable clientele, the degree of their colour does much to determine the treatment that Negroes receive.

The situation with regard to theatres and other places of entertainment is an excellent illustration of the paradoxical position between law and practice that the Negro occupies in Canada. Coloured people have exactly the same rights as others in the matter of public places of entertainment, but as the obligation of a proprietor to sell seats in his theatre or meals in his restaurant does not ordinarily exist, he can refuse to sell to Negroes if he pleases, just as he could refuse to sell to any other person or class of people, as long as the refusal is not accompanied by insult or violence. If the Negro is ejected, he has been assaulted, and has recourse to the same law that applied in the case of a white man who has been similarly treated.¹ But once a Negro has been sold a ticket for a special purpose he is a party to a contract, and the Courts have upheld his contractual rights.

The most favourable decision secured by a Negro was that given in the case of Johnson vs. Sparrow at Montreal in 1899. In March of that year a Negro bought tickets for two orchestra chairs in the Academy of Music at Montreal, but when in the company of a coloured woman he attempted to occupy the seats, he was prevented by the ushers, and seats in another part of the theatre were offered him. He refused these, and brought an action against the theatre for breach of contract. He won his case in the lower Court, and when the theatre carried it to the Court of Appeal the decision was confirmed. "The evidence establishing that there was an unconditional contract by which two seats in the orchestra chairs had been leased to the

¹Extract from a letter from the Deputy Attorney-General of Ontario to Prof. Leacock.

respondent, his exclusion subsequently on the pretext that he was a coloured man was a breach of contract between the appellants and the respondent, and the judgment rendered in favour of the latter was well founded."¹

A similar case arose in Toronto a few years later when a woman with Negro blood, who looked white under the electric light, bought a ticket for her boy at a Roller Skating Rink. The boy was much darker than his mother, and the management refused to allow him on the rink. The amount involved was twenty-five cents, for which she brought suit in the Division Court for much larger damages. The company owing the rink paid twenty-five cents into Court as being the amount of damages, since they had a perfect right to refuse to sell the ticket. The Judge held that the woman was damaged the price of the ticket, but as she could show no other damage the action was dismissed. English cases were cited where a bookmaker had been ejected from a racing enclosure, and this rule of law applied.²

Much more recently another case arose in Montreal when two members of the Colored Political and Protective Association tried to sit with two friends in the orchestra seats of Loew's Theatre, and the management insisted that the whole party sit in the balcony. The Association financed an action against the theatre, and one of the men sued for damages "for being prevented from sitting in the orchestra chairs on account of his colour, and for the reason that the management had determined that no person belonging to that race would be admitted in the orchestra seats."³ The Superior Court on March 4, 1919 granted him \$10 damages, and the Theatre carried the case to the Court of Appeal, asking for a decision as to whether

¹Rapports Judiciaires Officiels, Quebec, 1898-1908 p.1047.

²Extract from a letter from the Deputy Attorney General of Ontario.

³Rapports cit. supra, Vol. 30, p. 459-467.

or not these rules and regulations were binding and effective as the respondent had notice of same. By a majority decision the Court of Appeal reversed the previous judgment, holding that "The management of a theatre may impose restrictions and make rules as to the place which each person should occupy during a representation. Therefore, when a coloured man, bearer of a ticket of general admission wants to take a seat in a part of the House which he knows is by a rule of the manager prohibited to a coloured person, he cannot complain if he is refused admission. Of course, if the proprietor of the theatre made a firm contract, without restriction, to give a patron a special numbered and reserved seat, he could not afterwards invoke or impose a condition unknown to the holder of the ticket without violating the contract and exposing himself to damages."¹ Chief Justice Lamothe in delivering judgment said "Chaque propriétaire est maître chez lui; il peut à son gré, établir toutes règles non contraires aux bonnes moeurs et à l'ordre public. --- La règle pourrait paraître arbitraire, mais elle ne serait ni illégale ni prohibée ---. Judge Pelletier in concurring pointed out that the manager "pouvait réserver tous les sièges d'orchestre pour des dames, ou des étudiants, ou des militaires, etc.. Il est prouvé que la présence des noirs dans les sièges d'orchestre empêche d'autres citoyens d'aller au théâtre, et l'appelante n'est pas obligée de subir une perte de revenus qui résulte de ce fait." Judge Martin, also finding for the theatre, remarked that "While it may be unlawful to exclude persons of colour from the equal enjoyment of all rights and privileges in all places of public amusement, the management has the right to assign particular seats to different races and classes of men and women as it sees fit ---." One Judge dissented, holding

¹Ibid.

that there was a firm contract between the two parties, and that "Tous les citoyens de ce pays, blancs et noirs, sont soumis a la meme loi et tenus aux memes obligations. L'on nous a cité des decisions dans certains états de l'union americaine. Ces decisions ne peuvent avoir aucune influence dans l'espece. --- L'intimé, un homme de bonne education, a été gravement blesse dans ses sentiments." ¹

The actual position appears to be that the Negro has exactly the same rights as anybody else until he tries to exercise them, then he can be quite legally restrained.

Negroes are not served in some restaurants, they are intended for other patrons, and the refusal to serve Negroes is merely another application of the legal principle which allows the will of the profit-making proprietor to prevail in practice over the broad theoretical rights of the Negro citizen. The remedy is no doubt that suggested by Sir Harry Johnston - for the Negro to make plenty of money, "Money solves all human difficulties" ². Certainly most of the Negro's difficulties in this country are to be traced to the lack of it, but how he is to make any with all profitable livelihoods beyond his reach it is ~~difficult~~ ^{hard} to see.

The personal feelings that govern the relations of different races are of course quite independent of legal basis or guidance, and these are the real cause of such discrimination against the Negro as exists in Canada. Although there is not in the Dominion one example of the operation of that "lynch law" to which Negroes in the United States have for so long been subject, the type of feeling that thinks it necessary to deal with the Negro outside the limits of the law has undoubtedly existed in some places. A few years ago the people of Truro, Nova Scotia, decided that they wanted no Negroes in the city at night, and a Citizens' Vigilance Committee

~~Ibid.~~ ² Johnston, Negro in the New World, Introduction.

was formed which ordered all Negroes who came in from the adjoining country to leave the city before nine o'clock in the evening. Any coloured person found inside after that time was forcibly removed, the force being supplied by the Vigilant Citizens. Presumably the Negroes were not habitually guilty of ~~aff~~ences against the law, or their removal would not ~~have~~ been left to private initiative, this situation, therefore, was a definite case of racial disability imposed without legal sanction.

More recently at Oakville, Ontario, the Ku-Klux-Klan undertook in the interests of racial purity to prevent a white girl being married to a man who was in their opinion a Negro.¹ He afterwards claimed to be representative of nearly all the races in Canada except the Negro. There were many aspects of the incident besides the racial which aroused public interest and criticism, and the Toronto Negroes, led by a coloured lawyer, started an agitation for legal action against the Klan. Four leaders were tried in Hamilton under Section 464 of the Criminal Code which provides that everyone is liable to five years' imprisonment who is found "having his face masked or blackened, or being otherwise disguised, by night, without lawful excuse", one was convicted and fined \$50, and the others were acquitted. But the principles that the Klan represents are far from being generally popular, and this sentence was regarded as much too light. The Crown sought leave to appeal against it, and leave was granted.²

There is no legal delimitation of Negro districts in any part of Canada, nor is there any formal segregation of Negroes in residential areas, but the great majority of coloured people live

¹Statement published in the Toronto Globe, March 3, 1930

²Report in Montreal Star under Toronto dateline April 2, 1930

in groups and communities. In the case of the rural colonies in Nova Scotia and Ontario their condition is one of isolation rather than segregation, but the cities provide the real evidence as to whether the Negro can choose where he will live in the same way as other people, or whether the choice is made for him because of his colour. The fundamental reason for the congregation of coloured people in certain city districts is economic. "There are some streets where they are more numerous than on others because the rents are more in keeping with what they would be prepared to pay", writes one of their ministers from Halifax.¹ This is probably true of every city. There are few streets, even, which are exclusively Negro, for where rents attract this race they also attract other people of similar economic status. Negroes are actually a minority in what is regarded as the Negro district of Montreal, for immigrants arriving from Europe also find it a convenient location,² but it justifies its name to this extent, that the Negroes are there permanently while successive waves of whites pass through it. It is easy for white people to rent a house anywhere they can afford, but not so easy for Negroes, landlords are afraid that the psychological effect on other tenants will lower rental values in the neighbourhood. The Pastor of the African Methodist Church in St. John says that while the Negroes do not live in sections by themselves, "they occupy only such homes as can be secured from landlords who feel that their tenancy is regarded as depreciating the value of properties in which Whites live."² This attitude, which prevails in other cities also, means that a Negro is often prevented from living in as desirable a house as he would like and could afford, and at the same time a situation is created of which the landlords of the

¹Extract from a letter to the writer from the Pastor of Cornwallis Baptist Church.

²Israel, op.cit.

so-called "Negro district" are quick to take advantage, for if the Negroes cannot move, the rent of the houses they already occupy can be forced up to the limit of what they can pay, and out of all proportion to the condition of the property and the comparative value of the neighbourhood.

In an effort to provide an escape from this vicious circle the Eureka Association was formed in Montreal in 1917 to finance the buying and building of houses by coloured people, and was incorporated in 1921 with a capital of \$49,900. It issued a circular drawing attention to the fact that "neither the government nor the colonisation authorities seem to be interested in our racial development ---. Their time and energy is centred wholly on the European immigrants," and stated the reason for its formation, "In the year 1917 even though many families were dividing their responsibilities, and in spite of the fact that at that time many of our young men had shouldered arms, the landlords were not over particular in renting their houses to persons of colour."¹

Even in Montreal, however, groups of Negro families are to be found in other residential districts, some are scattered over Toronto, and the Halifax minister already quoted says of that city "colored people own or rent homes in practically every section". But the congregation or the majority in one district makes their vote of importance at election time, and candidates recognise that fact. Their right to participate in national politics has evidently been also recognised outside their own division for there were Negro delegates to the Conservative Convention of 1923, and the organisation of the Negro Conservative Association followed. This caused the formation of a similar group by the Liberals, but they were both only active at election time. Several prominent Negroes in

Montreal have been associated for years with the St. Joseph Conservative Association, but there is no fixed racial allegiance to any particular party.¹

Another of the general privileges of citizenship which nominally extend to Negroes is that of serving on juries, but while coloured jurors do serve in some places, they are never summoned in others. While this shows discrimination, it can hardly be regarded as a disability that causes any hardship.

Undoubtedly prejudice and discrimination against the Negro are deep-rooted and widespread in Canada, but there has on the whole been little friction or dispute between the white and the coloured races. This is probably due to the fact that they rarely meet in pursuit of ordinary business or recreation. The chief handicap to which Negroes in Canada are subject is exclusion from practically all remunerative occupations. Without display of violence or active antagonism, or violation of the law, they have been prevented from attaining an economic status which would have made them socially conspicuous or assertive, for practical purposes financial disabilities have been substituted for legal.

¹ Israel, op.cit.

CHAPTER 9

THE SOCIAL STATUS OF THE NEGRO.

The Census of 1921 showed that 91.8% of the Negroes in Canada were born in North America. Of the 16.94% United States born 45% had been naturalised, and the other 8.2% had almost all come from the British West Indies, and were therefore already of British nationality. Their origin is reflected in the uniformity of their language. Of 3,053 foreign born Negroes in the Dominion in 1921 only 11 did not speak English, and of a total of 14,274 over 10 years of age only 24 or .17% were unable to speak English. In comparison with other races this was a distinctly low percentage, and the only other group showing less than 1% was from the British Isles.¹ Twelve British born Negroes were also unable to speak English, while 439 spoke French, and 24 French only. Ten recorded having a "mother tongue" besides English and French.

Nationality and language do not make the Negro into a separate alien group, and neither is the race divided from the rest of the community by a religion of its own. Negroes are to be found among the adherents of almost every Church and faith on this continent, and while the chief Negro Churches in Canada are the African Baptist and the African Methodist Episcopal, coloured immigrants are often Anglican or Roman Catholic, and attend these Churches in their neighbourhood. In Nova Scotia there are twenty African Baptist Churches under the care of six Ministers, and four African Methodist under the care of two Ministers,² and these two Churches which were also introduced into Upper Canada with the fugitive slaves are still to be found in some places in Ontario, but they have never included

¹Canada Year Book, 1926.

²Statement from the Information Branch of the Dept. of Natural Resources, Nova Scotia.

in their membership all the Negroes in Canada. Groups go to other Churches in different places, and so far their number in any one has been too small to cause objection on the part of the white congregation.

There is clearly no language barrier to the education of Negroes in Canada, and such illiteracy or backwardness as they display must be explained by an unfavourable social environment. Of 14,268 Negroes over 10 years of age in 1926 1,200 or 8.41% could neither read nor write. This rate is nearly one third of the similar one in the United States, and compares favourably with the illiteracy rate of 11.15 among foreign born whites in Canada.¹

In the matter of schools Negroes are governed by the same laws and regulations as other races, which means that they can either send their children to the public school of the district in which they live, or provide a separate school from their share of the school funds. In practice they do both, but there can be no doubt that the mixed public school offers them far greater advantages than their own separate schools. The latter are in the more or less isolated rural communities, they are for the most part small and poorly constructed because the Negro share of the taxes which maintains them is small. It has been difficult to obtain proper teachers for them because white people would not go to them, and capable coloured ones are scarce. Moreover, the unattractive surroundings did not encourage the children to make use of even such opportunities as were provided, and it is these rural districts that are responsible for the greater part of Negro illiteracy in Canada.

Public schools in the cities offer far better opportunities, and wherever there are urban communities of Negroes at present the

¹Origins of the Canadian People, Report of the Dominion Bureau of Statistics, 1929.

children attend the public schools without discrimination. But one handicapping factor is the low economic status of the majority of coloured families, and the very limited careers open to Negroes, no matter how good their education, give no stimulus to a sacrifice of time and money for the sake of increased attainments. The Pastor of the Negro Church in St. John says that while the Negroes have the same opportunities as the whites attending the same schools, they "do not benefit by it because they see little chance of getting employment at home after securing an education, and the possibilities of getting to America are very limited. There are but three children in High School now."¹ A larger number are to be found in the public and High Schools of Halifax, Montreal and Toronto, but this is probably the reason why they are more numerous in the lower grades than in the higher.

Nearly all the Universities have a few Negro students, but except in Nova Scotia none of these are at present of Canadian birth, most of them come from the West Indies, and occasionally one from the United States. But as students are not classified by race in either schools or colleges it is not possible to obtain exact figures of Negro registration. Moreover, many students are only partially coloured, and would be classified as Negro in the United States but not in the West Indies from which they come. Both private and provincial universities state that they discriminate in no way against Negro students, but the attitude of hospitals in some places has made it necessary to restrict their work in clinics, or even refuse them admission to some years of the Medical course. The Faculty of Medicine at McGill University has for some years had six or seven coloured students, and British Negroes are selected on the same basis as other applicants for admission, who are now about eight times the

1 Extract of a statement from the Pastor of the African Methodist Ch.

number accepted. With very few exceptions the Negro graduates in Medicine have been West Indians, and some had excellent records. One was awarded a National Research Scholarship in 1928, and is now studying in Paris. It is necessary to tell coloured students that if the Hospital should at any time object to their presence at clinical work they will have to go to a Negro Hospital in the United States for this part of their course, this regulation is of long-standing, but it has not been necessary to enforce it.

Nevertheless, the idea that there is discrimination against coloured students as such, altogether apart from their academic qualifications, seems to be firmly rooted in the West Indies. It led a few years ago to a motion that the Bahamas Legislature should remove McGill University from the list of colleges at which Government scholarships were tenable, and the Legislature wrote to ask if coloured students were excluded. Much more recently M. Henri Bourassa visited the West Indies, and in the course of an interview with a newspaper reporter at Trinidad said, "We French-Canadians do not look at race problems from any other point of view than that of the French in France." "He was surprised to learn" continues the report of the interview "that in respect of one of the Canadian universities there had been complaints of colour prejudice. 'We have it not, as, of course, you know', protested M. Bourassa, with a shrug of the shoulders. The interviewer hastened to explain that no such complaint had been made in respect of Laval or the University of Montreal, and M. Bourassa was confident that never would there be."¹ The University of Montreal states, however, that it gets very few coloured students, probably owing to the language difficulty. Some years ago one came from Trinidad.² The Secretary of the Faculty of

¹Reprinted in the Barbados Agricultural Reporter, January 4, 1930.

²Extract from a letter from the Registrar to the writer.

Medicine at McGill suggests that West Indian Negroes think there is discrimination against them here because they are told that the requirements for a degree cover a longer period than at Scottish Universities, but this is a difference which affects all students alike.

The ordinary reports on crime in Canada do not classify Negroes separately, but the Report on the Origins of the Canadian People gives the following analysis of their crime and delinquency.

<u>In Reformatories, 10-20 years.</u>	<u>Rate per 100,000.</u>
22 out of a population of 3,655	602
17 out of a Canadian born population of 3,076	553
5 out of a Foreign born population of 579	864
 <u>In Penitentiaries, 21 years & over.</u>	
44 out of a population of 10,613	415

In each division the Negroes show the highest rate per hundred thousand of all the races in Canada except the Bulgarians, who with seven in Penitentiaries and one in a Reformatory have a rate of 512 and 685 respectively. The Report comments, "With the Negroes age and sex distribution are not more favourable to crime than the British, and much less favourable than for any immigrant peoples. Further, neither length of residence nor place of birth would account for the high figure for that stock. There seems to be no question but that they are more given to serious crimes than any other people in Canada. Their rate was $12\frac{1}{2}$ times greater than that for the British stocks, and there do not appear to be any important mitigating circumstances."

It is unfortunate that a detailed analysis of the offences for which Negroes have been convicted is not available, for they do not appear to participate in the daily crimes that enliven newspaper columns. A case like that at Chatham in December

1929 where four coloured men were involved in the murder of a garage employee, is exceedingly rare. "One never hears of them in Court except for petty offences" says the Deputy Attorney General of Ontario with regard to the Negroes in that Province.¹ Besides being twelve and a half times as free from criminal convictions as the Negro, the British stocks are more than twelve and a half times better off economically, and therefore more than twelve and a half times removed from the inducement to commit those crimes that fill the gaols as distinct from the Higher Courts. The old Negro proverb "When buckra tief, he tief plantation; when nigger tief, he tief piece of cane" is probably not amiss in this case. But for comparative purposes it is most important to remember that among the Negroes in Canada there is no upper class to offset in statistical averages the criminal records common to all races at a low social and economic level. If 3,000 or 10,000 of a white race in same position as the majority of Negroes in Canada were taken as a statistical basis would they show a rate much less than that of the Negroes? This question is not considered by the Report, and without an answer to it a just and accurate comparison of racial criminality is impossible.

Public hospitals and clinics are open to Negroes in the same way as to other races, and everywhere in the Dominion coloured children are cared for without discrimination at the stations of the National Council on Child Welfare.² But the difficulty of obtaining suitable homes for orphaned coloured children in the neighbourhood of Halifax led to the establishment of the Nova Scotia Home for Coloured Children which was incorporated in 1915 and opened in 1921. It stands on 212 acres "mostly Woodland and Rock" provided by the Provincial Government, which also makes fixed contributions to its

¹Extract from a letter to Prof. Leacock.

²Statement in a letter from the Secretary of the Council to the writer

upkeep and supervises its work. Part of the money for its establish- was raised from private subscriptions, and the Home is open to coloured children from any Province. "Born of necessity, this Institution was built for the Orphan and Neglected of the Coloured Race as no shelter, education or training place was provided for them in their need except the County Poor Houses and Farms, to be herded with the sick, infirm, mental defective and insane," says a Brief History of the Home issued in 1927. Besides caring for orphaned or destitute children, the Home provides the education of Grades one to nine of Public Schools, and also training in domestic science and farming. "Since the opening of the Home eight years ago, seventy children have entered the Institution," says a recent Report of the Secretary Treasurer. "During this period no serious illnesses nor any deaths have been recorded."

Negro migration into the cities in recent years has tended to be more segregated than assimilated, and it became apparent in Montreal that several hundred people congregated in a small area were cut off on account of their colour from all the recreational, cultural and educational activities of the rest of the community.¹ "Facing the implications of this situation, the Pastor of the Negro United Church, a Porter on one of the Railroads, who had had Social Service Experience in an American City, and a small group of Negro Citizens attempted to organise a Negro Community Centre where provision might be made for these normal needs of their own people. Lacking the money necessary completely to finance such a work, they attempted to interest some of the white population in their project."² A plan for a Negro Community Centre under the administration of an Inter-Racial Board was set in motion, money was raised by private subscription from both Negroes and whites, and on January 1st 1929

¹Report of the Montreal Council of Social Agencies, 1928, The Negro
² Ibid. Community Centre.

the Centre became one of the Agencies of the Social Federation. A permanent Executive Secretary was appointed, and later in 1929 the Office and Club Rooms were moved from their first location to more spacious premises where facilities for recreational and educational activities have been provided.

The Young Men's and the Young Women's Christian Association admit coloured members without discrimination, but their numbers are small.¹ In the case of the women, there have been objections in some places to coloured people using the swimming pool. The Toronto Association used to maintain Ontario House as a Hostel for Negro girls, "but when the Government ceased to encourage girls to come from the West Indies there was little need for this branch" and it has been closed.²

The Negroes form Clubs within their own communities for social and cultural purposes, and fraternal orders such as the Elks have also been organised on racial lines. From time to time Negro organisations with headquarters in the United States have had branches in Canada, and the most important of these are now the National Association for the Advancement of Colored People and the Universal Negro Improvement Association. The latter has lost some of its early attraction and prestige since its President and founder, Marcus Garvey, was sentenced to imprisonment in the United States, and when he came to Canada in 1928 he was proved to be a prohibited alien under the terms of the Immigration law, and forced to leave.

It is notable that these organisations all run across the border and link the Canadian Negro with the others of his race in the United States, while there is no organisation across the Dominion uniting Canadian Negroes as such. Moreover, the race journals published in the United States circulate in Canada, and hence diffuse

¹Letters to the writer from the respective Secretaries.

²Letter from the Field Secretary of the Y.W.C.A.

here the race consciousness and attitudes that are prevalent there. This influence is obvious in the imitative character of social organisations among the Negroes in this country. Here they have not produced any outstanding political or literary figures. It may be that those who had the ability were attracted by the wider opportunities in the United States, or that the small scattered communities in Canada did not provide favourable conditions, but the fact that they now derive their guidance of purpose from American sources means that they are acquiring a racial consciousness imposed on, and wider than their national consciousness. Race relations are, of course, very similar in the two countries, probably discrimination has had a more oppressive effect in Canada, and since the Negro's only escape has been migration, need he have any feeling of pride and loyalty for his nationality? Multitudinous Afro-America with its educational institutions and growing wealth controls conditions and possibilities which Canada's Negroes cannot hope to parallel, but in which they may share.

To this situation the West Indian Negro comes with a quite different attitude. He has been accustomed to working for the same economic opportunities as the white people, he is quick to feel and resent an insult, and unwilling to acknowledge a racial segregation that implies his inferiority. West Indians in Montreal have introduced Free Masonry rather than join exclusively Negro organisations,¹ and wherever enough of them are found they form a Cricket Club. That in Montreal has been a conspicuous success, and was incorporated in 1926 with a capital of \$10,000. This West Indian Cricket Club plays regularly in the City League, and last season its First Eleven finished at the top of A Division. It is said that "no discrimination against them as a team or as individuals outside

¹Israel, op.cit.

the playing field has been experienced by any of this group."¹
 Negro students frequently play on the McGill University Cricket team, and for a few years one was captain of the First Eleven.

The same characteristics that make the coloured West Indian unwilling to conform to the lowly and unobtrusive position allotted to Negroes in Canada, make him unsuitable for the chief work open to him here. The Negro who comes to Canada does not usually belong to the ranks of unskilled, illiterate labour, but here he finds the type of employment he was accustomed to expect closed to his colour, and as a railway porter he is outspokenly resentful of a patronising or contemptuous attitude on the part of passengers. It is easy to obtain porters from the United States who are accustomed to this treatment, and so the West Indian Negro has found a second line of discrimination drawn against him. What is probably representative feeling on this matter was expressed by "Jamaican" in a letter to the Montreal Star of May 19, 1928. "I read in a recent issue of the Star a statement by the C.P.R. concerning the numbers of so-called trained and experienced porters brought to this city from the United States. Now I should like to ask the C.P.R. how it is that they had a coloured instructor teaching these men how to make down beds and how to treat passengers. There are plenty of capable coloured West Indians here who are better qualified than the men who have been brought in from the United States, and we appeal to the Government to support us. We help to support the Government in this country, and pay taxes, so that it is only just to put an end to this unfair practice."

This feeling is quite understandable, but as long as the passenger pays the fare he, and not the porter, will dictate railway
1 Israel, op.cit.

policy in the matter. Whether all West Indian Negroes have been too hastily condemned upon the evidence provided by an insolent or quick-tempered few is another question. It may, however, become increasingly difficult to obtain porters gratifying to the superiority complex of certain passengers. "A Disgusted Porter" who is apparently not from the West Indies wrote to the above-mentioned paper on September 27, 1929, "As a Pullman car porter I encounter a certain type of passenger who takes great delight in bestowing the name of "George" on us, and plying us with a lot of embarrassing questions, as, if our wives are white or coloured; what our salary is, etc. Then they presume that we are all from the South. In their opinion we are nothing but a pack of nincompoops who are placed on those cars by accident. It is quite time that the travelling public realise that the happy-go-lucky negro is swiftly passing into oblivion, and a more serious-minded intelligent negro is taking his place. We highly resent this attitude that is constantly displayed towards us. I hope this letter will help to bring about a mutual understanding."

But even this writer committed a fault for which the Criterion, a Negro Club in the City, more recently reprimanded the same paper. Drawing attention to the printing of a despatch from Washington, the Vice-President says that they desire to voice their "objection to the growing tendency on the part of many newspapers to employ a small 'n' instead of a capital in printing the word 'Negro'. It is noteworthy that capitals are invariably employed in reference to other races."¹

¹Montreal Star, February 24, 1930.

CONCLUSION

The customary declaration of the Negro's unfitness for the climate is not an accurate nor an adequate explanation of the small numbers of the race now to be found in Canada. It is the limited sphere assigned them in the economic life of the country that has been most influential in limiting their numbers. Apart from the success of a few coloured West Indians, the Negro in Canada has not progressed as far as the nominal absence of legal restrictions seemed at the start to indicate that he might, were he possessed of the same ability as other races. More subtle forces of hostility have prevented him from testing his position of pseudo-equality, and being neither a public responsibility like the Indians, nor an economic menace like the Orientals, he has remained an ignored minority.

If there were no demand at all for Negro labour in Canada the race would most probably be already much smaller than it is, and to those who regard Negroes as ethnically unassimilable, their gradual disappearance would seem highly desirable. But the situation is not so simple. A number of Negroes are kept in the Dominion by their work on the railways, and with their families form the nucleus of a coloured community in several cities. They cannot expect much improvement in their own position, nor look forward to a more advantageous future for their children; the normal rewards of industry and scholarship are denied them, and they have little contact with the wider community. Nevertheless their presence attracts more Negroes; some to work, others to gamble, but in spite of increasing numbers they find no broadening of the economic basis upon which their subsistence depends. It is most

unsatisfactory for any part of a population to be forced into such a position and kept there. It means that they think of themselves as separate from the rest of society, share a great many grievances against it, and get the opportunity of indulging none but criminal talents.

In addition, the treatment that Canada accords the Negro is of great importance to the question of closer political relations between the Dominion and the West Indies which is now causing both official and unofficial discussion. The majority of the two million people in the British islands are Negro, and most of the remainder are coloured. Some of the colonies are badly in need of an outlet for their surplus population since the United States was closed to them in 1922, but they do not cultivate the psychology of good Pullman porters. When Canadian National Steamships began their West Indies passenger service a dispute arose as to the type of accommodation that should be sold to Negroes, and the line found that they could not be prevented from travelling first class. Official attempts at discrimination would meet with a no more passive acceptance. It is, of course, doubtful whether with the present conditions of employment in Canada the type of labour that the West Indies could supply would be better off here than at home, and even if most encouraging terms were offered it is improbable that many Negroes would want to settle on the land. But the matter can only be settled satisfactorily in relation to prevailing economic conditions, and not by the perpetuation of racial prejudice. It leaves no room for insulting or unjustly discriminating treatment of individuals merely because they are coloured. With the wearing away of the psychology born of slavery, the Negroes themselves are learning to value other qualities more highly than mere skin colour, and this is an attitude that the white race may adopt with advantage.

-----THE END-----

A P P E N D I X

PETITION OF THE FREE NEGROES FOR GRANTS
OF LAND IN UPPER CANADA . 1794.

Selected from files in the Dominion Archives by Brigadier-General Cruickshank, and printed in the Papers of the Ontario Historical Society in 1927.

TO His Excellency John Graves Simcoe, etc., etc.
The Petition of the Free Negroes,
Humbly Sheweth

That there are a number of Negroes in this part of the Country many of whom have been soldiers during the late war between Great Britain and America, and others who have been born free with a few who have come into Canada since the peace - your Petitioners are desirous of settling adjacent to each other in order that they may be enabled to give assistance (in work) to those amongst them who may most want it.

Your Petitioners therefore humbly Pray that their situation may be taken into consideration, and if your Excellency should see fit to allow them a tract of Country to settle on, separate from the white settlers, your Petitioners hope their behaviour will be such as to shew, that Negroes are capable of being industrious, and in loyalty to the Crown they are not deficient.

19 Signatures.

Endorsed:-Rejected
Read in Council
July 8, 1794.

BIBLIOGRAPHY

GENERAL.

Books.

- THE NEGRO IN THE NEW WORLD, Sir Harry Johnston.
- THE AMERICAN NEGRO, American Academy of Political & Social Science.
- THE AMERICAN NEGRO, A Study in Racial Crossing, M.J.Herscovits.
- THE NEW NEGRO, edited by Alain Locke.
- THE FUTURE OF THE NEGRO, Guggisberg & Fraser.
- THE FUTURE IN AMERICA, H.G.Wells.
- THROUGH AFRO-AMERICA, William Archer.
- THE SOUL OF JOHN BROWN, Stephen Graham.
- THE STORY OF THE NEGRO, Booker Washington.
- PORTRAITS IN COLOR, W.M.Ovington.
- THE AUTOBIOGRAPHY OF AN EX-COLORED MAN, J.W.Johnson.
- THE INFLUENCE OF GEOGRAPHIC ENVIRONMENT, E.C.Semple.
- THE CLASH OF CULTURE & CONTACT OF RACES, Pitt-Rivers.
- ANTHROPOLOGY, Kroeber.
- ANTHROPOLOGY & MODERN LIFE, Franz Boas.
- INTRODUCTION TO ANTHROPOLOGY, W.D.Wallis.
- TOM-TOM, Vandercook.
- BLACK MAJESTY, Vandercook.
- THE NEW AGE OF FAITH, Langdon-Davies.
- CONGRESS OF THE RACES, Report of, London 1911.

Periodicals.

- The JOURNAL OF NEGRO HISTORY.
- The EUGENICS REVIEW, various articles on Racial Crossing.

BIBLIOGRAPHY (con.)

WITH SPECIAL REFERENCE TO CANADA.

Books.

CANNIFF, W., Settlement of the Province of Upper Canada.

GANONG, Origins of Settlements in Nova Scotia.

HALIBURTON, History of Nova Scotia.

KIRBY, Annals of Niagara.

MORE, HISTORY of Queen's County, N.S.

Murdoch, History of Nova Scotia.

SIEBERT, The Underground Railroad.

SMITH, F. Watson, History of the Methodist Church in North America.

TANGUAY, Abbe, A Travers les Registres.

Papers of Learned Societies.

ARCHIBALD, Sir W.G., Deportation of Negroes from Nova Scotia. Records
of the Nova Scotia Historical Society, 1885, Vol. 7.

HAMILTON, J.C., Slavery in Canada, Magazine of American History, Vol. 25.

JACK, I.A., LOYALISTS & Slavery in New Brunswick, Royal Society of
Canada, Second Series, Vol. 4.

LANDON, F., Canada's Part in Freeing the Slave, Ontario Historical
Society, Records & Papers, 1919.

Negroes in Upper Canada before 1865. Ibid 1925.

LAPALICE, O.H.M., Les Esclaves Noirs a Montreal sous le Regime
Francais. Canadian Antiquarian Journal, 3rd series,
Vol. 12, No. 3.

MASSICOTTE, E.Z., L'Esclavage au Canada sous le Regime Anglais. Bulletin
Recherches Historiques, 1918, Vol. 24, No. 11.

RAYMOND, "Founding of Shelburne", Papers of the New Brunswick
Historical Society, 1909.

SMITH, W.T., Slavery in Canada, Papers of the Nova Scotia Historical
Society, Vol. 10.

VIGER & LAFONTAINE, L'Esclavage en Canada, Memoires de la Societe
Historique de Montreal, Vol. 1.

LANDON, F., History of the Wilberforce Refugee Colony, London &
Middlesex Historical Society, 1918, Part 9.
Fugitive Slaves in London before 1860. Ibid 1919.

BIBLIOGRAPHY (con.)

Periodicals

HAMILTON, J.C., John Brown in Canada, Canadian Magazine, Vol.4.

LANDON, F., Fugitive Slaves in Canada, University Magazine, Vol.28, No.2.
Anti-Slavery Society of Canada, Journal of Negro History,
Vol.4, No.1.
Negro Migration to Canada after 1850, Ibid, Vol.5, No.1.

RIDDELL, W.R., Notes on Slavery in Canada, Journal of Negro History,
Vol.4, No.4.
Notes on the Slave in New France, Ibid, Vol.8, No.3.
Slavery in Canada, Ibid, Vol.5, No.3.

