

1993

## Slavery and Freedom in Niagara; Power and Butler; 1993

Michael Power

Nancy Butler

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SLAVERY  
and  
FREEDOM  
in NIAGARA



MICHAEL POWER • NANCY BUTLER

SLAVERY  
and  
FREEDOM  
in NIAGARA



MICHAEL POWER  
NANCY BUTLER

*Michael Power  
Nancy Butler  
9 July 1993  
200th Anniversary*

# SLAVERY and FREEDOM in NIAGARA

Michael Power and Nancy Butler  
with research by Joy Ormsby

Edited by Curtis Fahey  
Designed and typeset by Paul Heron

Published by The Niagara Historical Society

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## COVER ILLUSTRATIONS

Front cover: "Outlet of the Niagara" published by Hermann Meyer, artist unknown, circa 1845. This view from the American side of the Niagara gorge looks northward towards Queenston Heights, the lower Niagara River, and the town of Niagara beyond.

(Courtesy: Drs Richard and Nancy Smith Merritt)

Back cover and title page: Logo by Kathleen Wittick, adopted by the Citizens' Committee on Ontario's Heritage Years for the bicentennial celebrations of the passage of the anti-slavery law at Niagara.

(Courtesy: Kathleen Wittick)

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*This book is dedicated to  
the memory of Chloe Cooley*

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# Contributors

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Nancy Butler, a former president of the Niagara Historical Society, is a member of the Niagara Historical Society's Publications Committee. She is co-author of *Niagara-on-the-Lake: The Old Historical Town* and editor of *The Capital Years: Niagara-on-the-Lake, 1792-1796*. She also helped to publish *The Battle of Fort George*. She has also been the historical editor of the Canada Day Gazette, a newspaper published annually to celebrate Canada Day in Niagara-on-the-Lake.

## **Joy Ormsby**

Joy Ormsby has been a researcher for the Niagara Historical Society for several years. She has served on the Local Architectural Conservancy Advisory Committee of Niagara-on-the-Lake and searched titles for the Heritage District Plan. She is co-author of *Niagara-on-the-Lake: The Old Historical Town* and wrote the article, "Building a Town: Plans, Surveys, and the Early Years of Niagara-on-the-Lake" for the *The Capital Years: Niagara-on-the-Lake, 1792-1796*.

## **Michael Power**

Michael Power, also a member of the Niagara Historical Society's Publications Committee, wrote the article, "Religion and Community" for *The Capital Years: Niagara-on-the-Lake, 1792-1796*, as well as serving as an editor. He has published several books, including *A History of the Roman Catholic Church in the Niagara Peninsula, 1615-1815*. He has also written several articles for the *Canadian Catholic Historical Studies* and contributed biographical entries for the *Dictionary of Canadian Biography*. He is currently a researcher for the Ontario Heritage Foundation.

# Preface

In December 1991, the Niagara Historical Society and Dundurn Press published *The Capital Years, Niagara-on-the-Lake, 1792—1796*. It is an ambitious and comprehensive examination of various aspects of life in Niagara (Niagara-on-the-Lake) when it was the first capital of Upper Canada. However, only fleeting reference was made to the anti-slavery law passed in 1793 by the province's first parliament. This law, which provided for the eventual abolition of slavery in Upper Canada, was the first of its kind in the British empire. The Publications Committee of the Niagara Historical Society decided to publish this book to commemorate the bicentennial of this historic legislative event.

*Freedom and Slavery* consists of two articles. The first, "Simcoe and Slavery" by Michael Power, examines the political and social background of events culminating in the actual legislation, the unsuccessful attempt to repeal the law and the significance of the legislation. The second paper, "Starting Anew: The Black Community of Early Niagara" by Nancy Butler, studies the once vibrant black community in Niagara-on-the-Lake during the nineteenth century.

It is important to remember that these articles are out of necessity based on carefully researched information obtained from the white European perspective. Unfortunately no diaries or letters by Niagara blacks have become available to researchers.

Moreover, our attitudes of today can readily influence our judgment and interpretation of the past. The Niagara Historical Society, in publishing these articles, sincerely hopes that their contents will stimulate further research into this fascinating subject.

On behalf of the Niagara Historical Society, I would like to thank my two colleagues on the Publications Committee, Nancy Butler and Michael Power. Not only did they give fully of their time and talents to research and write their essays but they were also indispensable in the myriad of details involved in publishing



this work. Special thanks are due to Joy Ormsby, who not only provided research material to the two authors, but exhaustively examined local records and documents, which are here published as an appendix. The assistance and helpful criticism of our project editor, Dr. Curtis Fahey, and our design editor, Paul Heron, are most appreciated. The Society is most grateful for the cooperation received from the black communities in the Niagara peninsula. Their pride in their rich heritage continues to be a source of inspiration to everyone.

The Ontario Heritage Foundation of the Ministry of Culture, Tourism, and Recreation and The Niagara Foundation provided generous financial assistance. The Publications Committee also wishes to thank the following: Richard Bell, Ian Butler, Beryl Campbell, Donald Combe, Kelly Dabald, Wilbert Dick, Peggy Fowler, Mary Fryer, Linda Gula (Niagara Public Library), Alan Holden, Pat Kennedy, Reverend Walter Kern, Elaine Landray, Louise Little, Cathy MacDonald, Wendy Mackie, S.R. Mealing, Wilma Morrison, Russ Netherton, David Owen, Arden Phair, Noreen Smith, and Kay Toye.

Richard Merritt, Chair  
Niagara Historical Society Publications Committee

May 1993

*Note: The present urban area of Niagara-on-the-Lake was officially known as Newark during the Simcoe years from 1792 to 1798, after which it reverted back to the earlier Indian name, Niagara. At the end of the nineteenth century the post office, to avoid confusion with Niagara Falls, named the town Niagara-on-the-Lake.*

PART ONE

# SIMCOE AND SLAVERY

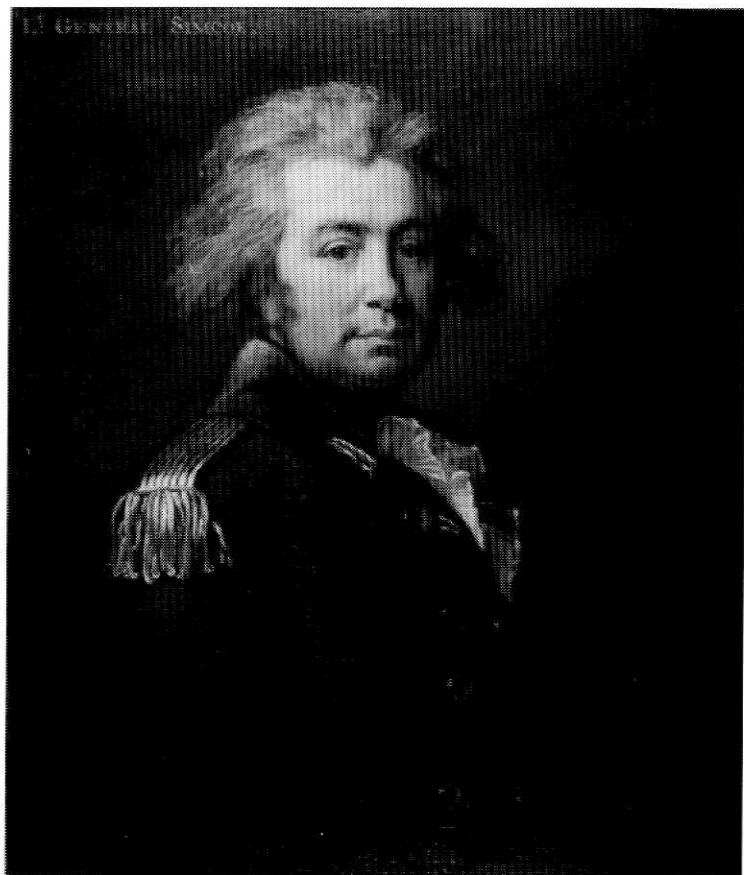
MICHAEL POWER

This year, 1993, marks the two hundredth anniversary of the passage of Canada's first and only anti-slavery act, which was also the first such legislation in any jurisdiction within the British empire. On Tuesday, 9 July 1793, Lieutenant Governor John Graves Simcoe gave royal assent to "An Act to prevent the future introduction of Slaves, and to limit the terms of contracts for servitude within this Province."<sup>1</sup> Although his emancipation initiative was unique, perhaps even daring, and certainly controversial for its day—nothing remotely approaching its significance was to occur until the British parliament abolished slavery throughout the empire in 1833—Simcoe's legislation should be viewed as a classic conservative compromise.

On the one hand, there was Simcoe. Apparently the lieutenant governor, inspired by his attachment to the British constitution and by his evangelical religious beliefs, favoured complete and immediate abolition and had considered issuing a proclamation to that effect at the beginning of his administration. He is often quoted as promising—before he arrived in Upper Canada—not to give assent to any law that "discriminates by dishonest policy between the natives of Africa, America or Europe."<sup>2</sup> While his idealism was admirable, it revealed extreme naivety and could not long survive. Once he took measure of the type of man who would win election to the House of Assembly or would expect to be appointed to the Legislative Council, Simcoe's enthusiasm for immediate abolition wilted.<sup>3</sup>

On the other hand, there was the Loyalist establishment. Its members, recent immigrants to the province, were naturally jealous of their property rights as British citizens, having forfeited practically everything in their defence of the crown in the late Revolutionary War. They were in no rush to deprive themselves of valuable property they regarded as essential to their economic viability in the colony.

In the middle was marooned a small but important number of



"Lt-Governor Simcoe", oil by Jean Laurent Moisinier, c1791. John Graves Simcoe (1752-1806) was the first lieutenant governor of Upper Canada. (Metropolitan Toronto Reference Library, T30592)

black slaves, indentured servants, and freed men and women who were destined to become one of Ontario's historic communities. Their presence ignited a brief but significant struggle between idealism and practicality; between Simcoe's vision of an emerging society free of racial politics and the hard headed realism of the social elite.

The moral imperative and legislative genius of the 1793 act can be found in its provision of freedom for future generations. What began as a typical compromise, veiled in the dry language of the law, evolved into something much different and far more noble. Despite its obvious limitations, Simcoe's anti-slavery legis-

lation was and remains a singular success.

This bicentennial gives us a long-awaited opportunity to take stock of the personalities and politics, as well as the social circumstances, that shaped the wording and application of the 1793 act. Many questions must be answered. How many slaves were there in Upper Canada in 1793, and what type of servitude did they endure? Who were some of these slaves? Is it possible to divine Simcoe's motives and the motives of his political supporters and opponents, many of whom were slaveowners? What exactly was the legislation intended to achieve? Were there any contemporary arguments against emancipation? How are we to interpret the attempt in 1798 to override the 1793 act? Lastly, when did slavery finally vanish in the province of Ontario?

Our task entails a fresh examination of the available evidence. Unfortunately, this evidence is far from abundant and not very conclusive. Ironies abound, too, and each one will have to be addressed and incorporated into our story. Reasonable speculation and the occasional flourish of historical imagination will be the glue that holds our narrative together.

## **Slavery Takes Root**

The history of legalized slavery in our country stretches back to 1628, when the English adventurer David Kirke brought to New France a native of Madagascar. Kirke disposed of him quickly for a handsome profit, making him Canada's first slave. Four years later, this same person was baptized and named Olivier Le Jeune. Jason H. Silverman believes that by 1760 there were approximately 1,100 blacks residing in New France, most of whom lived in or near Montreal and were either house servants or farm hands. He does not care to estimate the proportion of slave to free, perhaps because the distinction was a highly nuanced one in New France. "Due to their high prices," Silverman continues, "their limited numbers, their domestic position, and their closeness to the family, black slaves in New France experienced one of the most benign forms of slavery."<sup>4</sup> Not only was it benign—to the extent that any form of human bondage can truly be termed benign—but as a distinct social and economic institution slavery had been in steady decline for many years.

Nearly every historian of the period agrees that the Conquest reversed this trend. In the treaty of capitulation, 8 September 1760, clause 47 guaranteed the continued servitude of all slaves to their respective masters. This same clause was included in the Treaty of Paris, 1763, and it was left in force when French civil

law was restored by the Quebec Act of 1774. Indeed, the introduction and retention of English criminal law superseded the few legal protections black slaves had enjoyed under the *Code Noir*.<sup>5</sup>

By 1784 there were more than 4,000 blacks living in the British colonies north of the United States, and among them could be counted at least 1,800 slaves.<sup>6</sup> Several things explain this relatively high number of blacks, both slaves and free. During the Revolutionary War, an informal slave trade had been carried on by several well-known Loyalist forces, such as the King's Royal Regiment of New York and Colonel John Butler's Rangers. These units, often helped by their native allies, seized blacks as war booty and sold them on the Montreal market.<sup>7</sup> Paradoxically, at the very same time, the British military was offering freedom to all slaves who deserted their American masters and asked for legal protection. This was Sir Henry Clinton's explicit policy, and it was vigorously defended by Sir Guy Carleton, later Lord Dorchester, who negotiated with George Washington a huge exodus of Loyalists and blacks from New York at the close of the war in 1783. While many blacks went to the West Indies and east Florida, a sizeable portion of them settled in Nova Scotia and Quebec.

Despite this increase in the number of slaves after 1783, the labour-intensive plantation culture of the southern colonies—with its slave auctions, overseers, and taskmasters—did not develop in British North America. Silverman writes:

Instead of them being subject to the limitations of domestic or field work, many of them practised respected trades. Blacks, both slave and free, found occupations as blacksmiths, millwrights, caulkers, carpenters, sawyers, and coopers. A number of slaves became printers under the training of William Brown, founder of the *Quebec Gazette*, and others served as assistants to various printers after Brown's example. Others worked in Canadian taverns as waiters and churners.<sup>8</sup>

In other words, the "benign" nature of Canadian slavery continued. However, so did the importation of additional men, women, and children in bondage.

To encourage settlement in British North America, the home government passed the Imperial Act of 1790, which applied to all British subjects still resident in the United States. It allowed them to import "negros, household furniture, utensils of husbandry or cloathing duty free" into the Bahamas, Bermuda, Somers Island (Somerset Island, Bermuda), the province of Quebec (what became Upper and Lower Canada), Nova Scotia and

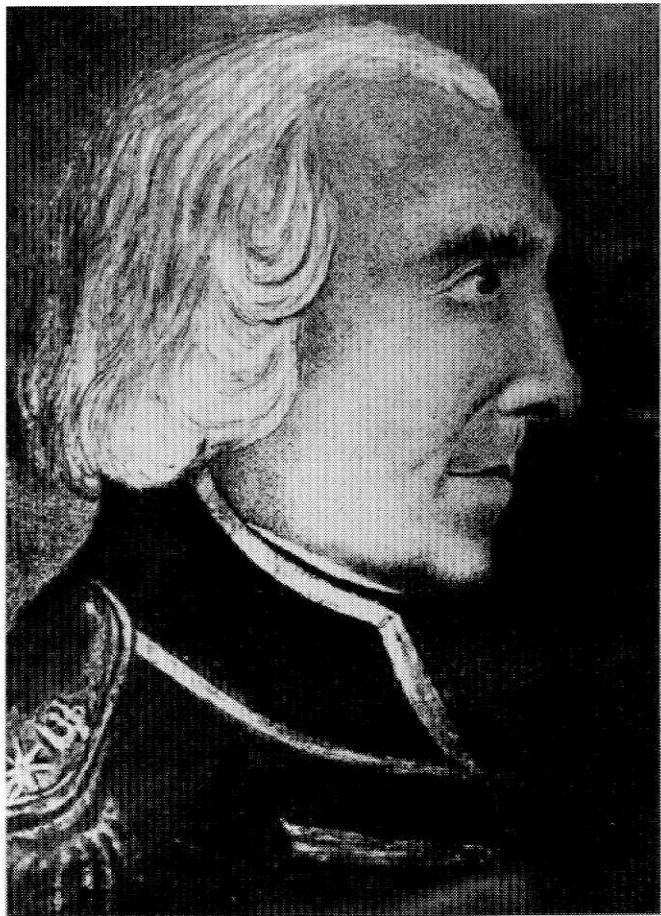
any other British territory in North America.<sup>9</sup> The value of the goods imported was not to exceed £50 for every white person and £2 for every black. Furthermore, every white person fourteen years of age or older was required to take an oath of allegiance. Children and blacks, regardless of their status, were excused from taking the oath. Robin Winks claims that free blacks were discouraged from settling.<sup>10</sup>

## The Slaves

How many slaves were there in Upper Canada on the eve of Simcoe's arrival in 1792? Scholarly estimates range from 500 to 700.<sup>11</sup> These figures are certainly realistic. Out of a total population in the range of 10,000 to 14,000, and which may have been as high as 30,000, enslaved blacks formed only a tiny percentage of the province's inhabitants.<sup>12</sup> No one has yet estimated the number of free blacks. The one set of reliable statistics we have on slavery concerns Detroit, which remained in British hands until 1796. Census records show thirty-three slaves in 1750, when the Detroit settlement belonged to the French; eighty-three in 1773, nine of whom lived on the south shore (the Windsor side of the Detroit River); 138 in 1779, twenty-four living on the south shore; and 179 in 1782, thirty-five of whom called the south shore home. There are no records after 1782, a full eleven years prior to the 1793 legislation. To complicate matters even further, some of these slaves were Indians, known as panis or pawnee, their exact number being unknown, and some of the black slaves were owned by Indians.<sup>13</sup>

The picture at Niagara, commencing in 1782, is much clearer, though not as complete as one would wish. We have a variety of sources at our disposal: three census returns, two military lists, the St Mark's parish register, two petitions, and the now famous Chloe Cooley incident recorded in the minutes of the Executive Council, which met at Navy Hall in Niagara. We also have names. In fact, there exist plenty of names, of slaves as well as slaveowners, in addition to memorable master/slave anecdotes, which taken together give a human face to a story prone to the dead hand of statistical calculations.

Niagara's first census was conducted by Colonel John Butler on 25 August 1782. It lists "one male slave," but no name is given.<sup>14</sup> This was probably Cornelius, who was owned by Thomas McMicking. The second census, which dealt specifically with the number of blacks brought into Canada by Loyalist forces, was



"Colonel John Butler", oil on board by John Oakley, 1834. John Butler (1728-1796) was leader of the Butler's Rangers. (Niagara Historical Society Museum, 988.194)

undertaken by Sir John Johnson in 1783 at the request of Governor Sir Frederick Haldimand. Johnson, who himself owned fourteen slaves, named the following slaves as residents of Niagara: Boatswain and Jane (Lewis Clement, former master); Dick (Colonel John Butler, former master); Jack (Captain McDonell, new master); Peggy (Mr Young, former master); and Simon (A. Wimple, new master).<sup>15</sup>

Boatswain and Jane reappear in another census taken in 1783. Although the names and exact status of the Negro men, women and children entered in this census are not recorded,

under the Clement family there is listed a black man, forty years of age, and a black woman, forty-three years of age. There is little doubt that they were the Boatswain and Jane of the Johnson census of the same year. Most likely they were married and were the "negro man and woman" put up for sale by the widow Clement in 1802: "They have been bred to the business on a farm, will sell on highly advantageous terms for cash or land," ran the newspaper advertisement.<sup>16</sup> In total, there were ten blacks, seven males, and three females registered in the 1783 census. They belonged to the following families: Bennett, Thompson, Johnson, Clement, Constable, and Wilkinson.<sup>17</sup>

The military lists concern free blacks. In the roster of Butler's Rangers we find the names of Jack Baker, Peter Martin, and Richard Parepoint [Pierpoint], the identifying description being either "blackman" or "negro." But the names of James Robertson [Robinson?] and Prince Robertson should also have been designated in a similar fashion.<sup>18</sup> They appear in a list of people who joined the royal standard in the Thirteen Colonies before 1783, along with James Backer [Becker], Jack Baker, John Cesar, and Peter Martin.<sup>19</sup>

Among the names we have located in the military lists, those of Jack Baker, Richard Pierpoint, Jack Becker, and John Cesar were included in a list of nineteen "Free Negroes" who signed a petition to Simcoe and his Executive Council on 8 July 1794. The other petitioners were Robert Spranklin, John Gerof, Peter Ling, Pompadour, John Jackson, Tom Frey, Jack Wurmwood, John Smith, Peter Green, Michael Grob, Adam Lewis, John Dimon, Simon Speck, Thomas Walker, and Saison Sepyed. These men wanted land for their own segregated settlement:

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 & America, and others who were 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.<sup>20</sup>

Not surprisingly, given the caste-like existence of blacks in early Upper Canada, the petitioners wanted to live and work



apart from white society in their own community, where safety and prosperity in numbers were critical to their collective survival. The councillors debated the petition and then rejected it. They never bothered to defend their position in public.

Years later, a community like the one imagined above was established in Oro Township for black veterans of the War of 1812, by one of Simcoe's successors, Sir Peregrine Maitland. The settlement, designed for black veterans of the War of 1812, lay

**FOR sale, the negro man and two-  
man, the property of Mrs (widow)  
CLEMENT. They have been bred to the  
business of farm, will be sold on highly  
advantageous terms for cash or  
lag's. Apply to Mrs. Clement.  
Jan. 9. 1795**

Sale of a slave ad, *Upper Canada Gazette*,  
17 August 1795

“on a line parallel to the Road running from Lake Simcoe to Gloucester Bay on Lake Huron, generally known by the name of Penetanguishene Road.”<sup>21</sup> A modern description would read: between Kempenfeldt Bay on Lake Simcoe and Penetanguishene Bay on

Georgian Bay. Maitland hoped that it would serve as a haven for runaway slaves from the United States.

Richard Pierpoint, whose name we have seen in two documents, lived in the town of Niagara for a few years. In a petition of 21 July 1821 asking for passage money back to Africa, he said that he was a native of Bondon [Bondu or Senegal], who had been “made a Prisoner and sold as a slave” at the age of sixteen. On arriving in America in 1760, he was purchased by a British officer. Freedom came when he joined Butler’s Rangers.<sup>22</sup> After 1783, his military career continued. As “Captain Dick,” he was a member of a corps of black soldiers on the Niagara frontier which performed meritoriously at the Battle of Queenston Heights on 13 October 1812 and at the siege of Fort George on 27 May 1813. He never returned to his African home. The government granted him 100 acres in Garafraxa Township along the Grand River. He died sometime before September 1838, when his will was probated, and he left no descendents.<sup>23</sup>

Conspicuous by his absence from the 1794 petition of free blacks was Peter Martin. Why he failed to sign this petition remains a mystery. Three years later, Martin filed his own land petition, dated 20 August 1797:

That your Petitioner and his Brother Richard Martin served as soldiers in Colo. Butlers Rangers four years and half and were regularly discharged at the peace of 1783, soon after which Richard

died leaving no family—That your Petitioner has received the military Lands granted to persons of his Description, for which he is very thankful—that he and his Brother were born in Colo. Butlers family, and at the commencement of the American war, were taken as part of Colo. Butlers property, and sold at public vendue, but they made their escape, joined their Master & enlisted in His Corps of Rangers as above mentioned—That your Petitioner is infirm from lameness, and purposing to ransom his son who lives at Mr. Thomas Butlers, (which he understands he may accomplish for the sum of sixty Pounds N.Y.C. or thereabouts) in order he may assist in his support—your petitioner Humbly prays your Honor would be pleased to grant him such Lands as his said Brother may have been entitled to—and your Petitioner as in duty bound will ever pray.<sup>24</sup>

The petition was granted: Peter Martin was to receive the 300 acres originally assigned to his deceased brother Richard. As welcome as this decision must have been to Peter, what draws the attention of the modern reader are the revealing details of his tangled family history. That history, which may not have been atypical for the 1790s, sheds considerable light on the chaotic consequences of slavery and freedom existing alongside each other within the same family. Peter was born into slavery, stolen from his master, and sold again, only to escape and return to his owner, Colonel Butler; whereupon, according to British policy concerning escaped slaves who sought protection from the crown, he was set free. However, his son, who belonged to Thomas Butler, remained a slave. Manumission was not extended to him through his father's freedom. The same fate belonged to Peter's daughter, Jane, who was baptized in St Mark's Church on 6 January 1793 and was described in the church register as "a daughter of Martin, Col. Butler's Negro."

Jane was not the only black to receive the sacraments in the Church of England. Chloe, a mulatto, was baptized on 3 September 1794, and Peggy, another mulatto and an illegitimate child, was inducted into the church on 29 March 1800. Many other black children were to be baptized at St Mark's over the next twenty-five years. Between 1795 and 1800, there were four marriages: John Jacks and Rose Moore (30 August 1795); Moses and Phoebe, the slaves of William Jarvis, the provincial secretary (5 February 1797); Cuff Williams and Ann, "Negroes from Mr. C. McNabb" (12 October 1797); and Prince Robinson (the Prince Robertson of the 1783 census?) and Phillis Gibson (1 December 1800). From 1804 to 1825, there were another ten marriages solemnized. And there was one black burial in the first quarter of the nineteenth century, a Mrs Waters who was laid to rest in

Niagara on 15 November 1803.<sup>25</sup>

These were the names of some of Upper Canada's blacks before and after the 1793 anti-slavery legislation. We have taken brief looks into their lives and have seen how muddled the situation was for them: some were free and some were slaves, while others were probably indentured servants, neither free nor slave. We have already alluded to the names of a few of the province's slaveowners, but they were mainly minor characters, Secretary Jarvis being the exception. Who were the more prominent among this class of colonial citizen, the very people who would be directly affected by any legislative attempt to curb their right to own human chattels?

### **The Slaveowners**

Slave owning was widespread among the emerging political and social elite of Upper Canada. Peter Russell, a senior member of the Executive and Legislative councils and the province's administrator in the absence of Simcoe, was reputed to be the owner of ninety-nine slaves. This was an exaggeration. Slaves were expensive, and Russell, who arrived in Upper Canada heavily in debt, could not have afforded that number. However, we do know the names of at least three of his slaves: Pompadore, Milly, and the notorious Peggy. These three were very troublesome to Russell and his half-sister, Elizabeth, who thought them pilferers, liars, and thieves.<sup>26</sup> Throughout his life, Russell's personal attitude towards slavery was characterized by contradiction. He owned slaves, and he freed slaves. They exasperated him and delighted him. He could be generous to a fault, paying a tutor to teach the son of one of his slaves to read and write, giving allowances, and even settling Peggy's many court fines. But he could also be a stickler for the letter of the law and exact his legal due. For example, Peggy and her son Jupiter were put up for sale as late as 1806.<sup>27</sup>

Matthew Elliott, Russell's close friend, may have owned upwards of fifty slaves, many of whom were war trophies taken in border clashes with the Americans. William Jarvis was involved in two celebrated cases concerning slaves of his. Jarvis was forced to free Henry Lewis after the latter had run away to New York state and promised to pay his master appropriate compensation. When Jarvis caught two slaves stealing his personal effects, he turned them over to the courts instead of punishing them himself, on the mistaken but enlightened assumption that everyone, either free or slave, lived under the law's protection.



"Peter Russell", watercolour by G.T. Bertham. Russell (1733-1808) was receiver general of Upper Canada, member of the Executive and Legislative councils and administrator of Upper Canada. (Metropolitan Toronto Reference Library, J. Ross Robertson Collection, T15064)

William Dummer Powell, puisne judge of King's Bench, presided over the 1792 court case of Josiah Cuton, who was charged with burgling the home and business of Detroit resident Joseph Campeau, and intending to commit a felony in the process. Cuton was found guilty and sentenced "to hang from the neck" until death.<sup>28</sup> In a similar case in 1795, Powell asked Simcoe for clemency because the guilty party was only an adolescent. Robert Isaac Dey Gray, solicitor general in Upper Canada's second parliament, was a liberal and generous master and something of a local legend for having purchased the freedom of the mulatto

mother of one of his own slaves, in Albany, New York. For the asking price of fifty dollars, he reunited an enslaved black family, a rare achievement, and would free all of them in his will. But the thing for which he will always be remembered is the role that he played in squashing the 1798 reaction against Simcoe's legislation of 1793. The slaveowner came to the rescue of the province's slaves!

Jacques Baby, a member of Essex County's leading French Catholic family, and of the Executive and Legislative councils, counted slaves among his possessions. Alexander Grant and David William Smith, the surveyor general, also sat on the Executive Council and owned slaves. Richard Cartwright and Robert Hamilton, friends and business associates, and perhaps Upper Canada's wealthiest merchants, had seats on the Legislative Council. They, too, owned slaves. If Gray's conduct in 1798 was ironical, so was theirs. Even though they were constant thorns in the side of Simcoe, who heartily detested the two men, it was Cartwright and Hamilton who engineered the legislative death of the 1798 bill. Richard Duncan was another slaveowning legislative councillor.

Of the sixteen members of the House of Assembly, 1792-96, there were definitely four who were involved in slavery: John McDonell, Scottish Catholic and speaker of the house; Hazelton Spencer; Peter Van Alstine; and David William Smith. Phillip Dorland, a Quaker who was barred from the assembly for refusing to take the oath of office, did not let his religious beliefs stand in the way of his owning several slaves.

To the above list of names can be added those of a wide cross-section of the leading Loyalist families, stretching from Detroit and Sandwich, through the Niagara peninsula and continuing on to the settlements along the St Lawrence River: Everett, Elliott, Pruyne, Herkimer, and Claus; Peter Robinson and James Law; Daniel Servos, whose slave Robert Jupiter fought in Pierpoint's corps; Joseph Allen; Nicholas Lazier; Thomas Fraser; the Reverend John Stuart, Anglican missionary; Justus Sherwood; Chief Joseph Brant (Thayendanegea); and William Vrooman of Queenston.<sup>29</sup>

The Vrooman family lived on a farm a mile below the village of Queenston. On 14 March 1793 William bound and transported one of his slaves, a young girl by the name of Chloe Cooley, to the American side of the Niagara River. There she was sold to a new owner. The violence of Vrooman's actions erupted into a full-

blown controversy. A week later the incident was told in detail to Simcoe, Chief Justice William Osgoode, and Peter Russell at a meeting of the Executive Council. In the following report, "Fromond" is in fact Vrooman:

Peter Martin a negro (in the service of Colonel Butler) attended the Board for the purpose of informing them of a violent outrage committed by one Fromond, an Inhabitant of this Province, residing near Queenston (or the west landing) on the person of Chloe Cooley, a negro girl in his service by binding her violently and forcibly transporting her across the river, and delivering her against her will to certain persons unknown, to prove the truth of his allegation he produced William Grisley (or Crisley).

William Grisley an Inhabitant near Messissague point in this province says: that on Wednesday evening last he was at work at William Fromonds near Queenston, who in conversation with him told him he was going to sell his negro wench to some persons in the States, that in the evening he saw the said negro girl tied in a rope that afterwards a boat was brought and the said [?] Fromond with his brother, and one *Venevry* forced the said negro girl into it, that he was desired to come into the boat which he did, but did not assist, or was otherwise concerned in carrying off the said negro girl, but that all others were, and carried the boat across the river, that the said negro girl was then taken and delivered to a man upon the bank of the river by Fromond that she screamed violently, and made resistance, but was tied in the same manner, as when the said William Grisley first saw her, and in that situation delivered to the man;

William Grisley further says that he saw a negro at a distance, he believes tied in the same manner, and has heard that many other persons mean to do the same by their Negroes.<sup>30</sup>

Chloe Cooley was never heard of again. Grisley was white and an eyewitness, facts that made his testimony impeccable in the minds of his listeners. Peter Martin has already been men-



"William Osgoode", steel engraving by John Hoppner. Osgoode (1754-1824) was first chief justice of Upper Canada and a member of the executive and legislative councils. (Metropolitan Toronto Reference Library, J. Ross Robertson Collection, T32112)

tioned in our story.

The council resolved that "it is necessary to take immediate steps to prevent the continuance of such violent breaches of the public peace, and that for that purpose that His Majesty's Attorney General be forthwith directed to prosecute the said Fromond."<sup>31</sup> Brave but empty words. In fact, the attorney general, John White, had been asked on the day the outrage occurred to investigate the possibility of laying charges. He was unable to proceed. Vrooman could do as he pleased with his property.

Since other slaveowners were seriously thinking of following Vrooman's example, it seems highly likely that Simcoe and his circle had been discussing the idea of some form of emancipation for the province's slaves. The slaveowners, mainly merchants and farmers, feared an outright loss in their "investments" and consequently were anxious to dispose of their property before it became worthless. This was the hard reality of their logic. White records in his diary several meetings he had with leading citizens on the topic of "the negroes" prior to the Cooley incident. On 6 March he met John Young and a Mr MacMichael, "respecting his [MacMichael's?] runaway negro," and on 8 March Dr. Robert Kerr and Colonel Butler were his guests.

## **Debating Slavery**

In a diary entry for 16 March, White makes a curious and elliptical reference to the chief justice having "received a long argumentative expostulatory letter from Mr. Hodgkinson."<sup>32</sup> This must have been John Hodgkinson, a recent graduate of Lincoln's Inn, who was in the provincial capital seeking employment in the judicial system. He was probably the anonymous author of "Canadian Letters." His letter to Chief Justice Osgoode was perhaps an early version of the letter of 17 May 1795 published in "Canadian Letters," which was a highly emotional outburst against Simcoe's strike against slavery.

Hodgkinson opens by claiming that as early as January 1793 he had heard of the lieutenant governor's intention "to liberate the negroes."<sup>33</sup> He found the news startling. So did the slaveowners. Some, like Vrooman, were going to sell their slaves in the United States, and others had freed their slaves only to turn them into indentured servants. A few wanted to pursue the matter in court, but they were prohibited by the prospect of exorbitant court fees. Such was the political atmosphere among the whites. The hopes and anxieties of black slaves are nowhere to be found in

Hodgkinson's letter.

Several arguments were presented. First, how far could a new law infringe on the rights to property lawfully acquired before the new law came into effect? Hodgkinson's answer was succinct. A slave is always a slave, because his slavery is a matter of property legally purchased and no law should infringe on that right to property. Secondly, "the *ipso facto* manumission from slavery was a grand peculiar solely attached to the British soil, and not extended to its settlements."<sup>34</sup> Hodgkinson was alluding to the historic case of *Somerset v. Stewart*. James Somerset [Sommerssett] was a black slave owned by Charles Stewart. In 1772 Somerset was brought to England to wait on his master, but at the appointed time he refused to return with Stewart to Jamaica. Locked in irons on board the ship *Ann and Mary*, Somerset was temporarily freed by a writ of habeas corpus issued by Lord Mansfield, the chief justice. The whole matter was subsequently referred to the full Court of King's Bench, which on 22 June 1772 ruled in Somerset's favour. The court said that "as soon as any slave sets his foot upon English territory, he becomes free."<sup>35</sup> But what was true in England, Hodgkinson seemed to be saying, was not necessarily true in a place such as Upper Canada. He also argued that:

Many of the inhabitants of Upper Canada are American Loyalists. Of these, a part had negroes in their possession, when they obtained grants of land in Upper Canada. Others expended part of the indemnification they received from the British government, in the purchase of negroes, well knowing the value of bodily labour in the country, in which they were about to settle. Was it the object of the British parliament to ruin these men by the insidious present of a constitution?<sup>36</sup>

This argument, with its powerful rhetorical flourish, was based partly on patriotism and partly on blackmail and was closely allied to argument number one. Everything boiled down to property. Hodgkinson noted as well that Simcoe was obliged to wait until the British parliament had decisively addressed the question of slavery in the empire; in other words, the legislature of Upper Canada was out of its depth. Finally, Hodgkinson asked, "was the present the moment to agitate the feelings of the unhappy negroes by presenting them with a prospect of freedom, which they may never approach?"<sup>37</sup> Apparently not. But if Hodgkinson had had his way, it is difficult to see what time would have been propitious to free the province's slaves.

Simcoe, for his part, had a remarkably straightforward posi-



tion on the issue of slavery. If he had ever read or heard of Hodgkinson's righteous harangue, he would have been deeply insulted, even wounded. Simcoe truly believed that the laws and government of Upper Canada were meant to be modelled on the laws and government of Great Britain. That is why *Somerset v. Stewart* was no ordinary case in law. It set a precedent no one could deny or ignore: no slavery in the home country meant no slavery in the colony. Also, the whole practice was utterly inimical and abhorrent to Simcoe's evangelical Protestantism. The state was a Christian state. How could it tolerate the existence of such an evil? This was a personal opinion that neatly dovetailed with his perception of his role as lieutenant governor.<sup>38</sup>

Yet, it is just as important to realize that Simcoe was not a crusader. There is no evidence to suggest that he spoke against slavery or the slave trade when he was a member of the House of Commons for the Cornish borough of St Mawes.<sup>39</sup> Was he one of the eighty-eight members who voted on 19 April 1791 in support of William Wilberforce's motion to abolish the practice? We will never know for sure. Moreover, his military journal, compiled during the Revolutionary War, has a lot to say about horses but, oddly enough, contains only a single reference to blacks. He wanted to recruit them for his own command in Boston.<sup>40</sup>

We can safely claim, therefore, that Simcoe's opposition to slavery in Upper Canada was constitutional and religious in nature, and that the terrible fate of Chloe Cooley propelled him to take a public and legal stand against it. We can also reasonably conclude that the 1793 anti-slavery legislation was introduced into the assembly on Simcoe's initiative—no one else could have taken such a step—and that the bill was drafted by his attorney general.

## The Simcoe Compromise

The scene is the House of Assembly. On Tuesday, 18 June 1793, "Mr. Spencer moved for leave to bring in a Bill to prevent the further introduction of slaves, and to limit the term of contracts for servitude within the Province."<sup>41</sup> Spencer was a slaveowner. The assembly dealt with the matter quickly. By Wednesday, 26 June, the Bill had received third and final reading and was sent up to the Legislative Council for concurrence.<sup>42</sup> This was standard procedure. The bill was read in the upper chamber for the first time that day:

A deputation from the House of Assembly brought up for the concurrence of this House "a Bill to limit and restrain to a deter-

mined period of time the operation of certain parts of an Act passed in the Parliament of Great Britain in the thirtieth year of His Majesty's reign, intituled, 'An Act for encouraging new settlers in His Majesty's colonies and plantations in America' [Imperial Act, 1790], and to effect and accomplish the gradual suppression and abolition of slavery from this Province.<sup>43</sup>

The bill was returned to the assembly, with amendments, on Tuesday, 2 July.<sup>44</sup> We have no way of knowing what those amendments were. Nor do we have any idea of the voting divisions in the respective chambers. The assembly accepted the amendments and "An Act to prevent the future introduction of Slaves and to limit the terms of contracts for servitude within this Province" became law on 9 July.<sup>45</sup>

Recorded comments on the bill's movement through the legislature are rare. On 25 June, John White wrote in his diary: "Debated the Slave Bill hardly. Met much opposition but little argument."<sup>46</sup> It seems that the real debate on the bill had taken place before it had been tabled in the assembly. What White was hearing was so much sound and fury and little else. The reaction of Surveyor General David William Smith was certainly more impassioned. In a letter of 20 June 1793 to John Askin of Detroit, he wrote:

We have made no law to free the slaves—all those who have been brought into the Province or purchased under any authority legally exercised, are slaves to all intents & purposes, & are secured as property by a certain act of Parliament [Imperial Act, 1790]—they are determined to have an act about slaves—part of which, I think is well enough—part most iniquitous—I wash my hands of it—a free man who is married to a slave—his heir is declared by this act to be a slave—fye-fye—the Laws of *God & Man* cannot authorize it.<sup>47</sup>

Smith was angry because the proposed legislation was a compromise between two claims—outright freedom for the slaves and the property rights of their owners—that should never be compromised and if compromised ended in absurdity: the heir of a free man and a slave woman would be a slave.

The act did not free one slave, thus securing the property rights of those who had purchased slaves in advance of 9 July 1793. Unless manumitted by their rightful owners, they would remain slaves until death. And the act did not abolish the sale or purchase of slaves or the rights of owners to track down and apprehend runaways inside provincial boundaries. "Five Dollars Reward," "Wanted to Purchase A Negro Girl, from 7 to 12 years of age," "For sale a negro man and woman," "To be Sold, A Black Woman, named Peggy." These advertisements are taken from

the pages of the *Upper Canada Gazette* and the *Niagara Herald*.<sup>48</sup> They are a clear indication that slavery, though unable to expand, continued to function openly after 1793.

So what did the act accomplish? It forbade any importation of slaves into the province. The children of slaves born after the date of the act would be free on their twenty-fifth birthday, and the children of these children born after the date of the act were automatically free. The period of indentured service was limited to nine years. Strangely, the final section of the act made manumission a difficult if not impossible choice for many slaveowners. Section v reads: "That whenever any master or mistress shall liberate or release any person subject to the condition of a Slave from their service, they shall at the same time give good and sufficient security to the Church or Town Wardens of the parish or township where they live, that the person so released by them shall not become chargeable to the same, or any other parish or township."<sup>49</sup>

An indication of the unwillingness to manumit slaves, perhaps because of section v of the act, can be detected in the probated wills of four Upper Canada notables. Three of them willed their slaves to their heirs. Neil McLean, Justice of the peace, member of the land board and a judge of the Court of Common Pleas, bequeathed to his wife, Mary McLean, his "two Negro Servants, Sussex and Kate and all other moveable property after paying my funeral Expenses."<sup>50</sup> Poor Sussex and Kate, they were only so much moveable property. Colonel John Butler, Loyalist scion, willed a boy and a girl to his grandchildren: "A Negroe boy named George I give unto his [Thomas Butler's] son John Butler until the said Negroe arrives to the years that the Law directs to receive his freedom, and also a Negroe Girl I give unto his daughter Catherine named Jane, which Girl is to remain her property until discharged from Her servitude as the Law directs."<sup>51</sup> The Reverend John Stuart left to his wife, Jane, "all my household goods, furniture, Plate, Linen, household stores and my live and dead stock, goods and chattels whatsoever whereof I shall die possessed, and also my female Slave Louisa and her children."<sup>52</sup>

The will of Robert Isaac De Gray is a refreshing and enlightened exception. For him, the freedom of his slaves was a question of morality and charity:

I feel it a duty incumbent upon me in consequence of the long and faithful services of Dorinda my Blackwoman servant rendered to my family, to release manumit and discharge her from the state of



"Robert Isaac De Gray", oil by William Berczy. De Gray 1772–1804) was solicitor general of Upper Canada and member of the Legislative Council. (Royal Ontario Museum, Toronto, 970.85.2)

Slavery in which she now is and to give her and all her Children their freedom. My Will therefore is that she be released and I hereby accordingly release Manumit and discharge the said Dorinda and all and every of her said Children both Male and Female from slavery and declare them and every one of them to be free . . . in order that provision may be made for the support of the said Dorinda and her Children and that she may not want after my decease my Will is and I hereby, empower, my Executor out of my real Estate to raise the Sum of Twelve Hundred Pounds Currency, and place the same in some solvent, and secure fund—and the Interest arising from the same give and bequeath to the said Dorinda and her heirs and Assigns for

ever—to be paid annually . . . I leave all my wearing apparel to my servant Simon, and also my Silver Watch and I give and devise to him and his heirs for ever Two Hundred acres of land, that is to say Lot No. 11, in the first Concession of Whitby.—I also give and devise to John my other black servant and his heirs forever Two Hundred Acres of land that is to say Lot No. 17, in the second concession of Whitby. I also give Simon and John Fifty Pounds each.<sup>53</sup>

Simon and John were Dorinda Baker's two sons. Simon was the elder of the two and Gray's personal valet. He perished with his master in the wreck of the schooner *Speedy*, on either 8 or 9 October 1804. John Baker, meanwhile, lived until 1871, the last of those who had been born into slavery in Upper Canada.<sup>54</sup>

An unforeseen and paradoxical effect of the 1793 act took shape in 1805, the year Michigan was incorporated as a territory of the United States. Before that date, local strictures against slavery were ignored. Afterwards, however, they were enforced and upheld by the authorities, turning Michigan into an instant haven for slaves escaping from Upper Canada! Many of them originated from the province's Western District. In 1806 there were enough Upper Canadian blacks living in Detroit to muster their own militia unit. Indeed, so many had fled to the safety of Michigan that slaveowners complained to Lieutenant Governor

Francis Gore. He wisely chose not to intervene.<sup>55</sup>

Many historians have remarked that the act could have been successfully challenged in the courts prior to the passage of the Colonial Laws Validity Act of 1865.<sup>56</sup> Simcoe's legislation ran contrary to the Imperial Act of 1790, since it repealed the right of the lieutenant governor or anyone acting in his place "to grant a license for the importation of any Negro or other person to be subjected to the condition of a Slave."<sup>57</sup> There was also the larger question: Could a statute of a colonial government override any part of a statute of Great Britain's parliament? Mercifully, no challenge was ever brought forth. The law remained in place, it was scrupulously heeded, and slavery died a slow death.

In a letter to Henry Dundas, dated 16 September 1793, Simcoe confided his private impressions about the special interest lobbying that led up to the compromise legislation:

The greatest resistance was to the Slave Bill, mainly plausible Arguments of the dearness of Labour and the difficulty of obtaining Servants to cultivate Lands were brought forward.

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Ran away from the subscriber a few weeks ago,  
**A Negro Wench,**  
named SUE :—this is therefore to forewarn all manner of persons from harboring said wench under the penalties of the laws.

**JAMES CLARK, senior.**  
Niagara, August 17, 1795.

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Runaway slave ad, *Upper Canada Gazette*, 17 August 1795

Some possessed of Negroes knowing that it was very questionable whether any subsisting Law did Authorize Slavery, and having purchased several taken in War by the Indians at small prices wished to reject the Bill entirely, others were desirous to supply themselves by allowing the importation for two years. The matter was finally settled by undertaking to secure the property already obtained upon condition that an immediate stop should be put to the importation and that slavery should be gradually abolished.<sup>58</sup>

In his closing remarks to the Legislative Council and House of Assembly, on 9 July, Simcoe publicly singled out the slavery legislation for special comment and heartfelt thanks:

The Act for the gradual abolition of Slavery in this Colony which it has been thought expedient to frame in no respect meets from me a more cheerful concurrence than in that provision which repeals the power heretofore held by the Executive Branch of the Constitution and precludes it from giving sanction to the importation of Slaves, and I cannot but anticipate with singular pleasure that such persons as may be in that unhappy condition which sound policy and humanity unite to condemn, added to their own protection from all

undue severity by the Law of the land, may henceforth look forward with certainty to the emancipation of their offspring.<sup>59</sup>

Simcoe's historic words were a message of hope. Sadly, they were not shared by everyone in the colony. Hannah Jarvis, wife of the provincial secretary, may have been echoing the sentiments of more than one of her contemporaries when she wrote her father, the Reverend Dr Samuel Peters: Simcoe "has by a



"Hannah Jarvis and her daughters", oil by Hannah Jarvis (1763-1845), wife of William Jarvis, provincial secretary and registrar of Upper Canada. (Royal Ontario Museum, Toronto, 981-79.2)

piece of chicanery freed all the negroes by which he has rendered himself unpopular with those of his suite, particularly the Attorney-General [John White], Member for Kingston, who will never come in again as a representative."<sup>60</sup> Of course, she was wrong in her assertion that blacks had been emancipated. Surely she must have known that she was grossly exaggerating. No one freed *her* slaves. But her prediction about White's chances for re-election came to pass. For spearheading the legislation through parliament, White lost his seat in the next election.

## Postscript

Mistrust and apprehension concerning the 1793 act extended beyond Hannah Jarvis's selfish, little tirade, reaching into the second session of the second parliament. Simcoe was in England, and the time-server Peter Russell was administrator. This is what happened. On Saturday, 16 June 1798, "Mr. Robinson seconded by Mr. Jessup moved for leave to bring in on Monday next a Bill to enable persons migrating into this Province to bring their negro slaves into the same."<sup>61</sup> Christopher Robinson was a

slaveowning, Virginia-born Loyalist and the father of the future chief justice, Sir John Beverley Robinson. Edward Jessup was another Loyalist. There were fourteen new members in the House of Assembly. Only John McDonell, who favoured the new bill, and David William Smith would have been familiar with the nature of the original compromise of 1793. First reading took place as scheduled on Monday, 18 June; second reading on Tuesday,

moved by Robinson and seconded by Richard Beasley; and third reading on Wednesday. Gray, as solicitor general, moved that the Bill not pass third reading. A division was taken, and the motion was defeated. The

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**Wanted to purchase,**  
**A NEGRO GIRL, from 7 to 12 years of**  
**age, of good dilpotion.—For further**  
**particulars apply to the subscribers.**  
*W. & J. CROOKS.*  
*West Niagara, 28 4. (3w4)*

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Slave wanted ad, *Upper Canada Gazette*,  
 11 October 1797.

“Yeas”, who were in favour of the Bill, were John McDonell, Richard Beasley, Benjamin Hardison, Christopher Robinson, Thomas Fraser, Edward Jessup, Samuel Street, and Solomon Jones. The “Nays” were Robert Isaac Dey Gray, David McGregor Rogers, John Cornwall, and Richard Wilkinson.<sup>62</sup>

The bill was then sent up to the Legislative Council, where it was read a first and second time and passed to a committee of the whole. At this point in the proceedings, Robert Hamilton and Richard Cartwright, two slaveowners, killed the legislation. The irony is no less wonderful today than it was two centuries ago. “The Chairman [Robert Hamilton] reported that the Committee had taken the said Bill into consideration, and had amended and agreed thereto, which report was accepted, and Mr. Cartwright moved that the said Bill be read a third time three months hence, which motion being seconded by Mr. Hamilton, ordered immediately.”<sup>63</sup> This was the three-months hoist, which was a legitimate legislative device to halt the passage of a piece of legislation. The bill never received a third reading. It is impossible to ascertain Hamilton’s and Cartwright’s political motives for engineering this move. Perhaps it is enough to say that Russell, in his capacity as administrator of the province, felt that his career would have been ruined if the bill was passed into law, and consequently he appealed to the nobler instincts of Hamilton and Cartwright to conserve the 1793 act, which had meant so much to

Simcoe.

There the nagging problem of slavery rested for thirty-five years. The Imperial Act of 1833 abolished slavery in the British empire, effective August 1834. It manumitted approximately 800,000 slaves in sixteen colonies, and limited apprenticeship labour (indentured servitude) to six years for those slaves six years or older and to their twenty-fifth birthday for those slaves under six years of age. Former masters were to be compensated. John Hodgkinson's demand that the matter of slavery be settled by the parliament of Great Britain was finally satisfied, and John Graves Simcoe's dream of full emancipation was fulfilled.

There is one final irony. The Imperial Act of 1833 made no mention of Upper Canada; the home government believed that slavery had vanished from the province a long time ago.<sup>64</sup> But the legislation was the right remedy for Hank and Sulkey, two slaves owned by a Mrs O'Reilly of Halton County. They asked for and received their freedom.<sup>65</sup>



## ENDNOTES

- 1 The full text of this act (Chap. VII. 33rd George III. A.D. 1793 - Second Session) is in *Statutes of Upper Canada to the Time of the Union*, 1, *Public Acts* (Toronto: Queen's Printer, 1840), 18-20. See also Appendix A.
- 2 Robin W. Winks, *The Blacks in Canada: A History* (Montreal: McGill-Queen's University Press, 1971), 96. This is only one example of many. See also Jason H. Silverman, *Unwelcome Guests: Canada West's Response to American Fugitive Slaves, 1800-1865* (Millwood, N.Y.: Associated Faculty Press, 1985), 8.
- 3 "In my passage from Montreal to Kingston I understood that the general Spirit of the Country was against the election of half pay Officers into the Assembly: and that the prejudice ran in favor of Men of a Lower Order, who kept but one Table, that is who dined in common with their Servants." E.A. Cruikshank, ed., *The Correspondence of Liet. Governor John Graves Simcoe with Allied Documents Relating to His Administration of the Government of Canada [Simcoe Papers]*, 5 vols. (Toronto: Ontario Historical Society, 1923-31), 1:249.
- 4 Silverman, *Unwelcome Guests*, 2.
- 5 Winks, *The Blacks in Canada*, 25.
- 6 Silverman, *Unwelcome Guests*, 4.
- 7 Winks, *The Blacks in Canada*, 29-30.
- 8 Silverman, *Unwelcome Guests*, 5.
- 9 William Renwick Riddell, "The Slave in Upper Canada," *Journal of Negro History [JNH]*, 4 (1919), 375n.10 The act is 30 George III, c. 27.
- 10 Winks, *The Blacks in Canada*, 26.
- 11 James W. St. G. Walker, *A History of Blacks in Canada: A Study Guide for Teachers and Students* (Ottawa: Ministry of State, Multiculturalism, 1980), 25. Walker gives a figure of 500. See also Daniel G. Hill, "Early Black Settlements in the Niagara Peninsula", *Immigration and Settlement in the Niagara Peninsula*. (Proceedings of the Third Annual Niagara Peninsula History Conference, 1981), 68, which suggests that there were 700 slaves. Both estimates are purely speculative.
- 12 William Renwick Riddell, *The Life of John Graves Simcoe: First Lieutenant-Governor of Upper Canada 1792-96* (Toronto: McClelland and Stewart, 1926), 100. Riddell cites a population of 10,000. See also Hill, "Early Black Settlements in the Niagara Peninsula," 67, which offers an estimate of 14,000; and Robert Gourlay, *Statistical Account of Upper Canada*, 2 (S.R. Publishers Limited, Johnson Reprint Corporation, 1960), 143, which quotes Rochefoucault's *Travels*. Rochefoucault claimed that the population of Upper Canada, including the Detroit settlement, numbered 30,000.
- 13 Ernest J. Lajeunesse, *The Windsor Border Region: Canada's*

- Southernmost Frontier: A Collection of Documents* (Toronto: University of Toronto Press, 1960), lxvii-lxviii.
- 14 Janet Carnochan, "Names Only But Much More," Niagara Historical Society pamphlet no. 27 (1915) 1.
  - 15 William Renwick Riddell, "The Slave in Canada," *JNH*, 5 (1920), 291-92. This article is cited by Donald G. Simpson, *Negroes in Ontario From Early Times to 1870* (University of Western Ontario, PhD thesis, 1970), 394n.191.
  - 16 *Niagara Herald*, 9 January 1802.
  - 17 *Census of Niagara 1783* (Hamilton: United Empire Loyalists Associations of Canada, 1978).
  - 18 Ernest Cruikshank, *The Story of Butler's Rangers and the Settlement of Niagara* (Lundy's Lane Historical Society, 1983), 116-22.
  - 19 National Archives of Canada, RG 1L7, Volume 52B, U.E.L. List.
  - 20 Ernest Cruikshank, "Petitions for Grants of Land, 1792-96," *Ontario History [OH]*, 24 (1927), 63.
  - 21 Daniel G. Hill, *The Freedom Seekers: Blacks in Early Canada* (Agincourt: Book Society of Canada, 1981), 19, letter of George Hillier to Henry Goulbourn, 24 September 1819.
  - 22 William Renwick Riddell, "Some References to Negroes in Upper Canada," *OH*, 19 (1922), 145-6.
  - 23 "Pierpoint (Parepoint, Pawpine), Richard," *Dictionary of Canadian Biography*, 13 vols. to date (Toronto: University of Toronto Press, 1990), 7:697-8.
  - 24 Ernest Cruikshank, "Petitions for Land Grants, 1796-9," *OH*, 26 (1930), 243. See also Winks, *The Blacks in Canada*, 34. Winks claims that there were 300 slaves in the Niagara District in 1791. He does not provide any evidence for this number.
  - 25 Janet Carnochan, "Early Records of St. Mark's and St. Andrew's Churches, Niagara," *OH*, 3 (1901), 9-66.
  - 26 Winks, *The Blacks in Canada*, 33-4; Silverman, *Unwelcome Guests*, 16n.14.
  - 27 *Upper Canada Gazette*, 1 March 1806. See also Bruce West, *Toronto* (Toronto: Doubleday, 1967), 51-2.
  - 28 William Renwick Riddell, *Michigan Under British Rule: Law and Law Courts 1760-1796* (Lansing, Michigan: Michigan Historical Commission, 1926), 347-53.
  - 29 Winks, *The Blacks in Early Canada*, 33-4, 49-50; Hill, *The Freedom Seekers*, 12; *ibid.*, "Early Black Settlements in the Niagara Peninsula," 65; Walker, *A History of Blacks in Canada*, 24; Silverman, *Unwelcome Guests*, 6; William Caniff, *The Settlement of Upper Canada* (Belleville: Mika, 1971), 174, 575-8; Roy F. Fleming, "Negro Slaves with the United Empire Loyalists in Upper Canada," *OH*, 45, no.1 (Winter 1953), 27-30.
  - 30 Cruikshank, *Simcoe's Papers*, 1:304. The parenthetical remarks belong to Cruikshank.
  - 31 *Ibid.*

- 32 William Colgate, ed., "The Diary of John White First Attorney General in Upper Canada (1791-1800)," *OH*, 47, no.4 (Autumn 1955), 162.
- 33 "Canadian Letters," *The Canadian Antiquarian and Numismatic Journal*, 9, nos 3 and 4 (July-October 1912), 143.
- 34 *Ibid.*, 144.
- 35 "Sharp, Granville," *Dictionary of National Biography*, 22 vols. (London: Oxford University Press, 1917- ), 17:210-11. See also Riddell, "The Slave in Upper Canada," 372-3; John K.A. Farrell, *The History of the Negro Community in Chatham, Ontario 1787-1865* (University of Ottawa, PhD thesis, 1955), 23-4.
- 36 "Canadian Letters," 145.
- 37 *Ibid.*, 147.
- 38 I am indebted to Professor S.R. Mealing for these insights.
- 39 Riddell, *The Life of John Graves Simcoe*, 89-90n.16.
- 40 *Simcoe's Military Journal: A History of the Operation of a Partisan Corps Called the Queen's Rangers, Commanded by Lieut. Col. J.G. Simcoe* (New York: Barlett & Welford, 1844), 14.
- 41 Alexander Fraser, *Sixth Report of the Bureau of Archives for the Province of Ontario 1909* (Toronto: King's Printer, 1911), 32.
- 42 *Ibid.*, 36.
- 43 Alexander Fraser, *Seventh Report of the Bureau of Archives for the Province of Ontario 1910* (Toronto: King's Printer, 1911), 25.
- 44 Fraser, *Sixth Report*, 38.
- 45 *Ibid.*, 42.
- 46 Colgate, "Diary of John White," 165.
- 47 Cruikshank, *Simcoe Papers*, 1:370.
- 48 *Upper Canada Gazette*, 4 July 1793, 19 August 1795, 18 January 1797, 11 October 1797, 1 March 1806; *Niagara Herald*, 2 January 1802, 9 January 1802. See also Janet Carnochan, *History of Niagara* (Belleville: Mika, 1973), 203-4.
- 49 *Statutes of Upper Canada*, 1:20.
- 50 "Wills of Men Prominent in Public Affairs," *OH*, 23 (1926), 329.
- 51 *Ibid.*, 330.
- 52 *Ibid.*, 355.
- 53 *Ibid.*, 337-8.
- 54 Silverman, *Unwelcome Guests*, 13; Riddell, *The Life of John Graves Simcoe*, 202n.10. On the question of when the *Speedy* actually sank see Brendan O'Brien, *Speedy Justice: The Tragic Last Voyage of His Majesty's Vessel Speedy* (Toronto: University of Toronto Press, 1993), 96.
- 55 Riddell, "The Slave in Upper Canada," 386; Silverman, *Unwelcome Guests*, 10.
- 56 Winks, *The Blacks in Canada*, 98.
- 57 *Statutes of Upper Canada*, 1:18.
- 58 *Simcoe Papers*, 2:53.
- 59 Fraser, *Sixth Report*, 42-3.

- 60 Riddell, *The Life of John Graves Simcoe*, 202n.11.
- 61 Fraser, *Sixth Report*, 67.
- 62 *Ibid.*, 71.
- 63 Fraser, *Seventh Report*, 70.
- 64 Silverman, *Unwelcome Guests*, 13. Imperial Act (1833), 3, 4 William IV, c. 73.
- 65 Hill, *The Freedom Seekers*, 20.

APPENDIX A

Chap. VII. 33rd George III. A.D. 1793. — Second Session

CHAP. VII.

AN ACT to prevent the further introduction of Slaves, and to limit the term of contracts for servitude within this Province.

[Passed 9th July, 1793.]

Preamble,

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* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the same Province," and by the authority of the same, That from and after the passing of this Act, so much of a certain Act of the Parliament of Great Britain, passed in the thirtieth year of His present Majesty, intituled, "An Act for encouraging new Settlers in His Majesty's Colonies and Plantations in America," as may enable the Governor or Lieutenant Governor of this Province, heretofore parcel of His Majesty's Province of Quebec, to grant a license for importing into the same any Negro or Negroes, shall be, and the same is hereby repealed; and that from and after the passing of this Act, it shall

Recital of Act 30  
Geo.III. Ch. 27

The same in part  
repealed.

Provisions against the further introduction of slaves.

Term of servitude by contract limited.

The owners of slaves at present within the Province, confirmed in their property therein.

Nothing herein to extend to contracts for service already made, nor to parents or guardians.

not be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to grant a license for the importation of any Negro or other person to be subjected to the condition of a Slave, or to a bounden involuntary service for life, into any part of this Province; nor shall any Negro, or other person, who shall come or be brought into this Province after the passing of this Act, be subject to the condition of a Slave, or to such service as aforesaid, within this Province, nor shall any voluntary contract of service or indentures that may be entered into by any parties within this Province, after the passing of this Act, be binding on them, or either of them, for a longer time than a term of nine years, from the day of the date of such contract.

II. *Provided always*, That nothing herein shall extend, or be construed to extend, to liberate any Negro, or other person subjected to such service as aforesaid, or to discharge them, or any of them, from the possession of the owner thereof, his or her executors, administrators or assigns, who shall have come or been brought into this Province, in conformity to the conditions prescribed by any authority for that purpose exercised, or by any ordinance or law of the Province of Quebec, or by proclamation of any of His Majesty's Governors of the said Province, for the time being, or of any Act of the Parliament of Great Britain, or shall have otherwise come into the possession of any person, by gift, bequest, or *boná fide* purchase before the passing of this Act, whose property therein is hereby confirmed, or to vacate or annul any contract for service that may heretofore have been lawfully made and entered into, or to prevent parents or guardians from binding out children until they shall have obtained the age of twenty-one years.

The children that shall be born of female slaves, to remain in the service of the owner of their mother, until the age of 25 years, when they shall be discharged.

Birth of the children of slaves to be recorded.

Penalty for neglecting or refusing to record the same.

III. And in order to prevent the continuation of Slavery within this Province, *be it enacted by the authority aforesaid*, That immediately from and after the passing of this Act, every child that shall be born of a Negro mother, or other woman subjected to such service as aforesaid, shall abide and remain with the master or mistress in whose service the mother shall be living at the time of such child's birth, (unless such mother and child shall leave such service by and with the consent of such master or mistress,) and such master or mistress shall, and is hereby required to give proper nourishment and clothing to such child or children, and shall and may put such child or children to work when he, she or they, shall be able so to do, and shall and may retain him or her in their service until every such child shall have attained the age of twenty-five years, at which time they and each of them shall be entitled to demand his or her discharge from, and shall be discharged by such master or mistress, from any further service:

And to the end that the age of such child or children may be more easily ascertained, the master or mistress of the mother thereof, shall and is hereby required, to cause the day of the birth of every such child as shall be born of a Negro, or other mother subjected to the condition of a Slave, in their service as aforesaid, to be registered within three months after its birth, by the Clerk of the parish, township or place, wherein such master or mistress reside, which Clerk shall be authorised to demand and receive the sum of one shilling for registering the same; and in case any master or mistress shall refuse or neglect to cause such register to be made, within the time aforesaid, and shall be convicted thereof, either on his or her confession, or by the oath of one or more credible witness or witnesses,

Remedy against the undue detention of such children.

before any Justice of the Peace, he or she shall for every such offence forfeit and pay the sum of five pounds, to the public stock of the District.

IV. *And be it further enacted by the authority aforesaid,* That in case any master or mistress shall detain any such child, born in their service as aforesaid, after the passing of this Act, under any pretence whatever, after such servant shall have attained the age of twenty-five years, except by virtue of a contract of service or indentures, duly and voluntarily executed after such discharge as aforesaid, it shall and may be lawful for such servant to apply for a discharge to any of His Majesty's Justices of the Peace, who shall and is hereby required thereupon to issue a summons to such master or mistress to appear before him, to shew cause why such servant should not be discharged; and the proof that such servant is under the age of twenty-five years shall rest upon and be adduced by the master or mistress of such servant, otherwise it shall and may be lawful for the said Justice to discharge such servant from such service as aforesaid:

Provision for the issue of the children of slaves.

*Provided always,* That in case any issue shall be born of such children during their infant servitude or after, such issue shall be entitled to all the rights and privileges of free-born subjects.

Security to be given on liberating a slave.

V. *And be it further enacted,* That whenever any master or mistress shall liberate or release any person subject to the condition of a Slave from their service, they shall at the same time give good and sufficient security to the Church or Town Wardens of the parish or township where they live, that the person so released by them shall not become chargeable to the same, or any other parish or township.



## PART TWO

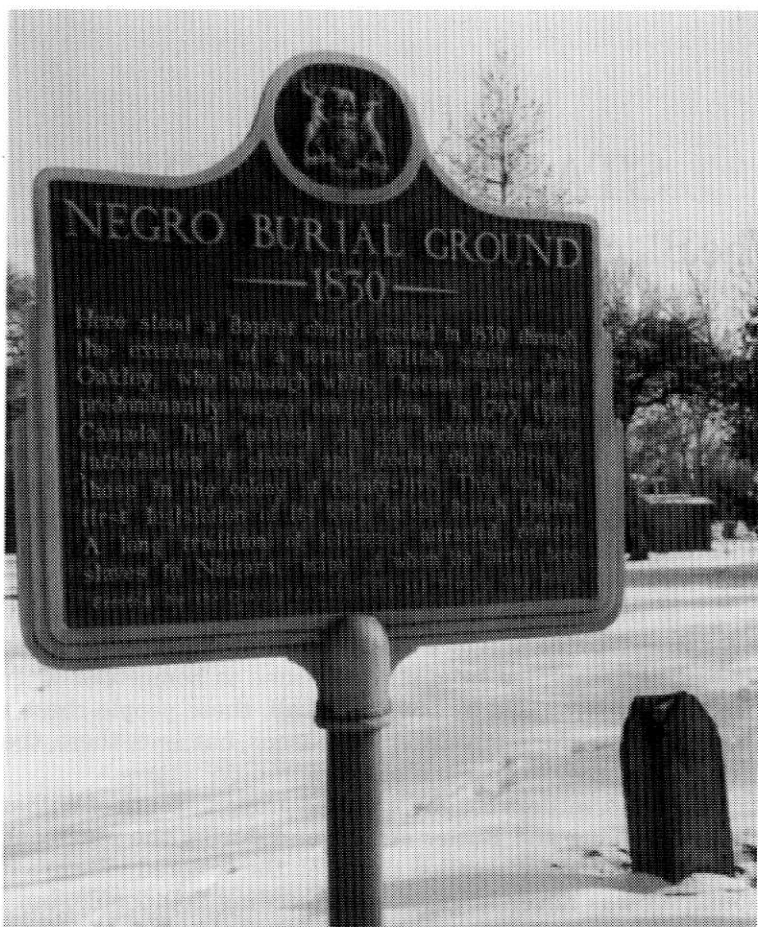
# STARTING ANEW: The Black Community of Early Niagara

NANCY BUTLER

**T**he anti-slavery legislation of 1793 aimed to eliminate the practice gradually over a period of years, and as a result it created an interesting and unusual black heritage in Upper Canada. In Niagara,<sup>1</sup> people still legally recognized as slaves under the 1793 act lived side by side with those legally freed under that same act. Among them were black Loyalists, who either had been born free or had earned their freedom through service to the British crown. Later to arrive were the fugitive slaves, drawn to the province that promised them freedom. Other families, already freed from slavery, came to homestead where liberty was guaranteed by law. All in all, these people chose to settle in Niagara for many different reasons, but, once there, they clustered together to form a black community.

Most black settlers bought or rented property south of William St between King and Butler streets and during the nineteenth century town residents called this area the "colored village". Its population was never large, never exceeding 200 people, but it influenced nonetheless the social and political life of the town.

Today only a few traces of it remain. On the east side of Mississagua St and south of the traffic lights at Mary St, there lies a graveyard, the "Negro Burial Ground", which is marked by an historic plaque,<sup>2</sup> the only official recognition of the past presence of the town's black residents. In other cemeteries, tombstones over the graves of other blacks have inscriptions beginning with, "erected to the memory of" and then ending with almost illegible names. Other references are scattered among census lists, municipal documents, will registers, deed memorials, church records, and school reports. Books on Niagara's history also touch on the subject, while a few "old timers" recall faces and personalities in written and unwritten reminiscences. Unfortunately, no writings by blacks in Niagara have been located to date and so



A plaque marking the "Negro Burial Ground" and site of the Baptist Church, Mississagua Street, Niagara. (Courtesy: Ian Butler)

their feelings and thoughts may never be known. This void is filled in part by a long interview with Mary Ann Guillan recorded by Janet Carnochan around 1890 in a Niagara Historical Society publication, and by Anna Jameson's description in *Winter Studies and Summer Rambles in Canada* of a short meeting with Sarah Carter in 1838. Yet, on the whole, overshadowed by the strong Loyalist tradition in the area, the story of Niagara's black heritage has been neglected. It is now time, when celebrating the bicentennial of the 1793 act, to draw on the scattered pieces of evidence to create a portrait of the black community of Niagara.

## Beginnings

Niagara is one of the few towns in Ontario that can boast of having black residents from the very beginnings of the province. In John Graves Simcoe's time, two classes of blacks resided in Niagara: the enslaved and the freed, the former outnumbering the latter. By 1800 the balance had probably shifted. Some slaves, whose owners were connected with the government, had moved to York (Toronto), the new capital. How many were left in Niagara is unclear. The local farmers kept only a few slaves and even fewer records on them. The registers of St Mark's Church mention a few slaves: on 12 October 1797 a marriage took place between Cuff Williams and Ann, "Negroes from Mr. C. McNabb," and on 14 March 1821 Fanny Miller, "Negro belonging to P. Ball," died. However, the Reverend Robert Addison, while always scrupulously describing skin colour, did not always note the status of the blacks he served. Was Robert Jupiter, a slave of Daniel Servos, already freed when he married Mary Ann Arrishaw on 10 September 1804? Also, some slaves, even if manumitted by wills or by payment, probably continued to work for their old masters. To all appearances, they were still chained economically if not legally to the family. The Ball family, on record as owning slaves, continued to employ black help well into the 1800s. It is quite possible that even a contemporary witness such as the Reverend Addison could not identify who was free and who was not.

Town property deeds, however, do list two black brothers, possibly Loyalists but definitely freed men, James and Humphrey Waters. In 1795 James received a crown grant to lot 368 and Humphrey to lot 325. Richard Pierpoint, a black loyalist, also petitioned the government for land. He and other blacks sought adjoining land grants in order to establish an all-black community. Instead he was granted 200 acres in 1804 on Twelve Mile Creek (now St Catharines), some distance from the Waters brothers, who were possibly his nearest black neighbours. Whether dissatisfied with the location or in need of money, he sold his lots in 1806 and later returned to Niagara.<sup>3</sup>

Pierpoint's petition illustrates the desire of the scattered black population to acquire land together for mutual support in a white-dominated and sometimes hostile environment. Although Pierpoint and his fellow petitioners did not realize their wish, what they sought occurred naturally. The Waters and other established black settlers attracted newcomers and soon Niagara would have its "coloured village."

Once at Niagara, whether free born, manumitted, or escaped, the black residents assumed the rights and the responsibilities of full citizens. In the eyes of the British colonial government, they were to be treated no differently from white. Landowners, black and white, paid taxes, voted in elections, charged their neighbors with misdemeanors, and joined the militia during times of war.

The War of 1812 provided the early black settlers with an opportunity to demonstrate their sense of duty to their adopted country. When hostilities began, Great Britain was hard pressed to provide military protection to its colony, and consequently Upper Canada was left to defend its frontiers almost entirely with locally recruited men. Most blacks of military age had by then been freed, and they were ready to assume the responsibility of defending their homes.

Undaunted by his lack of success with petitions, Richard Pierpoint tried another. He proposed "to raise a Corps of Men of Colour on the Niagara Frontier." His offer was refused,<sup>4</sup> and the task of raising a corps was handed instead to a white officer, Captain Robert Runchey. Ralfe Clench, a colonel in the Lincoln Militia, had a low opinion of Runchey. In a letter dated June 8, 1811 to the Adjutant of the General Militia, he describes Runchey as "a black Sheep in our Regiment, and with whom the Officers I believe would gladly part."<sup>5</sup> His opinion appears to have been shared by others, for soon afterwards Lieutenant James Robertson replaced Runchey. The Colored Corps, as it was called, never reached full strength and probably formed part of a larger unit. The men reportedly fought at Queenston Heights and at Stoney Creek, contributing to the British victories at both battles, and after the war they served as artificiers at Fort George until their discharge in 1815.

According to a muster roll and pay list of the Colored Corps, dated July 1813, James Robertson was still commander of the company and was assisted by Captain George Fowler and Lieutenant George Runchey. James Waters, the black loyalist, is listed as sergeant. Other Niagara names among the thirty-three privates include John Delay, John Jackson, Robert Jupiter, Richard Pierpoint, John Saunders, and George Martin.

Full pay was disbursed to those present at the muster roll and to those sick in hospital. The deserters, however, had their pay docked to cover only the days that they were in service. Poor Anthony Hull also had his pay cut. He had been captured on 27 May and was still in an American prison.<sup>6</sup> This apparent injus-

tice may have subsequently been redressed. But the question of remuneration could be irksome to the men. Apparently they had been promised six months' severance pay, but they may never have received it, according to one letter of complaint. When Sergeant William Thompson asked for his pay, Lieutenant Robertson told him that "he must go and look for it himself."<sup>7</sup> In recognition of their services, the government did reward them, not with money but with something it had in abundance—land.

Two thirds of the Colored Corps were to receive land grants in Oro Township and elsewhere. The Oro settlement, abutting a road between Kempenfeldt Bay on Lake Simcoe and Penetanguishene Bay on Georgian Bay, was a project of Lieutenant Governor Sir Peregrine Maitland, who saw it as a haven for fugitive slaves. This good will, however, was contradicted by the unequal treatment accorded blacks and whites. The black veterans who settled in Oro were granted only 100 acres, half the area allotted to their white comrades-in-arms. Furthermore, each homesteader had to clear ten acres and build a house before he could gain title to the land. Of the twenty-three black veterans, only nineteen stayed long enough to gain title. John Delay, a former Niagara resident, moved to his lot in 1831, and after eight strenuous years received clear title to his property. The Waters brothers also petitioned for and received grants in Oro Township.<sup>8</sup>

Richard Pierpoint, landless again, submitted his third and final petition to the government in 1821.

Your Excellency's Petitioner is a Native of Bondon in Africa; that at the age of sixteen years he was made a Prisoner and sold as a slave; that he was conveyed to America about the year 1769; and sold to a British officer; that he served his Majesty during the American Revolutionary War in the Corps called Butler's Rangers; and again during the late American War in a Corps of Color raised on the Niagara Frontier.

That Your Excellency's Petitioner is now old and without property; that he finds it difficult to obtain a livelihood by his labor; that he is above all things desirous to return to his native country; he wishes it may be by affording him the means to proceed to England and from thence to a Settlement near the Gambia or Senegal Rivers, from whence he could return to Bondon.<sup>9</sup>

Again his petition was refused. Instead he was granted 100 acres along the Grand River in Garafraxa Township, where he died a few years later. A Loyalist who had served the crown in both the Revolutionary War and the War of 1812, he thus ended his days in the country he had fought for but had never called home.<sup>10</sup>

Robert Jupiter, the former slave of the Servos family, also received a land grant in Garafraxa Township in 1824.<sup>11</sup> Although he had settled in Chippewa after the war, he moved to his new property where he died some years later. After his death, according to the 1851 census, his widow and daughter moved back to Niagara. There the Jupiter women would have found old friends in the "colored village," which had grown during the period of reconstruction that followed the War of 1812.

## **Escape to Niagara**

The removal of the capital to York in 1796 had hurt Niagara's businesses. The War of 1812, however, left a deeper and more permanent scar, for the retreating American occupation forces had burned the town, forcing the inhabitants to rebuild completely their community. The war experience influenced the new town plan, which took into account the range of the American guns. Some merchants shifted their stores two blocks farther south to Queen St, and the town erected a new larger court-house and adjoining jail even farther south on King St. Yet most businessmen preferred, in spite of the risks, to rebuild near the shore close to water transportation. The southern lots farthest from the river remained largely undeveloped, although some settlers including the black loyalist brothers, Humphrey and James Waters, still held their crown land in this area. Possibly their presence as well as the low-prices of the lots attracted the new arrivals from the southern United States to this neighborhood, which soon became known as the "colored village".

The new black community was far from homogeneous. It included Loyalists and recent veterans of the War of 1812, slaves still tied to their Canadian masters, recently arrived settlers, and destitute runaways. All sought to establish a foothold in the predominantly white community.

A disbandment roster dated 1821 names the Colored Corps veterans who gave a Niagara address: Humphrey and James Waters, Francis Willson, John Delay, John Jackson, Michael Johnson, Robert Jupiter, George Martin, Richard Pierpoint, Robert Sandars, and John Sanders.<sup>12</sup> Not all of them stayed. As noted above, some had acquired land grants elsewhere.

After the war only a few slaves lived in Niagara. Most owners preferred to free their charges rather than provide for them, and slavery was becoming more distasteful in Upper Canada under the influence of a strong abolitionist movement in government

and church circles. Some owners, too, had already released their men to fight in the war, as the Servos family may have done with Robert Jupiter.

It was the arrival, however, of new black immigrants and runaway slaves that truly changed the character of the town. They swelled the ranks of local church prayer-meetings and school classes. They made their political desires known during elections. More subtly, their presence reminded Niagara residents of the far reaching implications and historic nature of the anti-slavery legislation of 1793.

The act's ban on slave imports made American blacks free as soon as they crossed the Niagara River. This good news travelled quickly once the War of 1812 ended. Many runaway slaves originally had hoped to reach the safety of the northern states, where earlier legislation had abolished slavery. But these governments were finding that their swelling black population threatened the white electorate. State legislatures began to pass laws restricting the rights of black people, who turned into second class citizens and—more vulnerable than ever—became prey to violent assaults. The story of one attack made the pages of the *Niagara Gleaner*, which reported on 13 November 1824, that in Providence, Rhode Island, a gang of white men had attacked a "coloured suburb, leveled eleven houses and destroyed goods and chattels."

More worrisome still were the federal laws. Southern plantation owners keenly felt the loss of their slaves. Every time a man ran away, he deprived his master of a domestic servant or a field hand. Acting under pressure by slaveowners, the federal government passed a series of laws regarding the recapture of runaways, culminating in the Fugitive Slave Act of 1850. It imposed heavy penalties for sheltering a fugitive, required only a sworn statement for a master to reclaim a slave, forbade a slave to testify in his own defence, and provided a ten-dollar bounty for every recaptured slave.<sup>13</sup>

The Fugitive Slave Act endangered all blacks, the legally manumitted as well as the runaways who had already fled from the slave states. During the next ten years, the "underground railroad" stretching from the southern United States to Canada truly came into its own. How many fled to Niagara as a result of the 1850 act is difficult to determine. Unfortunately, the ten-year-gap between census records straddles the period of greatest flight.

Certainly, during the period from the 1800s to the 1860s, Niagara welcomed a large number of escaped slaves. Some actually were brought here by masters taking the waters of the local spas or viewing the wonder of Niagara Falls. One such case of a slave who accompanied his master was William Riley, the father of Mary Ann Guillan:

My father came here in 1802. He was a slave. No, he did not run away. He came with his master all the way from Fredericksburg, Virginia, driving the carriage with six horses, his master bringing his money in bags, enough to last him; he came all that way to see the Falls, and stayed at Black Rock a while. My father was the coachman, and though his master was not cruel like some masters, my father was always afraid he might be sold off to work in the cotton fields, and a gentleman from Niagara, Mr. D., told him he could easily escape and come to Niagara where there were many colored people. So he hid in the corn fields . . . At last his master had to go back without his coachman, although he waited a long time, and then my father came to Niagara.<sup>14</sup>

The underground railroad helped others to escape. A Niagara farmer, Colonel Peter Servos, an ardent abolitionist, brought the Berry family all the way from Virginia to safety in Niagara.<sup>15</sup>

Some came on their own, following the north star and crossing the river by ferry at Youngstown, Lewiston, or Black Rock (Buffalo). The ferry captains were generally sympathetic and often refused to charge for the trip. After 1851 some fugitives entered Canada by train on the new suspension bridge at Niagara Falls. Whatever the means used to escape, fugitive slaves had to elude the slave catchers working for owners or bounty hunters seeking reward money. These men patrolled train stations, ferry docks, and river shores looking for black faces. Their presence often drove the runaways to hazard the fording of the river on any makeshift craft.

Ben Hockley, a slave from Tennessee, made his way safely to Lewiston, always one step ahead of his pursuers. Although in sight of freedom, he dared not take the ferry. He found a gate and launching it as a raft, attempted to float across the river. The swift current swept him out to the lake, where the steamer Chief Justice Robinson rescued him.<sup>16</sup>

On reaching Niagara the fugitives' relief at arriving safely and their joy at attaining liberty at long last must have impressed the local residents. Many years later a soldier wrote:

I was a little boy living in the Red Barracks (Navy Hall) about fifty years ago, my father being a soldier, and I saw one day a party of eleven black people land at King's Wharf. They were all escaped





The Chief Justice Robinson approaching Niagara, watercolour by F.H. Granger. This steamer rescued Ben Hockley from his gate on Lake Ontario. (Metro Toronto Reference Library, J. Ross Robertson Collection, T14988)

slaves, men, women and children, and their action in landing was indelibly impressed on my memory. I shall never forget how they all knelt down, and, kissing the ground, fervently thanked God, the tears streaming from their faces, that they were now in a free country.<sup>17</sup>

## The Moseby Affair

Once across the river, the fugitives presumed themselves to be free and safe, for in their minds and in those of the Canadian officials, they were innocent victims fleeing from the criminal institution of slavery. But not all fugitives from slavery were innocent. Some had committed crimes before their arrival here. Should Canada shelter a criminal just because he had been a slave? There was no decisive answer. The 1833 act, abolishing slavery throughout the British Empire, gave the lieutenant governor the power to decide each case individually. A slave could not be returned, however, unless he had committed a crime serious enough that under Canadian law he would have been punished with death, corporal punishment, or imprisonment with hard labour.

In the spring of 1837, a Kentucky plantation owner gave his slave, Solomon Moseby, a pass and a horse to run a message to another planter.<sup>18</sup> Moseby seized the chance and headed north. Somewhere en route, he abandoned or sold the horse, and by April he had forded the Niagara River to safety—or so he thought. His master, determined to repossess his property, followed his trail from Kentucky and located him in Niagara. The loss of both horse and slave drove him to legal action. In a Kentucky court he charged Moseby *in absentia* with horse stealing. Finding the former slave guilty, the court issued a warrant for his arrest. Armed with legal papers, his owner returned to Upper Canada to demand Moseby's extradition.



The Niagara Court-house and Jail, now demolished, where the Moseby riot took place. (Niagara Historical Society, X984.5.128)

Sir Francis Bond Head, lieutenant governor of Upper Canada, placed Moseby in the local jail at the Niagara court-house while he pondered the case. His action galvanized the local residents into a frenzy of support for Moseby. Captain Hugh Eccles gathered 117 signatures of white Niagara citizens for a petition which expressed their opinion that: "neither morally nor legally can a slave be guilty of the offense charged against him; not being a free agent . . . (and) it will become a precedent whereby no runaway slave will either now or henceforth be safe in a British colony."<sup>19</sup> Seventeen black residents also submitted a petition protesting against the return of Moseby back to his master who, they claimed, "exacted his sweat with stripes that mercy with a bleeding heart weeps when she sees inflicted on a beast."<sup>20</sup>

These petitions were presented to Bond Head, but they had no effect. Having already made his decision, the lieutenant governor replied, "this land of liberty cannot be made an asylum for the guilty of any colour."<sup>21</sup> He ordered Sheriff McLeod to return the prisoner to the American authorities. McLeod's task was not going to be easy.

Local residents, black and white, obstructed the execution of Bond Head's order in every way they could. Captain Richardson refused to transport Moseby, declaring that "no vessel commanded

by him would be used to convey a man back to slavery."<sup>22</sup> Even when the sheriff found a willing captain, he still had the problem of conveying the prisoner to the dock, for by now the blacks had besieged the court-house. The local preacher and teacher, Hubert Holmes, had put out the call all over the peninsula and from 200 to 300 blacks gathered in Niagara to keep vigil at the jail, hoping to thwart any attempts to remove Moseby. Some found shelter in the taverns and local black homes, and others erected makeshift huts around the court-house. Sympathetic white residents, while not actively participating in the blockade, encouraged it by donating food.

The sheriff, hoping to tire the crowd, postponed the delivery of the prisoner for some three weeks. The delay and numerous false alarms discouraged the white spectators, but the black supporters remained loyal. Finally, under pressure from the American authorities, McLeod set the date for the delivery of the prisoner.

Ephraim Wheeler, the jailer, brought the prisoner out into the yard, and locked the handcuffs on him. The special constables, among them bombardiers in full-dress uniforms, formed a guard around Moseby as he was helped into a wagon. Sheriff McLeod then read the riot act to the crowd, but it was ignored. Moseby's supporters stood firm, obstructing the road, while white and black spectators watched from the rooftops of neighboring houses.

Eyewitnesses gave several contradictory accounts of what then happened, depending on their bias. The crowd was armed, the men with stakes and the women with stones. A woman pinned down the sheriff, another a soldier. Other reports insisted that the resistance was non-violent, with orders of "don't hurt the soldiers!" issuing from the crowd. Out of the differing reports, certain facts do emerge.

Herbert Holmes grabbed the reins of one of the horses while Jacob Green pushed a stake between the wagon spokes, effectively locking the wheels. In the melee that followed, one of the guards shot Holmes, and another bayoneted Green. Moseby, meanwhile, shook off his handcuffs, jumped down from the wagon and disappeared into the crowd.<sup>23</sup>

Several men were arrested and placed in the jail recently vacated by Moseby. Holmes and Green reportedly were buried in the "Negro Burial Ground", but no tombstones mark their graves today. At the inquest held into their deaths, the jury unani-

mously called the death of Holmes "justifiable homicide." In the case of Green, the evidence was insufficient for the jury to arrive at a verdict.<sup>24</sup>

But the battle was not over. The local newspapers fought the issue in print. *The St Catharines Journal* supported law and order, insisting that the riot was "a pretext of the blacks for thus violating the laws and ordinance of the country which affords an asylum for the oppressed of their race."<sup>25</sup> The *Niagara Reporter* sided with the rioters, calling Bond Head's decision "ill advised". Furthermore, in its view, the Niagara community, "always on the alert to maintain His Majesty's power of the laws, stood aloof" and "not one person of any claim to respectability would come forward to assist the officer."<sup>26</sup>

The newspapers also differed in their interpretation of the existing laws. According to the editor of the *Niagara Reporter*, only murder, arson, and the rape of a white woman justified the return of a slave.<sup>27</sup> The *Journal*, on the other hand, claimed that the lieutenant governor had no discretionary power but must return a horse thief to the American authorities.<sup>28</sup> The *Christian Guardian* of Toronto pointed out that only in Upper Canada did the black man have any legal status. In Kentucky he was regarded as property. If a slave in Kentucky had committed a crime, his master would punish him, as he would his horse. The slave would no more be tried in a court-room than would that same horse. The trial, then, of Moseby as a horse thief in a Kentucky court was a sham. The conviction had no legal standing in the United States and consequently no standing in Upper Canada. Therefore, the lieutenant governor should not have returned Moseby.<sup>29</sup>

A month later, the lieutenant governor faced a similar case concerning Jesse Happy, a fugitive who had stolen a horse. The chief justice, John Russell, favored returning Happy to his master, on the grounds that Canada should not be a haven for criminals, whatever their skin colour.<sup>30</sup> This time Sir Francis Bond Head, on the advice of his Executive Council, wrote a letter placing the burden of decision on the colonial secretary, Lord Glenelg. "I am no means desirous that this province should become an asylum for the guilty of any colour . . . yet on the other hand, it may be argued that a slave escaping from bondage on his master's horse is a vicious struggle between two guilty parties, of which the slave owner is not only the aggressor but the blackest criminal of the two."<sup>31</sup> Lord Glenelg preferred flexibility. He

claimed that each case should be judged on its own merits. However, he did suggest a guideline: slaves should be considered innocent if they committed the crime in order to escape and not for "felonious intention."<sup>32</sup> This policy guided future decisions on the deportation of runaway slaves. Although owners continued to demand the return of their slaves, the threat of extradition was never as real as the fugitives imagined.

## **The Rebellion of 1837**

Not long after the Moseby case, Sir Francis Bond Head encountered not a riot but a rebellion. On 4 December 1837 William Lyon Mackenzie and his armed followers threatened to overthrow the government, prompting a province-wide alert that brought out the regular army and hastily raised militia troops. Those jailed after the Moseby riot were released to fight the rebels in a newly raised colored corps.<sup>33</sup>

The decision of military authorities to place such faith in these prisoners, who had recently been involved in an act of civil disobedience, may appear surprising, yet, in fact, it was a wise decision, for the blacks had experienced slavery in a country that labelled itself "land of liberty" and they mistrusted any reform movement that might introduce American-style democracy. As Mackenzie himself admitted, "I regret that an unwarranted fear of a union with the United States on the part of the colored population should have induced them to oppose reform and free institutions in this colony."<sup>34</sup>

A further testimony of the blacks' loyalty comes from no less than Francis Bond Head himself.

When our coloured population were informed that American citizens, sympathizing with their sufferings, had taken violent possession of Navy Island, for the double object of liberating them from the domination of British rule, and of imparting to them the blessings of republican institutions, based upon the principle that all men are created equal, did our coloured brethren hail their approach? No! on the contrary, they hastened as volunteers in waggon-loads to the Niagara frontier to beg permission that in the intended attack upon Navy Island they might be permitted . . . to defend the glorious institutions of Great Britain.<sup>35</sup>

The men of the coloured corps served along the frontier until their term of service expired in August 1838. Then, shortly before receiving the orders for disbandment, their captain, Thomas Runchey, fled to the United States, taking with him his company's pay and leaving his commanding officer, Major Creighton, to

plead for more funds to calm the "highly excitable" men.<sup>36</sup> Problems with their pay may have influenced the response of the colored corps veterans when they were next asked to serve a few months later.

Through 1838, the Niagara frontier remained in a state of alert as spies reported bands of men and shipment of arms being assembled along the American side of the border. Military orders again called for volunteers to serve for a period of six months. Major Webbe of Niagara was to raise a coloured company<sup>37</sup> but the men did not respond as keenly as before. The major, therefore, inserted a recruitment notice in the *Niagara Reporter* of 16 November 1838, addressed to "Brave and Loyal Coloured Men." It balanced an emotional appeal, "Your services are once more required to defend the Liberty you now enjoy," with a practical one, "TEN DOLLARS BOUNTY will be paid on joining at Head Quarters at Niagara." In Niagara, Elias Jones, Thomas York, James Woodfork, George Sydney, and William Talbot<sup>38</sup> answered the call. As teamsters and labourers, the promise of employment during the winter months may have been an added attraction.

This corps later served to police the mostly Irish labourers building the second Welland Canal. Authorities may have believed that the troops, being African in background, would remain neutral in the midst of Irish faction fighting. The Corps also had a commendable reputation for military service. Contemporary dispatches frequently praise the black soldiers' conduct.<sup>39</sup> But it was only natural that the blacks of Niagara would want to defend their adopted land, for they owned a good share of it.

### **Putting Down Roots**

Whatever their reasons for settling in Niagara, the black immigrants did engage in one common activity on their arrival. They bought land—as much and as soon as they could. They purchased the cheaper lots in the unoccupied southern area of town, which became known as "the coloured village". At one time they would own more than a tenth of the lots in town, most of them in this neighborhood. Later, as they became more financially secure, they were able to purchase lots in other neighborhoods. A more detailed description of their ownership is found in Appendix C.

Several well-known Niagara residences had black owners. The little house at the northwest corner of Gate and Johnson streets, now known as "The Slave Cottage," belonged to Daniel Waters. His black skin must have suggested a background of



Daniel Servos Waters house at the northwest corner of Gate and Johnson, Niagara, commonly known as the "Slave Cottage". (Courtesy: Ian Butler)

slavery to the town residents, but actually he was never a slave, having been born in Upper Canada after 1793. He later purchased the Promenade House, on the northwest corner of Prideaux and Regent streets, where he operated a livery business. Louis Ross owned a building on Queen St and rented another for his barber-shop.

Most of the new landowners bought empty lots on which they built homes, usually one-and-a-half storey frame buildings, although some constructed log houses. The Niagara Historical Society Museum possesses a drawing of William Riley's log home, which stood on an acre of land at the corner of Mary and Victoria streets. In common with most black proprietors, he set aside a large portion of his lot for cultivation. Many families also kept a cow and even a horse.

The early census returns show young single men living together or with a family, which suggests that the better-established residents would house and help the less fortunate. Francis Lacy, the Baptist minister and blacksmith, and his wife sheltered a young fourteen-year-old girl, Amelia Barford. Richard Bury took care of the two orphaned Sidney boys. Self-help may have been the order of the day, for on the few lists published in local newspapers, only one black received town charity. In 1833 the

Niagara District Indigent Committee gave William Riley 10 shillings for keeping a pauper.<sup>40</sup> Quite possibly white townspeople also gave support in less publicized ways.

White employers certainly gave assistance to the black families by offering employment in their homes or on their farms, to the mutual benefit of both parties. Illiterate and plantation-trained, black workers continued to labour for white masters as servants or field hands. According to early census records most blacks worked as "labourers." Another favorite occupation was "teamster." The Reverend John McEwan remembers the scene on 13 October 1824, when he attended the removal of Sir Isaac Brock's body from the ramparts at Fort George to Queenston Heights: "The hearse was a large army waggon covered with black cloth, it was drawn by four black horses, driven by a black driver, four black men walked by the head of the horses."<sup>41</sup>

If untrained for field work, blacks often turned to domestic employment. The Balls, a well-to-do white farm family, originally owned slaves and continued to hire black servants, including Elizabeth Wesley, only fourteen years old. In fact, sending out a young daughter to work as a domestic must have appealed to parents of large families. Census returns list several such domestics, none of them over sixteen years of age. Emily, the youngest daughter of the large Moses Taylor family, was only eight. She lived with the William Powells, did not attend school, and probably worked as a servant.

Of course, census reports provide some interesting exceptions to the rule. David Talbot put himself down as a carpenter, Lewis Ross worked as a barber, and Warner Johnson made a living as a house painter. Francis Lacey is listed as a blacksmith, and later became the minister of the Baptist Church. The Webster brothers in Queenston got work in the local quarries in the Niagara escarpment.

As their situation improved, blacks sought other jobs elsewhere. However, even these were frequently menial and low-paying. As we have already seen, some joined the Colored Corps. Others took on service jobs, such as waiting on tables in the popular spas of St Catharines and the tourist hotels of Niagara Falls. George Beale, originally from Niagara, was a waiter in St Catharines. For a time Edward Riley joined him as a bus porter. This employment must have been quite profitable, for one traveler complained in the *St Catharines Journal*: "Niagara is an expensive place. The colored gentleman who does you a trifling service



receives a shilling (& nothing less) not because he has earned it but because he is at Niagara!"<sup>42</sup>

Some of the children would remain in Niagara after the death of their parents, still engaged in the traditional black occupations. George Wesley's daughters worked as laundresses as late as 1901. His granddaughter, Winnifred Wesley, did housework and home nursing until she died in 1961. Joe Masters, a local historian, remembers seeing Tom Mills, the son of a labourer, working on the docks in the 1880s: "at the wharf, pick up a barrel of coal oil by the chins and put it in his wagon unassisted, and just as though it was an everyday feature of his work. If you don't know, a barrel of coal oil weighs something over 400 pounds."<sup>43</sup>

Yet only a few black children remained. Most, in common with other young people from Niagara, left town in search of better and higher-paying employment, for they had acquired what had been denied to their parents, an education.

## Schooling

Slaveowners seldom taught their charges to read and write, considering schooling unnecessary preparation for work in the fields or about the house. Furthermore, education encouraged slaves to read books, promoting the equality of the races and the abolition of slavery. Only when it was in the best interest of the owner did a slave become literate.

Not surprisingly, then, a large proportion of the black fugitives in Niagara could not read and write. According to the census of 1871, almost 30 percent of the total black population was illiterate. However, the percentage was much higher, 60 percent, for those born in the United States and presumably former slaves. Other evidence supports this data. The pay list of 1839 for the Colored Corps shows the marks of forty men out of a total of forty-eight.<sup>44</sup> Thomas York and Mary Kitchen along with their witnesses signed their marriage certificate with crosses.<sup>45</sup> Even when given the opportunity for schooling, older blacks did not learn to read and write. Most illiterate adults had manual jobs—farm labourer, teamster, servant—and did not need these skills. According to the same census of 1871, most of their sons and daughters, however, did attend school. By then all children could receive free education at Niagara's common school. This had not always been true.

Before 1827, Niagara teachers gave lessons to children in their own homes. However, beginning in 1802, the Presbyterian

Church (Church of Scotland) in Niagara allowed its new minister, the Reverend John Young, to establish a small school.<sup>46</sup> The son of Humphrey Waters may have taken lessons in the small frame building behind the Presbyterian church from 1817 to 1825. His classmate, the Reverend John MacEwan, recalls that "John Waters was the best mathematician in school".<sup>47</sup> (John Waters was later to use his talents to multiply his land holdings into double-digit figures.) Their teacher, likely a minister, probably charged a fee which John's father had been able to pay.

After the Upper Canada legislature passed the Common School Act of 1827, the *Niagara Gleaner* ran a notice naming the three elected trustees, the teacher hired for the Niagara common school, and the fees charged for individual subjects.<sup>48</sup> It is likely that the tuition put schooling out of the reach of most black families. However, Mary Ann Guillan obviously did receive some type of schooling. In her later years, she remembered that:

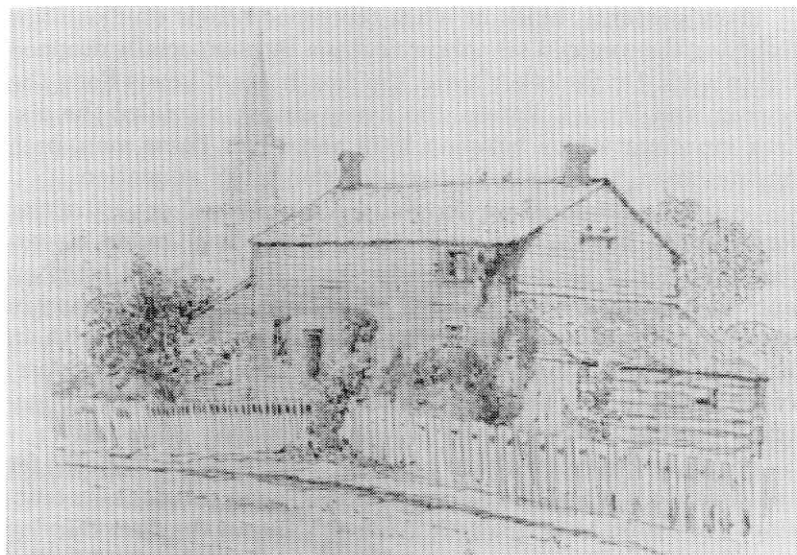
the first school I went to was to a yellow man called Herbert Holmes—'Hubbard Holmes' our people called him. Oh, he was severe. They were then, you know. But he was fine man and had been educated by a gentleman in Nova Scotia. He used to drill the boys and when holiday time came he would march us all to a grocery kept by a black woman and treat us all to bull's eyes and gingerbread.<sup>49</sup>

She must have attended this school during the early 1830s, since afterwards Holmes went to England for a short period before returning to participate in the Moseby riot of 1837. A popular black Baptist preacher as well as teacher, he may have taught in a mission-type school for black students run and funded by a church, possibly St Andrew's. Guillan's next description appears to confirm this speculation.

I went to school upstairs in the schoolhouse of the Scotch church (St Andrew's) . . . for the colored children. It was a black man who taught it. How many? Oh, it was full — full of children. The benches were slabs with the flat side up and the bark of the tree down, with round sticks put in slanting for legs. The children all studied aloud and the one that made the most noise was the best scholar in those days.<sup>50</sup>

Whether the school was segregated or integrated, free or private, Mary Ann's poor classroom conditions must have been the norm. During her visit to Niagara in 1838, Anna Jameson found the "people complaining much of the want of a good school."<sup>51</sup>

Another common school act, in 1850, permitted the establishment of separate schools for children of different religions and races. The act made legal the segregation already in practice in Upper Canada schools. By then, however, Mary Ann Guillan's



The sexton's house behind St. Andrew's Church, Niagara, pen drawing by Owen Staples. Classes for black children were held in its upstairs room. (Metropolitan Toronto Reference Library, J. Ross Robertson Collection, T15281)

school for the "colored children" may have closed because it is not on the list of schools posted in the *Niagara Chronicle* of 29 January 1847. The report does note that 300 children out of 795 school-aged children attended the three common schools in the town.

These common schools sometimes charged tuition, which probably prevented some parents from sending their children. The decision to charge depended on the outcome of a vote by local ratepayers. These campaigns split the taxpayers into two groups: the Dimes, those for free schools, and the Dollars, those against. As property owners, the many black voters probably could influence the outcome and as a result they were both wooed and threatened by white politicians. A letter to the *Niagara Mail* on 21 January 1852 complained:

If a poor man has a free vote there comes runnin' Mr. Simsin, and Mr. Heron (Haynau) and squire Allms, and the Clark of the Piece, and Mr. Johnsin in the rear puffin and blowin' like a steem mill. They went in a body up to Old Mr. Riley's the coloured man's, and frightened his wife and dawters and the old man being out they looked under the bed, and thought they saw the old man's grey head and took hold of it but it turned out to be something else . . .

Few students, black or white, continued their studies after finishing the common school curriculum. Boys especially dropped out to work. On the other hand, the daughters of Lewis Ross, the barber, and Daniel Waters, the livery owner, attended the district grammar school between 1878 and 1894. These men, both businessmen, apparently encouraged their girls' education.

A telling comment on the limited educational opportunities for Niagara blacks was made by a young "well-made clever-looking colored person", who addressed the audience after an anti-slavery lecture at the town hall in 1852. Born into slavery in the United States, he escaped to Canada, where he lived with an Englishman who taught him to read. He then went to Syracuse, New York, "which afforded greater facility for further education."<sup>52</sup>

Schooling may have been brief but it was intense. Concern for the children's moral development encouraged religious instruction. Sometime after 1820, St Andrew's began the first Sunday school in town. For many years it remained the only school to give religious instruction and it attracted students from other churches.<sup>53</sup> An attendance sheet for the period ending 31 December 1863 lists several black parents and their children: John Talbot, an Anglican, placed four children; James Bannister and Thomas York, Baptists, each sent a son; another Baptist, Jane Bullett, enrolled her two daughters; and a Methodist, James Rhoads, registered his four children.<sup>54</sup> As faithful churchgoers, these parents believed in religious education.

## Worship

Most people indicated their religious affiliation to the census enumerator, and this information is verified by local church records. In the early years, both white and black settlers were baptized, married, and buried by the Anglican minister, the Reverend Robert Addison of St Mark's church. Sent out by the Society for the Propagation of the Gospel in Foreign Parts, he arrived shortly before Lieutenant Governor Simcoe in 1792, and he was for a time the only minister to perform religious rites. His excellent records written in a clear copperplate hand and sometimes with personal notes, charted the religious life of Niagara—including its black community. Among the first entries in St Mark's register is the baptism of "Jane, a daughter of Martin, Colonel Butler's Negro."

Some early black families, including the Jupiters, had adopted

the Anglican faith of their former masters and continued to attend St Mark's after emancipation. Undoubtedly, for some black adherents, their denominational affiliation strengthened their social status: the Waters, who were respected businessmen, worked their way up the ladder of social recognition and their connection with St Mark's confirmed their membership in the white establishment. For other blacks a white wife or mother influenced the selection of a church. If she belonged to one of the traditional churches, the rest of the family usually followed. The Talbots attended St Mark's Church because of their mother, an Irish Anglican. William Primus, who was married to an Irish Catholic, supported St Vincent de Paul Church and in his will left it £10.

Later black arrivals in Niagara, all fugitives from the United States, listed themselves as Wesleyan Methodists or Baptists. Unfortunately, the early Methodist and Baptist congregations tended to be independent units and their early records had often disappeared by the time central archives had become established. Yet, from scattered clues among the few remaining records, some impression of their worship can be gleaned.

By the late 1820s, the Baptists in Niagara had increased in number to the point where they desired their own church building. For two pounds George Ball sold part of his lot 315, fronting on the east side of Mississagua St, just south of Mary St. According to the deed, he did so by "authority of the last will and testament of his brother, John Ball." The task of fund-raising for the building fell onto the capable shoulders of John Oakley. An Englishman, Oakley had arrived in 1814 to serve as quartermaster at Fort George, but in 1816 a reduction in the ranks forced him out to earn his living as a teacher. Although he married his wife, Mary Henry, and baptized his children in St Mark's Church, he heard the call of the Baptists and then, as he writes in his journal in 1830, "the Lord enabled me to obtain the means of building a chapel in the western side of the town. It was a plain substantial building 30 x 40."

Oakley must have received generous donations from members of other churches, for he noted later that "not only our friends but many of those who were opposed to our sentiments subscribed liberally toward the undertaking." He found his own congregation's contributions disappointing, writing that "out of 200 subscribers and several of them Catholics, there are not at present more than thirty brethren and sisters from our own



Portrait of John Oakley, the first minister of the Baptist Church, Niagara. (Niagara Historical Society Museum X 984.1.460)

congregation.”<sup>55</sup> By then the congregation probably included many escaped slaves who had not yet the means to donate much to the building fund, and after 1830 more black fugitives joined its ranks. Years later, an elderly Baptist remembered that the blacks “they used to baptize in the water at one time down near where the Queen’s hotel is now (Queen’s Royal Park on King St). And sometimes they went to the creek near Mr. Burn’s orchard, instead of going to the river, to be baptized.”<sup>56</sup>

The Baptist congregation never could support a full time minister. After Oakley left, the Reverend J.B. Mowat from St Andrew’s Presbyterian Church preached on Sunday afternoons during 1845 and 1846. According to the Baptist records in the Niagara Historical Society Museum, the Reverend Francis Lacey, a black, led the flock from 1849 to 1853.

Sometime during the congregation’s history, the black members took over the chapel. Mary Ann Guillan claims that in 1839 the “white Baptis’ and the black Baptis’ had the fight about the meeting house, but the blacks got it.”<sup>57</sup> Surviving evidence does not explain the cause of the feud. Apparently not all whites left immediately, because, in 1850, the Reverend Frances Lacey registered the death of “Sullemin Dimbroch” (Solomon Ten Broeck), a local white farmer. Not until 1862 did the Baptist Union minutes add the label “coloured” to the Niagara chapel.<sup>58</sup> By this date, the Baptist church at Lawrenceville (now Virgil) was thriving with a building and minister, and it may have attracted the white members from the Niagara church.

Other Baptist congregations undoubtedly flourished beyond the town limits. Queenston supported a chapel that probably included local black families. Its congregation, larger than Niagara’s, sometimes shared a minister with the Lawrenceville

Niagara, Feb'y 14<sup>th</sup> 1855

This day were married, by Banns  
 by the Rev<sup>d</sup> Lacy Thomas of the  
 Town of Niagara, in the County of Lincoln the  
 Widower and, Mary Kitchen of the same place  
 Spinster the said, marriage being solemnized by  
 the Rev<sup>d</sup> Lacy,

This marriage was solemnized between us  
 Thomas <sup>York</sup> ~~York~~  
 Mary ~~Kitchen~~ <sup>Kitchen</sup>

In the presence of George X Bealy  
 Amelby Gray  
 J. A. & Lewis

Witness  
 Certificate of minister of Baptist, (Colored) Church -  
 Sam Richards Given by J. H. Parsons

The marriage certificate of Thomas York and Mary Kitchen, signed by the Reverend Francis Lacy, Minister of the Baptist Church, Niagara. (Niagara Historical Society Museum, X978.87)

church. In St Davids, a black congregation met in a Baptist chapel most conveniently placed to convert the wayward:

There was brewery and distillery in St Davids and in the adjoining township of Stamford, above St Davids another brewery and distillery. Near by was a log house and a pond adjoining where protracted meetings were held and where people were "dipped". That was what this form of baptism was called, but the principal place for this was Major Secord's pond which still exists in this village and people came from far and near to see the ceremony.<sup>59</sup>

The black worshipers, with their segregated chapels, unfamiliar rites, and public baptisms, obviously attracted the curious. This interest in their worship led one young man into trouble.

(MacIntyre's) wife was a character and a great helper at their revival meetings, the colored people had a church of their own before we did, and the St Davids boys often attended not always for a good purpose as one night one of their number dressed in women's clothes, The seats were nothing but boards on trestles and he unfortunately forgot his proper part and straddled the board. Mrs.

MacIntyre's eyes saw him and he saw his only chance was flight. He ran and she also, he was caught in trying to climb a rail fence, their stories disagree, hers being that she administered a thrashing and he denying this, whichever is most probable may be believed.<sup>60</sup>

Between 1830 and 1860 these small informal chapels flourished and undoubtedly served the religious and social needs of the black Baptists. Later, when the size of the black population decreased, their chapels suffered too. The Niagara Church closed in 1878 and the building was moved to the Oliver farm (now Garrison Village) and used as a storage shed.<sup>61</sup>

Although the graveyard remained in use for some years afterwards—one of the remaining stones marks the grave of George Wesley, who died in 1893—it gradually fell into neglect and by 1960, most of the tombstones had disappeared. Some reputedly found their way into local front walks and house foundations. Owing to the efforts of local residents, the province erected an historical plaque in the graveyard, now called "The Negro Burial Ground", and the town took over the maintenance of the grounds.

The site of the Methodist meeting house is also marked by a graveyard on Gate St, although no historic plaque records its history. The first Methodist circuit rider to arrive in Upper Canada was Major George Neale, who in 1786 formed a class in a private residence near Niagara. After the Niagara Circuit was formed, the Methodists of Niagara built in 1823 a plain and simply furnished meeting house on Gate St between Gage and Centre streets where they conducted prayer sessions, weekly classes and temperance meetings. In 1875, the Methodists purchased the more substantial brick building on Victoria St south of Queen St (now Grace United Church), which had been built earlier by the Free Kirk congregation. The original meeting house was sold, moved to 155 Gate St and converted to a private residence. The old cemetery still enclosed by a wrought iron fence serves as a reminder of the early Methodists of Niagara.

Unfortunately the church's records were not as well preserved as its graveyard. The Methodists met once a week in small classes under a leader, whose task was to record the spiritual status of the members in the class register. The earliest class register for the Niagara meeting house is dated 1859. Furthermore, the leaders did not record the names of the members, but only those who were received, removed, or on trial. Although twenty-six blacks were listed as Wesleyan Methodists in the 1861 census, only one of their names appears in the first register:



Margaret Graves was removed in November 1862.

According to the registers dated from 1885 to 1934, the Warrs attended classes at the meeting house. The Wesleys also were "received" by the Methodists although they buried a brother and father in the Baptist graveyard. Later the Warfields must have joined them because Joe Masters wrote in his newspaper articles on early Niagara:

There used to be a corner in the Methodist Church on the right behind the stove reserved for the colored folks. (The Warfields and the Wesleys) Both good men were very devout church goers, and frequently led in prayer at the weekly prayer meetings. I remember both men very well. Wesley was a rather short man with flowing side whiskers, while Warfield was a tall dignified person, with a beard adorning his Physiognomy.<sup>62</sup>

From 1887 to 1893 Thomas Warfield, his wife Attridge, and three daughters shared a house on Mississagua St with George Wesley, his wife, Harriet, and their two daughters. This living arrangement apparently did not suit the seven ladies. Joe Masters remembered that "the ladies in the families did not always agree and fought so much" that the church members finally "acquired a home in the township for one family, believing separation to be good for both groups."<sup>63</sup>

The Methodists' attitude towards the Warfields and Wesleys warrants some examination. Did the congregation practise segregation by reserving seats behind the stove for them, or was it showing Christian charity in allowing them to sit in a warm area? Was it a mark of respect to have Thomas Warfield and George Wesley to lead them in prayer, or was it a duty they had to discharge? Did they give the two families separate living quarters out of friendship or charity? In short, how did the white community treat their black neighbours?

## Adjustment

Mary Ann Shadd, the editor of the black newspaper, *The Provincial Freeman*, would answer the last question, "Very well." After her 1854 visit to the area, she wrote: "Niagara is a beautifully situated town, very healthy and rapidly rising into importance. The coloured citizens are prosperous. Nearly every family possessing a homestead. There is no prejudice. Lots can be had on reasonable terms and tradesmen, laborers, etc. are on active demand."<sup>64</sup> She also noted that "colored citizens make but an inconsiderable part of the population." As a rule, small minorities, whether racial, tribal, or religious, fit more easily into the

social structure of communities, than larger ones do. In Niagara the black population was too small to threaten the white majority. (See Appendix B.)

On the whole they were model citizens. In fact, citizenship was a goal of many blacks. At least twelve applied for and received naturalization in the years from 1841 to 1847.<sup>65</sup> Clearly, they wanted to put down roots in their adopted country, and they also may have hoped that citizenship would lessen the chances of extradition. Another threat was annexation to the United States. In 1849, a group of Montreal residents, angry over the abolition of preferential duties on colonial goods and the inauguration of responsible government, proposed that the Canadas apply for admission into the American union. This suggestion galvanized a number of Niagara citizens, white as well as black, to write a letter in protest. Among the signatories were Thomas York, Daniel Waters, and Elias Jones, all veterans of the Colored Corps of 1837.<sup>66</sup>

By 1850 most black residents must have considered themselves British North Americans, for the majority of them had resided in Niagara for many years. To qualify for naturalization, they had to have resided in Upper Canada for at least seven years. The available data shows that many of Niagara's better-known residents of the "colored village" arrived before 1840. In fact, in 1842, the total black population reached its highest number: 198 for the township and the town. After this census, the number of black residents in the township decreased. Many of those working on farms in the township were labourers and tenants. Less attached to the land, they found it easier to move on to better-paying work. In town, however, the number of black residents rose from 82 in 1842 to a maximum of 104 in 1861. This small increase of only twenty-four people seems strange in the face of what was happening elsewhere. After 1850, when the United States passed the Fugitive Slave Act, a great flood of black fugitives entered British North America. Yet Niagara's black population remained almost unchanged. One explanation for this may lie in Niagara's declining economy and, as a consequence, its falling population. Niagara was superseded by St Catharines and other towns which, because of their location on the Welland Canal, were becoming centres of industry and commerce. These places offered not only work to the younger members of Niagara's black community, but also the attraction of larger black neighborhoods with their own churches.

The history of the Waters family provides an example of this exodus. In 1795 Humphrey Waters acquired a land grant in Niagara. His son, John Waters, eventually owned twenty-three acres in town. On his death in 1880, John willed his extensive property holdings to his widow and children. His two older sons and daughters sold their lots within three years of their father's death. His youngest son, William Humphrey, initially held on to his lots and even bought more from his family, but by 1887 he, too, had disposed of all his property. According to the 1891 census, not one descendant of Humphrey Waters, the 1812 veteran, remained in town. In spite of the many charms described by Mary Ann Shadd, Niagara may have become a good place to escape to—and from.



The tombstone of John Waters, St. Mark's cemetery. (Courtesy: Ian Butler)

Yet some blacks prospered during their years of residence in Niagara. Not all worked as hired help. Several owned and operated businesses. One black businessman, Louis (or Lewis) Ross, was the town's only barber on Queen St. He managed to survive a fire that destroyed his barber-shop and house. According to a report in the *Niagara Herald* on 4 March 1886, "his building was insured, his valuable household effects were mostly saved with slight damage." Later he continued to prosper in a new location on Queen St closer to King St. His step-daughter, Fanny Ross, married Samuel Rowley, a wealthy American businessman, who built for her a large Victorian mansion at 177 King St. When William Thomas Mills died in 1898, he was able to bequeath to

**Hair Cutting, Shaving, Sham-  
pooning, &c., &c.**

**LEWIS ROSS.**

**R**ESPECTFULLY informs the public that  
he has taken the premises lately oc-  
cupied by Mr. Thompson, Saddler, opposite  
the Court House, therefore,

If you wish your hair cut,  
If you wish to get shaved,  
If you wish to get your whiskers dyed,  
If you wish to get your hair dressed,  
If you wish to get your head shampooed,  
Use the experienced

**LOUIS ROSS,**  
Opposite the Court House, Queen Street.

Nov. 23, 1865.

Niagara.  
"5 2"

Advertisement for Lewis Ross's barber-  
shop, *Niagara Mail*, 29 November 1865

Advertisement for Lewis Ross's barber-  
shop, *Niagara Mail*, 29 November 1865  
ous landlord. It is also on record that in 1871, 1872 and 1873 he  
took out a tavern licence, which was usually a passport to prosper-  
ity in nineteenth-century Ontario.<sup>67</sup>

Anxious about the dozen or so taverns in Niagara, the local  
temperance society in 1855 tried to stem the flow of liquor by



Fanny and Samuel Rowley's house, 177 King Street, Niagara. Built around  
1886. (Courtesy: Ian Butler)

petitioning the town council; the signatories included John Mills and Warner Johnson.<sup>68</sup> As members of the Baptist and Methodist churches, most blacks opposed the consumption of alcoholic spirits and were critical of drunk and disorderly behaviour. According to the evidence that has survived, blacks in Niagara were guilty of only misdemeanors. Daniel Waters was fined because his dog bit a neighbor's child. Mary York hit Aaron Atkins with a hoe; and the Bannisters, presumably after some marital conflict, were told to "treat each other respectfully."<sup>69</sup>

**D. WATERS,**  
LIVERY STABLES,  
CARRIAGES, BUGGIES, SADDLE HORSES.  
*Cabs at all hours. Horses Boarded.*  
Regent Street, near Royal Hotel, NIAGARA.

An advertisement for Daniel Waters's Livery Stables, *Niagara Echo*, 17 May 1884

There were several likely reasons for this good behaviour. The church undoubtedly had a major influence on the daily conduct of their lives. Also, as property owners, blacks valued community order. James Bannister signed with a cross his complaint against "Chancellor Livingston, coloured carpenter of the name of Jones, and John McBride, the younger and others" who had damaged his house and personal property.<sup>70</sup> Even though illiterate, he respected the power of the law. Last and most important, blacks may not have felt secure in their new homes and may have feared being deported if they did not follow the rules laid down by their white hosts.

## Acceptance

Certainly the authorities did remind the blacks over and over again of their good fortune and of their obligation not to abuse the good will of the people who so generously sheltered them. On gathering in St Catharines on 20 August 1835 to celebrate the first anniversary of the abolition of slavery, the blacks were given a pamphlet which exhorted them "to show that your conduct may be worthy of the trust that has been so liberally placed in your hands—may you continue to be good citizens, and never offend the law the Government, by any outrageous acts, to incur their censure or displeasure."<sup>71</sup> Being constantly reminded that they should be grateful must have made blacks feel inferior.

White condescension, even when mixed with affection, bore an unhealthy resemblance to the relationship between master and slave, employer and faithful retainer. An obituary for William

Riley, in the *Niagara Mail* of 14 June 1860, expresses this well. At Niagara on the 30th, William Riley a well known coloured man, who it supposed was about 107 years of age. He had resided in Niagara upwards of 80 years or nearly since the settlement of the country. Old Riley was full of reminiscences connected with the revolutionary and last war, in both of which he did loyal service. He was a decent honest old man, and not a few will be sorry to hear that "Old Riley" has at last gone the way of all flesh.

Did this paternalism affect the rights of the black citizen? Were they truly free to choose political candidates and decide on issues? As mentioned earlier, the visit of white politicians to William Riley's house during the election suggests that the Dollar supporters hoped to intimidate "old Riley" into voting for them. On the eve of the 1857 election, one candidate, John Simpson, listed among his supporters Benjamin Hoyt, John Mills and Alex Anderson.<sup>72</sup> Could it be that these men were coerced into signing? The fact that the names of other black voters such as John Waters, James Bannister, Hope Bullett, and David Talbot were visibly absent appears to indicate that Simpson supporters were only exerting their political rights as citizens. His list may also demonstrate that the blacks did not vote in a bloc and, therefore, did not upset the white electorate in Niagara.

Only when one of their members was threatened with the loss of freedom did they join together to defend themselves as in the case of the Moseby riot. Their feelings may be expressed by the words of Sarah Carter as spoken to Anna Jameson: "I thought we were safe here—and I thought nothing could touch us here, on your British ground, but it seems I was mistaken, and if so I won't stay here—I won't—I won't! I'll go and find some country where they cannot reach us! I'll go to the end of the world, I will!"<sup>73</sup>

To blacks liberty was the one right they would guard to the death. In this fight, they did have some support from the white townspeople. The abolitionist movement that had taken root in Simcoe's time encouraged the white residents to assume a protective attitude towards their black neighbours. There is abundant evidence of the care they gave them. In later years, Joe Masters remembered Bill Livingstone, who never recovered from the injuries he received in a bad fall. A Niagara lady looked after him. "She played the good Samaritan to poor Bill without any hope or expectation of any reward, at least here below."<sup>74</sup> On the whole, the community saw that freed slaves received assistance. The paternalism sometimes seen in this charity probably eased the transition from dependence to independence. After all, most blacks

arrived in Niagara, poor, illiterate, and unskilled, without much experience of supporting themselves.

Later records show that more and more blacks adjusted to the demands of their new-found liberty and truly broke out of bondage. John Waters was a respected citizen and even served as town councillor. More remarkable, he represented a ward composed almost entirely of white voters. When he died suddenly in 1880, town council minutes paid this tribute to him:

At a meeting of the Town Corporation held this evening Present Mayor, Reeve & Councillor Blain, Garrett, Servos, Follett. Moved by Mr. Follett seconded by Mr. Garrett, whereas it had pleased Divine Providence to remove by death one of our number Be it therefore Resolved that as a tribute of Respect to the memory of the late John Waters Esquire that Council adjourn its sittings until tomorrow evening at 8 o'clock and to attend his funeral in a Boddy. Carried.<sup>75</sup>

Joe Masters described John Waters as having some "African blood in him, but he was a man very much respected."<sup>76</sup> This implies that, in spite of the handicap of being black, John Waters had achieved equality and recognition in Niagara's white society.

But one did not have to be a success to win the respect of the townsfolk. This is evident from the following obituary.

We have this week to announce the death of our oldest inhabitant, in the person of Mr. Jas. Bannister, coloured, who passed quietly away on Friday morning at the good old age of 104 years. Deceased was a refuge from slavery and came to this country when quite a young man, located in Niagara and where he has since lived. He was quite smart and able to go around till only a short time before his death. A married daughter also of this town, is the only relative left to mourn the loss of an affectionate father. The funeral took place on Sunday afternoon and was largely attended.<sup>77</sup>

James Bannister died in 1895, when only twenty blacks lived in town. The "largely attended" funeral must have attracted white mourners as well as black.

The generation of blacks after Bannister felt they belonged. In the 1871 census, many described their national origin as "unknown" or "Canadian." When the Talbots called themselves Irish, they did not necessarily want to "pass for white" but were simply giving an honest appraisal of their background. By 1871 most blacks were of mixed race. The pure-blooded African was fading away in Niagara—in fact and in memory.

Today, people still remember Winnifred Wesley, the last of the slave descendants. The Niagara Historical Society Museum has a group photograph taken in front of the Niagara public school around 1901. In it, Wesley stands out among her school-



A school group in front of the Niagara Public School taken around 1900. Winnifred Wesley is standing to the left in the second row. (Niagara Historical Society Museum, X991.190)

mates. The town's older residents have fond memories of her. When they were children, she would entertain them on the vine covered porch of her house at 309 Victoria St. By then, the "colored village" had long since disappeared.

Yet the residents of this village should be remembered as an important part of Niagara's heritage. The late eighteenth and nineteenth centuries were a time of trial for both whites and blacks in Niagara. Few blacks settled in Canada voluntarily. Some were brought in by their masters as household chattels; others were driven here by slavery and injustice. In Niagara, they did not find a paradise. From the perspective of white society, their black skin still bore the imprint of shackles. Acceptance of blacks as equals came slowly. The blacks, dependent on good will, had to struggle to become truly free. Still, once they arrived at Niagara, they had shed the actual irons of slavery. This truth should be remembered and celebrated. As one witness to the arrival of a fugitive slave wrote:

"Twas but a week ago, we saw a poor fellow just got over the river, he was in his Plantation dress, torn, and travel-stained with the dust of every mile between this and Tennessee. But spirit of liberty how lightly he trod Canadian earth!—his countenance fairly shone with



happiness. He had been but a chattel before, now he felt himself a man. We sympathized with his delight—but who that had never been a Slave could sound the depths of his joy as he said, 'Thank the Lor'! . . . I am a free man now . . . !'<sup>78</sup>

## ENDNOTES

- 1 During the nineteenth century, what is now the municipality of Niagara-on-the-Lake was divided into two jurisdictions: the Town of Niagara and the Township of Niagara, the latter including Queenston, St Davids, and Lawrenceville (Virgil). For this article, the old name of Niagara is used for the town.
- 2 The plaque reads: "Negro Burial Ground 1830. Here stood a Baptist church erected in 1830 through the exertions of a former British soldier, John Oakley, who although white, became pastor of a predominantly Negro congregation. In 1793 Upper Canada had passed an act forbidding further introduction of slaves and freeing the children of those in the colony at twenty-five. This was the first legislation of its kind in the British Empire. A long tradition of tolerance attracted refugee slaves to Niagara, many of whom lie buried here."
- 3 "Pierpoint (Parepoint, Pawpine), Richard", *Dictionary of Canadian Biography (DCB)*, 13 vols to date (Toronto: University of Toronto Press, 1966-90), 7:698.
- 4 *Ibid.*
- 5 E.A. Cruikshank, ed. *Records of Niagara 1805-1811*, Niagara Historical Society pamphlet no.42 (1931), 116.
- 6 "Colored Corps Muster Roll and Pay List from 25th April to 24th July 1813," National Archives of Canada (NAC) RG 8, series 1, vol. 688e, 113-16. (mfm.reel C 9632).
- 7 Daniel G. Hill, *The Freedom Seekers: Blacks in Early Canada* (Agincourt: Book Society of Canada, 1981), 117-18.
- 8 *Ibid.*, 64.
- 9 W.R. Riddell. "Some References to Negroes in Upper Canada." *Ontario History (OH)*, 19 (1922), 145.
- 10 *DCB*, 7:698.
- 11 Hill, *The Freedom Seekers*, 118.
- 12 Captain Robert Runchey's Ranks, 1821, NAC, 1701, 1706, (mfm.reel C 3839).
- 13 Fred Landon, "Canada's Part in Freeing the Slave," *OH*, 27 (1919), 75.
- 14 Janet Carnochan, "Slave Rescue in Niagara, Sixty Years Ago." Niagara Historical Society pamphlet 2 and 4 (1917), 10.
- 15 Walter Kern, "Reclaiming your Heritage." 1985. This booklet is in the Niagara Public Library.
- 16 *Niagara Mail*, 10 August 1853.
- 17 Janet Carnochan, *History of Niagara* (Belleville: Mika Publishing, 1973), 206.
- 18 For the most comprehensive description of Moseby and the ensuing riot, see Patricia Frazier, "Niagara's Negroes Kept Vigil at Jail." *Niagara Advance, Historical Issue*, 1976.
- 19 NAC, HG 1, E 3, vol. 49, (mfm.reel C 1196).

- 20 Ibid.
- 21 *St Catharines Journal*, 28 September 1837.
- 22 Carnochan, "Slave Rescue," 10.
- 23 According to contemporary accounts, Moseby made his way to Montreal and eventually to England. Some time later, he was reunited with his wife in Niagara, but the people did not welcome him, remembering him perhaps as the cause of two deaths in the town. See Carnochan. "Slave Rescue," 12.
- 24 *St Catharines Journal*, 28 September 1837.
- 25 Ibid., 21 September 1837.
- 26 *Niagara Reporter*, 14 September 1837.
- 27 Ibid.
- 28 *St Catharines Journal*, 21 September 1837.
- 29 *Christian Guardian*, 27 September 1837.
- 30 Robin W. Winks, *The Blacks in Canada: A History* (Montreal: McGill-Queen's University Press, 1971), 170.
- 31 Francis Bond Head, *A Narrative* (London: John Murray, 1839), 202.
- 32 Alexander L. Murray, "The Extradition of Fugitive Slaves from Canada: A Re-evaluation." *Canadian Historical Review*, 43 (1962), 4, 299.
- 33 Carnochan, *History of Niagara*. 205.
- 34 Fred Landon, "Social Conditions Among the Negroes in Upper Canada," *OH*, 12 (1925), 153.
- 35 Bond Head, *A Narrative*. 392.
- 36 Ernest Green, "Upper Canada's Black Defenders," *OH*, 27 (1931), 375.
- 37 Ibid., 365-91.
- 38 NAC, RG 8, Series 1, vol. 1040 (mfm.reel C 3365).
- 39 Ernest Green, "Upper Canada's Black Defenders," 385-90.
- 40 *Niagara Gleaner*, 20 April 1833.
- 41 John McEwan, "Reminiscences of Niagara," Niagara Historical Society pamphlet no. 11 (1914), 19.
- 42 *St Catharines Journal*, 20 September 1855.
- 43 Joe Masters Papers, Niagara Historical Society Museum, uncatalogued.
- 44 NAC, RG 8, series 1, vol. 1040 (mfm.reel C 3365).
- 45 Francis Lacey Marriage Certificate, Niagara Historical Society Museum, X978.87.
- 46 *History of St Andrew's Presbyterian Church 1791-1975*, (Niagara-on-the-Lake, 1975), 4.
- 47 McEwan, "Reminiscences of Niagara," 20.
- 48 Carnochan, *History of Niagara*, 133.
- 49 Carnochan, "Slave Rescue," 11.
- 50 Ibid.
- 51 Anna Jameson, *Winter Studies and Summer Rambles*, (New York: Wiley and Putnam, 1839), 61.
- 52 *Niagara Mail*, 21 January 1852.

- 53 Janet Carnochan, *Centennial St Andrew's Niagara 1794-1894*, (Toronto: William Briggs, 1895), 24.
- 54 Niagara Historical Society Museum, MNI 609.1.
- 55 Janet Carnochan, "Reminiscences of Niagara", Niagara Historical Society pamphlet no.11 (1914), 12-3.
- 56 Carnochan, "Slave Rescue," 12.
- 57 Ibid.
- 58 Canada Baptist Union Minutes and Report of the Annual Meetings. (Montreal: Rollo Campbell, 1862).
- 59 J.G. Currie, "Reminiscences of Niagara and St Davids," Niagara Historical Society pamphlet no.20 (1911), 33.
- 60 Ibid.
- 61 Carnochan, *History of Niagara*, 177.
- 62 Joe Masters Papers, Niagara Historical Society Museum.
- 63 Ibid.
- 64 *Provincial Freeman*, 26 August 1854.
- 65 *List of People who appeared before the Provincial Registrar of Naturalization, 1849*. Reproduction of the Original held in the Land Registry Office, St Catharines, St Catharines Public Library Special Collections.
- 66 *Niagara Mail*, 3 October 1849.
- 67 Niagara Historical Society Museum, MNI 622.28, MNI 648.15, MNI 683.21.
- 68 Petition for Prohibition, 1855, sent to Town Council. See Janet Carnochan, "Names Only But Much More," Niagara Historical Society pamphlet no.27 (1915), 57.
- 69 Niagara Historical Society Museum, MNI 82.27, MNI 611.3, MNI 568.50/51
- 70 Niagara Historical Society Museum, MNI 568.9 71.
- 71 *St Catharines Journal*, 15 October 1835.
- 72 *Niagara Mail*, 2 December 1857.
- 73 Jameson, *Winter Studies and Summer Rambles*, 249-50.
- 74 Joe Masters Papers, Niagara Historical Society Museum.
- 75 Niagara Historical Society Museum, MNI 562.127.
- 76 Joe Masters Papers, Niagara Historical Society Museum.
- 77 *The Times*, 2 May 1895.
- 78 *Niagara Mail*, 10 August 1853.

## APPENDIX B

### Population of Niagara according to Census Returns

		Black Population	Total Population	Blacks as a Percentage
1842	Township	116	2,155	
	Town	<u>82</u>	<u>1,745</u>	
	Total	198	3,900	5.0
1851	Township	73	2,253	
	Town	<u>94</u>	<u>3,322</u>	
	Total	167	5,575	3.0
1861	Township	64	2,400	
	Town	<u>104</u>	<u>2,073</u>	
	Total	166	4,475	3.7
1871	Township	60	2,093	
	Town	<u>28</u>	<u>1,601</u>	
	Total	88	3,694	2.4
1881	Township	21	2,024	
	Town	<u>21</u>	<u>1,441</u>	
	Total	42	3,465	1.2
1891	Township	5	1,847	
	Town	<u>20</u>	<u>1,349</u>	
	Total	25	3,196	0.7

## APPENDIX C

### Reconstructing the "colored village"; a compendium assembled from Lincoln Country Registry Abstracts and Memorials

COMPILED BY JOY ORMSBY.

Most of the blacks who settled in the old town of Niagara lived in the area south of William St between Regent and Simcoe Streets, known officially in the nineteenth century as the "colored village" and unofficially as "nigger town". Though several families stretched the boundaries of the village, very few ventured into the more expensive downtown area. Among them were David Talbot in the 1840s, William Primus in the 1860s, Daniel Servos Waters in the 1870s and Fanny Ross Rowley in the 1880s. It may be more than coincidence that three of these four were married to whites and the fourth was probably a mulatto. The concentration of black owners in and close to the village is shown in the accompanying plan of the town. Less simple to illustrate is the great range in both economic resources and permanence of settlement among the property owners.

The exceptional Waters family was at the "upper" end of both scales. The Waters were resident-owners for over 120 years, from 1795 when loyalist Humphrey Waters received a crown grant to lot 325, until 1913 when his granddaughter, Clara, sold the Waters livery (now the Promenade House) on Prideaux St to Stephen Sherlock. They were also major landowners, particularly Humphrey's eldest son, John, a farmer and occasional tavern keeper, who managed to accumulate nearly twenty-three acres by 1880, despite a disastrous fire in 1857 that left him without liquid assets (not even a "coat for his back", he claimed!).

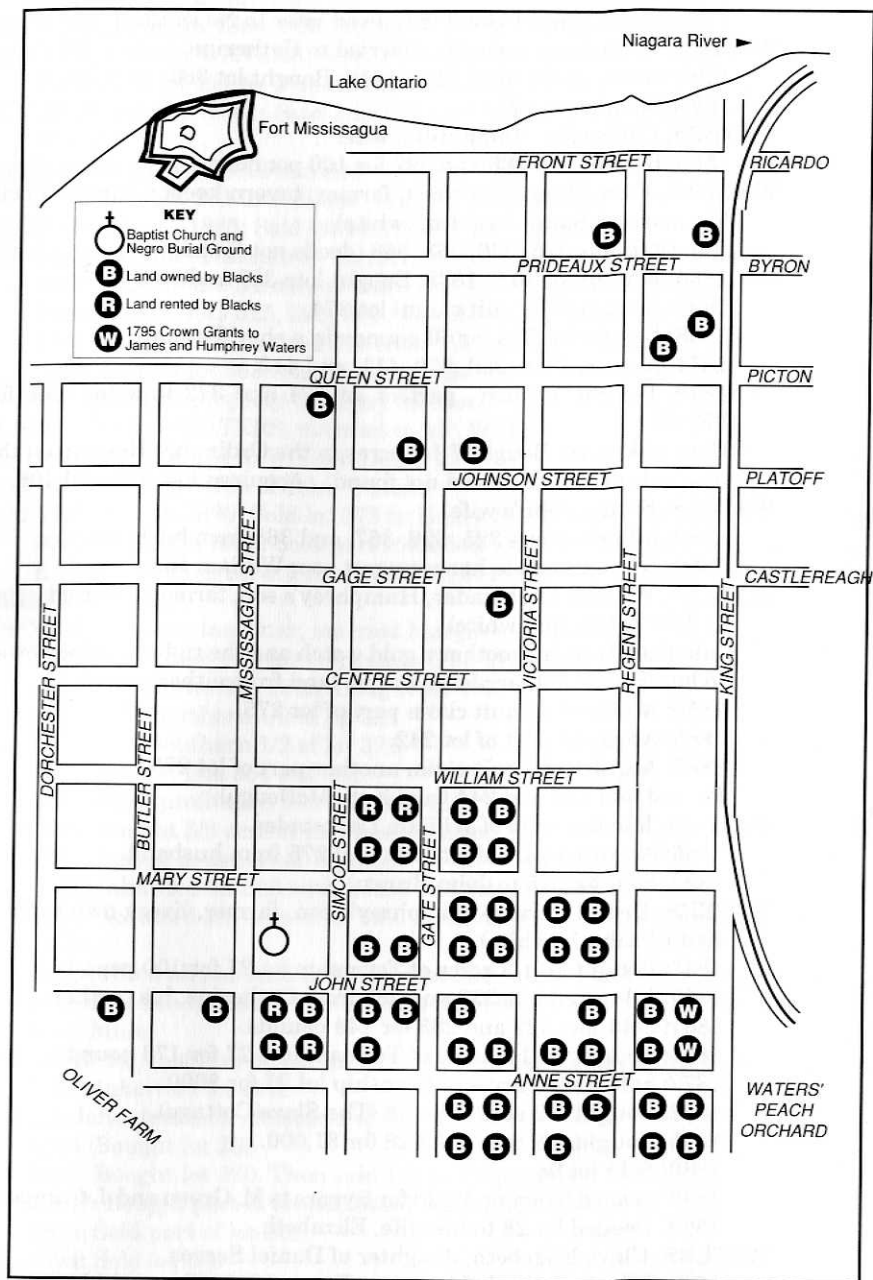
At the other end of the scale were many short-term, small-plot owners such as George W. Hatter who bought half of lot 317 in 1848 and sold it less than two years later. In between were property owners of all descriptions.

The following outline of the land dealing of Niagara's black residents illustrates their diversity.

#### WATERS FAMILY

Lots or part-lots owned: 28, 98, 242, 275, 283, 322, 325, 326, 327, 330, 363, 366, 367, 368, 369, 370, 371, 372, 373, 374, 408, 411, 412, and 7-1/2 acres on the east side of King St.

WATERS, James, yeoman, married Clarissa.



A schematic plan of part of the town of Niagara, showing the distribution of black owned and rented property.

- 1795: crown grant to lot 368 (moved later to Nepean).
- WATERS, Humphrey, yeoman, married to Catherine.  
 1795: crown grant to lot 325. 1818: Bought lot 363.  
 1824: Bought lot 330.
- WATERS, Catherine, Humphrey's wife.  
 1850: Bought lots 283 and 322 for 100 pounds.
- WATERS, John, Humphrey's son, farmer, tavern keeper, town councillor, married Sarah Asquith, (white).  
 Inherited lots 325, 330, 363, 368 (deeds not found).  
 1835: Bought lot 367. 1838: Bought lots 327 and 366.  
 1850: Acquired (by quit claim) lot 374.  
 1858: Bought lot 373 for 60 pounds in a sheriff's sale.  
 1874: Acquired lots 369, 370, 411, and 412.  
 1879: Bought 7/8 acre, part of lot 371 and 372 in a tax sale for \$23.68.  
 Date unknown: Bought 7 1/2 acres in the Ordinance Reserve on the east side of King St (deed not found). Acquired lots 326 and 408.
- WATERS, Sarah, John's wife.  
 1880: Inherited lots 325, 326, 367, and 368 from husband.  
 1880: Sold her lots to her youngest son, William Humphrey.
- WATERS, William Dockstader, Humphrey's son, farmer, married  
 1) Ann 2) Martha (white)  
 Inherited from his mother a gold watch and the right to money owed to her by his brother, John, but no land from either parent.  
 1850: Acquired by quit claim part of lot 275.  
 1865: Acquired part of lot 242.  
 1866: Acquired by quit claim another part of lot 275.  
 Rented lots 243 and 244 from Kate McDougal.
- WATERS, Martha, wife of William Dockstader.  
 1886: Acquired part of lots 242 and 275 from husband.  
 1890: Sold lot 275 to John Brown.
- WATERS, Daniel Servos, Humphrey's son, farmer, livery owner, married Elizabeth (white).  
 1843: Bought 16 1/3 acres of Township lot 27 for 100 pounds.  
 1850: Inherited lots 322 and 283 from Catherine, his mother.  
 1851: Sold lots 322 and 283 for 143 pounds.  
 1853: Bought 16 1/3 acres of Township lot 27 for 173 pounds.  
 1872: Sold 32 2/3 acres of township lot 27 for \$600.  
 1872: Bought 1/2 acre of lot 98 (The Slave Cottage).  
 1875: Bought 3/8 acre of lot 28 for \$1,000.  
 1880: Sold lot 98.  
 1888: Leased livery on lot 28 for 5 years to M. Green and J. Cumpson.  
 1899: Deeded lot 28 to his wife, Elizabeth.
- WATERS, Clara Elizabeth, daughter of Daniel Servos.  
 1906: Elizabeth deeded lot 28 to Clara. 1913: Clara sold lot 28.  
 1915/16: Clara financed two mortgages for white owner of lot 38.
- WATERS, children and grandchildren of John inherited his land and



disposed of it as follows:

WATERS, John, Jr 1884: Sold lot 330 to Mary Cumpson.

BAXTER, Isabella WATERS, married to Thomas BAXTER.

1883: Sold lot 411 to William Donally.

WATERS, James. 1881: Sold lots 369 and 370 to William Humphrey Waters.

BRENT, Sarah WATERS married to George BRENT.

1882: Sold lot 363 to William Humphrey Waters.

WATERS, Mary. 1883: Sold lot 412 to William Donally.

WATERS, William Humphrey, farmer, married to Barbara Knowles.

1880: Inherited 7 1/2 acre orchard and lots 327, 366 and 408.

1880: Bought lots 325, 326, 367, and 368 from his mother.

1881: Bought lots 369 and 370 from his brother, James.

1882: Bought lot 363 from his sister, Sarah.

1887: Sold all property to Henry Skelton.

WARD, Florence WATERS, married to Mr. WARD.

1883: Sold lot 374 to William Donally.

BAXTER grandchildren of John Waters.

BAXTER, Joseph 1890: Sold lot 373 to Henry Skelton.

BAXTER, Effie 1890: Sold part of lot 372 to Henry Skelton.

BAXTER, Agnes 1890: Sold part of lot 371 to Henry Skelton.

#### PRIMUS FAMILY

PRIMUS, William, teamster, married Margaret (white).

1827: Bought lot 321 for 50 pounds (The Primus homestead).

1830: Bought lot 365 1835: Bought lot 407.

1837: Sold northern 1/2 of lot 321

1853: Sold southern 1/2 of lot 321.

1854: Bought lots 364 and 409

1856: Sold (profitably) lots 364 and 409.

1856: Bought 3/8 acre of lot 99 on Johnson St.

PRIMUS, Agnes, daughter of William.

1857: Inherited lot 365 with house and other property.

1857: Acquired 3/8 acre of lot 99 by quit claim from Eliza and John Mills.

Bequeathed all her land (including lot 321, which she may not have owned) to the Roman Catholic Church. Her will was challenged by John Mills.

MILLS, Eliza, daughter of William Primus and married to John Mills.

1857: Inherited lot 407.

MILLS, John, teamster, husband of Eliza.

1848: Bought lot 285

1849: Bought lot 320. Then sold 1/2 for 25 pounds.

1854?: Bought part of lot 332 (deed not found).

1866: Sold part of lot 332.

1884: Sold lot 285

1887: Sold lot 407 with son, William Thomas.

- MILLS, William Thomas, son of John, grandson of William Primus.  
 1874: Bought part of lot 99 from his father, John Mills  
 1886: Sold part of lot 99.
- MILLS, Maud C., daughter of William Thomas.  
 1898: Inherited lot 365  
 1924: Sold lot 365. Sold 3/4 acre of lot 284.
- JACKSON, Reuben, married Charlotte.  
 1827: Bought lots 286 and 319 for 69 pounds.  
 1830: Bequeathed both lots to wife, Charlotte, and then to children,  
 Edmund, Julia, and Charlotte.
- HARVEY, Reuben married Charlotte (possibly heir of Reuben Jackson  
 through marriage).  
 1840-1866: Claimed ownership of lots 286 and 319.  
 1867-1871: Lots rented by the estate of Reuben Harvey.
- JACKSON, Julia, seamstress and daughter of Reuben Jackson.  
 1902: Sold lots 286 and 319.
- RILEY FAMILY
- RILEY (Reilly), William, labourer, married Fanny (white).  
 1819: Bought lot 276 (50 pounds).  
 1857: Bequeathed 3/4 lot 276 and house to son Edward RILEY.  
 Bequeathed 1/8 of lot 276 to daughter, Mary Ann GUILLAN.  
 Bequeathed 1/8 of lot 276 and "homestead" to daughter, Fanny  
 WILLSON, widow.
- RILEY, Edward, son of William.  
 1861: Sold lot 276  
 1910 to 1913: Owned lot 333.
- GUILLAN, Mary Ann, daughter of William RILEY.  
 Owned house on Victoria St (lot 276?).
- ROSS, Fanny RILEY WILLSON, married Lewis ROSS, her second  
 husband.  
 1883 to 1902: Owned east 1/2 of lot 276.
- ROWLEY, FANNY ROSS, daughter of Fanny WILLSON ROSS, mar-  
 ried S.B. ROWLEY (white) c1886.  
 1886 to 1910: Owned part of lot 64. (177 King St. Now the Preserva-  
 tion Gallery).  
 1889 to 1910: Owned part lot 62 (27 Queen St. Now the CIBC).  
 1893 to 1906: Owned lot 32.  
 1902: Bought part of lot 276 (her mother's estate) for S.B. Rowley.  
 1905: Sold lot 276 from S.B. Rowley estate.  
 1906: Sold lot 32.  
 1910: Sold lots 62 and 64.
- HOYT FAMILY
- HOYT, Benjamin, plasterer married 1) Angelina 2) Maria.  
 1837: Bought N 1/2 of lot 321.  
 1855: Rented lot 318 from R. Brown. Later bought lot 318.  
 1856: Held mortgage on lot 242 (Alexander Anderson).  
 1874: Directed executor to sell lot 318 with 2 houses.

- 1874: Bequeathed 1/2 of lot 321 to daughter, Eliza CAMPBELL and grandson, Benjamin CAMPBELL.
- CAMPBELL, Eliza. 1874: Inherited southern 1/4 of lot 321. 1887: Sold 1/4 of lot 321.
- CAMPBELL, Benjamin. 1874: Inherited northwestern 1/4 of lot 321.
- WARFIELD AND WESLEY FAMILIES**
- WARFIELD, Thomas married Attridge SCOTT.
- 1887-1893: Part owner of 1/2 of lot 335.
- 1905: Helen, Georgina, and Frances WARFIELD, daughters of Thomas, conveyed ownership to Tennessee WARFIELD, daughter of Thomas.
- WARFIELD, Frances 1886: Inherited lot 331 and promptly sold it.
- WESLEY, George, married Harriet—daughters Mary Frances and Henrietta.
- 1877: Bought southern 1/2 of lot 335.
- 1887 - 1893: Part owner S 1/2 of lot 335.
- 1901: Sold interest to Lucinda ROBINSON.
- WESLEY, Winifred, granddaughter of George.
- 1931: Bought part of lot 153, (40' on Gate St).
- OTHER PROPERTY OWNERS**
- ANDERSON, Alexander, farmer, married Mary Ann.
- 1841: Bought 1/2 of lot 242 (37 pounds 10 shillings).
- 1843: Sold 1/4 of lot 242 (25 pounds).
- 1858: Bequeathed whole lot to Mary Ann.
- ANDERSON, Mary Ann.
- 1859: Sold 1/4 of lot 242 and waived her claim to 1/2.
- BANNISTER, James John McBride.
- 1855: Bought NE 1/4 acre of lot 361.
- 1867: Tenant of estate of Reuben Harvey.
- BEALE, George, labourer, married Martha.
- 1853: Bought 1/4 acre of lot 337.
- 1855: Bought a further 1/4 acre of lot 337.
- 1886: Sold 1/2 acre of lot 337.
- 1861: Bought lot 276. 1883 Sold east half of lot 276.
- 1909: Lost rest of property.
- BRIGHT, John.
- 1841: Bought 1/4 acre of lot 337. Bequeathed it to his wife, who later married William Walker. 1855: William Walker sold 1/4 acre of lot 337.
- BULLET, Hope, married to Jane.
- 1843: Bought lot 332. Sold E 1/2 to William J. Campbell (27 pounds 10 shillings).
- 1854: Sold western 1/2 to John MILLS.
- 1854: Widow BULLET rented part of lot 320.
- CARTER, Samuel and Sarah.
- 1837: Bought lot 361. Date unknown: Sold lot 361 to James McBride.
- 1855: Sarah, widow, lived on part of lot 362 "owned by William

- Dickson."
- FREEMAN, Charles.  
1841: Bought lot 275.
- GARRETT, Henry, preacher.  
1834 to 1855: Owned 1/5 acre of lot 241. Moved to London.
- HATTER, George W.  
Oct 1848 - May 1850: Owned S 1/2 of lot 317.
- HOLMES, Phillis, widow of Benjamin HOLMES, blacksmith, and before  
1813 servant to William Dickson.  
1827: Acquired (by quit claim) lot 285 and lot 320.  
1827: Sold part of lot 285 to William TERMAN, blacksmith.  
1828: Terman sold S 1/2 acre of lot 285 to James Crysler.  
1829: Sold lot 320.
- JOHNSON, Warner, painter.  
1851: Bought 1/4 acre lot 284 for 20 pounds. House on Mary St.
- LEWIS, James.  
1844: Bought N 1/2 of lot 317 (37 pounds 10 shillings). 1856: Sold for  
69 pounds.
- LIVINGSTON, Alexander, blacksmith, married Elizabeth.  
1852: William H., son of Alexander acquired part of lot 409.  
1855: Alexander sold part lot 409.  
1866 to 1916: Elizabeth owned W 1/2 acre of lot 332.  
1885: to 1897: William and Elizabeth owned 1/4 acre of lot 321.  
1892: William bought 1/4 acre of lot 273.  
1902: William bought 1/2 acre of lot 335.
- MORGAN, George married Elizabeth.  
1843-c1860: Owned 1/4 acre of lot 242.  
1855: Bought part of lot 409. Moved to Etobicoke.
- RICHARDSON, John, married Maria.  
1840: John bought part of lot 273 and part of lot 275.  
1848: Maria acquired 1/4 acre of lot 337 by quit claim from Edmund  
HOYT.  
1850: Maria sold 1/4 acre of lot 337.
- RICHARDSON, Mary Ann, daughter of John.  
1853: Sold part of lot 275.  
1859: Mortgaged part of lot 273.  
1886: Mortgagee sold lot 273.
- ROBINSON, Lucinda.  
1901-1902: Owned 1/2 acre of lot 335.
- ROSE, Alexander.  
1839-1841: Owned 1/4 acre of lot 337.
- SAND, Peter.  
1853: Owned 1/4 acre of lot 335.
- SCOTT, William Henry, painter, married Harriet.  
1849: Acquired 1/4 of lot 320.  
1890: Willed all property to widow.
- SCOTT, Charles C., barber, probably brother of William H. Also lived on

lot 320.

SCOTT, Martha, tenant on lot 320.

SCOTT, Mary A., widow.

1866-1886 Owned lot 331.

1886: Bequeathed lot 331 and house to granddaughter, Frances WARFIELD, daughter of Mary's daughter, Attridge, a former slave in the United States.

STEWART, William.

1834: Bought lot 337.

1836: Sold south 1/2 of lot 337.

1847: Sold north 1/2 of lot 337 with house. Moved to Niagara Township. House still stands.

STRUTHERS, Joshua, barber.

1828: Bought SW 1/2 of lot 242. Sold prior to 1841. (Document not found).

TALBOT, David, carpenter.

1847: Bought 1/4 acre of lot 73 (28 pounds).

1853: Bought 1/4 acre of lot 73 (25 pounds).

1871: Deeded 1/2 acre of lot 73 in trust to Mary TALBOT

1880: Granted 1/2 acre of lot 73 to Catherine TALBOT, Jessie YOUNG, and Charles TALBOT, his children.

1885: 1/2 acre of lot 73 sold by Catherine PELLMAN, Jessie and Robert YOUNG and Charles TALBOT.

THORNTON, William J.

1921: Acquired 1/2 of lot 274 through his sisters and descendants of William PARKER, who had bought the 1/2 acre in 1855.

1976: 1/2 acre sold by Amy Thornton.

WASHINGTON, Isaac.

1845-1846: Owned lot 318.

WILLSON. See Riley.

WOOD, Simon (Solomon?).

1849: Bought 1/4 acre of lot 320 (12 pounds 10 shillings). By 1854 widow BULLETT was occupant of the house owned by Wood.