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# THE JOURNAL OF NEGRO HISTORY

## VOLUME V

1920

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# THE JOURNAL OF NEGRO HISTORY

**Vol. V., No. 1 JANUARY, 1920.**

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## THE NEGRO IN EDUCATION<sup>[1]</sup>

In the early history of America there were three types of settlements—the French, Spanish, and English. In the French Provinces the teachings of the "Code Noir" made it incumbent upon the masters to teach the slaves, at least to read, in order, of course, that they might read the Bible; and in the Spanish districts the Latin custom of miscegenation prevented the rise of objections to the teaching of slaves, in case there should be any who cared to instruct the Negroes. In the English Provinces, on the other hand, since teaching the slaves would probably result in their becoming Christians, the colonists naturally were strenuous in their efforts to prevent any enlightenment of the blacks, due to the existence of an unwritten law to the effect that no Christian might be held a slave. Many planters forbade the teaching of their slaves, until finally the Bishop of London settled the difficulty by issuing a formal declaration in which he stated that conversion did not work manumission.<sup>[2]</sup>

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The rudimentary education of Negroes was one of the first claims on pioneer Christian teachers. Although the *Negro Year Book* for 1914-15 makes note of a public school for Indians and Negroes established in 1620, according to Brawley and Du Bois, the first schools to be established were private institutions.<sup>[3]</sup> In New York City in 1704 a school was opened for Negroes and Indians by Elias Neau and in 1750 Anthony Benezet established an evening school for the blacks in Philadelphia. The Society for the Propagation of the Gospel established in Charleston in 1744 a mission school, in which two Negroes were employed to instruct their fellowmen. The free Negroes in Charleston established a school in 1774 and those in Boston started a school in 1798. In 1764 the editor of a paper in Williamsburg, Virginia, opened a school for Negroes and in 1800 a schoolhouse and 350 acres of ground were left by the will of Robert Pleasants to be used for the benefit of Negro children.<sup>[4]</sup> About this same time in Newark, New Jersey, the Kosciusko School was established by means of a sum amounting to \$13,000 left by Kosciusko for the education of the Negroes.<sup>[5]</sup> In the Middle West private schools had been organized by manumitted Negroes.

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St. Frances Academy, established in Baltimore in 1829, by The Colored Woman's Society, was the first school for colored girls. An institute for Negro children was established in 1837 in Cheyney, Pennsylvania, with the \$10,000 left by Richard Humphries. By 1838 there were thirteen private schools in Philadelphia for the education of the Negro and in 1849 Avery College was established in Allegheny. Many of the schools were organized by church societies. The African Methodist Episcopal Church purchased in 1844 120 acres of land in Ohio upon which was opened the Union Seminary in 1847. This church later in co-operation with the Methodist Episcopal Church, North, established Wilberforce University in Ohio in 1856. Oberlin College in Ohio was opened in 1833 and Ashmun Institute, which later became Lincoln University, was established in 1854 in

Pennsylvania. Nevertheless, there was in certain parts much opposition on the part of the citizens, evidenced by the mobbing of a young Quaker woman, Prudence Crandall, in Canterbury, Connecticut, in 1832, for having opened a school for Negro children; and in 1835 by the removal from the town of Noyes Academy in Canaan, New Hampshire, a school which had opened its doors to Negroes.

The efforts toward education for the Negro were disconnected and unorganized, while the laws opposing such education were fast increasing, so that the results seem very astonishing, despite the fact that so little was really accomplished. As early as 1740 South Carolina enacted a law forbidding the education of Negroes or the employment of slaves as scribes. Ohio in 1848 forbade Negroes and mulattoes to attend schools. Indiana enacted no law against Negro education but in 1850 omitted the Negroes from the school tax, which in turn resulted in their expulsion from education in that State. In 1852 Delaware enacted a law declaring the schools free for all white children over five years of age. In spite of all the regulations and severe laws opposing the education of the Negro many "clandestine schools" were held in Charleston, Savannah, and New Orleans before 1860.<sup>[6]</sup> The private schools increased in number rapidly during the early nineteenth century among the free Negroes in the District of Columbia and the border States. They were less numerous in the South except in certain particular districts. In Washington, D.C., and New Orleans it is reported that at the opening of the Civil War there were about twenty schools for Negroes established.<sup>[7]</sup> It is also estimated that in the slave States in 1860 there were 4,000 free Negro children in school.<sup>[8]</sup> These figures, however, are relatively small in comparison with the numbers and economic standards of the free Negroes. In 1836 in New Orleans alone the freedmen numbered 855, owned 620 slaves, and held property whose assessed value equaled \$2,462,470.<sup>[9]</sup> By 1860 the total number of free Negroes was 487,970, or about one ninth of the entire black population;<sup>[10]</sup> but the majority of these freedmen were in the rural districts, whereas the educational opportunities were in the cities, so that in 1863, with only 5 per cent of the Negro population literate the problem was indeed difficult, as far as the education of the black race was concerned.

The next period in the education of the Negro was a decade of the establishment of schools by the carpet-bag governments, mission societies, and the Freedmen's Bureau. Some of the schools established by the Negro carpet-baggers became very efficient. For example, in Florida, Jonathan C. Gibbs, a Negro graduate of Dartmouth, succeeded in founding in that State a splendid system of schools, which remained even after the fall of the carpet-bag governments.<sup>[11]</sup> The American Missionary Association was the first benevolent organization to take up the work of education. The plan of this association was to establish one school of higher learning in each of the larger States in the South; normal and graded schools in the principal cities; and common and parochial schools in the smaller country places. As a result of this program, the principal institutions established were Hampton Institute, Atlanta University, Fisk University, Straight University, Talladega College, Tougaloo University, and Tillston College.<sup>[12]</sup> The American Baptist Home Mission Society started work in 1862, which resulted in eight schools: Atlanta Baptist College and Virginia Union University for men; Spelman Seminary and Hartshorn Memorial College for women; and the coeducational institutions, Bishop College, Benedict College, Shaw University, and Jackson College.<sup>[13]</sup> In 1866, just before the beginning of the work of the Freedmen's Bureau in education, the schools so far established had in attendance nearly 100,000.<sup>[14]</sup> The Freedmen's Bureau had been established in 1865 by an act of Congress and by 1867 it reported 1,056 Negro teachers and in 1870 the number was increased to 1,342. During the five years of its work, this bureau established 4,239 schools in the South, with a total number of teachers of 9,307 and of students, 247,333.<sup>[15]</sup> Howard University, established in 1867, was one of these institutions. The Freedman's Aid Society was organized by the northern Methodists in 1866 and to-day this society supports fifty institutions, ten of which are collegiate.<sup>[16]</sup>

At the end of this period many religious agencies were establishing schools. The Episcopalians established the St. Paul Normal and Industrial School at Lawrence, Virginia, and St. Augustine's in Raleigh, North Carolina. The Roman Catholics opened St. Joseph's Industrial School at Clayton, Delaware; St. Augustine's Academy and St. Frances' Academy. Besides these they have in the United States 87 schools for Negro children cared for by 24 sisterhoods.<sup>[17]</sup> The African Methodist Episcopal Zion Church has established twelve institutions, four colleges, one theological school, and seven secondary schools.<sup>[18]</sup> The Presbyterian Board of Missions has established Biddle University in North Carolina, five seminaries for girls, and 70 academies and parochial schools.<sup>[19]</sup> The work of this period was not only constructive as far as Negro education was concerned, but it also affected the life of the white population as well by instituting public school systems in "regions where public schools had been unknown,"<sup>[20]</sup> bringing about a new attitude in the South toward public schools in general, since the whites up to this time had, in the words of Colonel Richard P. Hallowell, "regarded the public school system in the North with contempt."<sup>[20]</sup>

Toward the end of this period a new type of education was introduced by the founding of Hampton Institute in 1875. This marked the beginning of the period of industrialism, the purpose of such education being to give the Negro children "combined mental, moral and industrial training."<sup>[21]</sup> Following the founding of Hampton, Tuskegee Institute was established; also being an industrial school. With these two institutions as centers, the ideals of the industrial propagandist radiated in all directions, finally permeating the whole educational system, not only that of the Negro, but the educational system of the schools for white children as well.

Although separation of the black and white children in the public schools is forbidden in fourteen of the States, the law requires the separation of the children in the following States: Alabama, Arkansas, Delaware, South Carolina, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, Tennessee, Texas, Virginia, and West Virginia. In Arizona, Indiana, Kansas, and Wyoming, the boards of education are given the power to decide the question. Eleven of the States of the Union make no provision in their laws one way or the other.<sup>[22]</sup> Separation is demanded in the private schools in Kentucky, Florida, Tennessee, and Oklahoma. The law in Kentucky was created at a time when it affected only one institution—that of Berea College, which was established in 1856 for the education of anti-slavery whites and was opened to Negro students after the Civil War. In 1904, the date of the passage of the law, this college had 927 students, 174 of whom were Negroes.<sup>[23]</sup> All of the Northern States have compulsory education, but only two of the Southern States, Kentucky and Missouri, have enacted such laws. This does not mean, of course, that these laws are enforced, nor is this a key to the amount of education obtained in proportion to the population, but it does indicate the difference in opportunities for education between the Northern and Southern States.

In regard to the elementary education of the Negro children the whole situation is rather discouraging, but great progress has been made and one may hope for still greater progress in the future. The increase in facilities for education between 1866 and 1870 was quite marked, with a corresponding increase in the number of pupils, as shown by the following table:

INCREASE IN EDUCATION FROM 1866 TO 1870<sup>[24]</sup>

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Date	Schools	No. Teachers	Pupils
1866	975	1,405	90,778
1867	1,839	2,087	111,442
1868	1,831	2,295	104,327
1869	2,118	2,455	114,522
1870	2,677	3,300	149,581

The total expenditure for education during this period was \$5,879,924. There was in 1870, however, only about one tenth of the Negro children of school age in school. Later, from 1889 to 1909, the number of children enrolled greatly increased:

PERCENTAGE OF PERSONS 5 TO 18 YEARS ENROLLED<sup>[25]</sup>

Date	White	Colored
1889-1890	66.28	51.65
1899-1900	72.32	57.67
1908-1909	74.76	58.34

In the first year more than half the children were in school, a decade later the increase was practically the same in the case of the Negro children as it was in the case of the white children, but nine years later the percentage had risen over 2 per cent in the case of the white children and had decreased in the case of the blacks. The census report of 1910 shows the percentage of Negro children enrolled in school to be but 47.3 per cent, a decrease of 9 per cent. The average attendance of the Negro children amounted to about one-third of the number enrolled.<sup>[26]</sup> For these children there were 28,000 teachers, or in other words, one teacher to every group of 57 children; whereas the teachers for the white children averaged one to 45. The report of the Commissioner of Education in 1909 gives a total number of school children in the slave States of 3,054,888, instructed by 9,000 school teachers—3,114 males and 5,886 female.<sup>[27]</sup> According to this report, there would only be one teacher to every group of 184.35 children. This seems an impossible number, so that one feels that surely something must be wrong with the report. The training of these school teachers is not of the highest, nor do they have a great deal of training. The State School Commissioner of Georgia gives the following report of conditions there:<sup>[28]</sup>

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326 teachers with normal certificates,  
 129 teachers with first grade certificates,  
 476 teachers with second grade certificates,  
 2,037 teachers held third grade certificates.

The expenditures for all the children equaled \$46,000,000, but the Negro children who were one third of the total number received but one seventh of this sum. For 231,801 Negro children South Carolina spent \$366,734.28, or \$1.58 per capita, whereas Massachusetts spends \$27 per capita each year, and the District of Columbia spends \$35.21. The South Carolina school tax is heavier than the tax in Massachusetts, but this State spends only \$3.82 per capita for white children.<sup>[29]</sup> Louisiana spends 93 per cent of the school funds for the white children, and 7 per cent for the colored, making a per capita expenditure of \$16.60 for the white children and for the Negro an expenditure of \$1.59. The District of Columbia spends more for the colored children than for the white, per capita expenditure: white, \$20.82; Negro, \$21.87.<sup>[30]</sup>

The rural schools, as may be expected, are in a worse condition than those of the city, in regard to equipment, teachers, and especially in subject matter relating to the adjustments to a rural community. Nevertheless, it seems that there is much more progress being made in these schools than in those in the city. Baily in his *Race Orthodoxy in the South* describes a visit to what he terms a typical rural school.<sup>[31]</sup> "There were no desks and only a small fragment of a blackboard in

one corner. The teacher showed signs of having very little education himself and used no methods whatsoever in teaching. There was only one whole book for the entire reading class. The pupils came at all hours of the day and left whenever convenient for them. When the teacher was asked how many pupils were enrolled in the school, he answered that there were sixty." Mr. Bailey remarks that, after glancing over the room, he fancied there were sixty "acomin' and agoin'."

The Negroes in the rural communities have practically no literature with the possible exception of a few patent inside newspapers carried on by the heads of one or the other Negro orders.<sup>[32]</sup> The amount of elevating reading matter may be judged by the type of advertisements which run along the line of "hair-dressing that makes kinky hair soft, pliant and glossy," and also of experiments of surgeons with the X-ray in making black skin white. Among the books furnished in the schools, nothing contained in them relates in any way to rural life.

In 1908 in North Carolina the average length of term for the rural Negro school was 82.1 days,—the average length for all Negro schools, including high schools, being 93 days. In this State there are 195 log schoolhouses and 2,216 of the Negro schoolhouses are furnished with home-made desks and benches. The rural Negro teacher receives an average salary of \$22.48 per month and the city Negro teacher receives but \$30.20.<sup>[33]</sup> The conditions in the agricultural communities in the North seem to be better than those in the South. 20,700,000 ruralites in the South average 7,000,000 children of school age, 4,400,000 of whom are enrolled in school with an average attendance of 2,700,000. In the North, on the other hand, 20,700,000 ruralites average 6,000,000 children, 4,500,000 of whom are enrolled, with an average attendance of 3,200,000. For the South there are 92,000 school teachers, whereas there are 158,000 in the North. School property in the South is valued at \$42,000,000 and in the North at \$217,000,000. The school revenue is \$26,000,000 and \$92,000,000 respectively. Per capita expenditure in the South is under \$10 and in the North it is almost \$30. The South spends only 16 cents on each \$100 valuation, and the North 20 cents.<sup>[34]</sup>

Many signs of progress are visible in the South, due mainly to the influence of industrial institute graduates who attempt to reorganize the rural districts with more or less success. One graduate of Tuskegee seems to have met with unusual success in Hinds County, Mississippi.<sup>[35]</sup> The Negroes in this community outnumber the white population seven to one, but out of 40,000 of the inhabitants 13,000 can neither read nor write. In five years this graduate has built up an industrial school with a farm of 1,500 acres, three large and eleven small buildings, one large plantation house and thirty farm houses. The school property is valued at \$75,000, and he has started an endowment fund in order to make the work permanent. In Macon County, Alabama, improvements have been rapid. In five years' time through the influence of a changed school system the value of the land has risen from \$2 an acre to \$15 and \$20. It is reported that crime has been reduced to a negligible quantity. At the last sitting of the grand jury there were only 17 cases of all kinds.<sup>[36]</sup> The "Rising Star" School in West Virginia through a change in teacher and curriculum has affected the community in as equally astonishing manner. Not only are the homes of the farmers improved, but the number of land-owning citizens has also increased. Even the religion preached has been greatly changed with the introduction of industrial training.<sup>[37]</sup> There is one school fund which is for the purpose of improving rural conditions, that is the Jeanes Fund amounting to \$1,000,000, the interest on which is to be used for the rural schools in supplying competent teachers as supervisors to introduce industrial training. The influence of this fund together with the influence of Hampton and Tuskegee Institutes seems to be the hope of the future for the rural districts.

In the matter of secondary education, high schools for the Negroes are practically lacking. In Atlanta with a Negro population of 51,902 Negroes; in Savannah with 33,246; and in Augusta with 18,344, there are no Negro high schools whatsoever.<sup>[38]</sup> The following table shows the distribution of the 156 high schools for Negroes<sup>[39]</sup> (1913):

Alabama	6	Maryland	1
Arkansas	4	Mississippi	10
Delaware	1	Missouri	14
District of Columbia	2	North Carolina	3
Florida	6	Ohio	1
Georgia	14	Oklahoma	5
Illinois	5	Pennsylvania	1
Indiana	6	South Carolina	13
Kansas	1	Tennessee	9
Kentucky	8	Texas	37
Louisiana	1	Virginia	4
West Virginia	5		

The increase in the number of high schools in the Southern States from year to year is shown by the following:<sup>[40]</sup>

Year	High Schools	Year	High Schools
1899-1900	92	1905-1906	129
1900-1901	100	1906-1907	121
1901-1902	99	1907-1908	106
1902-1903	123	1908-1909	112
1903-1904	131	1909-1910	141
1904-1905	146		

Apparently there is no effort in the South to supply high schools for the Negro. The General Assembly of Georgia passed a bill to establish high schools in all of the congressional districts of the State. Eleven were established and supported by a fertilizer tax, most of which was paid by the Negroes who numbered 45.1 per cent of the population of the State, and 80 per cent of whom lived in the rural districts. None of these schools, however, were for members of the Negro race. [41]

The founding of the two most important industrial schools has been mentioned before. Hampton Institute which was founded by the American Missionary Society in 1868 now consists of 113 buildings, including the instructors' cottages.[42] 76 of these buildings were erected by student labor. There are 120 acres to the Home Farm and 600 acres to Shellbanks, six miles from the Institute. The enrollment in 1910 was 875, or 1,399 including the Normal Practice School. Tuskegee Institute which began with one hoe and a blind mule now possesses 2,000 acres of land, 800 of which are cultivated each year by the young men of the school. During 1903, 33 trades were taught to over 1,400 men and women. By means of this work, the students pay more than one half of their expenses. Of the sixty buildings, all but four were almost wholly erected by students, even to the making of the bricks.[43] Although the average Negro was greatly antagonistic regarding this training at the beginning of the work at these institutes and many protests were heard from all sides, Mr. Washington stated in *The Negro Problem* that it has been several years since they have received a protest from parents against teaching industrial training. [44] The graduates of Tuskegee have established more than fifteen similar schools in the South.[45] Among those established are Voorhees Industrial School, Robert Hungerford School, Snow Hill Normal and Industrial Institute, Topeka Normal and Industrial Institute, Port Royal Agricultural School, and Mt. Meigs Institute.

No one of the Negro institutions for higher learning has as yet become a fully equipped university. No one of the institutions maintains a graduate school. Howard University is the only one that has even started graduate work.[46] The real influence of the college has been to prepare men to be leaders in education, as may be witnessed by the fact that out of the 5,000 Negro college graduates in the United States 54 per cent are teaching, while 20 per cent are preaching.[47] The following table shows the number of college graduates by decades:[48]

Year	No. of Grads.	Year	No. of Grads.
1820-29	3	1870-79	313
1830-39	—	1880-89	738
1840-49	7	1892-99	1,126
1850-59	12	1900-09	1,610
1860-69	44		
		Total	3,856

The distribution of the college Negro is indicated in the following:[49]

Districts	No. of Graduates
New England States	16
So-Northern Atlantic States	42
No-Southern Atlantic States	92
So-Southern Atlantic States	276
E-Northern Central States	61
W-Northern Central States	47
E-Southern Central States	141
W-Southern Central States	99
Rocky Mountain States	2
Basin and Plateau States	3
Pacific States	3
Outside U. S.	2
Unknown	18
Total	802

103 of these graduates were born in the North, 65 or 63 per cent of whom remained in the North and 35 or 34 per cent migrated to the South; 682 of these were born in the South, 102 or 15 per cent of whom went to the North, and 563 or 82.5 per cent remained in the South. This shows that the tendency of the college graduate is to remain in the South where he is most needed.

Of the graduates of 107 colleges which are not Negro institutions 79.2 per cent or 549 have been men, and 20.8 per cent or 144 have been women. Of 2,964 graduates of 34 Negro colleges, 82.7 per cent have been men and 17.3 have been women.[50] This difference may be due to a greater economic standard of the Negro in the North, since the colleges admitting Negroes which are not Negro institutions would be in the North, and to the fact that more Negroes would be located near educational institutions in the North than they would be in the South.

From another report the average age for the women graduates was 21-1/3 years, and the average for the men was 22-3/16 years. There seems to be a tendency of the age to increase, as shown by the following:[51]

- 1880-1890 the average age was 21 years for men and women.
- 1890-1900 the average age was 22 years for men and women.

Of the 24 graduates reported 16 were under 35, and one was over 50.

Of 799 graduates 67.3 per cent of the males were married, and 31.1 per cent of the females were married. Among these graduates there are only two cases of divorce, one man and one woman. The ages at which they married were for the men between 25 and 34 and for the women between 20 and 29. The families averaged four children. The death rate among the children has not equalled one child per family.<sup>[52]</sup>

Statistics taken in 1913 of 258 schools show the college students to be only 4.1 per cent of the entire number of Negroes in schools. If the college graduate were in proportion to the population their number would be about five times as great as it is at present.<sup>[53]</sup>

The Negroes have contributed in all lines to a large extent toward their own education. Since 1865 religious and philanthropic associations have contributed \$57,000,000 and the Negroes by direct contributions have supplied \$24,000,000.<sup>[54]</sup> In 1869 in one year the Negroes raised \$200,000 for the construction of school houses. A report from a State Superintendent of Schools of Florida stated that in the Black Belt Counties the Negro schools cost \$19,457 and the direct and indirect contributions on the part of the Negroes amounted to \$23,984. There were \$4,527 remaining which was used for the benefit of the white schools.<sup>[55]</sup> It is thought on the part of some that the Negro, although he may not pay in direct taxes a sum sufficient to provide for his schools, may in reality be paying his full share indirectly. I believe, however, that it is quite safe to say that he probably pays as much for his education as any other poor class of the population, especially so in comparison with some of the immigrant classes. There have also been quite a number of Negro philanthropists, the most prominent of whom have been Bishop Payne who gave several thousand dollars to Wilberforce, Wheeling Grant who gave \$5,000 to Wilberforce, Mary E. Shaw who left \$38,000 to Tuskegee, Nancy Addison who left \$15,000 for education in Baltimore, Louis Bode who left \$30,000 and George Washington of Jerseyville, Illinois, who left \$15,000 for education. Thomy Lafon, of New Orleans, left \$413,000 to be used for educational purposes with no distinction regarding race or color. Colonel John McKee, of Philadelphia, left about \$1,000,000 in real estate to be used for education.<sup>[56]</sup> The Negro Baptist Churches alone raised in 1907 \$149,332.75.<sup>[57]</sup> In nine years the Negro students paid in cash to 74 Negro institutions \$3,358,667 and in work \$1,828,602, making a total of \$5,187,269. This amounted to 44.6 per cent of the entire running expenses of the institutions.<sup>[58]</sup>

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The attitude of the Negro immediately after the war was that of opposition to all kinds of labor. He had not as then learned the distinction between working as a slave and working as a freedman. What he wanted most was an education, a literary education, such as the white man had. He did not want his education for any definite purpose, except as an end in itself. The chief reason probably may have been that of a desire to put himself on a par with the white man, and to prove his intellectual equality. The attitude to-day is radically different, being represented by men like Washington and DuBois. Washington preached the gospel of industrial education, believing strongly that that method would lead to an increase of the economic wealth of the race, whereby they could acquire the so-called higher education. DuBois, however, although he believed in the efficiency of industrial training, also felt that the race should not neglect to educate leaders even at the present time, so that his attitude differs from that of Washington in a slight degree. Two short quotations from Washington's writings may illustrate to a certain extent the attitude of the leaders of Negro education: "What Negro education needed most," said he, "was not so much more schools or different kinds of schools, as an educational policy and a school system,"<sup>[59]</sup> and "I want to see education as common as grass, and as free for all as sunshine and rain."<sup>[60]</sup>

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Prejudice is an important factor in the attitude of the white race toward Negro education. This prejudice seems to be in all sections of the country, but it is the southerner who is heard from the most, possibly because he is more in contact with the real problem and then because it seems to be a policy of southern politicians to attempt to outdo each other in their speeches along the line of race prejudice. According to Weatherford prejudice has arisen out of the fear that education will lead to the dominance of the Negro in politics and to promiscuous mingling in social life. "The southern white man will never be enthusiastic for Negro education, until he is convinced that such education will not lead to either of these."<sup>[61]</sup> This feeling of a group is expressed in the following statement in a report to the Baltimore Council by a committee in 1913: "No fault is found with the Negroes' ambitions," said the report, "but the Committee feels that Baltimoreans will be criminally negligent as to their future happiness, if they suffer the Negroes' ambitions to go unchecked."<sup>[62]</sup> Mr. Thomas Dixon, Junior, deplors the fact that Washington was training the Negroes to be "masters of men," stating that "if there is one thing the southern white man cannot endure it is an educated Negro."<sup>[63]</sup>

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School officials and educators on the other hand show an entirely different attitude. Mr. Glenn, recently Superintendent of Education of Georgia, made the declaration that "The Negro is ... teachable and susceptible to the same kind of mental improvement characteristic to any other race."<sup>[64]</sup> Thomas Nelson Page states that "the Negro may individually attain a fair and in uncommon instances a considerable degree of mental development."<sup>[65]</sup> Another states that "We must educate him because ignorant men are dangerous, especially to a democracy pledged to educate all men."<sup>[66]</sup> Some believe that we must also educate him for self-protection from vice and disease. The Southern Educational Association in 1907 passed the following resolution: "We

endorse the accepted policy of the States of the South in providing educational facilities for the youth of the Negro race, believing that whatever the ultimate solution of this grievous problem may be, education must be an important factor in that solution."<sup>[67]</sup>

Illiteracy which in 1863 equaled about 95 per cent of the Negro population has been decreasing rapidly since the Civil War. The illiteracy of the Negro during the last three decades has been as follows: in 1890, 57.1 per cent; in 1900, 44.5 per cent; and in 1910, 30.4 per cent. In the North in 1910 the illiteracy was 18.2 per cent in the South 48.0 per cent, and in the West 13.1 per cent.<sup>[68]</sup> The urban Negro in 1910 showed 17.6 per cent illiteracy and the rural 36.5 per cent. Louisiana showed 48 per cent, whereas Minnesota and Oregon showed only 3.4 per cent.<sup>[69]</sup> In 1900 when the Negro illiteracy was 44.5 per cent, the children between ten and twenty-five years of age showed only 30 per cent and those between 10 and 14 years in Mississippi showed only 22 per cent.<sup>[70]</sup> The illiteracy for all Negro children was 25 per cent, whereas the illiteracy for all white children was only 10.5 per cent.<sup>[71]</sup> The illiteracy of our Negroes does not seem so great when a comparison is made with some foreign countries:<sup>[72]</sup>

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Race	Illiteracy	Race	Illiteracy
Negroes	30.4	Spain	58.7
Bulgaria	65.5	Chile	49.9
Greece	57.2	Cuba	56.8
Hungary	40.9	Mexico	75.3
Italy	48.2	Porto Rico	79.6
Poland	59.3	India	92.5
Portugal	73.4	Philippines	55.5
Russia	70.0	Cape of Good Hope	65.8
Servia	78.9	Egypt	92.7

The percentage of Negro illiteracy in America is less than any one of these foreign races.

The criminality of the Negro seemingly has decreased as the illiteracy has decreased. Out of every 100 criminals only 39 could read and 61 could not, whereas in the general population 43 could read and 57 could not.<sup>[73]</sup> In the Mississippi penitentiary where they had 450 convicts of Negro blood one half of them could neither read nor write, and less than 10 per cent had anything like a fair education.<sup>[74]</sup> Atlanta University has graduated 800 Negro men and women, not one of whom has ever been convicted of crime. Fisk University has only one graduate who has ever been convicted. Greensboro Agricultural and Technical College has had 2,000 students since its establishment, and only five have ever been convicted of crime. Two of these had been expelled students, and none were among the three hundred graduates of the college. Negro students who have gone to high school show a remarkably low percentage of crime. Of the 200 graduates from the Winston-Salem High School (North Carolina) only one has a criminal record. Waters Normal Institute at Winton, North Carolina, has graduated more than 130 students and not one of these has ever been arrested or convicted of any crime.<sup>[75]</sup> The records of the southern prisons show that at least 90 per cent of those in prison are without trades of any sort.<sup>[76]</sup> According to Booker T. Washington, "Manual training is as good a prevention of criminality as vaccination is of smallpox."<sup>[77]</sup> In 1903, in Gloucester County, Virginia, twenty-five years after education had been introduced, there were 30 arrests for misdemeanors, 16 white and 14 black; and in the next year there were 15 arrests for misdemeanors, 14 white and one black.<sup>[78]</sup> The general opinion of the southerner may be judged by the answers to a questionnaire sent out to prominent southern men in each of the Southern States. To the question "Does crime grow less as education increases?" there were 102, answered "yes" and 19 answered "no."<sup>[79]</sup>

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One of the charges against the Negro has been his shiftlessness, both as far as his personal industriousness is concerned, and as far as the care of his home and things about him. Now, however, education has increased his standards and his wants, so that since he desires to have land, homes, churches, books, papers, and education for his children, he will labor regularly and efficiently to supply these. The graduates of Tuskegee Institute are kept in touch with by one of the school officials, who reported that not 10 per cent could be found in idleness and that only one was in a penitentiary.<sup>[80]</sup>

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LORETTA FUNKE

### FOOTNOTES:

- [1] In the preparation of this manuscript the following books have been useful: Thomas P. Bailey, *Race Orthodoxy in the South* (New York: the Neale Publishing Company, 1914); Benjamin Griffith Brawley, *A Short History of the American Negro* (New York: The Macmillan Company, 1913); Daniel Wallace Culp, *Twentieth Century Negro Literature* (Naperville, Illinois, J. L. Nichols and Company, 1902); Albert Bushnell Hart, *The Southern South* (New York, D. Appleton and Company, 1912); Mary White Ovington, *Half a Man* (New York and London: Longmans, Green and Co., 1911); William Passmore Pickett, *The Negro Problem* (New York and London: G. P. Putnam's Sons, 1909); Charles Victor Roman, *American Civilization and the Negro* (Philadelphia: F. A. Davis Company, 1916); Gilbert Thomas Stephenson, *Race Distinctions in American Law* (New York and London: D. Appleton and Company, 1910); Booker T. Washington, *My Larger Education* (Garden City, New York: Doubleday, Page and Company, 1911); Booker T. Washington, *Working with the Hands* (New York: Doubleday, Page and Company, 1904); Booker T. Washington and W. E.



Burghardt Du Bois, *The Negro in the South* (Philadelphia: G. W. Jacobs and Company, 1907); Booker T. Washington and others, *The Negro Problem* (New York: J. Pott and Company, 1903); Willis Duke Weatherford, *Negro Life in the South* (New York: Young Men's Christian Association Press, 1910); Carter Godwin Woodson, *The Education of the Negro Prior to 1861* (New York and London: G. P. Putnam's Sons, 1915).

The following articles have also been used: Henry E. Baker, *The Negro in the Field of Invention* (*Journal of Negro History*, January, 1917, p. 21); W. H. Baldwin, Jr., *The Present Problem of Negro Education* (*American Journal of Social Science*, 37, 1899, p. 52); W. E. Burghardt DuBois, *The College Bred Negro* (Atlanta University Publications, No. 15, Atlanta, 1910); *The Common School and the Negro American* (Atlanta University Publications, No. 16, 1911); *The School* (Atlanta University Publications, No. 14, 1909); *Education and Crime Among Negroes* (*Review of Reviews*, 55, 1917, p. 318); Hampton Negro Conference, *Annual Report*, July, 1899 (Hampton Institute Press, 1889); *Higher Education of the Negro* (*The Nation*, 100, 1915, p. 187); George Johnson, *Education of the Negro* (*The Nation*, 100, 1915, p. 443); Jesse Lawson, *How to Solve the Race Problem* (Report of the Washington Conference on the Race Problem in the United States, Washington, D. C., 1904); William Mathews, *The Negro Intellect* (*North American Review*, 149, 1889, p. 91); *More Testimony on Negro Migration* (*Survey*, July 14, 1917, p. 340); National League on Urban Conditions Among Negroes, *Bulletin*, Vol. V, No. 1, November, 1915; Michael E. Sadler, *Education of the Colored Race* (Great Britain Educational Department, Special Reports of, 1902, Volume II); Charles Dudley Warner, *The Education of the Negro* (*American Journal of Social Science*, 38, 1900, p. 1); Booker T. Washington, *Fifty Years of Progress* (*Forum* 55, 1916, pp. 269-79); Monroe N. Work, *The Negro Year Book* (Nashville, Sunday School Union Print, 1915).

- [2] Woodson, *The Education of the Negro Prior to 1861*, p. 24.
- [3] Brawley, *History of the Negro*, p. 104; Du Bois, Atlanta U. Pub. No. 16, p. 16.
- [4] Brawley, *History of the Negro*, p. 104.
- [5] Washington, *My Larger Education*, p. 241.
- [6] Sadler, *Gr. Britain Edu. Reports*, p. 537.
- [7] Du Bois, Atlanta U. Pub. No. 16, p. 16.
- [8] Weatherford, *Negro Life in the South*, p. 94.
- [9] Brawley, *History of the Negro*, p. 103.
- [10] *Ibid.*, p. 102.
- [11] Du Bois, Atlanta U. Pub. No. 16, p. 21.
- [12] Brawley, *History of the Negro*, p. 135.
- [13] *Ibid.*, 137.
- [14] Weatherford, *Negro Life in the South*, p. 94.
- [15] Work, *Negro Yearbook*, 1915, p. 201.
- [16] Brawley, *History of the Negro*, p. 139.
- [17] *Ibid.*, p. 141.
- [18] *Ibid.*, p. 168.
- [19] *Ibid.*, p. 140.
- [20] Du Bois, Atlanta U. Pub. No. 16, p. 22.
- [21] Washington, *The Negro Problem*, p. 19.
- [22] Stephenson, *Race Distinction in American Law*, p. 189.
- [23] *Ibid.*, p. 154.
- [24] Du Bois, Atlanta U. Pub. No. 16, p. 20.
- [25] *Ibid.*, p. 27.
- [26] Hart, *The Southern South*, p. 310.
- [27] Weatherford, *Negro Life in the South*, p. 96.
- [28] Weatherford, *Negro Life in the South*, p. 108.
- [29] *Ibid.*, p. 96.
- [30] Work, *Negro Yearbook*, 1915, p. 223.
- [31] Baily, *Race Orthodoxy*, pp. 273-280.
- [32] Hart, *Southern South*, p. 324.

- [33] Weatherford, *Negro Life in the South*, p. 98.
- [34] Hart, *Southern South*, p. 294.
- [35] Washington, *My Larger Education*, p. 191.
- [36] *Ibid.*, p. 152.
- [37] *Ibid.*, p. 146.
- [38] Du Bois, *Atlanta U. Pub. No. 16*, p. 127.
- [39] Work, *The Negro Yearbook*, 1915, p. 216.
- [40] Du Bois, *Atlanta U. Pub. No. 16*, p. 129.
- [41] DuBois, *Atlanta U. Pub. No. 16*, p. 128.
- [42] Brawley, *The Negro Yearbook*, 1915, p. 147
- [43] Washington, *The Negro Problem*, p. 20.
- [44] *Ibid.*, p. 22.
- [45] Brawley, *History of the Negro*, p. 153.
- [46] *Ibid.*, p. 142.
- [47] Brawley, *History of the Negro*, p. 145.
- [48] Du Bois, *Atlanta U. Pub. No. 15*, p. 45.
- [49] *Ibid.*, p. 54.
- [50] Du Bois, *Atlanta U. Pub. No. 15*, p. 46.
- [51] *Ibid.*, p. 28.
- [52] *Ibid.*, p. 57.
- [53] Work, *The Negro Yearbook*, 1915, p. 229.
- [54] Work, *The Negro Yearbook*, p. 235
- [55] Washington, *Working with the Hands*, p. 72.
- [56] Brawley, *History of the Negro*, p. 174.
- [57] *Ibid.*, p. 169.
- [58] Du Bois, *Atlanta U. Pub. No. 14*, p. 18.
- [59] Washington, *My Larger Education*, p. 310.
- [60] *Ibid.*, p. 139.
- [61] Weatherford, *Negro Life in the South*, p. 87.
- [62] Bailey, *Race Orthodoxy in the South*, p. 265.
- [63] Hart, *The Southern South*, p. 319.
- [64] *Ibid.*, p. 326.
- [65] *Ibid.*, p. 327.
- [66] Bailey, *Race Orthodoxy in the South*, p. 269.
- [67] Hart, *The Southern South*, p. 327.
- [68] Work, *Negro Yearbook*, 1915, p. 226.
- [69] *Ibid.*, p. 226.
- [70] Hart, *The Southern South*, p. 294.
- [71] *Ibid.*, p. 292.
- [72] Washington in the *Forum*, p. 270.
- [73] *Review of Reviews*, p. 318.
- [74] *Review of Reviews*, p. 319.
- [75] *Ibid.*, p. 319.
- [76] Weatherford, *Negro Life in the South*, p. 110.
- [77] Washington and Du Bois, *The Negro in the South*, p. 64.

[78] *Ibid.*, p. 71.

[79] Washington, *Working with the Hands*, p. 239.

[80] Washington and Du Bois, *The Negro in the South*, p. 61.

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## THE NEGRO MIGRATION TO CANADA AFTER THE PASSING OF THE FUGITIVE SLAVE ACT

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When President Fillmore signed the Fugitive Slave Bill<sup>[1]</sup> on September 18, 1850, he started a Negro migration that continued up to the opening of the Civil War, resulting in thousands of people of color crossing over into Canada and causing many thousands more to move from one State into another seeking safety from their pursuers. While the free Negro population of the North increased by nearly 30,000 in the decade after 1850, the gain was chiefly in three States, Ohio, Michigan and Illinois. Connecticut had fewer free people of color in 1860 than in 1850 and there were half a dozen other States that barely held their own during the period. The three States showing gains were those bordering on Canada where the runaway slave or the free man of color in danger could flee when threatened. It is estimated that from fifteen to twenty thousand Negroes entered Canada between 1850 and 1860, increasing the Negro population of the British provinces from about 40,000 to nearly 60,000. The greater part of the refugee population settled in the southwestern part of the present province of Ontario, chiefly in what now comprises the counties of Essex and Kent, bordering on the Detroit River and Lake St. Clair. This large migration of an alien race into a country more sparsely settled than any of the Northern States might have been expected to cause trouble, but records show that the Canadians received the refugees with kindness and gave them what help they could.<sup>[2]</sup> At the close of the Civil War many of the Negroes in exile returned, thus relieving the situation in Canada.

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The Fugitive Slave Bill had been signed but a month when Garrison pointed out in *The Liberator* that a northward trek of free people of color was already under way. "Alarmed at the operation of the new Fugitive Slave Law, the fugitives from slavery are pressing northward. Many have been obliged to flee precipitately leaving behind them all the little they have acquired since they escaped from slavery."<sup>[3]</sup> The American Anti-Slavery Society's report also notes the consternation into which the Negro population was thrown by the new legislation<sup>[4]</sup> and from many other contemporary sources there may be obtained information showing the distressing results that followed immediately upon the signing of the bill. Reports of the large number of new arrivals were soon coming from Canada. Hiram Wilson, a missionary at St. Catharines, writing in *The Liberator* of December 13, 1850, says: "Probably not less than 3,000 have taken refuge in this country since the first of September. Only for the attitude of the north there would have been thousands more." He says that his church is thronged with fugitives and that what is true of his own district is true also of other parts of southern Ontario. Henry Bibb, in his paper *The Voice of the Fugitive*<sup>[5]</sup> published frequent reports of the number of fugitives arriving at Sandwich on the Detroit River. In the issue of December 3, 1851, he reports 17 arrivals in a week. On April 22, 1852, he records 15 arrivals within the last few days and notes that "the Underground Railroad is doing good business this spring." On May 20, 1852, he reports "quite an accession of refugees to our numbers during the last two weeks" and on June 17 notes the visit of agents from Chester, Pennsylvania, preparatory to the movement of a large number of people of color from that place to Canada. On the same date he says: "Numbers of free persons of color are arriving in Canada from Pennsylvania and the District of Columbia, Ohio and Indiana. Sixteen passed by Windsor on the seventh and 20 on the eighth and the cry is 'Still they come.'" The immigration was increasing week by week, for on July 1 it was reported in *The Voice of the Fugitive* that "in a single day last week there were not less than 65 colored emigrants landed at this place from the south.... As far as we can learn not less than 200 have arrived within our vicinity since last issue." Almost every number of the paper during 1852 gives figures as to the arrivals of the refugees. On September 23 Bibb reported the arrival of three of his own brothers while on November 4, 1852, there is recorded the arrival of 23 men, women and children in 48 hours. Writing to *The Liberator* of November 12, 1852, Mary E. Bibb said that during the last ten days they had sheltered 23 arrivals in their own home. The American Missionary Association, which had workers among the fugitives in Canada noted in its annual report for 1852 that there had been a large increase of the Negro population during the year<sup>[6]</sup> while further testimony to the great activity along the border is given by the statement that the Vigilance Committee at Detroit assisted 1,200 refugees in one year and that the Cleveland Vigilance Committee had a record of assisting more than a hundred a month to freedom.<sup>[7]</sup>

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The northern newspapers of the period supply abundant information regarding the consternation into which the Negroes were thrown and their movements to find places of safety. Two weeks after President Fillmore had signed the Fugitive Slave Bill a Pittsburgh despatch to *The Liberator* stated that "nearly all the waiters in the hotels have fled to Canada. Sunday 30 fled; on Monday 40; on Tuesday 50; on Wednesday 30 and up to this time the number that has left will not fall short of 300. They went in large bodies, armed with pistols and bowie knives, determined to die rather than be captured."<sup>[8]</sup> A Hartford despatch of October 18, 1850, told of five Negroes leaving that place for Canada;<sup>[9]</sup> Utica reported under date of October 2 that 16 fugitive slaves passed through on a boat the day before, bound for Canada, all well armed and determined to fight to the last;<sup>[10]</sup>

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*The Eastport Sentinel* of March 12 noted that a dozen fugitives had touched there on the steamer *Admiral*, en route to St. John's; *The New Bedford Mercury* said: "We are pleased to announce that a very large number of fugitive slaves, aided by many of our most wealthy and respected citizens have left for Canada and parts unknown and that many more are on the point of departure."<sup>[11]</sup> The Concord, New Hampshire, *Statesman* reported: "Last Tuesday seven fugitives from slavery passed through this place ... and they probably reached Canada in safety on Wednesday last. Scarcely a day passes but more or less fugitives escape from the land of slavery to the freedom of Canada ... via this place over the track of the Northern Railroad."<sup>[12]</sup>

Many other examples of the effect of the Fugitive Slave Act might be noted. The Negro population of Columbia, Pennsylvania, dropped from 943 to 487 after the passing of the bill.<sup>[13]</sup> The members of the Negro community near Sandy Lake in northwestern Pennsylvania, many of whom had farms partly paid for, sold out or gave away their property and went in a body to Canada.<sup>[14]</sup> In Boston a fugitive slave congregation under Leonard A. Grimes had a church built when the blow fell. More than forty members fled to Canada.<sup>[15]</sup> Out of one Baptist church in Buffalo more than 130 members fled across the border, a similar migration taking place among the Negro Methodists of the same city though they were more disposed to make a stand. At Rochester all but two of the 114 members of the Negro Baptist church fled, headed by their pastor, while at Detroit the Negro Baptist church lost 84 members, some of whom abandoned their property in haste to get away.<sup>[16]</sup> A letter from William Still, agent of the Philadelphia Vigilance Committee, to Henry Bibb at Sandwich says there is much talk of emigration to Canada as the best course for the fugitives.<sup>[17]</sup> *The Corning Journal* illustrates the aid that was given to the fugitives by northern friends. Fifteen fugitives, men, women and children, came in by train and stopped over night. In the morning a number of Corning people assisted them to Dunkirk and sent a committee to arrange for passage to Canada. The captain of the lake steamer upon which they embarked, very obligingly stopped at Fort Maiden, on the Canadian side, for wood and water and the runaways walked ashore to freedom. "The underground railroad is in fine working order," is the comment of *The Journal*. "Rarely does a collision occur, and once on the track passengers are sent through between sunrise and sunset." That time did not dull the terrors of the Fugitive Slave Act is shown by the fact that every fresh arrest would cause a panic in its neighborhood. At Chicago in 1861, almost on the eve of the Civil War, more than 100 Negroes left on a single train following the arrest of a fugitive, taking nothing with them but the clothes on their backs and most of them leaving good situations behind."<sup>[18]</sup>

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The Underground Railroad system was never so successful in all its history as after 1850. Despite the law, and the infamous activities of many of the slave-catchers, at least 3,000 fugitives got through to Canada within three months after the bill was signed. This was the estimate of both Henry Bibb and Hiram Wilson and there were probably no men in Canada who were better acquainted with the situation than these two. In *The Voice of the Fugitive* of November 5, 1851, Bibb reported that "the road is doing better business this fall than usual. The Fugitive Slave Law has given it more vitality, more activity, more passengers and more opposition which invariably accelerates business.... We can run a lot of slaves through from almost any of the bordering slave states into Canada within 48 hours and we defy the slaveholders and their abettors to beat that if they can.... We have just received a fresh lot today and still there is room." *The Troy Argus* learned from "official sources" in 1859 that the Underground Railroad had been doing an unusually large business that year.<sup>[19]</sup> Bibb's newspaper reports, December 2, 1852, that the underground is working well. "Slaveholders are frequently seen and heard, howling on their track up to the Detroit River's edge but dare not venture over lest the British lion should lay his paw upon their guilty heads." Bibb kept a watchful eye on slave-catchers coming to the Canadian border and occasionally reported their presence in his paper. Underground activity was also noted in *The Liberator*. "The underground railroad and especially the express train, is doing a good business just now. We have good and competent conductors," was a statement in the issue of October 29, 1852.<sup>[20]</sup>

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Not all those who fled to Canada left their property behind. *The Voice of the Fugitive* makes frequent reference to Negroes arriving with plenty of means to take care of themselves. "Men of capital with good property, some of whom are worth thousands, are settling among us from the northern states." says the issue of October 22, 1851, while in the issue of July 1, 1852, it is noted that "22 from Indiana passed through to Amherstburg, with four fine covered waggons and eight horses. A few weeks ago six or eight such teams came from the same state into Canada. The Fugitive Slave Law is driving out brains and money." In a later issue it was stated "we know of several families of free people of color who have moved here from the northern states this summer who have brought with them property to the amount of £30,000."<sup>[21]</sup> Some of these people with property joined the Elgin Association settlement at Buxton, purchasing farms and taking advantage of the opportunities that were provided there for education. A letter to *The Voice of the Fugitive* from Ezekiel C. Cooper, recently arrived at Buxton, says: "Canada is the place where we have our rights."<sup>[22]</sup> He speaks of having purchased 50 acres of land and praises the school and its teacher at Buxton. Cooper came from Northampton, Massachusetts, driven out by the Fugitive Slave Law. A rather unusual case was that of 12 manumitted slaves who were brought to Canada from the South. They had been bequeathed \$1,000 each by their former owner. They all bought homes in the Niagara district.<sup>[23]</sup>

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While fugitives and free Negroes were being harried in the Northern States slaves continued to run away from their masters and seek liberty. "Slaves are making this a great season for running off to

Pennsylvania," said the Cumberland, Virginia, *Unionist* in 1851.<sup>[24]</sup> "A large number have gone in the last week, most of whom were not recaptured." At the beginning of 1851 *The Liberator* had a Buffalo despatch to the effect that 87 runaways from the South had passed through to Canada since the passing of the bill the previous September.<sup>[25]</sup> Bibb mentions two runaways from North Carolina who were 101 days reaching Canada.<sup>[26]</sup> The Detroit *Free Press* reported that 29 runaways crossed to Canada about the end of March, 1859, "the first installment of northern emigration from North Carolina."<sup>[27]</sup> About the same time *The Detroit Advertiser* announced that "seventy fugitive slaves arrived in Canada by one train from the interior of Tennessee. A week before a company of 12 arrived. At nearly the same time a party of seven and another of five were safely landed on the free soil of Canada, making 94 in all. The underground railroad was never before doing so flourishing a business."<sup>[28]</sup> The New Orleans *Commercial Bulletin* of December 19, 1860, asserted that 1,500 slaves had escaped annually for the last fifty years, a loss to the South of at least \$40,000,000. The American Anti-Slavery Society's twenty-seventh report said "Northward migration from slave land during the last year has fully equalled the average of former years."<sup>[29]</sup>

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It is interesting to note that several of the most famous cases that arose under the Fugitive Slave Act had their ending in Canada. Shadrack, Anthony Burns, Jerry McHenry, the Parkers, the Lemmon slaves and others found refuge across the border after experiencing the terrors of the Fugitive Slave legislation. The Shadrack incident was one of the earliest to arise under the new law. Shadrack, a Negro employe in a Boston coffee house, was arrested on February 15, 1851, on the charge of having escaped from slavery in the previous May. As the commissioner before whom he was brought was not ready to proceed, the case was adjourned for three days. As Massachusetts had forbidden the use of her jails in fugitive cases Shadrack was detained in the United States court room at the court house. A mob of people of color broke into the building, rescued the prisoner and he escaped to Canada. The rescue caused great excitement at Washington and five of the rescuers were indicted and tried but the jury disagreed. The incident showed that the new law would be enforced with difficulty in Massachusetts in view of the fact that the mob had been supported by a Vigilance Committee of most respectable citizens.<sup>[30]</sup>

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A few months later, at Syracuse, a respectable man of color named Jerry McHenry was arrested as a fugitive on the complaint of a slaver from Missouri. He made an attempt to escape and failed. The town, however, was crowded with people who had come to a meeting of the County Agricultural Society and to attend the annual convention of the Liberty Party. On the evening of October 1, 1851, a descent was made upon the jail by a party led by Gerrit Smith and Rev. Samuel J. May, both well-known abolitionists. The Negro was rescued, concealed for a few days and then sent on to Canada where he died, at Kingston, in 1853.<sup>[31]</sup>

A more tragic incident was that known as the Gorsuch case. A slaver named Gorsuch, with his son and some others, all armed, came to Lancaster, Pennsylvania, in search of two fugitives. In a house two miles from Lancaster was a Negro family named Parker and they were besieged by the Gorsuchs. The Negroes blew a horn and brought others to their help. Two Quakers who were present were called upon to render help in arresting the Negroes, as they were required to do under the Act, but they refused to aid. In the fighting that took place the elder Gorsuch was killed and his son wounded. The Negroes escaped to Canada where they spent the winter in Toronto and in the spring joined the Elgin Association settlement at Buxton in Kent county.<sup>[32]</sup>

The Anthony Burns case attracted more attention than any other arising in the execution of the Fugitive Slave Law. Burns, who was a fugitive from Virginia living in Boston, betrayed his hiding place in a letter which fell into the hands of a southern slaver and was communicated to a slave hunter. The slaver tried to coax Burns to go back to bondage peaceably but failing in this he had him arrested and brought before a commissioner who, on June 2, 1854, decided that Burns was a fugitive and must be sent back to slavery. Boston showed its feelings on the day that the Negro was removed from jail to be sent South. Stores were closed and draped in black, bells tolled, and across State Street a coffin was suspended bearing the legend THE DEATH OF LIBERTY. The streets were crowded and a large military force, with a field piece in front, furnished escort for the lone black. Hisses and cries of "shame" came from the crowd as the procession passed. Burns was soon released from bondage, Boston people and others subscribing to purchase his liberty. He was brought North, educated and later entered the ministry. For several years he was a missionary at St. Catharines, Canada, and died there in the sixties.<sup>[33]</sup>

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Along the international boundary there were exciting incidents at times, fugitives being chased to the border and often having narrow escapes from recapture. The Monroe family, mother and several daughters, escaped from slavery in Kentucky in 1856 and were carried by the Underground Railroad to Ann Arbor and on to Detroit, the master in hot pursuit. So close was the chase that as the runaways pulled out from the wharf on the ferry for Windsor, Canada, the master came running down the street crying out "Stop them! stop them!" He was jeered at by the crowd which sympathized with the Negro woman.<sup>[34]</sup>

In June, 1852, three fugitives arrived in Detroit and in response to frantic messages from Toledo were held for their pursuers. In desperation the Negroes made a savage attack on their jailer, gained their freedom and got across the border with the assistance of friends in Detroit. Rewards that were offered for their recapture were useless as the fugitives took care to remain on the Canadian side.<sup>[35]</sup>

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Hiram Wilson tells of an incident that came under his notice at St. Catharines. A beautiful young girl, 14 years of age and almost white, was brought to Buffalo as maid for a slaveholder's daughter travelling in the North. She was spirited off by some Buffalo abolitionists, transferred to a steamer flying the British flag, and landed in Canada. She was taken to St. Catharines and sheltered in the home of Hiram Wilson. The master came over from Buffalo bringing a couple of lawyers with him and tried to secure his property but his demands were refused. The owner claimed that he valued the girl at \$1,000. It was later discovered that she had been sold no less than four times before coming to Canada.[36]

The brutality of the Fugitive Slave Law was shown on more than one occasion along the border. A case that attracted much attention at the time was that of Daniel Davis. He was cook on the steamer *Buckeye*. One day while the vessel was in port at Buffalo he was called up from below. As his head appeared above the deck he was struck a heavy blow by a slave catcher named Benjamin Rust who had a warrant from a United States commissioner for his arrest. The Negro fell back senseless into the hold and on top of a stove, being badly burned. He was brought into court at once and the newspaper accounts relate in detail how he sat during the proceedings "dozing, with blood oozing out of his mouth and nostrils." After a trial that was rushed in a most unseemly way the Negro was ordered delivered over to Rust, who was really agent for one George H. Moore, of Louisville. The brutality of the whole proceeding stirred up deep interest in Buffalo and on a writ of habeas corpus the fugitive was brought before Judge Conkling of the United States Court at Auburn and released. Before there could be further steps taken to hold the Negro he was hurried into Canada, where he remained. He was in attendance at the large Negro Convention held in Toronto in September, 1851, and with his head still in bandages afforded striking evidence of the effects of the Slave Law. Rust, Davis's assailant, was afterwards indicted at Buffalo but allowed to go after paying a paltry \$50 fine.[37]

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Another memorable border incident occurred at Sandusky, Ohio, in October, 1852. A party of fugitives, two men, two women and several children had been brought from Kentucky and were aboard the steamer *Arrow* about to sail for Detroit when they were all arrested by the alleged owner and taken before the mayor of the town. Rush R. Sloane, a local lawyer, offered to act in their defence. The proceedings were so hurried that no warrant or writ was ready to be produced in court and Sloane signified by a gesture that the Negroes were free. There was an immediate rush for the door on the part of the fugitives and their friends, but even as they fled from the court room the claimant entered calling out: "Here are the papers. I own the slaves. I'll hold you personally responsible for their escape." The fugitives meanwhile had gone to the harbor, entered a sailboat owned by friendly fishermen and were on their way to Canada. The slaver, frantic at seeing his property vanishing, tried in vain to get other fishermen to pursue them. He then hurried to a neighboring town, trying to secure help, but with no more success. Within a few hours the runaways were landed at Port Stanley, safe from all pursuers. The slaver made good his threat to hold Sloane responsible for the loss of his property, entering action and securing a judgment for \$3,000. It is related as one of the pathetic incidents of this case that when the fugitives were first taken off the steamer *Arrow* one of the women dropped her infant child on the ground and disowned it, hoping that it at least would be free if she were condemned to return to slavery.[38]

With so great an influx of refugees into a country that was sparsely settled, some suffering was inevitable, but contemporary evidence indicates that after all it was but slight. There was probably more distress during the winter of 1850-1 than later on because of the large number who came in during the few months immediately after the passing of the Fugitive Slave Bill. In their haste to find safety many left everything behind, entering Canada with little more than the clothes on their backs. A. L. Power, of Farmington, who visited Windsor at the beginning of 1851, found about a score of families living in an old military barracks, most of them in need of both fuel and clothing. At Sandwich, near by, he also found distress and mentions seeing a family of eight children who were almost nude and who were suffering from the cold.[39] Sickness was, in many cases, a result of the exposure to which the Negroes had been subjected in their effort to reach Canada. Later on, the situation improved and by 1855 the workers of the American Missionary Association reported that "in general, those who have gone there from the United States, even the fugitives, may provide for the wants of their families, after a short residence there; especially if they meet a friendly hand and, more than all, good counsel on their arrival." [40]

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Various agencies in both the United States and Canada were active in the work of relieving the distress among the newcomers. The American Anti-Slavery Society early addressed itself to this task. "Several agents," said Bibb, "have during the past year proceeded to Canada to exert the best influence in their power over the fugitives that have flocked to the province in years past and especially those who have gone the past year. They are supplied with the means of instructing the colored population, clothing some of the most destitute fugitives and aiding them in various ways to obtain employment, procure and cultivate land and train up their children. Our friends in Canada are exerting a good influence in the same direction." [41]

The fugitives themselves were banded together to aid the newcomers. The Windsor Anti-Slavery Society and the Fugitives' Union were both organized to relieve distress and assist their fellows in making a living.[42] Supplies were sent in from points at considerable distances in some cases, clothing, food, money, and in one case a donation of 2,000 fruit trees from Henry Willis, of Battle Creek, for refugees who were going on the land.[43] Michigan people were exceedingly generous in extending aid and there is record also of supplies sent from Fall River, Whitestown, New Jersey, Boston and other places in New England. There was plenty of work for the Negroes, the fifties

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being a period of railroad building in western Ontario, so that writing in 1861, William Troy maintained, that nine tenths of the fugitives had got along without outside aid of any kind. "The fugitives show a marked disposition to help each other and relieve want," he says. "I could show hundreds of instances of kindheartedness to all persons, irrespective of race."<sup>[44]</sup>

The organization of the Anti-Slavery Society of Canada came largely as a result of the sudden influx of Negroes after 1850 which, perhaps more than anything else, impressed upon Canadians the great issue that was rapidly dividing the neighboring republic. Beginning at Toronto the anti-slavery forces in Canada were organized in the various cities and towns of the province and continued active until the Civil War. There was developed in Canada a marked anti-slavery sentiment which manifested itself in part in the very large number of Canadians who enlisted in the northern armies.<sup>[45]</sup> The Anti-Slavery Society was also active in extending the helping hand to the fugitives, considerable sums being raised for relief purposes and support being given to educational and other movements designed to elevate the race.

In Canada the refugees were absolutely safe from the operations of the Fugitive Slave Law. No loophole could be found in the Canadian law that would permit the rendition of a slave. A famous case arose in the Canadian courts on the eve of the Civil War when a Negro, John Anderson, was arrested charged with the murder of a slaver named Diggs some years before, the crime having been committed while Anderson was trying to make his escape from slavery. Canadian opinion was much aroused and though the first decision of the courts was that the Negro must be extradited this finding was overruled from England and in the end the prisoner was released on a technicality. It was made quite clear that the British Government would view with marked disapproval any decision in Canada that would return a refugee to slavery.

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There were doubtless numerous attempts to kidnap Negroes who had escaped to Canada, especially in the border towns, but such attempts must have been rarely successful. An open attempt to induce a Canadian official to act as slave catcher was exposed in the *Montreal Gazette* of January 13, 1855, when there was published a letter written by one, John H. Pape, of Frederick, Maryland, to Sheriff Hays, of Montreal, proposing that the latter should use his power to arrest Negroes who would then be turned over to Pape. The proceeds from the sale of the captured chattels would be divided evenly, according to the plan suggested.

Canadians took a measure of pride in the sense of security with which their Negro immigrants could look back at their pursuers. That the slavery issue in the United States was rapidly coming to a head was also recognized in Canada during the fifties and this, too, may have been an influence with the Canadians in doing what they could to assist the great number of more or less helpless people who came among them. Viewed in the light of more than half a century it can be seen that the influence of Canada in determining the course of the slavery issue was by no means slight.

FRED LANDON

## FOOTNOTES:

- [1] "One of the most assailable laws ever passed by the Congress of the United States ... Under this act ... the Negro had no chance; the meshes of the law were artfully contrived to aid the master and entrap the slave." Rhodes, *History of the United States*, I, 185.
- [2] "A large proportion of the colored persons who have fled from the free states have sought refuge in Canada where they have been received with remarkable kindness and have testified the grateful sense of their reception by their exemplary conduct." American Anti-slavery Society, annual report for 1851, p. 31.
- [3] *Liberator*, October 18, 1850.
- [4] Annual report for 1851, p. 30.
- [5] A file of this paper for 1851 and 1852 is in the library of the University of Michigan, Ann Arbor.
- [6] American Missionary Association, *Sixth Annual Report*, 1852, p. 34.
- [7] Mitchell, *Underground Railroad*, p. 113.
- [8] *Liberator*, October 4, 1850.
- [9] *Ibid.*, October 18, 1850.
- [10] *Ibid.*, October 4, 1850.
- [11] *Ibid.*, April 25, 1851.
- [12] *Ibid.*, May 2, 1851.
- [13] Siebert, *Underground Railroad*, p. 249.
- [14] *Ibid.*, p. 249.
- [15] Stevens, Anthony Burns, a *History*, p. 208.
- [16] American Anti-slavery Society, *Eleventh Annual Report*, 1851, p. 31.

- [17] *The Voice of the Fugitive*, April 9, 1851.
- [18] *Cong. Herald*, May 13, 1861, quoted in American Missionary Association, 15th annual report, 1861, p. 28. There is evidence that the Fugitive Slave Law was used in some cases to strike fear into the hearts of Negroes in order to cause them to abandon their property. *The Liberator* of October 25, 1850, quotes the *Detroit Free Press* to the effect that land speculators have been scaring the Negroes in some places in the north in order to get possession of their properties.
- [19] American Anti-slavery Society, *Twenty-seventh Annual Report*, 1861, p. 49.
- [20] In *The Liberator* of July 30, 1852, a letter from Hiram Wilson, at St. Catharines, says: "Arrivals from slavery are frequent."
- [21] *The Voice of the Fugitive*, July 29, 1852.
- [22] *Ibid.*, July 1, 1852.
- [23] *St. Catharine's Journal*, quoted in *The Voice of the Fugitive*, September 23, 1852.
- [24] Quoted in *The Liberator*, September 12, 1851.
- [25] *Liberator*, February 14, 1851.
- [26] *The Voice of the Fugitive*, August 27, 1851.
- [27] Quoted in American Anti-slavery Society, Twenty-seventh Report, 1861.
- [28] American Anti-slavery Society, Twenty-seventh Annual Report, 1861, pp. 48-49.
- [29] P. 157.
- [30] Rhodes, *History of the United States*, I, 210.
- [31] *Ibid.*, I, 224-25. See also Ward, *Autobiography of a Fugitive Negro*, p. 127.
- [32] *Ibid.*, I, 222-23. See also *The Voice of the Fugitive*, June 3 and July 1, 1852.
- [33] Schauler, *History of the United States*, V, 290-291.
- [34] Troy, *Hairbreadth Escapes*, pp. 39-43.
- [35] *Liberator*, June 11, 1852. See also *The Voice of the Fugitive*, June 17, 1852.
- [36] *Ibid.*, July 30, 1852.
- [37] *Liberator*, Sept. 12, 1851; *The Voice of the Fugitive*, Sept. 24, 1851; Anti-slavery Tracts, New Series, No. 15, p. 19.
- [38] Sandusky *Commercial Register*, Oct. 21, 1852; *Liberator*, Oct. 29, 1852; Anti-slavery Tracts, New Series, No. 15, p. 24.
- [39] *The Voice of the Fugitive*, February 12, 1851.
- [40] Ninth Annual Report, N. Y., 1855, p. 47
- [41] American Anti-slavery Society, Eleventh Annual Report, 1851, p. 100.
- [42] *The Voice of the Fugitive* of January 15, 1851, and November 18, 1852.
- [43] *Ibid.*, January 1 and May 20, 1852.
- [44] Troy, *Hair-breadth Escapes*, pp. 108 and 122.
- [45] "The Canadian government reckoned that there had been not less than 40,000 Canadian enlistments in the American Army during the Civil War."—Goldwin Smith's *Correspondence* (letter to Moberly Bell), p. 377.

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## RICHARD HILL<sup>[1]</sup>

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Richard Hill, one of Jamaica's most famous sons, was born at Montego Bay on the first of May, 1795. In 1779 his father, also named Richard, came to Jamaica from Lincolnshire, where the family had lived for several centuries, and along with a brother settled at Montego Bay. There he became a substantial merchant, and on his death in 1818 left his property in Jamaica to his son and two daughters, Ann and Jane. Hill's mother, who had East Indian as well as Negro blood in her veins, survived her husband many years, her son being constant in his attention to her up to the last.

At the early age of five Hill was sent to England to reside with his father's relations then living at Cheshunt, there to remain till his fourteenth year when he was sent to the Elizabethan Grammar School at Horncastle to finish his education. Upon the death of his father in 1818 Hill returned to Jamaica. Although his property came into the possession of his son and two daughters the father's death in some way involved Richard Hill in irksome money obligations which harassed him for many years, and even after he had discharged them left a gloom over his life.



His father was a man in advance of his times, hating and deploring the intolerance and the tyranny that grew out of slavery as it then existed in Jamaica. On his death-bed he made his son solemnly pledge himself to devote his energies to the cause of freedom, and never to rest until those civil disabilities, under which the Negroes were laboring, had been entirely removed; and, further, until slavery itself had received its death-blow.

The time and opportunity for fulfilling this pledge soon came, for in the year 1823 the Negroes in Jamaica commenced their agitation for obtaining equal privileges with their white brethren. It does not appear that Hill attached himself openly to any of the societies that were formed for the purpose of carrying on this agitation. But he freely gave them the benefit of his abilities, helping the whole movement with his advice and with his pen.<sup>[2]</sup>

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In the year 1826 Hill visited Cuba, the United States and Canada, and then went on to England, landing there in September. In 1827 he was deputed by the organization in Jamaica to use his efforts in England to secure the assistance of the leading members of the Anti-Slavery party. During his stay there he was on terms of close intimacy with Wilberforce, Buxton, Clarkson, Babington, Lushington and Zachary Macaulay,<sup>[3]</sup> all members of the Anti-Slavery Society, as well as Pringle and other men eminent for their philanthropy and talents and noted for the deep interest they took in all that related to the elevation and welfare of the Negroes of the British West Indian colonies. The petition from the people of color of this island to the House of Commons for the removal of their civil disabilities, was entrusted to Hill, who upon the occasion of presenting it was permitted "within the bar" of the House. On that occasion Canning delivered his last speech a splendid effort in favor of the petitioners. Hill remained several years in England and contributed largely by his pen and his speeches to enlighten the public mind of England as to the real character of West Indian slavery. But the remittances from the "people of color" in Jamaica, never very large, soon became few and far between. So Hill, always independent in every way, even in his friendships and political alliances, maintained himself and his sister, Jane, almost entirely by his contributions, literary and scientific, to several popular newspapers and periodicals.<sup>[4]</sup>

After a residence of several years in England, Hill was sent by the Anti-Slavery Society on a visit to San Domingo, chiefly for the purpose of ascertaining by personal observation and inquiry what was the actual social and political condition of the people of that island.<sup>[5]</sup> But his commission had a more extensive object than that attached to it, which, however, directed him to obtain besides all the information he possibly could concerning the natural resources of every part of the country through which he was to travel. San Domingo was then under the wise and able rule of President Boyer, the whole island forming one undivided republic, enjoying internal tranquillity, and being in a comparatively flourishing condition. On his way from England to Port-au-Prince, where he arrived on the sixteenth of June, 1830, Hill visited France staying there a few months. He spent nearly two years in San Domingo travelling incessantly and making notes about everything. He has left more than one sketch-book full of sketches showing a knowledge of perspective, a keen eye for the picturesque and a true artist's feeling. He sailed from San Domingo for England on the third of May, 1832, and then for Jamaica a few months after, never again to quit his native country. In that year he was made justice of the peace for Trelawny.

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He was never greedy for money and seems to have been ill-paid for his labors in San Domingo. Upon his return to Jamaica either on that account or from motives of policy he ceased all communication with the Anti-Slavery Society, and only now and then did he write to one or two of its members, and even then more as personal friends than as old political allies.

On the third of February, 1834, Hill was appointed one of a number of forty stipendiary magistrates whose duty it was to adjudicate between the former slaveholders and their "apprentices."<sup>[6]</sup> This appointment he held until the first of January, 1872. In this connection it may be interesting to quote the opinion of Hill expressed by the Rev. James Thome and J. H. Kimball, who in 1838 published for the American Anti-Slavery Society an account of *Emancipation in the West Indies: a six months' tour in Antigua, Barbadoes and Jamaica in the year 1837*. They say: "We spent nearly a day with Richard Hill, Esq., the secretary of the special magistrates' departments, of whom we have already spoken. He is a colored gentleman, and in every respect the noblest man, white or black, whom we met in the West Indies. He is highly intelligent and of fine moral feelings. His manners are free and unassuming, and his language in conversation fluent and well chosen.... He is at the head of the special magistrates (of whom there are sixty (*sic*) in this island) and all the correspondence between them and the governor is carried on through him. The station he holds is a very important one, and the business connected with it is of a character and extent that, were he not a man of superior abilities, he could not sustain. He is highly respected by the government in the island and at home, and possesses the esteem of his fellow citizens of all colors. He associates with persons of the highest rank, dining and attending parties at the government house with all the aristocracy of Jamaica. We had the pleasure of spending an evening with him at the solicitor general's. Though an African sun has burnt a deep tinge on him he is truly one of nature's nobleman. His demeanor is such, so dignified, yet so bland and amiable, that no one can help respecting him."<sup>[7]</sup>

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Hill represented St. James and afterwards Trelawny in the House of Assembly which sat from October 24, 1837, to November 3, 1838, and during that time he served on several important committees, notably one appointed to inquire into the state of the several courts of justice in the island. But the fact that he unsuccessfully contested the representation of Port Royal in November, 1838, may have had something to do with his withdrawal from political strife. About 1840 he was

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offered the governorship of St. Lucia, but his love for his native island caused him to decline the offer. He was in 1855 nominated a member of the Privy Council which post he held only about ten years.

His political career was ended early in life, and the remainder of his days were passed in retirement at Spanish-Town where he had taken up his abode upon being appointed stipendiary magistrate. He occupied his time with his daily official duties and literary work and seldom left home except for change of air at the sea side, to visit some intimate friend in Kingston, or perhaps to take the chair at some missionary gathering, or to join in the deliberations of a committee meeting. In 1847 Hill acted as Agent General of Immigration, and in December of that year he submitted an interesting report to the Assembly.

When the cholera swept over the island in 1851 Hill turned his botanical studies to good account. The saline treatment was then in high esteem; but by means of the bitter-bush, *Eupatorium nervosum*, a shrub not unlike the wild sage in appearance, which grows freely on waste lands, he is said to have alleviated much suffering and saved many lives.

He was Vice-President from 1844 to 1849 of the Jamaica Society for the encouragement of Agriculture and other Arts and Sciences, instituted in 1825. In 1849 this Society ceased to exist and in its stead sprang up the Colonial Literary and Reading Society, of which Hill was one of the managing committee. He was one of the nominated members of the then Board of Education. He was a member of the original council of the Royal Agricultural Society of Jamaica, founded in 1843, Vice-President as late as 1857 of the Royal Society of Arts of Jamaica, established in 1854 as the Jamaica Society of Arts, and Vice-President of the Royal Society of Arts and Agriculture, which was the result of the amalgamation of these two societies in 1864. In 1861 he had undertaken to edit jointly with the Rev. James Watson, the Secretary, the *Transactions of the Royal Society of Arts*, to which he contributed various notes. But in the first number of the *Transactions of the Incorporated Royal Society of Arts and Agriculture* (1867) is the record of a vote of sympathy and regret at his inability to attend through ill-health; and although he contributed articles to the journal he was not able to be present at the meetings. His leisure was devoted to scientific study, especially the ornithology, ichthyology, and anthropology of the West Indies. He never let a single opportunity pass by, if he could possibly help it, without trying to benefit his country with his ready pen, and he always gave all the encouragement he could to those who seemed at all anxious to study any subject with which he was in the least acquainted. He read some twenty-five lectures in all at various times on various subjects.

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On the title page of his *Naturalist's Sojourn in Jamaica*, as well as in his preface, Gosse bears testimony to the assistance which Hill rendered to him. The appearance of Hill's name on the title page ("Assisted by Richard Hill, Esq., Cor. M. Z. S. Lond., Mem. Counc. Boy. Soc. Agriculture of Jamaica") was, Mr. Edmund Gosse tells us in his memoir of his father, greatly against that modest gentleman's wish. He tells us also that the friendship for Hill was one of the warmest and most intimate friendships of his father's life. The publication of this book was delayed by the fact that every sheet was sent to Spanish Town to be read by Hill.

Hill contributed to several scientific publications both in England and America and by this means became connected with some of the leading learned societies of the world. He was corresponding member of the Zoological Society of London, of the Leeds Institute and of the Smithsonian Institution, and he numbered amongst his correspondents Darwin and Poey. Darwin had written in September, 1856, to Gosse for further information with respect to the habits of pigeons and rabbits referred to in his *Sojourn*, and it was at Gosse's suggestion that Darwin wrote to Hill. In a later letter, of April, 1857, he says: "I owe to using your name a most kind and valuable correspondent in Mr. Hill, of Spanish Town."

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The cony of Jamaica, *Capromys brachyurus*, found commonly in his day, but now becoming extinct, was named by Hill in Gosse's *Naturalist's Sojourn*; as well as four birds—three in the *Birds of Jamaica* and one in the *Annals and Magazine of Natural History*, and two fishes. One bird (*Mimus hillii*), two fishes and four mollusca, three being Jamaican, were named after Hill.

In addition to his collaboration with Gosse of the *Birds of Jamaica* and the *Naturalist's Sojourn in Jamaica*, Hill's best-known literary productions are *A Week at Port Royal*, published at Montego Bay in 1858; *Lights and Shadows of Jamaica History*, published in Kingston in 1859; *Eight Chapters in the History of Jamaica, 1508-1680*, illustrating the settlement of the Jews in the island which appeared in 1868; and *The Picaroons of One Hundred and Fifty Years Ago*, which was published in Dublin in 1869.

He contributed, moreover, a large number of articles on natural history subjects to various Jamaica publications too numerous to mention. Some of these were: *The Jamaica Almanacs*; *Transactions of the Jamaica Society of Arts*; *Transactions of the Royal Society of Arts of Jamaica*; *The Jamaica Physical Journal*; *Jamaica Monthly Magazine*; *Jamaica Quarterly Magazine*. In England he contributed to the *Proceedings of the Zoological Society*; and in America to the *Proceedings of the Academy of Natural Science*, Philadelphia, and the *Annals of the Lyceum of Natural History*, New York.

In stature he was tall and commanding, though perhaps the comparison of him to Antinous made by the writer of an obituary notice was a little exaggerated. All who knew bore testimony to his generosity, philanthropy, modesty, even temper, and unflinching self-forgetfulness, his kindness of

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heart, his piety, and his catholicism in matters of religion. A portrait of him executed in oils, it is said, by James Wyeth, an American artist who spent a short season in the island, is in the Jamaica History Gallery at the Institute of Jamaica, which also possesses a pencil sketch of him done by himself.

For two or three years before his death Hill suffered from failing eyesight. He died, unmarried, at Spanish Town, on September 28, 1872, at the advanced age of seventy-eight. His remains were followed to the grave by an immense concourse of all classes.

FRANK CUNDALL,  
*Secretary, The Institute of Jamaica*

### FOOTNOTES:

- [1] Taken in great measure from the biographical notice by the writer in the *Journal of the Institute of Jamaica*, July, 1896.
- [2] For a general sketch of this period see W. J. Gardner's *a History of Jamaica*, pp. 211-317.
- [3] This movement had for years been promoted by the heroic few. It was then getting a hearing in Parliament. They first advocated the abolition of the slave trade and then directed attention to slavery.
- [4] These contributions closely connected Hill with the men whose new thought revolutionized science a few decades later.
- [5] San Domingo was then independent and the success of the free Negroes there would have a direct bearing on the anti-slavery movement, as indifferent white men sometimes contended that the free Negro was a failure.
- [6] Slavery in the British West Indies was not actually abolished instantly. Gradual emancipation was the method tried in most parts and even in cases of immediate emancipation the system of apprenticeship which followed was not much better than slavery.
- [7] The office of Secretary to the Stipendiary Magistrates was established in order to assist Governor Sligo to get through the enormous amount of correspondence entailed by the complaints sent to him in connection with the administration of the laws with regard to the apprenticeship system.

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## THE RELATIONS OF NEGROES AND INDIANS IN MASSACHUSETTS

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One of the longest unwritten chapters of the history of the United States is that treating of the relations of the Negroes and Indians. The Indians were already here when the white men came and the Negroes brought in soon after to serve as a subject race found among the Indians one of their means of escape. That a larger number of the Negroes did not take refuge among the Indians was due to the ignorance of the blacks as to the geographic situation. Not knowing anything about the country and unacquainted with the language of the white man or that of the Indians, most Negroes dared not venture very far from the plantations on which they lived. Statistics show, however, that in spite of this impediment to the escape of Negroes to Indian communities, a considerable number of blacks availed themselves of this opportunity. From the most northern colonies as far south as Florida there was much contact resulting in the interbreeding of Indians and Negroes.

In no case was this better exemplified than in Massachusetts. Because of the cosmopolitan influences in that State where the fur trade, fisheries, and commerce brought the people into contact with a large number of foreigners, the Indian settlements by an infusion of blood from without served as a sort of melting pot in which the Negroes became an important factor. There was extensive miscegenation of the two races after the middle of the seventeenth century. In the course of ten or twelve generations there was an opportunity for "foreign blood early introduced to permeate the whole mass and when it is considered that the intermixture was constantly kept up from the outside, it is a wonder that Indians of pure native race remained."<sup>[1]</sup>

According to the first authentic census of Massachusetts, published in 1765, all of the counties of the State except Hampshire, Hampden, and Franklin had both a Negro and Indian population. Barnstable had 231 Negroes and 515 Indians; Berkshire had 88 Negroes and 221 Indians; Bristol, 287 Negroes and 106 Indians; Dukes, 46 Negroes and 313 Indians; Essex, 1070 Negroes and 8 Indians; Middlesex, 860 Negroes and 45 Indians; Nantucket, 44 Negroes and 227 Indians; Suffolk, 844 Negroes and 37 Indians; Worcester, 267 Negroes and 34 Indians, making a total of 4900 Negroes and 1697 Indians.<sup>[2]</sup> After a careful survey of the Indian situation in 1861, however, it was discovered that only a part of these Indians had retained their peculiar characteristics and these had been finally reduced to a few reservations known as the following: Chappequiddick, Christiantown, Gay Head, Marshpee, Herring Pond, Natick, Punkapog, Fall River, Hassanamisco, and Dudley. There were other Indians at Yarmouth, Dartmouth, Tumpum, Deep Bottom,

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The Indians were generally neglected for the reason that they were considered beyond the pale of Christianity, despite professions to the contrary. As a matter of fact, being wards of the State they were scantily provided for and their fundamental needs were generally neglected. They were offered few opportunities for mental, moral, or religious improvement for the reason that the missionary spirit which characterized Cotton Mather and John Eliot no longer existed. Only a small sum was raised or appropriated for their rudimentary education and with the exception of what could be done with the "Williams Fund" of Harvard College there was little effort made for their evangelization. Left thus to themselves, the Indians developed into a state within a state.

When, therefore, the Negroes became conscious of the wrongs they suffered in slavery, a few early learned to take refuge among the Indians and even after they were freed in Massachusetts their social proscription was such among the whites that some free people of color preferred the hard life among the Indians to the whiffs and scorns of race prejudice in the seats of Christian civilization. Coming into contact there with foreigners, who found it convenient to move among these morally weak people, the Negroes served as important factors in the melting pot in which the Indians were remade and introduced to American life as whites and blacks. Referring to the moral condition of the Fall River Indians, as a case in evidence, an investigator reported in 1861 that in two families there were twelve cases of bastardy and in one of them it was said that, of eight children, the paternity was apparently about equally divided among the Indian, Negro, and white races.[4]

The reports on the state of the Indians always disclosed the presence and the influence of Negroes among them. "Of the publications of colored persons interested and the early records of Dartmouth," said J. M. Earle in 1861, "by far the larger proportion of those of them were Negro men to Indian women. In Yarmouth a large portion of those of Indian descent have intermarried with whites until their progeny has become white, their social relations are with those of that color and they are mingled with the general community having lost their identity as a distinct portion of the Hassanamiscoes and it would have been a fortunate thing for all if it had been so with them all. But the mixture in most of the tribes has been more with the Negro race than with the white until that blood probably predominates though there are still a considerable number who have the prominent characteristics of the Indians—the lank, glossy, black hair, the high cheek bones—the bright dark eye and other features peculiar to the race." [5]

Investigating the Indians of Gay Head in 1861, John M. Earle observed that the people of Gay Head, like those of other plantations, were a mixture of the red, white and black races. They had also "an infusion of the blood of the chivalry of the South as well as of the Portuguese and Dutch, as might be inferred from the names of Randolph, Madison, Corsa, Sylvia and Vanderhoop being found among them." [6] The admixture was much like that on the other plantations with perhaps a less infusion of the African than in some of them. A few were so strongly marked with Indian characteristics as to lead one to conclude that they are very nearly of pure blood, but there were none so nearly white as in some of the other tribes.

It appeared that these people had lived without the law, so to speak, in Massachusetts because of their refusal to accept certain regulations which the State desired to impose upon them. By the act of June 25, 1811, the governor was authorized to appoint three persons to be guardians of the Indian, Mulatto and Negro proprietors of Gay Head, which guardians, in addition to the usual powers given to functionaries in such cases, were empowered to take into their possession the lands of Indians, and allot to the several Indians such part of the lands as should be sufficient for their improvement from time to time. The act further provided for the discontinuance or removal of the guardians at the discretion of the governor and council. [7] Under this act three guardians were appointed and in 1814 the Indians became dissatisfied with their guardians, who resigned, and the guardianship disappeared.

In 1828 there was enacted another measure providing that whenever the Indians and people of color at Gay Head should by a vote in town meeting accept that act and should transmit to the governor an attested copy of the vote, the governor might then authorize the guardian to take up his duties at Gay Head, and might upon their request, appoint suitable persons to divide their lands. As the Indians had unpleasant recollections of the guardian-system, they never accepted that proposal. For about thirty years they were without any guardians, and their affairs, except that of the public schools, were left to themselves.

It appears, however, that the mere provision for the appointment of a guardian was not the only objectionable feature of the Act of 1828. The guardian was given power to "punish, by fine not exceeding twenty dollars, or by solitary imprisonment not exceeding twenty days, any trespasses, batteries, larcenies under five dollars, gross lewdness and lascivious behavior, disorderly and riotous conduct, and for the sale of spirituous liquors within the territory, or on the lands of these Indians and people of color." [8] The guardian or other justice of the peace might issue his warrant directed to the constable of the Indians and people of color, or other proper officer, to arrest and bring before him, any offender against the provisions of this act; and after judgment, he might order execution to be done by said constable or other proper officer; and if the guardian or other justice of the peace should adjudge any offender to solitary imprisonment, such offender should not, during the term of said imprisonment be visited by, or allowed to speak with any person other than the jailer, or the guardian or justice of the peace or such other person as the guardian or

justice of the peace should specially authorize thereto; nor should such offender be allowed any food or drink other than coarse bread and water, unless sickness should, in the opinion of a physician, render other sustenance necessary,"<sup>[9]</sup> "With such a provision in the Act," said J. M. Earle, "making a discrimination so odious and unjust, between themselves and other prisoners, the Indians would have been greatly wanting in self-respect had they accepted it. It is a provision disgraceful to the statute book of the State, and discreditable to the civilization of the age. Yet two tribes, the Chapequiddick and the Christiantown, were made subject to the provisions of this law, without the power to accept or reject it, and are governed by it to this day"<sup>[10]</sup> (1861).

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The Marshpee tribe doubtless had a larger infusion of Negro blood than any. When the population of this tribe was 327 in 1771, 14 of them were Negroes, married to Indians. In 1832 there were 315 inhabitants, of whom 16 were Negroes. According to the report of the Indian commissioner in 1849 the population was 305 in 1848, of whom 26 were foreigners, all Negroes or mulattoes. The tribe numbered 403 in 1859, "including 32 foreigners, married to natives of the tribe, all Negroes or mulattoes, or various mixtures of Negro, Indian, or white blood—none of them being pure whites."<sup>[11]</sup>

The Punkapog Tribe of Indians formerly dwelt on a tract of land in Canton, Norfolk County, containing five thousand acres, granted them by the General Court of Massachusetts. Before 1861, however, they had lost all of this property, the last of it being sold by the guardian, about 1841, in pursuance of a resolve of the legislature. "The full-blood Indians of the tribe," says the report of 1861, "are all extinct. Their descendants, who, like those of all the other tribes in the States, are of various grades of mixtures, of Indian, white, and Negro blood, number, so far as is ascertained one hundred and seventeen persons."<sup>[12]</sup>

According to the survey made in 1861 the moral condition of the Indians was rather low and it was a regret that the people of color exhibiting generally more moral stamina should be degraded by living among them. Accounting for this condition of Affairs a contemporary said of the low moral condition of the Fall River Indians in 1861: "The prejudice of color and caste, and the social proscription to which the colored people are subjected, has a twofold unfavorable effect upon them; first to detract from their self-respect and so to weaken the moral instincts, and then to throw them into the association of the more dissolute and degraded of other races, where they fall an easy prey to immoral habits. There are, however, in this tribe as well as the others, instances of those who rise above all the evil influences with which they are encompassed and maintain a good standing, as worthy and respectable members of the community. It would be a cause for gratification, if it could be said truly that these are increasing, or that there was any decided progress in the general character of the tribe. But, from all the evidence that can be gathered, it does not appear that, for the last twelve or fourteen years, there has been much, if any improvement in their moral and social condition,"<sup>[13]</sup>

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The situation in the Hassanamisco Tribe shows how the Indians in some of these reservations became extinct. Interbreeding with both races they passed either to the blacks or to the whites. "But little trace of Indian descent is apparent in the members of this tribe," said J. M. Earle in 1861. "It is most marked in the few who have mixed chiefly with the whites, yet some of these have no perceptible indications of it, and have become identified with the white race. The remainder of the tribe have the distinguishing marks of African descent and mixed African and white, of various grades, from the light quadroon and mulatto, to the apparently nearly pure negro, and, in every successive generation the slight remaining characteristics of the race become less apparent."<sup>[14]</sup>

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Referring to the Yarmouth Indians the investigator informs us that these had tended to go almost altogether over to the white race. "With this exception," said he, "nearly all of his descendants have intermarried with whites, down to the present day, so that they are substantially merged in the general community, having their social relations with white people, with the exception of one or two families."<sup>[15]</sup> It was observed that in all the families, in which both heads are living, there were only two in which one of them was not pure white, and those having the Indian blood were usually so little colored, that it would hardly be noticed by one not acquainted with the fact. Some of them had but one sixteenth part of Indian blood. Of the two widows found there in 1861 one was the wife of a white man. The other was a Marshpee Indian whose husband belonged to the Yarmouth tribe and she associated with the people of color.

Discussing the Middleborough Indians, the same report said: "They have been, for some time, commingled with them in the same community, generally under as favorable circumstances, in most respects, as the other colored population of the State, to which they assimilate and have not been subjected to the peculiar present disadvantages under which those labor who are residents of the plantations,"<sup>[16]</sup>

Because of numerous complaints to the effect that the unnecessary restrictions placed on Indians no longer dependents worked a hardship, the Commonwealth of Massachusetts enacted in 1861 a measure providing that all Indians and descendants of Indians in that State should be placed on the same legal footing as other inhabitants of that Commonwealth, excepting those who were supported or had been, in whole or in part, by the State and excepting also those residing on the Indian plantations of Chapequiddick, Christiantown, Gay Head, Marshpee, Herring Pond, Fall River and Dudley tribes or those whose homes were thereon and were only temporarily absent. It further provided that any Indian or person of color, thus denied the right of citizenship but desirous of exercising that privilege might certify the same in writing to the clerk of his town or city, who

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should make a record of the same and upon the payment of a poll tax should become to all intents and purposes a citizen of the State, but such persons should not return to the legal condition of an Indian. Indians unable to avail themselves of this opportunity remained under a guardian in their former state but by complying with this provision they finally emerged from their tribal state into the large body of citizens.

Giving further consideration to the situation among the Indians, the legislature of Massachusetts passed in 1869 what is known as *An Act to Enfranchise the Indians of the Commonwealth*. By this measure practically all Indians in that State were made citizens entitled to all the rights, privileges, and immunities and subject to all the duties and liabilities to which other citizens were entitled or subject. The same provision was made in the acts of 1884, 1890, 1892 and 1893.<sup>[17]</sup> With a proviso exempting from attachment or seizure on execution for a debt or liability existing before the passage of the law this measure further declared all Indian lands "rightfully held by any Indian in severalty and all such lands which had been or may be set off to any Indian should be and become the property of such person and his heirs in fee simple."<sup>[18]</sup>

The Indians thereby became vested not only with the rights of any other citizen to sell or control his interest in property whether legal or equitable but were given similar rights in the common lands which were transferable. Prior to this legislation the common lands had been exploited by the State for the benefit of those Indians having the status of wards. Recognizing only equitable rights of ownership in the Indians, the commonwealth kept their property under public guardianship to protect them from the consequences of their own improvidence. Indians had the right immediately to have their share of the common lands of the tribe transferred to them or sold for their special benefit. They were granted also the right to have their share in any funds or other property held in trust for the tribe turned over to them.

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The Indians of the Marshpee and Gay Head settlements, however, were made exceptions in this case for the reason that the improvement in their condition was not adequate to justify the extension to them of the same treatment given others; but they were given these same rights in 1870.<sup>[19]</sup> By the Act of 1870 the district of Marshpee was abolished as such and incorporated as a town by that name. To establish the claim to the rights and privileges guaranteed other Indians in the Act of 1869, the Superior Court of the State was given jurisdiction and a board of Selectmen was constituted as the authority for making such applications instead of any member of a tribe.

It would seem that this legislation of 1869 and 1870 solved the problem of the wardship of Indians and free persons of color on the reservations. It developed thereafter, however, that all members of these communities were not in a position to maintain themselves. In 1902, therefore, it was enacted that the State Board of Charity upon the application of the overseers of the poor of any town should make provision in the State hospital or elsewhere for the support of Indians who may be unable to support themselves and have not acquired a settlement in any town. Upon the application of an Indian who received aid from the commonwealth prior to the twenty-third day of July in the year 1869, the State Board was obligated to furnish him in the State hospital or elsewhere such aid as it might consider expedient.

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The provisions in the law of 1870 for the sale of certain lands in the proceeds of which these persons would share led to further action. In 1870 the probate court appointed commissioners to make partition of the common lands of the Marshpee Indians referred to in the Act of 1869. These commissioners did not make their report until 1878. In 1870 there was presented to the Superior Court by the Selectmen of Marshpee a petition for the division of common lands among the persons entitled thereto. In spite of argument to the contrary the Supreme Court of Massachusetts held that the members of the Indian tribes mentioned in the Act of 1869 acquired both legal and equitable rights in tenants in common of the undivided lands of the tribe which were transferable. It was provided in 1878 that the proceeds from the sale of such lands should be divided among the persons entitled to the land in proportion to their interests.

In 1870 the Gay Head district also was abolished and incorporated as a town. The Indians were guaranteed the same rights to lands in severalty and the division of common lands as in the case of other Indian communities thus disestablished. The partition of these lands was to be made in the Probate Court on application of the Selectmen or ten resident owners of such land. An Indian feeling aggrieved because of an invasion of his rights could appeal his case, according to the provision set forth in chapter 117 of the General Statutes of Massachusetts.<sup>[20]</sup>

Some of these Negroes from the very beginning of their association with the Indians took high rank.<sup>[21]</sup> The most prominent Negro of all, however, to come out of the Indian plantations was the celebrated Paul Cuffé, well known in this country and Europe by his efforts in behalf of African colonization. He was a native of the tribe of Dartmouth Indians, of mixed African and white descent. His important achievement was that of exploring the western coast of Africa with ships which he owned and fitted out and commanded and which he used in the transportation of Negroes to Africa where he was the first to undertake the deportation of freedmen from the United States, preparing the way for the organization of the American Colonization Society. On one of his voyages he visited England where he was received with marked attention by the nobility and the royalty itself. Men who knew Cuffé considered him a man of great character and respected him because of his being able by dint of energy to accumulate sufficient property to place himself in circumstances of pecuniary independence. Some of his descendants remained in the vicinity of the original Dartmouth Indians but others moved to California.<sup>[22]</sup>

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Several families of Negroes in Massachusetts trace their ancestry back to these Indians. According to the Attorney General of Massachusetts, there are no special records kept at present of Negroes or persons of color who had interbred with Indians as regards the receipts by them of pensions from the commonwealth given as the result of having been dispossessed of their lands. Some persons of color assert, however, that they are the direct descendants of King Philip and Massasoit. Because of this close connection with the Indians it was necessary for the Commonwealth of Massachusetts on dispossessing the Indians of their lands to give these persons of color the benefits of the acts securing remuneration to the Indians. As these lands were disposed of regardless of the rights of the Indians, the State has assumed the obligation of satisfying these claims by pensioning the complainants.

Mr. William George Butler, of West Medford, Massachusetts, a man now sixty years of age, receives such a pension. Mr. Butler's father came to Boston from Baltimore about 1815 and married a woman of color with an infusion of Indian blood. In looking up her estate this connection was discovered and a petition was sent to the Massachusetts Legislature in her favor. Upon the investigation of her claim, which proved to be just, she was granted a pension of \$250 a year, which Butler inherited.<sup>[23]</sup> In the following list of persons and tribes from which are descended all Indians who are at present receiving pensions from the Commonwealth, of Massachusetts, however, appear several Negroes or persons of color.<sup>[24]</sup> These are:

Lemuel D. and Anna Burr	Ponkapoag	
Fannie S. Butler	Wampanoag	
William G. Butler	Wampanoag	
James L. Cisco	Hassanamisco	
Delia L. Daley	Oneida	
Alice Gigger	Hassanamisco	
Elbridge G. Gigger	Hassanamisco	
Angela M. Leach	Pegon and Dudley	
Rebecca C. Hammond	Algonquin	
Teeweleema Mitchell	Wampanoag	} Descendants of King Phillip and Massasoit
Wontonekamuske Mitchell	Wampanoag	
Sarah B. Pocknett	Algonquin	
Zeriah Robinson	Wampanoag	
Samantha Talbot	Oneida	

C. G. WOODSON

## FOOTNOTES:

- [1] *Documents printed by order of the Senate of the Commonwealth of Massachusetts during the Session of the Grand Court, 1861, No. 96, p. 10.*
- [2] The figures given by *The Centinel* differed a little from these. According to its census in 1765, Barnstable had 516 Indians instead of 515; Bristol had 401 Negroes and 167 Indians; Essex 977 Negroes instead of 1,070; Middlesex 871 Negroes and 37 Indians; Nantucket 93 Indians instead of 149; Norfolk 420 Negroes instead of 414; Plymouth 223 Indians instead of 227; Suffolk 891 Negroes instead of 844; Worcester 304 Negroes instead of 267. See J. H. Benton's *Early Census making in Massachusetts*.
- [3] *Documents printed by order of the Senate, 1861, No. 96, passim.*
- [4] *Documents printed by order of the Senate of Massachusetts, 1861, No. 96, p. 84.*
- [5] *Documents printed by order of the Senate, 1861, No. 96, p. 10.*
- [6] *Ibid.*, p. 34.
- [7] The Laws of Massachusetts, 1811.
- [8] *Documents printed by order of the Senate, 1861, No. 96, pp. 38-39.*
- [9] Laws of Massachusetts, 1828.
- [10] "Sixty-six out of the whole number of the tribe, at the time of the enumeration, were not residents of the District; but 52 of them were considered as retaining their rights in the tribe, and more than half of the 66 were understood to be only temporary residents abroad, expecting, at some time, to return to Marshpee, and make it their permanent place of residence. A few others, as a matter of personal convenience, are now residing just over the line, and are so returned, but they consider themselves as identified with the tribe in all respects, and are so considered by the tribe. Fourteen individuals, included in the above 66, whose names are in the 'Supplementary List,' own no land in the District, but have been gone so long from it, that they are not now recognized by residents as members of the tribe." *Documents printed by order of the Senate, 1861, No. 96, p. 40.*
- [11] *Documents printed by order of the Senate, 1861, No. 96, p. 47.*
- [12] *Ibid.*, pp. 73-74.
- [13] *Documents printed by order of the Senate, 1861, No. 96, p. 84.*
- [14] *Documents printed by order of the Senate, 1861, No. 96, p. 101.*

- [15] *Ibid.*, p. 109.
- [16] *Ibid.*, pp. 131-132.
- [17] *Massachusetts Acts of 1884, 1890, 1892, and 1893.*
- [18] *Massachusetts Acts of 1869*, Chapter 463.
- [19] "A method was also provided through which his title might be established. This was through Commissioners which were to be appointed by the Probate Court who were to act under the direction of the Court and determine all necessary questions and make their report from which the Court could make its order or decrees. Any person who deemed himself aggrieved had the right to appeal to the Supreme Judicial Court. The right of the Indians became vested and forcible the moment the statute took effect." See a statement from the present Attorney General of Massachusetts, dated December 1, 1919.
- [20] "Section 5, chapter 463 of the Acts of 1869 provided that the general agent of the board of state charities shall take charge of the house, and all property connected therewith, in the town of Webster, belonging to the Commonwealth and permission was given him to lease the same to persona heretofore known as members of the Dudley tribe of Indians, upon terms substantially like those upon which they have heretofore occupied it; or to sell the same at public auction under the direction of the state board of charities and pay the proceeds of such lease or sale into the Treasury of the Commonwealth." Statement of present Attorney General of Massachusetts, submitted December 1, 1919.
- [21] Samuel A. Drake, *History of Middlesex County. Massachusetts*, pp. 194, 280.
- [22] John W. Cromwell, *The Negro in American History*, 98-103.
- [23] These facts were obtained from Mr. Butler himself.
- [24] This list was obtained from the office of the Attorney General of Massachusetts.

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## DOCUMENTS

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To meet the demand for an enlargement of the liberty granted the Indians and the mixed breeds living on the reservations, the Massachusetts Legislature enacted in 1861 the following measure intended to offer every ambitious one of these groups a way of escape from the wardship of the State and at the same time safeguarding the interests of those who objected to having turned loose upon society a large number of dependents who could not function as persons having a permanent attachment to the community and primarily concerned with the welfare of the body politic.

COMMONWEALTH OF MASSACHUSETTS.

IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

AN ACT

CONCERNING THE INDIANS OF THE COMMONWEALTH

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—*

Sect. 1. All Indians and descendants of Indians in this State are hereby placed on the same legal footing as the other inhabitants of the Commonwealth, excepting those who are supported, or have been, in whole or in part, by the State, and excepting also, those residing on the Indian plantations of the Chapequiddick, Christiantown, Gay Head, Marshpee, Herring Pond, Fall River, and Dudley tribes, or those whose homes are thereon and are only temporarily absent.

Sect. 2. Any Indian or person of color, belonging to either of the tribes before mentioned, and residing within the limits of any town or city of this Commonwealth, to whom the right of citizenship is not extended by the first section of this act but who wishes to exercise that privilege, may certify the same in writing to the clerk of the town or city where he resides, who shall make record of the same: and upon paying a poll tax, he shall become, to all intents and purposes, a citizen of the State, and shall not, thenceforward, return to the legal condition of an Indian. And settlement shall be required, by those who become citizens, under the provisions of this act, in the same manner they are acquired by other persons, under the General Statutes of the Commonwealth.

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Sect. 3. It shall be the duty of the governor, by and with the advice and consent of the council, to appoint an able, discreet, and suitable person, to be Indian commissioner, who shall hold his office for the term of three years, unless sooner removed by the governor and council. And the governor and council shall fill all vacancies which shall happen in said office, by death, resignation, expiration of said term, or otherwise. It shall be the duty of said commissioner to exercise a careful supervision over the affairs of all the Indians of the Commonwealth, not endowed by the provisions of this act, with the rights of citizenship, and to aid them, by advice, counsel, and whatever other suitable means may be within his control, to promote their welfare, to improve their general condition, and to qualify themselves, judiciously, and with safety to themselves and others, to be placed, at as early a time as may be, on the same legal footing as the other inhabitants of the Commonwealth. He shall exercise all the powers, perform all the duties, and be subject to all the restrictions, responsibilities and liabilities, which now by law appertain to the treasurer of Marshpee, and to the guardians of other



tribes except so far as they may be charged or varied by the provisions of this act; and he shall give bonds, to the satisfaction of the governor and council, for the faithful performance of such trust.

Sect. 4. The said commissioner shall, as soon as is convenient, after his appointment, cause a registration to be made, on the basis of the general registration of the State, of all the members of the several tribes, specifying the parentage and date of the birth of each, as near as can be ascertained, and the date of all marriages of parties now living, with all the particulars, that are now required of town clerks, by the laws of the State, and having completed the same, up to the time required by law for the last preceding return to be made, he shall, thenceforward make and keep a true registration of all the births, marriages, and deaths, in each of the said tribes, and shall annually make due return thereof, the whole to be done in the same manner as is required of town clerks, and under the same liabilities and conditions that are, by law, imposed upon them.

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Sect. 5. The said commissioner shall, in concurrence with the proper officers of the Gay Head tribe, cause a survey of all the land held in severalty, by the members of said tribe, setting out the same to each, by betes and bounds, and, when the survey is complete, shall cause a record of the portion of each proprietor to be made in the registry of deeds, of the county of Dukes County, and thereupon, the legal title shall vest in the several proprietors thereof, their heirs, and assigns, forever: *provided, however,* that no land on the plantation shall ever be alienated from the tribe or be held or possessed by any person who is not a member thereof; and when ever the family of any proprietor becomes extinct, the real estate of said proprietor shall revert to said tribe and become the property thereof, in common. And whenever, hereafter, any common land shall be taken up to be occupied and possessed in severalty, by any member of the tribe, having the concurrence of the tribe therein, the same shall be surveyed, set forth, and recorded, under the supervision of said commissioner, as is above provided; and no title to any common land, to be held in severalty, on said plantation shall be acquired in any other manner.

Sect. 6. The said commission shall cause a survey to be made of the Indian plantation at Fall River and the bounds thereof to be renewed, agreeably to the surveys made by order of the State in one thousand seven hundred and sixty-three. He shall ascertain to whom the several lots belong by hereditary descent from the proprietors to whom they belonged in one thousand seven hundred and sixty-four, so far as descendants of said proprietors still remain, and shall designate the same by the numbers of the lots respectively; and in the same manner, he shall designate the several lots, if such there be, of which the families of the former proprietors have become extinct, and shall make return of the same to the governor and council, for the use of the legislature, and shall report such other facts connected therewith as may be useful to them, and shall recommend such disposition of the land remaining in common, as in his judgment, shall be most conducive to the welfare of the Indians, and of the State.

Sect. 7. The said commissioner shall, as soon as the performance of the duties of his office shall have made him sufficiently acquainted with the necessities and wants of the Indians, and with the other facts necessary to qualify him for the service, prepare a bill embodying a system for governing, managing, and regulating the affairs of the several tribes, as nearly uniform in its provision respecting them severally, as the circumstances of the different tribes will permit, as a substitute for the present laws on that subject, and report the same to the governor and council for the consideration of the legislature, accompanied by the reasons on which the several provisions therein recommended are sustained.

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Sect. 8. The Indians and people of color on Gay Head, and the officers by them appointed for the purpose, shall have the same powers in the management of their municipal affairs, and in relation to the employment of teachers, and the making and enforcing of all rules for the regulation and government of their schools, that by law are exercised by the inhabitants and corresponding officers of the several towns of the Commonwealth: *provided, however,* that this shall not be construed to authorize the alienation of any of the territory of the plantation: and *provided, further,* that no person shall be authorized to vote in municipal affairs, except natives of the Gay Head tribe, natives of other Indian tribes of this State married or having been married to a Gay Head woman and resident on the plantation, or such other person resident on the plantation and married or having been married to a Gay Head woman, as shall have the right conferred on him by a vote of two-thirds of the voters of the plantation.

Sect. 9. All acts and parts of acts heretofore passed, so far as they conflict with the provisions of this act, are hereby repealed.

Sect. 10. This act shall take effect from and after its passage.

If the legislature should decide not to authorize the appointment of a single commissioner for the State, I would propose the passage of the same Bill with the following amendments:—

Strike out the whole of section 3.

Strike out in section 4 the words "said commissioner shall, as soon as is convenient after his appointment," and insert the words—clerks of Marshpee, the guardians of the several plantation tribes, and the clerk of Gay Head shall.

In section 5, strike out the words "said commissioner," and insert the words—guardians of the Chapequiddick and Christiantown tribes. Also, in the latter portion of the same section, strike out the word "commissioner" and insert the word—guardian.

In section 6, strike out the words "said commissioner," and insert the words—guardian of the Troy or Fall River tribe.

Strike out section 7, entire.

Alter the numbering of the sections after 2, to correspond to the changes.

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Insert the following section after section 8:—

Sect. —. No person shall be entitled to support by any tribe in the State, of whose parents, one only was an Indian, and whose residence was not on the plantation of the tribe at the time of his birth, unless the rights of himself or parents as members of the tribe, shall have been subsequently recognized by the tribe.

## SOME NEGRO MEMBERS OF RECONSTRUCTION CONVENTIONS AND LEGISLATURES AND OF CONGRESS <sup>[1]</sup>

No systematic effort has hitherto been made to save the records of the Negro during the Reconstruction period. American public opinion has been so prejudiced against the Negroes because of their elevation to prominence in southern politics that it has been considered sufficient to destroy their régime and forget it. As future historians will seek for facts beyond those compiled by biased investigators now writing monographs in this field, a few persons realizing the importance of preserving the records in which the actual facts are set forth, are now directing the attention of the country to this neglected aspect of our history. These lists of suggestive names of the men who figured conspicuously in this recent drama will be decidedly useful in the collection of facts adequate to the presentation of both sides of the question. These lists are far from being complete. This is but a step in the right direction and persons in possession of such facts are earnestly urged to cooperate in collecting them.

It has been extremely difficult to determine the race of the members of the various Reconstruction bodies. The lists of members as published in the Journals of the legislatures do not indicate the race. This has to be determined by contemporary information. The methods used by other persons and agencies in identifying the race have been various. The Negro members of the North Carolina General Assembly, for example, were indicated by the figure 37 in the State Manual listing all persons who had been in the Assembly. Where no such information could be obtained from printed matter, it has been necessary to rely upon information obtained from individuals who participated in the Reconstruction.

### NEGRO MEMBERS OF THE ALABAMA CONSTITUTIONAL CONVENTION, 1867<sup>[2]</sup>

District	Name	County
1st	John Carraway	Mobile
	Ovide Gregory	Mobile
6th	Thomas Diggs	Barbour
7th	B. F. Royal	Bullock
13th	Washington Johnson	Russell
15th	Peyton Finley	Montgomery
16th	H. Stokes	Dallas
	J. Hatcher	Dallas
17th	J. Wright McLeod	Marengo
18th	Benjamin Inge	Sumter
19th	Samuel Blanden	Lee
21st	Thomas Lee	Perry
22nd	J. K. Greene	Hale
	B. F. Alexander	Greene
42nd	Lafayette Robinson	Madison
	C. Jones	Madison
43rd	J. T. Rapier	Lauderdale

### NEGRO MEMBERS OF THE ALABAMA CONSTITUTIONAL CONVENTION, 1875<sup>[2]</sup>

District	Name	County
	H. A. Carson	Lowndes
25th	A. H. Curtis	Perry
21st	G. S. W. Lewis	Perry

#### *Senate*<sup>[3]</sup>

#### Session 1872-1874

Name	County
Jeremiah Haralson	Dallas
J. W. Jones	Lowndes
Lloyd Leftwich	Greene
B F. Royal	Bullock

#### Session 1874-1875 and 1875-1876

Name	County
A. A. Curtis	Perry
J. K. Greene	Hale
Jeremiah Haralson <sup>[4]</sup>	Dallas

J. W. Jones	Lowndes
Lloyd Leftwich	Greene
B. F. Royal	Bullock

*House*

Session 1868 and 1869-1870

Name	County
Benjamin Alexander	Greene
J. H. Alston	Macon
Matt Avery	Perry
Samuel Blandon	Lee
N. A. Brewington	Lowndes
John Carraway (Speaker of House)	Mobile
George Cox	Montgomery
Thomas Diggs	Barbour
Joseph Draun	Dallas
J. K. Greene	Hale
Ovide Gregory	Mobile
George Houston	Sumter
Benjamin Inge	Sumter
C. Jones	Madison
G. S. W. Lewis	Perry
David Law	Barbour
Jeff McCally	Madison
H. W. W. Rice	Talladega
James Shaw	Mobile
Lawrence S. Speed	Bullock
Holland Thompson	Montgomery
William V. Turner	Elmore
Latty J. Williams	Montgomery
Henry Young	Lowndes

Session 1870-1871 and 1871-1872

Name	County
H. Craig	Montgomery
A. H. Curtis	Perry
Thomas Diggs	Barbour
John Dozier	Perry
William D. Gaskins	Lowndes
Ned Gee	Dallas
J. K. Greene	Hale
Jeremiah Haralson	Dallas
R. L. Johnson	Dallas
Lawrence S. Speed	Bullock
Henry St. Clair	Macon
Holland Thompson	Montgomery
Mansfield Tyler	Lowndes
Latty J. Williams	Montgomery

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*House*

Session 1872-1873 and 1873-1874

Name	County
W. E. Carson	Lowndes
T. J. Clark	Barbour
Mentor Dotson	Sumter
John Dozier	Perry
Hale Ellsworth	Montgomery
Samuel Fantroy	Barbour
J. H. Goldsby	Dallas
J. K. Green	Hale
R. L. Johnson	Dallas
Reuben Jones	Madison
G. S. W. Lewis	Perry
Perry Matthews	Bullock
January Maul	Lowndes
G. R. Miller	Russell
Willis Merriweather	Wilcox
S. J. Patterson	Autauga
George Patterson	Macon
Robert Reid	Sumter
Bristo W. Reese	Hale

Lawrence S. Speed	Bullock
Henry St. Clair	Macon
Lawson Stelle	Montgomery
F. H. Threat	Marengo
J. R. Treadwell	Russell
Thomas Walker	Dallas
E. A. Williams	Barbour
Latty J. Williams	Montgomery
William V. Turner, <i>Assistant Clerk</i>	Elmore
Phillip Joseph, <i>Engrossing Clerk</i>	Mobile
W. H. Council, <i>Assistant Engrossing Clerk</i>	Madison
C. O. Harris, <i>Assistant Enrolling Clerk</i>	Montgomery
Stephen Russell, <i>Page</i>	Montgomery

*House*

Session 1874-1875 and 1875-1876

Name	County
Elijah Baldwin	Wilcox
W. H. Blevins	Dallas
Matt Boyd	Perry
H. V. Cashin	Montgomery
Elijah Cook	Montgomery
Charles Fagan	Montgomery
W. D. Gaskin <sup>[5]</sup>	Lowndes
Captain Gilmer	Montgomery
C. E. Harris	Dallas
A. W. Johnson	Macon
Samuel Lee	Lowndes
G. S. W. Lewis	Perry
Jacob Martin	Dallas
P. Matthews	Bullock
G. W. Allen	Bullock
Willis Merriweather	Wilcox
George Patterson	Macon
Bristo W. Reese	Hale
Robert Reid	Sumter
C. S. Smith	Bullock
Manly Wynne	Hale
H. A. Carson <sup>[6]</sup>	Lowndes
E. W. Locke <sup>[6]</sup>	Wilcox

NEGRO MEMBERS OF CONGRESS FROM ALABAMA

Year	Name	County	Congress
1871-1873	Benjamin F. Turner	Dallas	43rd
1873-1875	James T. Rapier	Lauderdale	43rd
1875-1877	Jeremiah Haralson	Dallas	44th

James H. Alston was a member of the Alabama Legislature for Macon County, 1868 and 1869-79. He was a shoemaker by trade and had formerly been a slave. It was reported that before the war there was a Military Company in the town of Tuskegee. The members of this company desired to have a drummer, and for this purpose they sent to South Carolina and bought James H. Alston. It was thought that he came from Charleston.

Henry Young was a member of the Alabama Legislature about 1868 and 1869-70. He was a slave who could read and write, having been taught by his master's children. He would, somewhat like Frederick Douglass, spell out the words on letters that he was called upon to deliver or to get from the post office, and in this way he also increased his ability to read.

CONWAY, ARK.,—October 14, 1916.

NEGROES IN POLITICS IN ARKANSAS DURING RECONSTRUCTION

In the constitutional convention of 1868, there were 8 Negro delegates, that is, J. W. Mason, Richard Samuels, William Murphy, Monroe Hawkins, William Grey, James T. White, Henry Rector and Thomas P. Johnson. (*Proceedings of the Constitutional Convention of 1868*, pages 2 to 5.)

Negroes in the Arkansas Legislature: Session April 2 to July 23, 1869, and session November 17, 1868, to April 10, 1869, were seven Negro members of whom J. W. Mason, the leading Negro in the Senate; W. H. Grey, leading Negro in the House. (*Daily Republican*, Oct. 1, 1868).

In the Legislature of January 2 to March 25, 1871, there were eleven Negro members: J. W. Mason and J. T. White in the Senate: J. M. Alexander, Austin Barrow, Conway Barbour, John Webb, Adam Johnson, Jeff Haskins, A. Mays, William Young, Carl Pope, A. J. Robinson, E. A. Fulton in the House. (*Daily Republican*, March 25, 1871.)

In the 19th session, January 6 to April 25, 1873, the last session before Baxter called his special session, something less than one fifth of all the members were Negroes. I have been unable to ascertain the exact number in this session, but from the standpoint of numbers, I would judge that there is no great difference between this session and the previous one. *The Arkansas Gazette* of January 12, 1873, says of the Negro members: "There are a few men among these colored members who are bright and intelligent, and much superior to some white members, but as a rule, this is not the case."

(Signed) THOMAS S. STAPLES,  
Hendrix College  
Conway, Arkansas

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NEGRO MEMBERS OF THE FLORIDA LEGISLATURE DURING RECONSTRUCTION PERIOD AND AFTER

*Senate*

Year	Name	County
1880-1888	H. W. Chandler	Marion
1881	T. V. Gibbs	Duval
80's	Joseph E. Lee	Duval
....	Thomas W. Long	Marion
1881	Robert Meacham	Jefferson
1881-1865	Daniel C. Martin	Alachua
....	G. W. Proctor	Jefferson
1863	John E. Proctor	Leon
80's	Egbert C. Sammis	Duval
....	John Wallace	Leon

*Representatives*

Year	Name	County
1885	Edward I. Alexander <sup>[7]</sup>	Madison
....	Josiah Armstrong	Columbia
....	Henry Black	Jefferson
1879	Kellis B. Bonner	Marion
....	James Dean Bryant	Monroe
....	William Bradwell	Duval
1881-83	Joseph N. Clinton	Alachua
1881	Wallace B. Carr	Leon
....	Lucian Fisher	Leon
....	John Ford	Leon
....	Samuel Frazier	Leon
....	Robert Gabriel	Monroe
....	Alfred Grant	Duval
1881	David E. Jacobs	Marion
Before 1881	Isaac Jenkins	Leon
....	A. J. Junius	Jefferson
....	Thorns W. Long	Marion
1889-91	George A. Lewis <sup>[8]</sup>	
80's	Joseph E. Lee	Duval
....	Samuel Petty	Nassau
1881-83 (about)	A. B. Osgood	
....	Charles H. Pierce	Leon
80's	Riley E. Robinson	Nassau
....	Henry St. Clair	Hernando
....	John R. Scott, Sr.	Duval
....	I. E. Purcell	Putnam

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*Representatives*

Year	Name	County
1889-91	John R. Scott, Jr.	Duval
....	Charles Shavers	Monroe
....	Rev. Catherine B. Simmons	Duval
80's	Peter Okes	Jefferson
....	W. G. Stewart	Leon
Before 1881	John N. Stokes	Leon
....	N. Trenton	Alachua
....	Josiah T. Walls	Alachua
Probably before 1881	R. W. Washington	Jefferson
80's	George W. Wetmore	Duval
1881-83	W. A. Wilkinson	Marion
....	George W. Witherspoon	Escambia

Joseph N. Clinton was born in Pittsburgh, Pennsylvania, November 4, 1854, and was reared in

Philadelphia, Pennsylvania. He attended the Institute For Colored Youth and then entered Lincoln University, where he was graduated in 1873. He then taught school in South Carolina, Maryland and Florida. In addition to being a member of the Florida Legislature, 1881-83, he was clerk in the United States Land Office of Florida. He was Inspector of Customs at Pensacola, and for fourteen years held the position of Internal Revenue Collector at Tampa.

H. W. Chandler was Senator, Marion County, 1880-1888. For sketch of early life, see Simmons' *Men of Mark*. He was delegate to the National Republican Convention 1884-1908. He was Inspector of Customs at Tampa from May 1908 to December 1913.

George H. Mays was marshal of Jacksonville. This was an elective office. The position made him head of police force with appointive powers.

James Dean was County Judge, Monroe County in 1889, but served less than one year. He was impeached for issuing license to a colored Cuban man to marry a white Cuban woman. This a custom in Cuba. Dean was impeached on ground that he had issued license to Negro to marry a white woman. He was summarily removed without a hearing. This was said to have been a put-up job, as the man was secured to get a license. Dean did not have a trial. The only way to get case reviewed was to institute quo warranto proceedings. To do this, it was necessary to get the permission of the State's Attorney General to use the State's name. He was not able to do this.

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Mitchell Chappelle was Negro Mayor of LaVilla. Formerly these were two adjoining towns, Jacksonville and LaVilla. The two are now Jacksonville.

Charles Dupont was reported as being sheriff of Monroe County about 27 years ago.

In 1887 Republicans went out of power in Florida. The Constitutional Convention put Negroes and Republicans out.

NEGRO MEMBERS OF THE GEORGIA LEGISLATURE, 1868-69

*Senate*

Year	District	Name
1868-68	.....	A. Alpeoria Bradley (expelled).
1868-69	2nd	Tunis G. Campbell (unseated, 1868-69) <sup>[10]</sup>
reseated in 1870.		
1868-69	20th	George Wallace (unseated, 1868-69) <sup>[10]</sup>
reseated in 1870.		

*House*

Year	Name	County		
1868-69	T. M. Allen	Jasper	Unseated 1862-69,	Re seated in 1870 <sup>[10]</sup>
	E. Barnes	Hancock	"	"
	T. G. Campbell	McIntosh	"	"
	G. H. Clower	Monroe	"	"
	A. Colby	Greene	"	"
	J. T. Costin	Talbot	"	"
	Monday Floyd	Warren	"	"
	S. Gardner	Warren	"	"
	W. A. Golden	Liberty	"	"
	W. H. Harrison	Hancock	"	"
	U. L. Houston	Bryan	"	"
	Philip Joiner	Dougherty	"	"
	George Linder	Laurens	"	"
	R. Lumpkin	Macon	Unseated 1862-69,	Re seated in 1870 <sup>[10]</sup>
	Romulus Moore	Columbia	"	"
	Peter O 'Neal	Baldwin	"	"
	James Porter	Chatham	"	"
	A. Richardson	Clarke	"	"
	J. M. Sims	Chatham	"	"
	Abram Smith	Muscogee	"	"
	Alexander Stone	Jefferson	"	"
	H. M. Turner	Bibb	"	"
	J. Warren	Glynn	"	"
	Samuel Williams	Burke	"	"
	M. Claiborne	Harris	"	"
	R. B. Hall	Burke	"	"
	— Beard <sup>[11]</sup>	Richmond		
	— Belcher <sup>[11]</sup>	Wilkins		
	Madison Davis <sup>[11]</sup>	Clarke		
	— Fyall <sup>[11]</sup>	Macon		

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*House*

Year	Name	County
1871	James Blue <sup>[12]</sup>	Glynn
1872	"	"
1873	"	"
1874	"	"
1874	"	"
1875	"	"
1876	"	"
1877	"	"
1878	Thomas M. Butler <sup>[12]</sup>	Camden
1879	"	"
1884	A. Wilson <sup>[12]</sup>	Camden
1885	"	"
1886	Lectured Crawford <sup>[12]</sup>	McIntosh
1887	"	"
1890	"	"
	John M. Holzendorf	Camden
1891	Lectured Crawford	McIntosh
	John M. Holzendorf	Camden
1900	Lectured Crawford	McIntosh
	H. A. McKay <sup>[12]</sup>	Liberty
1901	Lectured Crawford	McIntosh
	H. A. McKay	Liberty
1902	W. H. Rogers <sup>[12]</sup>	McIntosh
1903	"	"
1904	"	"
1905	"	"
1906	"	"
1907	"	"
1908	"	"

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LIST OF NEGRO MEMBERS IN MISSISSIPPI LEGISLATURE—1870

*Senate*

Name	County
Rev. H. R. Revels	Adams
Rev. William Gray	Washington
Rev. T. W. Stringer	Warren
Charles Caldwell	Hinds
Rubert Gleed	Lowndes

*House*

Name	County
Charles P. Head	Warren
Peter Barrow	Warren
Albert Johnson	Warren
Henry Mayson	Hinds
C. F. Norris	Hinds
J. F. Bolden	Lowndes
John R. Lynch	Adams
H. P. Jacobs	Adams
Edmund Scarborough	Holmes
Cicero Mitchell	Holmes
Dr. J. J. Spellman	Madison
William Holmes	Monroe
Isham Stewart	Noxubee
Nathan McNeese	Noxubee
A. R. Davis	Noxubee
John Morgan	Washington
Dr. Stiles	Washington
W. H. Fonte	Yazoo
Ambrose Henderson	Chickasaw
M. T. Newsom	Claiborne
Emanuel Handy	Copiah
Merrimon Howard	Jefferson
J. Aaron Moore	Lauderdale
David Higgins	Oktibbeha
C. A. Yancy	Panola
J. H. Piles	Panola
H. M. Faley	Wilkinson
George W. White	Wilkinson
C. M. Bowles	Bolivar
Richard Griggs	Issaquena

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John R. Lynch elected speaker of the House.

H. R. Revels elected to United State Senate for the unexpired term.

—From J. M. Garner, *Reconstruction in Mississippi*, New York, 1901.

#### NEGROES ELECTED IN 1871<sup>[13]</sup>

Name	County
Henry P. Jacobs	Adams
Reuben Kendrick	Amite
Joseph Smothers	Claiborne
Thomas McCain	DeSota
Monroe Bell	Hinds
William Johnson	Hinds
F. Stewart	Holmes
Richard Griggs	Issaquena
William Landers	Jefferson
Alfred Handy	Madison
Arthur Brooks	Monroe
A. K. Davis	Noxubee
Randle Nettles	Oktibbeha
John Cocke	Panola
H. C. Carter	Warren
F. D. Shadd	Warren
J. H. Morgan	Washington
H. M. Foley	Wilkinson
James M. Dixon	Yazoo
R. W. Houston	Issaquena
John R. Lynch	Adams
G. W. Gayles	Bolivar
Emanuel Handy	Copiah
J. H. Johnson	DeSota
Charles Reese	Hinds
H. H. Truehart	Holmes
Perry Howard	Holmes
James D. Cessar	Jefferson
James J. Spelman	Madison
James Hill	Marshall
William Holmes	Monroe
Isham Stewart	Noxubee
James H. Piles	Panola
Gilbert Smith	Tunica
W. H. Mallory	Warren
Charles W. Bush	Warren
John D. Webster	Washington
George W. White	Wilkinson
F. D. Wade	Yazoo

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#### ADDITIONS AND CORRECTIONS FOR MISSISSIPPI

Josiah T. Settle was a member of the House from Panola in 1883-84.

G. W. Gayles was a member of the House 1873-77 and a member of the Senate 1877 to some time after 1886. He was the last Negro to be a member of the Mississippi Senate. For sketch of his career see Simmons' *Men of Mark*, 379-381.

Garner, *Reconstruction in Mississippi*, page 294, gives Negro members of the Mississippi Legislature for 1873 as Senate, 9; House, 55. On page 402, for 1876, Senate, 5; House, 16. Total membership, Senate, 37. Total membership, House, 116.

#### NEGRO MEMBERS OF THE NORTH CAROLINA RECONSTRUCTION CONSTITUTIONAL CONVENTIONS, 1868 AND 1875

Dates of the Conventions January 14-March 17, 1868, and September 6-October 11, 1875. Total members of each Convention 120. Negro members, 13 in Convention of 1868, and 5 in Convention of 1875.

County	Year	Name
Bertie	1868	P. D. Robbins
		Bryant Lee
Caswell	1868	Wilson Cary
Caswell	1875	Wilson Cary
Craven	1868	C. D. Pierson
Duplin	1868	J. W. Petterson
		Samuel Highsmith
Edgcombe	1868	Henry C. Cherry

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Edcombe	1875	W. P. Mabson
Franklin	1868	John H. Williamson
Halifax	1868	Henry Epps
		W. J. T. Hayes
Halifax	1875	J E. O'Hara
New Hanover	1868	A. H. Galloway
New Hanover	1875	J. H. Smythe
Wake	1868	James H. Harris
Warren	1868	John Hyman
Warren	1875	J. O. Crosby

NEGRO MEMBERS OF GENERAL ASSEMBLY OF NORTH CAROLINA DURING RECONSTRUCTION PERIOD AND AFTER<sup>[15]</sup>

County	Year	Senatorial District	Senators	Representatives
Bertie	1868	.....	.....	Parker D. Robbins
Bertie	1870		.....	Parker D. Robbins
Bertie	1876	3rd	George A. Mebane	.....
Bertie	1881		.....	Augustus Robbins
Bertie	1883	3rd	George A. Mebane	.....
Bladen	1874		.....	John Newell
Bladen	1879		.....	John Newell
Bladen	1881		.....	John Newell
Bladen	1883		.....	John Newell
Caswell	1868		.....	Wilson Cary
Caswell	1870	24th	Wilson Cary	.....
Caswell	1874		.....	Wilson Cary
Caswell	1876		.....	Wilson Cary
Caswell	1879		.....	Wilson Cary
Caswell	1883		.....	James W. Poe
Caswell	1889		.....	Wilson Cary
Chowan	1870		.....	John R. Page
Chowan	1874		.....	Richard Elliott
Craven	1868		.....	A. W. Stevens
				B. W. Morris
Craven	1870		.....	R. Tucker
				E. R. Dudley
				G. B. Willis
Craven	1872		.....	I. B. Abbott
				E. R. Dudley
Craven	1874	8th	Richard Tucker	John R. Good
				Edward H. Hill
Craven	1879		.....	Willis D. Pettipher
Craven	1881		.....	J. (Geo.) H. White
Craven	1885	8th	George H. White	John E. Hussey
Craven	1887	8th	Charles C. Clark	John E. Hussey
Craven	1889		.....	John E. Hussey
Craven	1899		.....	Isaac H. Smith
Cumberland	1868		.....	John S. Leary
				Isham Sweat
Edgecombe	1868		.....	Henry C. Cherry
Edgecombe	1870		.....	Willis Bunn
				R. M. Johnson
Edgecombe	1872	7th	Henry Epps	Willis Bunn
Edgecombe	1874	5th	W. P. Mabson	Willis Bunn
Edgecombe	1876	5th	W. P. Mabson	Willis Bunn
Edgecombe	1883	5th	Robert R. Gray	A. R. Bridgers
Edgecombe	1885	5th	R. S. Taylor	B. W. Thorpe
Edgecombe	1887	5th	R. S. Taylor	.....
Franklin	1868		.....	John H. Williamson
Franklin	1870		.....	John H. Williamson
Franklin	1872		.....	John H. Williamson
Franklin	1876		.....	John H. Williamson
Franklin	1887		.....	John H. Williamson
Granville	1868		.....	Cuffie Mayo
				A. A. Crawford
Granville	1870		.....	W. H. Reavis
Granville	1872		.....	H. T. Hughes
Granville	1874		.....	W. H. Crews
				H. T. Hughes
Granville	1876	21st	Hanson T. Hughes	W. H. Crews
Granville	1893		.....	W. H. Crews
Halifax	1868	6th	Henry Epps	H. T. J. Hayes
				Ivey Hutchings
Halifax	1870	6th	Henry Epps	John R. Bryant
Halifax	1872	4th	Henry Epps	John R. Bryant

Halifax	1874	4th	John R. Bryant	J. A. Jones John A. White
Halifax	1876	4th	John R. Bryant	John A. White
Halifax	1879	4th	Henry Eppes	John A. White
Halifax	1887	4th	Henry Eppes	John A. White
Hertford	1870		.....	W. D. Newsom
New Hanover	1868	13th	A. H. Galloway	George W. Price John S. W. Eagle
New Hanover	1870	13th	G. W. Price, Jr.	G. L. Mabson
New Hanover	1872	12th	George L. Mabson	Wm. H. McLaurin Alfred Lloyd
New Hanover	1874		.....	H. Brewington W. H. Moore Alfred Lloyd
New Hanover	1876	12th	W. H. Moore	J. C. Hill
New Hanover	1879		.....	H. E. Scott
New Hanover	1881	12th	H. E. Scott	.....
New Hanover	1883	12th	H. E. Scott	.....
Northampton	1883		.....	Wiley Baker
Wake	1868		.....	James H. Harris
Wake	1870		.....	Willis Morgan Stewart Ellison
Wake	1872	18th	James H. Harris	Stewart Ellison
Wake	1879		.....	Stewart Ellison
Wake	1883		.....	James H. Harris
Wake	1895		.....	James H. Young
Wake	1897		.....	James H. Young
Warren	1868	20th	John A. Hyman	William Cawthorn Richard Falkner
Warren	1870	20th	John A. Hyman	William Cawthorn Richard Falkner
Warren	1872	19th	John A. Hyman	J. W.H. Paschall
Warren	1874	19th	John M. Paschall	.....
Warren	1879	19th	Isaac Alston	.....
Warren	1891	19th	Isaac Alston	.....
Washington	1881		.....	Alexander Hicks

NUMBER WHITE AND NEGRO MEMBERS EACH SESSION OF THE ASSEMBLY IN WHICH THERE WERE NEGRO MEMBERS

(Number Senators in Assembly, 50; Representatives, 120)

Year		White	Negro
1868	Senators	47	3
	Representatives	102	18
1870	Senators	46	4
	Representatives	101	19
1872	Senators	45	5
	Representatives	108	12
1874	Senators	45	4
	Representatives	107	13
1876	Senators	45	5
	Representatives	113	7
1879	Senators	48	2
	Representatives	114	6
1881	Senators	49	1
	Representatives	116	4
1883	Senators	47	3
	Representatives	115	5
1885	Senators	48	2
	Representatives	118	2
1887	Senators	47	3
	Representatives	117	3
1889	Senators	50	-
	Representatives	118	2
1891	Senators	49	1
	Representatives	120	-
1893	Senators	50	-
	Representatives	119	1
1895	Senators	50	-
	Representatives	119	1
1897	Senators	50	-
	Representatives	119	1
1899	Senators	49	1
	Representatives	119	1

Abbeville—John A. Hunter, B. Milford, white; H. J. Lomax, W. N. Joiner, Thomas Williamson, colored.

Anderson—William Perry, N. J. Newall, white; Samuel Johnson, colored.

Berkeley—M. F. Becker, D. H. Chamberlain, Timothy Hurley, Joseph H. Jenks, A. C. Richmond, white; William Jervey, Benjamin Byas, W. H. W. Gray, George Lee, colored.

Beaufort—J. D. Bell, R. G. Holmes, white; F. E. Wilder, L. S. Langley, W. J. Whipper, Robert Smalls, J. J. Wright, colored.

Barnwell—C. P. Leslie, Niles G. Parker, white; James N. Hayne, A. Middleton, C. D. Hayne, Julius Mayer, colored.

Charleston—A. G. Mackey, C. C. Bowen, Gilbert Pillsbury, white; F. L. Cardozo, William McKinlay, R. H. Cain, R. C. DeLarge, A. J. Ransier, colored.

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Chester—Purvis Alexander, Barney Burton, Sancho Sanders, colored.

Chesterfield—R. J. Donaldson, white; H. L. Shrewsbury, colored.

Clarendon—Elias E. Dickson, white; William Nelson, colored.

Colleton—J. S. Craig, white; William M. Thomas, William Driffle, W. M. Vinery, colored.

Darlington—B. F. Whittemore, white; Isaac Brockenton, Jordan Lang, Richard Humbird, colored.

Edgefield—Frank Arnim, white; R. B. Elliott, Prince R. Rivers, John Bonum, David Harris, John Wooley, colored.

Fairfield—James M. Rutland, white; H. D. Edwards, Henry Jacob, colored.

Georgetown—Henry W. Webb, white; F. F. Miller, Joseph H. Rainey, colored.

Greenville—James M. Allen, J. M. Runion, white; Wilson Cook, W. B. Johnson, colored.

Horry—Henry Jones, A. R. Thompson, colored.

Kershaw—J. K. Jillson, S. G. W. Dill, white; John A. Chestnut, colored.

Lancaster—Albert Clinton, Charles Jones, colored.

Lexington—Lemanuel Boozer, Simeon Corley, white.

Laurens—Joseph Crews, Y. J. P. Owens, white; Harry McDaniels, Nelson Davis, colored.

Marion—W. S. Collins, white; J. W. Johnson, H. E. Hayne, B. A. Thompson, colored.

Marlboro—Calvin Stubbs, George Jackson, colored.

Newberry—B. O. Duncan, white; James Henderson, Lee Nance, colored.

Orangeburg—E. W. M. Mackey, white; E. J. Cain, W. J. McKinlay, T. K. Sasportas, B. F. Randolph, colored.

Pickens—M. Mauldin, Alexander Bryce, L. B. Johnson, white.

Richland—Thomas J. Robertson, white; W. B. Nash, S. B. Thompson, C. M. Wilder, colored.

Spartanburg—J. P. F. Camp, J. S. Gentry, white; Rice Foster, Coy Wingo, colored.

Sumter—T. J. Coghlan, F. J. Moses, Jr., white; W. E. Johnson, Samuel Lee, colored.

Union—J. H. Goss, white; Abram Dogan, Samuel Nuckles, colored.

Williamsburg—William Darrington, white; C. M. Olsen, S. A. Swails, colored.

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York—J. L. Neagle, William E. Rose, white; J. W. Mead, J. H. White, colored.

Three of the delegates elected failed to attend,—F. A. Sawyer, white, Charleston; John K. Terry, white, Colleton; George D. Medis, colored, Edgefield.

Of the 124 delegates elected, forty-eight were white and seventy-six colored. The white men classed as Republicans were about equally divided as natives or newcomers—in the vernacular of the times, "scalawags" or "carpetbaggers."

The following table gives the previous residence of the delegates:

	Whites		Negroes	
South Carolina	23	South Carolina	59	
North Carolina	3	Pennsylvania	2	
Georgia	1	Michigan	1	
Massachusetts	7	Georgia	1	
Connecticut	1	Tennessee	1	
Rhode Island	1	Ohio	1	

New York	1	North Carolina	1
Other Northern States	5	Virginia	1
England	2	Massachusetts	2
Ireland	1	Dutch Guiana	1
Prussia	1	Unknown	6
Denmark	1		---
Unknown	1		76
	---		

SENATORS OF SOUTH CAROLINA—RECONSTRUCTION PERIOD<sup>[18]</sup>

* <sup>[19]</sup> — Barber	Fairfield Co.
— Bird	Fairfield Co.
R. H. Cain	Charleston Co.
*Lawrence Cain	Edgefield Co.
*Rev. H. Cardozo	Kershaw Co.
F. A. Clinton	Lancaster Co.
*S. E. Gaillard	Charleston Co.
Samuel Green	Beaufort Co. formerly of H. of Rep.
*C. D. Hayne	Aiken Co.
H. E. Hayne	Marion Co.
*W. R. Jervey	Charleston Co.
*Rev. W. E. Johnson	Sumter Co.
*W. H. Jones	Georgetown Co.
*— Jamison	Orangeburg Co.
*John Lee	Chester Co.
H. J. Maxwell	Marlboro Co.
*W. F. Myers	Colleton Co.
W. Beverley Nash	Richland Co.
J. H. Rainey	Georgetown Co.
Rev. B. F. Randolph	Orangeburg Co.
*Robert Smalls	Beaufort Co.
S. A. Swails	Williamsburg Co.
*J. H. White	York Co.
Rev. B. H. Williams	Georgetown Co.
Lucius Wimbush	Chester Co.
*Thomas E. Miller	Beaufort Co.
R. E. Wall	Kershaw Co.

MEMBER OF THE HOUSE OF REPRESENTATIVES OF SOUTH CAROLINA DURING RECONSTRUCTION PERIOD<sup>[20]</sup>

*— Bascomb	Beaufort Co.
S. J. Bampfield	Beaufort Co.
B. A. Bosemon	Charleston Co.
Joseph D. Boston	Newberry Co.
*J. A. Bowley	Georgetown Co.
Benjamin Byas	Berkley Co.
E. J. Cain	Berkley Co.
*J. E. Clyde	Charleston Co.
Wilson Cook	Greenville Co.
*— Davis	Charleston Co.
*James Davis	Richland Co.
R. C. DeLarge	Charleston Co.
W. A. Driffle	Colleton Co.
*Major M. R. Delaney	Charleston Co.
*William Elliott	Charleston Co.
R. B. Elliott	Edgefield Co.
*— Ellison	Abbeville Co.
*— Fraser	Colleton Co.
*John Freeman	Charleston Co.
*F. H. Frost	Williamsburg Co.
*John Gilmore	Richland Co.
*W. A. Grant	Charleston Co.
*Adam Green	Aiken Co.
Charles Green	Georgetown Co.
*Samuel Green	Beaufort Co.
Thomas Hamilton	Beaufort Co.
David Harris	Edgefield Co.
*H. E. Hayne	Marion Co.
*Zachariah Hines	Darlington Co.
*— Howard	Marion Co.
Richard Humbert	Darlington Co.
Rev. H. H. Hunter	Charleston Co.
*S. J. Keith	Darlington Co.

S. J. Lee	Edgefield Co.
Harry McDaniels	Laurens Co.
*Thomas McDowell	Georgetown Co.
John W. Mead	York Co.
Thos. E. Miller	Beaufort Co.
*A. Middleton	Barnwell Co.
Chas. S. Minort	Richland Co.
June Mobley	Union Co.
*Wm. Moultrie	Georgetown Co.
Nathaniel B. Myers	Beaufort Co.
*— Nehemiah	Beaufort Co.
*Fred Nix, Jr.	Barnwell Co.
Saml. Nuckles	Union Co.
*Lee Nance	Newberry Co.
R. J. Palmer	Richland Co.
M. H. Priolean	Charleston Co.
*J. H. Rainey	Georgetown Co.
G. A. Reed	Beaufort Co.
Prince Rivers	Edgefield Co.
*John Rue	Beaufort Co.
Sancho Saunders	Chester Co.
H. L. Shrewsbury	Chesterfield Co.
*— Singleton	Darlington Co.
*Paris Simpkins	Edgefield Co.
Wm, Simmons	Richland Co.
J. A. Smith	Darlington Co.
*Butler Spears	Sumter Co.
*Jas. A. Spencer	Abbeville Co.
*Nath. T. Spencer	Charleston Co.
D. A. Straker	Orangeburg
W. H. Thomas	Newberry Co.
Rev. W. M. Thomas	Colleton Co.
S. B. Thompson	Richland Co.
*Robert Turner	Charleston Co.
James Wells	Richland Co.
*Ellison Weston	Richland Co.
W. J. Whipper	Richland Co.
B. A. Thompson	Marion Co.
*Isaac Brockenboro	Darlington Co.
*T. Andrews	Sumter Co.

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Additional names by Bishop George W. Clinton.

Aaron Logan  
 Nelson Davis, York  
 Allen Hudson, Lancaster  
 Alfred M. Moore, Fairfield  
 Samuel P. Coker.

See Reynold's *Reconstruction*, p. 505.

#### MEMBERS OF SOUTH CAROLINA GENERAL ASSEMBLY, 1868<sup>[22]</sup>

##### *Senators*

\*Anderson—John H. Reid, white.  
 Barnwell—C. P. Leslie, white.  
 Beaufort—J. J. Wright, colored.  
 Charleston—D. T. Corbin, white; R. H. Cain, colored.  
 Chester—Lewis Wimbush, colored.  
 Chesterfield—R. J. Donaldson, white.  
 Clarendon—E. E. Dickson, white.  
 Colleton—William R. Hoyt, colored.  
 Darlington—B. F. Whittemore, white.  
 Edgefield—Frank Arnim, white.  
 Fairfield—James M. Rutland, white.  
 Georgetown—Joseph H. Rainey, colored.  
 Greenville—James M. Allen, white.  
 \*Horry—H. Buck, white.  
 Kershaw—J. K. Jillson, white.  
 \*Lancaster—R. M. Sims, white.  
 Laurens—Y. J. P. Owens, white.  
 Lexington—E. S. J. Hayes, white.  
 Marlboro—H. J. Maxwell, colored.  
 Marion—Henry E. Hayne, colored.

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Newberry—C. W. Montgomery, white.  
 \*Oconee—D. Biemann, white.  
 Orangeburg—B. F. Randolph, colored, succeeded by Joseph A. Greene, colored.  
 \*Pickens—T. A. Rodgers, white.  
 Richland—W. B. Nash, colored.  
 \*Spartanburg—Joel Foster, white.  
 Sumter—T. J. Coghlan, white.  
 Union—H. W. Duncan, colored.  
 Williamsburg—S. A. Swails, colored.  
 York—William E. Rose, white.

The number of white senators elected was twenty-one, and of colored, ten.

#### Representatives

Abbeville—George Dusenberry, T. B. Milford, James Martin, white; R. M. Valentine, W. J. Lomax, colored.

\*Anderson—John B. Moore, B. Frank Sloan, John Wilson, all white.

Barnwell—B. F. Berry, W. J. Mixson, white; C. D. Hayne, James N. Hayne, Julius Mayer, R. B. Elliott, colored.

Beaufort—C. J. Stolbrand, Charles S. Kuh, white; W. J. Whipper, P. E. Ezekiel, Robert Smalls, G. A. Bennett, W. C. Morrison, colored.

Charleston—Reuben Tomlinson, Joseph H. Jenks, John B. Dennis, F. J. Moses, Jr., B. F. Jackson, white; R. C. DeLarge, A. J. Ransier, colored.

W. H. W. Gray, B. A. Bosemon, George Lee, William McKinlay, W. J. Brodie, John B. Wright, William R. Jervay, Abraham Smith, Samuel Johnson, Stephen Brown, Edward Mickey, colored.

The counties marked \* were Democratic.

Chester—Barney Humphries, Sancho Sanders, Barney Burton, colored.

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Chesterfield—H. L. Shrewsberry, D. I. J. Johnson, colored.

Clarendon—William Nelson, Powell Smyth, colored.

Colleton—George F. McIlntyre, white; W. B. Hoyt, W. M. Thomas, Wm. Driffle, colored.

Darlington—G. Holliman, white; Jordan Lang, John Boston, Alfred Rush, colored.

Edgefield—T. Root, white; David Harris, Samuel J. Lee, John Wooley, Prince R. Rivers, John Gardner, Lawrence Cain, colored.

Fairfield—L. W. Duvall, white; Henry Jacob, Henry Johnson, colored.

Georgetown—Henry W. Webb, white; F. F. Miller, W. H. Jones, colored.

Greenville—Samuel Tinsley, John B. Hyde, white; Wilson Cook, W. A. Bishop, colored.

\*Horry—Zadock Bullock, W. W. Waller, white.

Kershaw, S. G. W. Dill, white; John A. Chestnut, J. W. Nash, colored.

\*Lancaster—T. Frank Clyburn, W. G. Stewart, white.

Laurens—Joseph Crews, white; Griffin Johnson, Wade Perrin, Harry McDaniels, colored.

Lexington—G. A. Lewie, white; H. W. Purvis, colored.

Marlboro—T. B. Stubbs, white; John G. Grant, colored.

Marion—W. S. Collins, white; Evan Hayes, B. A. Thompson, colored.

Newberry—Joseph Boston, James Hutson, James Henderson, colored.

\*Oconee—O. M. Doyle, W. C. Keith, white.

Orangeburg—W. J. McKinlay, T. K. Sasportas, F. DeMars, E. J. Cain, James P. Mays, colored.

\*Pickens—W. T. Field, white.

Richland—S. B. Thompson, William Simmons, C. M. Wilder, Aesop Goodson, colored.

\*Spartanburg—Samuel Littlejohn, Robert M. Smith, Javan Bryant, C. C. Turner, white.

Sumter—John H. Ferriter, white; W. E. Johnson, James Smiley, Burrell James, colored.

Union—Samuel Nuckles, Junius Mobley, Simon Farr, colored.

Williamsburg—C. H. Pettingill, white; R. F. Scott, Jefferson Pendergrass, colored.

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York—P. J. O'Connell, John L. Neagle, white; J. H. White, John W. Mead, colored.

The number of white representatives was forty-six, and of colored seventy-eight. On joint ballot there were sixty-seven whites and eighty-eight colored—135 Republicans and twenty Democrats.

The counties marked \* were Democratic.

#### SENATORS AND REPRESENTATIVES ELECTED TO SOUTH CAROLINA GENERAL ASSEMBLY IN 1876<sup>[23]</sup>

\*Aiken—Senator, A. P. Butler; Representatives, C. E. Sawyer, J. Woodward, L. M. Asbill, J. G. Guignard, all white.

\*Abbeville—Senator, J. C. Maxwell; Representatives, W. K. Bradley, R. R. Hemphill, F. A. Connor, Wm. Hood, J. L. Moore, all white.

\*Anderson—Representatives, H. R. Vandiver, R. W. Simpson, W. C. Brown, James L. Orr, all white.

\*Barnwell—Senator, J. M. Williams; Representatives, I. S. Bamberg, John W. Holmes, L. W. Youmans, W. A. Rountree, Robert Aldrich, all white.

Beaufort—Senator, Samuel Green; Representatives, Thomas Hamilton, Hastings Gantt, Joseph Robinson, George Reed, N. B. Myers, Thomas E. Miller, all colored.

Charleston—Senator—W. M. Taft (white); Representatives, E. W. M. Mackey (white), J. J. Lesesne, B. F. Smalls, Robert Simmons, W. C. Glover, F. S. Edwards, Isaac Prioleau, John Vanderpool, William J. Brodie, J. S. Lazarus, S. C. Brown, Benjamin F. Capers, A. P. Ford, Richard Bryan, Julius C. Tingman, Abram Smith, W. G. Pinckney, colored.

Chester—Representatives, John Lee, Samuel Coleman, Purvis Alexander, all colored.

\*Chesterfield—Representatives, J. C. Coit, D. T. Redfearn, all white.

Clarendon—Representatives, S. Melton, H. Boston, all colored.

\*Colleton—Representatives, H. E. Bissell, J. M. Cummins, S. E. Parler, white; William Maree (colored), R. Jones (white).

Darlington—Representatives, R. H. Humbert, S. J. Keith, Z. Wines, J. A. Smith, all colored.

\*Edgefield—Senator, M. W. Gary; Representatives, W. S. Allen, J. C. Sheppard, James Callison, T. E. Jennings, H. A. Shaw, all white.

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Fairfield—Senator, Israel Byrd, Representatives, John Gibson, Daniel Bird, Prince Martin, all colored.

Georgetown—Senator, B. H. Williams; Representatives, C. S. Green, P. R. Kinloch, all colored.

\*Greenville—Senator, S. S. Crittenden; Representatives, J. W. Gray, J. F. Donald, J. T. Austin, J. S. Westmoreland, all white.

\*Horry—Senator, William L. Buck; Representatives, L. D. Bryan, J. K. Cooper, all white.

Kershaw—Representatives, R. D. Gaither, A. W. Kough, E. H. Dibble, all colored.

\*Laurens—Senator, R. P. Todd; Representatives, J. B. Humbert, J. W. Watts, W. D. Anderson, all white.

\*Lancaster—Representatives, J. B. Erwin, J. C. Blakeney, all white.

\*Lexington—Senator, H. A. Meetze; Representatives, G. Leaphart, G. Muller, all white.

\*Marion—Senator, R. G. Howard; Representatives, J. G. Blue, J. McRae, R. H. Rogers, J. P. Davis, all white.

Newberry—Senator, H. C. Corwin (white); Representatives, William Keitt, J. S. Bridges, W. H. Thomas (colored).

\*Oconee—Senator, J. W. Livingston; Representatives, B. F. Sloan, J. S. Verner, all white.

The counties marked \* were Democratic.

Orangeburg—Senator, J. L. Duncan; Representatives, D. A. Straker, S. Morgans, W. H. Reedish, C. M. Caldwell, E. Forrest, all colored.

\*Pickens—Representatives, D. F. Bradley, E. S. Bates, all white.

Richland—Representatives, A. W. Curtis, Charles Minort, R. J. Palmer, J. W. Lowman, James Wells, all colored.

\*Spartanburg—Senator, Gabriel Cannon; Representatives, W. P. Compton, J. W. Wofford, E. S. Allen, Charles Petty, all white.

Sumter—Representatives, J. Westberry (colored), Thomas B. Johnston (white), J. H. Ferriter (white), T. Andrews, colored.

\*Union—Representatives, W. H. Wallace, G. D. Peake, William Jefferies, all white.

Williamsburg—Representatives, W. Scott, J. F. Peterson, John Evans, all colored.

\*York — Senator, I. D. Witherspoon; Representatives, A. E. Hutchinson, J. A. Deal, W. E. Byers, B. H. Massey, all white.

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The counties marked \* were Democratic.

STATE OFFICERS IN SOUTH CAROLINA DURING THE RECONSTRUCTION PERIOD[24]

Alonzo J. Ransier	Lieut. Governor	1870-1872
Richard H. Gleaves	Lieut. Governor	1872-1876
Francis L. Cardozo	Secretary of State	1868-1872
Francis L. Cardozo	State Treasurer	1872-1876
Henry E. Hayne	Secretary of State	1872-1876
Henry W. Purvis	Adjutant General	1872-1876
J. J. Wright	Associate Justice Supreme Court	1870-1877
R. C. DeLarge	State Land Commissioner	1870
R. C. DeLarge	State Commissioner Sinking Fund.	

FEDERAL OFFICE HOLDERS IN SOUTH CAROLINA DURING RECONSTRUCTION PERIOD[25]

Dr. B. A. Bosemon	Postmaster—Charleston, S.C.
Charles M. Wilder	Postmaster—Columbia, S.C.
John Lee	Postmaster—Chester, S.C.
Rev. J. E. Wilson	Postmaster—Florence, S.C.
S. J. Bampfield	Postmaster—Beaufort, S.C.
Fred. Nix, Jr.	Postmaster—Barnwell, S.C.

There were many others but I cannot recall their names.

NAMES OF CONGRESSMEN WHO REPRESENTED SOUTH CAROLINA DURING THE RECONSTRUCTION PERIOD[26]

Joseph H. Rainey	41st, 42d, 44th, 45th, 46th, 47th, 48th Congress.
Robert Brown Elliott	42d Congress.
Alonzo J. Ransier	42d Congress.
Robert C. DeLarge	42d Congress.
Rev. R. H. Cain	43d, 45th Congress
Robert Smalls	44th, 45th, 48th 49th Congress.

NAMES OF CONGRESSMEN WHO REPRESENTED SOUTH CAROLINA AFTER THE RECONSTRUCTION PERIOD

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Robert Smalls	Part before and part after Reconstruction.
Thomas E. Miller	51st Congress.
George W. Murray	53d Congress.

103 WEST 131ST STREET,  
NEW YORK CITY,  
October, 1917.

MR. MONROE N. WORK,  
Editor—*The Negro Year Book*,  
Tuskegee Institute, Ala.

*Dear Sir:*

In reply to your letter requesting my assistance in getting data relative to the Reconstruction Period in South Carolina, I have the honor to submit the following:

It will be utterly impossible to give dates after a lapse of nearly fifty years, especially with reference to the terms the legislators served, unless I had access to the records. I was a boy when our family returned to South Carolina in 1870, two years after the adjournment of the Constitutional Convention. At that period I was not especially interested in the trend of affairs. I was thinking more of the splendid opportunities I had left behind in Canada.

I think it very important that all of the data possible should be collected pertaining to the Constitutional Convening as I regard it the most important Convention ever held in which colored men participated. I was very fortunate in finding a copy of the Proceedings of the Convention in the Public Library in this city. I have given only such names as I could positively identify as colored. No doubt some names have been omitted but not of any who took an active or important part in political affairs.

F. B. Perry, of Greenville, S.C., was appointed Provisional Governor of South Carolina by President Johnson in 1865.

Pursuant to a call for a convention of the people issued by Governor Perry in obedience to the proclamation of President Johnson for the purpose of organizing a State Government, the Convention assembled at Columbia, S.C., September 13, 1865.

To show the intense bitter feeling of Governor Perry the following is from his proclamation:

"It is a source of congratulation to know that the colored troops, whose atrocious conduct has disgraced the service and filled the public mind with the most horrible apprehensions, have been withdrawn from the interior of the State, and are to be placed in garrisons on the coast where they can do no further mischief. In all of my personal interviews with the President and in all of my dispatches to him I urged this course most earnestly."

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A Constitution was adopted by the Convention without being submitted to the people for ratification.

The Constitution provided that only free white men were eligible for membership in the Senate and House of Representatives; only free white men were entitled to vote and that the appointment of members of the House of Representatives among the several election districts of the State should be in accordance with the number of white inhabitants in each.

The Convention adjourned September 27, 1865.

Congress decided that it was no part of the prerogative of the Executive to call conventions or to direct the adoption of Constitutions.

J. L. Orr, of Anderson, S. C., was elected Provisional Governor, October, 1865, to succeed Governor Perry.

Persuant to an Act of Congress of the United States entitled "An Act to provide for the More Efficient Government of the Rebel States" an election was held in South Carolina on November 19th and 20th, 1867, and the electors of that State voted in favor of a Constitutional Convention, and at the same time voted for delegates thereto.

Brevet Major-General E. R. S. Canby, Commanding 2d Military District of South Carolina issued orders for the delegates to assemble in convention at Charleston, S.C., January 14, 1868.

The Convention composed of 124 delegates, a large majority being colored, met at Charleston, on the date named.

T. J. Robertson, white, was elected temporary President and Dr. A. G. Mackey, white, was elected permanent President.

W. J. McKinlay and H. E. Hayne were elected temporary Secretary and Assistant Secretary, respectively.

General Carlos J. Stalbrand, white, was elected permanent Secretary. Josephus Woodruff, white, compiled the proceedings.

John R. Pinckney and Peter Miller were elected Sergeants-at-Arms.

F. L. Cardozo was Chairman of the Committee on Education.

S. A. Swails, Chairman of the Committee on Rules and Regulations.

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Robert C. DeLarge, Chairman of the Committee on Franchise and Elections.

Colored members were on all of the Committees, in most cases being in the majority.

In looking over the proceedings I find that the following named delegates took a very active part in all of the deliberations:

R. B. Elliott, R. C. DeLarge, F. L. Cardozo, J. J. Wright, W. J. Whipper, W. J. McKinlay, S. A. Swails, A. J. Ransier, R. H. Cain, B. F. Randolph, and W. B. Nash.

The Constitution provided for the election of Senators and Representatives on April 14, 15 and 16, 1868, to assemble at Columbia, May 12, 1868.

The Convention adjourned sine die March 14, 1868.

The Constitution adopted in 1868 stood unchanged until 1895 when a Convention was called to meet at Columbia, on September 10, 1895, to revise it.

The fact that the old Constitution stood for nineteen years after the Democratic party came into power (1876) shows that there could not have been anything objectionable in it to the Democrats or they would have changed it immediately after regaining control. It speaks volumes for the wisdom and foresight of the men of the Reconstruction Period.

In the Convention which met at Columbia in 1895, there were only five colored delegates and they were all from Beaufort County, a county which has very few white persons in it. The delegates were W. J. Whipper, Robert Smalls, Thomas E. Miller, James Wigg, and L. R. Reed. Of these, W. J. Whipper and Robert Smalls were delegates to the Constitutional Convention which met at Charleston in 1868.

As General Smalls died only about two or three years ago what a wealth of information he could have furnished pertaining to the Reconstruction Period had your request been sent out before his death.

Inclosure 2 contains the names of State Senators and the counties they represented. In several cases of Senators and also of Members of the House of Representatives I cannot recall their initials.

There were 32 senators, the majority being colored, of whom the following were conspicuous for their activity on all important legislation:

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S. A. Swails, J. H. Rainey, R. H. Cain, W. H. Jones, W. B. Nash and H. J. Maxwell.

Inclosure 3 contains names of members of the House of Representatives at various times. Some served more than one term. The more prominent were: R. B. Elliott, S. J. Lee, Dr. B. A. Bosemon, J. H. Rainey, R. C. DeLarge, J. A. Bowley, W. J. Whipper, D. A. Straker, C. M. Wilder, Prince Rivers, F. H. Frost, T. E. Miller, and W. H. Thomas.

The House of Representatives was composed of 124 members and colored members were always in the majority.

Inclosure 4—Names of State Officers.

Inclosure 5—Names of Federal Office holders.

Inclosure 6—Names of Congressmen who represented South Carolina.

I shall never forget the scene in 1876 when Col. A. C. Haskell, Chairman of the Democratic State Committee at the head of the Democratic members of the legislature forced his way into the Hall of the Representatives then occupied by the Republican members. Pandemonium reigned for a time. There were two Houses, each having its own officers trying to transact business at the same time. Finally the U. S. soldiers were called upon and those Democrats who had no certificate of election were ejected.

All of the Democratic members then withdrew and formed an organization in another hall.

Three colored Republicans whose names I do not care to mention went over to the Democrats, but the latter could do nothing without the Senate which was admittedly Republican.

The struggle was kept up until Mr. Hayes was inaugurated President, when he withdrew the U. S. troops, leaving the Republicans without any protection.

Governor Chamberlain and the State Officers elected with him seeing that they were deserted by the National Administration withdrew from the contest, leaving Gen. Hampton who was the Democratic nominee for Governor in possession.

The Democrats then organized the Senate and House of Representatives, and in joint session elected Gen. M. C. Butler, U. S. Senator. D. T. Corbin, who received the Republican votes, contested, but the Senate which was Republican by a small majority seated Butler. Senators Don Cameron from Pennsylvania and John J. Patterson from South Carolina, both Republicans, voted for Butler.

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That there was no one killed or injured while the contest was going on is remarkable when the great excitement during and after the "Red Shirt" campaign is considered. It shows what absolute control the gubernatorial candidates had over their followers. No doubt the Democrats, who were assured that the U. S. soldiers would be withdrawn, did not care to make a slip as Chamberlin was still governor and the troops were practically under his orders.

Thus ended the Reconstruction Period in South Carolina.

At every step the Republican Party in South Carolina was betrayed by Republicans.

Col. T. W. Parmele, white. Superintendent of the Penitentiary, appointed as a Republican by Gov. Chamberlin, recognized an order from Gen. Hampton for the pardon of a convict. Legal complications ensued and the case was carried before Associate Justice Willard, white, of the Supreme Court, a Republican elected by the legislature, and he decided in favor of Hampton.

Three colored members of the legislature deserted to the Democrats, which practically made the House Democratic.

Col. Parmele and Justice Willard were Northern white men.

This paper would not be complete without some reference to the prominent colored men who helped to make history during that eventful period.

Robert Brown Elliott—

Born at Boston, Mass., August 11, 1842.

Entered High Holborn Academy, London, England, 1853.

Entered Eton College, 1855 and graduated in 1859. Studied law.

Member of the State Constitutional Convention.

Member of the House of Representatives of South Carolina, 1868-1870.

Assistant Adjutant General.

Elected to the 42nd Congress.

Resigned his seat in Congress and was elected to the House of Representatives of S.C. for the second time, and was elected Speaker of the House.

He came within a few votes of being elected U. S. Senator in 1874, but the powerful influence of the Pennsylvania R. R. Co., was exerted in behalf of John J. Patterson, white, the successful candidate. There was a colored majority in both branches of the legislature at the time and had the colored members so desired they could have elected Gen. Elliott.

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In 1876 Gen. Elliott was the nominee on the Republican ticket for Attorney General and was elected but was forced to withdraw with the rest of the ticket.

He was Chairman of the State Republican Committee during the campaign of 1876.

For scholarly attainments, legal acumen, political sagacity and oratorical power, Robert Brown Elliott stands out as the most brilliant figure of the Reconstruction Period.

Joseph H. Rainey—

Born at Georgetown, S.C., June 21, 1832.

Although debarred by law from attending school he acquired a good education and further improved his mind by observation and travel.

He was a barber by trade and followed that occupation at Charleston, S.C., until 1862, when having been forced to work upon the fortifications of the Confederates he escaped to the West Indies, where he remained until the close of the war, when he returned to his native town.

Delegate to the State Constitutional Convention.

State Senator from Georgetown County.

Elected to the 41st Congress, being the first colored man having that distinction, and was re-elected to the 42nd, 43rd, 44th and 45th Congresses, five successive terms, the only colored man with such a record.

He received a caucus nomination as Clerk of the House, from the Republican members of Congress, the only colored man who has ever been honored by a Republican caucus.

The House was Democratic.

He was a delegate to several National Republican Conventions.

Served as Special Agent for the Treasury Department.

Polished in his manners—a fluent and convincing speaker, he was prominent in the Councils of the Republican Party.

#### Gen. Robert Smalls—

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Born in South Carolina, at Beaufort, April 5, 1839.

Although debarred by Statute from attending school, he educated himself with such limited advantages as he could secure.

Removed to Charleston, S.C., in 1851, worked as a rigger, leading a sea-faring life.

Employed on the *Planter*, a steamer plying in Charleston harbor as a transport, which he took over Charleston Bar in May, 1862, and delivered her and his services to the U. S. Blockading Squadron.

In recognition of his services was appointed Pilot in the U. S. Navy, and served in that capacity on the monitor "Koekuk."

Promoted as Captain for gallant and meritorious conduct, December 1, 1863, and placed in command of the *Planter*, serving until she was put out of commission in 1866.

Delegate to the State Constitutional Convention.

State Senator from Beaufort Co.

Elected to the 44th Congress, and re-elected to the 45th, 48th and 49th Congresses.

Was a delegate to every National Republican Convention up to within a short time of his death.

Collector of the Port of Beaufort, S. C.

Died two or three years ago, the last of the "Old Guard" in S. C.

#### Alonzo J. Ransier—

Born at Charleston, S.C., 1834.

Self educated. Employed as a shipping clerk in 1850 by leading merchant, who was tried for violation of law "in having a colored clerk" and fined one cent with costs.

Delegate to the State Constitutional Convention.

Member of the House of Representatives of S.C.

Elected Lieutenant Governor on ticket with Gov. R. K. Scott, in 1870.

President of Southern States Convention held at Columbia, S.C., in 1871.

Presidential Elector on Grant and Colfax ticket in 1868.

Delegate to National Republican Convention in 1872.

Elected to the 42 Congress.

A man singularly gifted with political farsightedness.

#### Robert C. DeLarge.

[Pg 97]

Born at Aiken, S.C., March 15, 1842.

Farmer—Self-educated.

Agent of the Freedmen's Bureau from May, 1867 to April, 1868.

Delegate to the State Constitutional Convention.

Member of the House of Representatives, 1860-1870.

One of the State Commissioners of the Sinking Fund.

Elected State Commissioner in 1870.

Elected to the 42d Congress.

Very prominent in the Party Councils.

Rev. R. H. Cain—

Born in Greenbrier Co., Va., April 12, 1825.

His father moved to Ohio in 1831 and settled in Gallipolis.

Entered the ministry at an early age and became a student at Wilberforce University in 1860 and remained there one year.

Removed to Brooklyn, N. Y., at the breaking out of the war where he discharged ministerial duties as pastor for four years.

Was sent by his church as a missionary to the Freedmen in South Carolina.

Delegate to the State Constitutional Convention.

State Senator from Charleston Co.

Elected to the 43d Congress, and re-elected to the 45th Congress.

Bishop in the African Methodist Church and a power in that denomination.

William Beverly Nash—

Born in South Carolina.

Of limited education but endowed with wonderful common sense and political foresight.

Delegate to the State Constitutional Convention.

State Senator from Richland Co., in which Columbia is located.

For one term (four years) was Chairman of the Powerful Ways and Means Committee.

An elector on the Hayes and Wheeler ticket in 1876.

It was reported that he was offered \$100,000 to vote for Tilden and Hendricks. Had he accepted the offer the Democratic ticket would have been elected, as the vote stood 186 for Hayes and 185 for Tilden. Be it said to his eternal honor he was beyond price.

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Stephen A. Swails—

Delegate to the State Constitutional Convention.

Represented Williamsburg Co., in the Senate.

Elected President pro term of the Senate for the whole period.

A very strong character and exerted considerable influence in legislation.

Was in the 54th Massachusetts Infantry.

Had musical talent of a high order.

Judge Lee—

Judge of the Municipal Court of Charleston, S. C.

A man of ripe scholarship and of high legal attainments.

Until President Roosevelt appointed Judge R. H. Terrell of Washington to a similar position, I think he was the only colored man who ever occupied such a position.

Francis L. Cardozo—

Born in South Carolina, at Charleston.

Educated in Scotland, at Glasgow University.

Delegate to the State Constitutional Convention.

Secretary of State for four years.

State Treasurer for two years.

Scholarly, courtly and dignified.

Took great interest in the education of the colored youth, and was popular among the boys on account of the fatherly interest he manifested in them.

Moved to Washington, D. C., after 1876 and accepted a position in the office of the Auditor for the Post Office Department.

After serving for several years in the Department he was elected to the Principalship of the Colored High School in Washington, a position he filled with honor and credit to the race and

himself. After his death the Board of Education named one of the School Buildings the "Cardozo Building" as a tribute to his great interest in the educational welfare of the colored race.

Henry E. Hayne—

Born in South Carolina.

Delegate to the State Constitutional Convention.

State Senator from Marion, Co.

Secretary of State.

Was very much interested in the education of the colored youth.

Richard H. Gleaves—

Served two terms as Lieutenant Governor.

Elected with Gov. F. J. Moses in 1872 and with Gov. D. H. Chamberlin in 1874.

Was nominated a third time with Gov. Chamberlin and elected but forced by the Democrats to withdraw.

Henry W. Purvis—

Born in Philadelphia, Pa.

Son of Hon. Robert Purvis, the great Abolitionist. Member, house of Representatives, 1868-1870, and then was Adjutant General.

Was Adjutant General of the State most of the Reconstruction Period.

He was a man without fear.

In the campaign of 1876 he went to Edgefield, the homes of Generals Butler and Gary, the Democratic leaders, and regarded as fire eaters and spoke on the campaign issues. He also went to other parts of the State equally as dangerous and filled his engagements.

J. J. Wright—

Delegate to the State Constitutional Convention.

On account of his great legal ability he was elected by the legislature as an Associate Justice of the Supreme Court of the State. (There were two Associate Justices.) He had the respect of the entire Bar of the State.

He was pre-eminently fitted for the position.

He is the only colored man who has ever occupied such an exalted judicial position in this country.

Thomas E. Miller—

Born at Ferrybeeveville, Beaufort Co., June 17, 1849.

Attended the free public school for Negro youths up to the breaking out of the war.

Graduated from Lincoln University, Pennsylvania, in 1872.

Read law under Judge P. L. Wiggin and Chief Justice Moses of South Carolina and was admitted to the Supreme Court of S. C. in 1875.

Elected to the House of Representatives of S. C., 1874-1876-1878.

Elected Senator from Beaufort Co., 1880.

Elected to the 51st Congress.

Elected to the House of Representatives of S. C., in 1866, and while serving was instrumental in having the "State College for Colored Youth" established at Orangeburg, S. C., and on that account was elected its first President.

Dr. B. A. Bosemon—

Born at Troy, N. Y.

Delegate to the State Constitutional Convention. Member of the House of Representatives of S. C. Appointed Postmaster at Charleston, S. C., by President Grant and served four years with entire satisfaction to the people of that city with honor and credit to himself and the race.

Suave and polished he had a pleasing personality.

He had quite a large and lucrative practice in his profession.

Charles McDuffie Wilder—

Born in South Carolina. Delegate to the State Constitutional Convention.

Member of the House of Representatives of S. C. Member of the City Council of Columbia, S. C.

Postmaster at Columbia, S. C. for sixteen years. Appointed by President Grant two terms and one

term each by Presidents Garfield and Hayes.

There were two white applicants for the position after President Garfield was inaugurated and Postmaster General James, who was supposed to be friendly with one of them, sent a Post Office Inspector to Columbia to find out the sentiment of the business men. They were almost unanimously for Mr. Wilder. They stated that he had served them efficiently for eight years and did not approve of a change.

Generals Hampton and Butler represented the State in the U. S. Senate at the time, Columbia being Senator Hampton's home and had he objected Senatorial courtesy would have sustained him.

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It shows in what estimation Mr. Wilder was held by his home people.

Mr. Wilder's appointment of four successive terms to a first-class post office is a record.

Mr. Wilder was a delegate to all of the National Republican Conventions up to and including that of 1888.

Mr. Wilder was a man of good sound judgment, of great political force and one of the few who had anything to show after the political upheaval of 1876.

#### Samuel J. Lee—of Aiken, S. C.

Born in South Carolina.

Member of the House of Representatives of S. C.

Speaker of the House of Representatives for one term.

A lawyer of recognized ability.

An expert in parliamentary procedure.

A man of engaging address, of a genial disposition, a pleasing speaker, he was the most popular presiding officer of that period.

#### D. Augustus Straker—

A prominent member of the House of Representatives during the latter part of the Reconstruction Period.

A man of brilliant parts and one of the leading lawyers of the State.

Moved to Detroit, Mich., after the collapse in 1876, and played quite an active and conspicuous part in politics there.

#### William J. Whipper—

Born in South Carolina.

Delegate to the State Constitutional Convention.

Member of the House of Representatives of S. C.

A man of splendid legal talent.

Elected by the legislature a Circuit Court Judge but Gov. Chamberlain refused to commission him, (Ex. Gov. Moses, white, was elected a Circuit Court Judge at the same time and he was also refused a commission by Gov. Chamberlin.)

Judge of Probate of Beaufort Co., for more than ten years.

#### Prince Rivers—

[Pg 102]

Born in South Carolina.

Delegate to the State Constitutional Convention.

Member of the House of Representatives of S. C.

Brigadier General in the South Carolina Militia.

Called the "black Prince" and he looked it with his fine physique and military bearing as he rode at the head of the colored troops as they passed in review before the Governor at their annual inspection.

#### John Lee—

Born at Columbia, S. C.

State Senator from Chester Co.

Postmaster at Chester.

Self educated.

Very prominent in his county.

#### W. J. McKinlay—

Born at Charleston, S. C.

Delegate to the State Constitutional Convention.

One of the most prominent colored men in Charleston Co., and one of the most influential in the Party Councils.

Member of the House of Representatives 1868 and part of 1869. Resigned to accept position of Register of Mesne Conveyances, a very important office which he held for several years.

W. H. Thomas—

Born in Ohio.

A man of brilliant intellect.

One of the most prominent members of the House of Representatives at the close of the Reconstruction Period.

I remember well the conspicuous part he took in the proceedings in the House of Representatives in 1876. Those were times that tried men's souls but Mr. Thomas held his own with the best men in the Democratic party.

Samuel Lee of Sumter, S. C.—

Born in South Carolina.

Delegate to the State Constitutional Convention.

A very strong character and one of the bright young men of the state.

He was elected to Congress but the Democrats counted him out.

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He contested the seat and though the House was Republican and his case a good one, the Chairman of the Committee on Elections, a Republican from Indiana, who was personally antagonistic to him failed to report on the case and Congress adjourned without taking any action.

Jas. A. Bowley—

Member of the House of Representatives.

For one term he was chairman of the Committee on Ways and Means.

He wielded considerable power in legislation.

Was considered the "Beau Brummel" of the House.

F. H. Frost—

Born in South Carolina.

Member of the House of Representatives.

Active in all legislation.

Polished and highly cultured.

Henry J. Maxwell—

Born in South Carolina, at Charleston.

Senator from Marlboro County.

Active in all legislation.

Considered the best dressed member in the Senate.

Known to his associates at the "Duke of Marlboro."

W. H. Jones—

State Senator from Georgetown Co.

Quite a fluent speaker and well versed on all public questions.

On account of his bellicose nature he was given the sobriquet of "Red Hot Jones."

A. C. Jones—

Born in Washington, D. C.

Clerk of the House of Representatives during the whole Reconstruction Period.

A very capable officer and very popular.

Walter R. Jones—

Born in South Carolina at Charleston.

Graduate of Oberlin College.

Secretary of the State Financial Board, consisting of the Governor, Attorney General, State Treasurer and Comptroller, all white at that time.

[Pg 104]

Elected Clerk of the City Council of Columbia, S. C., by the unanimous vote of the members.

Resigned that position to accept the position of Private Secretary to Governor Chamberlain.

The best equipped and most brilliant young colored man I ever met.

J. E. Green—

Sergeant at Arms of the Senate during the whole Reconstruction Period.

A very efficient officer and a man of fine parts.

John Williams—

Sergeant at Arms of the House of Representatives during the whole period.

A very capable man and popular with the members.

There were many colored men who occupied positions of importance in the different countries—positions such as Sheriff, Treasurer, Auditor, Clerk of Court, Commissioner, Coroner and School Commissioner.

I never heard of any of them being removed for incompetency, dereliction of duty or malfeasance.

I regret very much that I cannot give you any information as to whether the men mentioned were free or slaves, as the persons from whom I could have gotten that information have all passed away. Had I received such inquiry eight or ten years ago I could have furnished it as there were several persons then living who, I know, were well posted on that subject.

Of the names noted in this paper the following were from the North.

Some of them may have been from the South originally and returned after the war: R. B. Elliott, D. A. Straker, Maj. M. R. Delaney, W. H. Jones, Dr. B. A. Bosemon, W. H. Thomas, H. W. Purvis, R. H. Gleaves, A. C. Jones, S. A. Swails, J. A. Bowley, J. E. Green.

The colored men of South Carolina played a more conspicuous part and held more offices of a high grade during the Reconstruction Period than the colored men of any other State.

[Pg 105]

South Carolina has the distinction of electing the first colored Congressman, (Joseph H. Rainey) and the last (George W. Murray.)<sup>[27]</sup>

South Carolina was represented in Congress by eight colored men—Rainey, Elliott, Ransier, Cain, Delarge, Smalls, Miller and Murray.

Mr. Miller and Mr. Murray served after the Reconstruction Period and most of Gen. Smalls' service was after that period.

When I compare the present political leaders in South Carolina with those of the Reconstruction Period I must confess that we have retrograded politically. They may be due to conditions. Not only in South Carolina, but where would you find in any State at the present time, political leaders who can measure up to the caliber of Elliott, Rainey, Straker, Cardozo, Swails, DeLarge, Bosemon, Wright, Ransier, Lee, McKinlay, Cain, Whipper and Wilder?

When the Negro race can again produce political leaders of the type named then we may look forward with some degree of hope for a solution of the Negro problem.

Your idea in collecting data relative to the Reconstruction Period is a laudable one, and the wonder is, and the pity of it is, that it had not been thought of long ere this. There are very few now left to tell the tale, and that in a very unsatisfactory way.

Some of the data relative to the Congressmen I got from Congressional Directories. To recall all names, dates and incidents pertaining to the Reconstruction Period after a period of fifty years would require the prodigious memory of a Macauley, even had I been an active participant in political affairs at that time. There may be a few errors but they are of a minor character. I am glad that I am able to be of some assistance to you in this matter, however, little, and I can only say in the words of Macbeth,

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"The service and the loyalty I owe,  
In doing it, pays itself."

Very respectfully,

(Signed) H. A. WALLACE.<sup>[28]</sup>

All names referred to in this paper are of colored men unless otherwise stated.



MR. MONROE N. WORK,  
 Editor—Negro Year Book,  
 Tuskegee Institute, Ala,

*Dear Sir:*

In reply to your letter of the 11th inst., I beg leave to state that Hunter and Dickson were white. As to Brokenton I probably was thinking of a Brockenboro in Washington and got the names mixed.

Before leaving Washington in 1913 I let Whitfield McKinlay have my book, "Reconstruction in South Carolina" by John S. Reynolds, to read. When I received your letters asking for assistance in getting the data relative to reconstruction in South Carolina I wrote to Mr. McKinley for the book. I wrote for it several times but not until about a month ago did he send it. I did not care to delay sending you the data, consequently I mailed it before the book came to hand. Had I received the book in time I could have made my paper a little more readable and avoided the errors referred to.

As you have, no doubt, taken data from the book by Reynolds I would like to correct a few errors I found therein.

*Reconstruction Convention*

Colleton—W. M. Vinery, should be Viney  
 Darlington—Richard Humbird, should be Humbert  
 Edgefield—John Wooley, colored, should be white  
 Greenville—Wilson Cook, should be Cooke  
 Kershaw—John A. Chestnut, should be Chesnut

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*Chapter III—Scott's First Term*

Senate—

Chester—Lewis Wimbush, should be Lucius Wimbush  
 Union—H. W. Duncan, colored, should be white  
 This would make ten colored Senators

House of Representatives—

Abbeville—James Martin, white, should be colored  
 Charleston—B. A. Bosemon, should be Dr. B. A. Bosemon, Jr.  
 William R. Jervay, should be Jarvey  
 Chesterfield—H. L. Shrewsbury, should be Shrewsbury  
 Colleton—W. R. Hoyt is in the Senate column Wm. Driffle,  
 should be Wm. A. Driffle H. James and T. Richardson, as  
 members in addition to Thomas and Driffle.  
 Edgefield—John Wooley, colored should be white  
 Georgetown—W. H. Jones, should be W. H. Jones Jr.  
 Greenville—Wilson Cook, should be Cooke  
 Kershaw—John A. Chestnut, should be *Chesnut*  
 Williamsburg—Jeff. Pendergrass, should be *Jeffery Prendergrass*.

Jas. Martin, Lee Nance and Wade Perrin, representatives and B. F. Randolph, senator, were assassinated by the Ku-Klux Klan.

Page 111—"Among Mr Robertson's earliest official acts was the recommendation of an incompetent colored man to be postmaster at Columbia."

If you will look at the sketch I gave of Mr Wilder, the postmaster referred to, you will note that in 1880 when the Democrats had absolute control of South Carolina and Gens. Hampton and Butler represented the State in the U. S. Senate, Mr Wilder was confirmed for the fourth time, and as Columbia was the home post office of Senator Hampton it is not likely that he or Butler would have voted to confirm an incompetent colored man when senatorial courtesy would have sustained them had they objected.

Page 229—W. R. Jervay, should be Jarvey.

Page 233—Relative to Henry E. Hayne going to the communion table I have to say that is all rot in so far as there were any objections. The communicants with the exception of Mr Babbitt and family were nearly all colored. I know that the wardens and vestrymen were colored.

Page 234—I do not know about all of the colored men mentioned as having matriculated in the School of Law, but I am certain that Mr Wilder did not.

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Page 236—William R. Jervay, should be Jarvey.

Page 333—With reference to Dr. Bosemon being under the influence of liquor I desire to state that he did not touch, taste nor handle the stuff. Dr Bosemon was a cultured gentleman, polished in his manners and was a surgeon in one of the colored regiments during the war.

Page 366—Instead of N. B. Myers being the elector for the fifth district I think it was his brother, Senator William F. Myers.

As N. B. Myers went over to the Hampton House it is not probable that he would stultify himself by voting for Hayes and acknowledging Hampton as Governor.

Page 462—Gen. Elliott did not become a department clerk in Washington. He moved to New Orleans where he practised law several years before his death.

All the Republican politicians who remained in South Carolina *did not* sink into actual obscurity or harmless inactivity after 1876.

Mr. Wilder was postmaster at Columbia until June 30, 1885.

Gen. Smalls represented the State in Congress for several terms after 1876, and was a delegate to the Constitutional Convention in 1895. Was also Collector of Port of Beaufort.

Thomas E. Miller was also a delegate to the same convention and served a term in Congress, and was a member of the S. C. House of Representatives.

W. J. Whipper was a member of the legislature. Probate judge of the county for ten years and a delegate to the Constitutional Convention of 1895.

John Lee was postmaster at Chester for several years.

Mr Rainey was a special agent of the Treasury Department with headquarters in South Carolina.

H. L. Shrewsbury and W. F. Myers were in the Revenue Service and active in politics as was A. W. Curtis.

There were others but I cannot recall their names.

Referring to the data mailed to you I desire to make the following corrections:

Page 2—J. H. Rainey was not a member of the House of Representatives but Senator from Georgetown.

Page 6—Relative to Judge Lee I desire to state that I am in error as to his case being the first where a colored man was elected to a municipal judgeship. Macon B. Allen was elected by the legislature as judge of the Inferior Court of Charlestown prior to Lee's election or appointment. Therefore Judge Allen should be given the honor.

[Pg 109]

Of course J. J. Wright who was elected an associate Justice of the Supreme Court of the State by the legislature was the first Negro in this country who ever occupied a judicial position.

Page 7—Henry W. Purvis was elected Adjutant General for the four year term 1872-1876. Member of Legislature 1868-1870.

Page 10—W. J. McKinlay was also a member of the House of Representatives for part of 1868-69 period but resigned his seat to accept the position of Register of Mesne Conveyances for Charlestown, to which the legislature elected him.

Page 11—W. H. Jones, should be W H. Jones, Jr.

John Williams was Sergeant-at-Arms from 1870 to close of period.

As there were no free public schools for colored youth in South Carolina it is an error to state that Thomas E. Miller was educated in that way. It was against the law for anyone to teach a Negro even to read or write.

I am also told that I am in error as to giving him credit for the establishment of the " State College" at Orangeburg. I will try to find out something about that matter.

Very respectfully,

H. A. WALLACE

SOME CORRECTIONS FOR DATA SUBMITTED BY MR. H. A. WALLACE OF NEW YORK CITY

103 WEST 131 ST.,  
NEW YORK CITY.  
March 11, 1918.

MR. MONROE N. WORK,  
Editor Negro Year Book,  
Tuskegee Institute, Ala.

*Dear Sir:*

I presume you received my letter of February 18, also the one of January 19, relative to corrections in the data on Reconstruction.

I herewith send you a few more before you go to press on your book pertaining to the part the Negro played in the political history of the Southern States during the Reconstruction period:

I am in error as to James Martin, of Abbeville, who was assassinated, as being colored. I was informed that he was colored, but in reading the eulogies delivered by the different members of the House and Senate, I find that he was not even an American. He was a native of Ireland.

[Pg 110]

W. A. Bishop, who represented the Greenville district in the first legislature, was white, not colored. In the list of delegates to the Republican meeting at Charlestown, May 9, 1867, he is given as white in Reynolds' book. I met a friend from Greenville about ten days ago and in speaking to him about

Bishop he said that he was white and that he knew of no colored Bishops in that district.

On page 9 of my data I state that Mr. Whipper was born in South Carolina. I met his son, who is living here, sometime ago and he informed me that his father was born in Pennsylvania.

With reference to Judge Whipper I would add that one of the first acts of the first legislature was to elect a commission of three members to revise and consolidate the Statute laws of the State and that he was the first member elected. Quite a tribute to his legal ability.

On page 12 add the following names as from the North.

Rev. B. F. Randolph—Senator—Orangeburg district.

W. J. Whipper—Member—Beaufort district.

Judge J. J. Wright—Beaufort district—afterwards Associate Judge Supreme Court, and on page 8, under his name please state—born in Pennsylvania.

On page 107 Reynolds' book—Abbeville Co.—W. J. Lomax, should be Hutson J. Lomax, this is official. On page 59 and 77 he has it H. J. which is correct.

Same page—Fairfield—Henry Jacob, should be Jacobs—He was also a delegate to the Constitutional Convention—See page 77.

Very Respectfully,

(Signed) H. A. WALLACE

Copy.

#### SUMNER AND STEVENS ADVISE WITH REFERENCE TO RECONSTRUCTION POLICY IN SOUTH CAROLINA

The late Honorable Francis L. Cardoza at one time Secretary of State for South Carolina, several years before his death stated to the undersigned the following in substance:

That a number of colored men met and appointed a committee which was sent to Washington to get the advice of Charles Sumner and Thaddeus Stevens concerning the formation of the political organization for the newly enfranchised Negro citizen shortly after the adoption of the 14th Amendment.

[Pg 111]

Pains were taken to keep the plans from both the native whites and the so-called carpet baggers from the North. That both Mr. Sumner and Mr. Stevens advised the committee to tender the leadership to native whites of the former master class of conservative views: but this plan was frustrated because they were not able to secure the consent of desired representatives of the former master class to assume the proffered leadership.

(Signed) KELLY MILLER

(Signed) WHITEFIELD MCKINLAY

WASHINGTON, D. C., December 14, 1917.

Subscribed to and sworn before me, SAMUEL E. LACY a Notary Public in and for the District of Columbia, this Fourteenth (14th) Day of December 1917.

(Signed) SAMUEL E. LACY,  
*Notary Public, D. C.*

#### SOME NEGRO MEMBERS OF RECONSTRUCTION LEGISLATURES

##### *Texas*

J. H. Stewart who now lives in Austin.

Edward Patton, San Jacinto County, now living in Washington is in Government service.

Nathan H. Haller, Brazoria County. House, 1892-94. Reelected and counted out. Contested his seat and won.

R. L. Smith, Colorado County, 1895-99, now living in Waco. Is president of the Farmers Bank and head of the Farmers Improvement Association. For sketch of, see *Negro Year Book*, p. 322. For his work in the Legislature, see attached letter.

Elias May, Brazos County, in the early days of Reconstruction.

R. J. Moore, Washington County, representative.

— Gaines, senator, Lee County.

Copy.

[Pg 112]

COLLEGE STATION, TEXAS  
WACO, TEXAS, March 26, 1918.

PROF. MONROE N. WORK, Tuskegee Inst. Ala.

*Dear Mr. Work:*

I was elected in Nov. 1894 as representative for Colorado county and was re-elected in 1896.

My majority in 1894 was 168 and in 1896 at the next election it was 450 as I recollect it.

I was appointed on the committee on education and on privilege and election and on agriculture.

I introduced a bill restoring colored trustees which finally passed.

I fought a bill establishing separate waiting rooms for the races at R. R. Station and killed it for four years.

I introduced a resolution inviting manufacturing cotton plants to come to Texas. I introduced a resolution granting the use of the Hall of the House of Representatives to the colored citizens of Austin to hold their memorial services for Fred Douglas. When one understands the race feeling in the South this was indeed a triumph. I introduced a bill establishing a college course as a part of our curriculum at Prairie View Normal which passed carrying with it a grant of fifty thousand acres of land.

I worked hard to help carry a bill through making any peace officer automatically lose his office whenever a lynching took place in his county. This bill passed but was declared unconstitutional by the supreme court. I was appointed by the speaker as a member of the visiting board for Prairie View State Normal. As a member of the committee on privileges and Election I single handed fought for a colored man elected from Brazoria county, N. H. Haller by name who had the nerve to contest the seat of a white man to whom the certificate of election had been awarded. After a long and bitter fight in which three times I carried in and presented a minority report we won and Haller was seated. This isn't the only case of its kind that I know of in this state.

Haller of course had able legal talent to take care of his case.

I voted for the purchase of the battle field of San Jacinto which is in Harris country about twenty miles below Houston. It was on this battlefield that Texas won her independence from Mexico in 1836. It is now a beautiful state park. For this action I was publicly thanked by the Daughters of the Republic.

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Respectfully

(Signed) R. L. SMITH.

The legislatures which I served in were the 23d and 24th.

Charles A. Culberson, now U. S. senator was governor and our relations were very cordial.

In 1902 I was tendered and accepted a position in the U. S. Marshal's office for the Eastern Dist. of Texas by Pres. Roosevelt. Held same until 1909. This was the most honorable and best paid federal position ever held by a Negro in Texas except that held by Hon. N. W. Cuney who was collector of the Post of Galveston. In 1915 I took charge of the Extension Service work for Negroes in Texas which I now hold.

SOME NEGRO MEMBERS OF THE TENNESSEE LEGISLATURE DURING RECONSTRUCTION PERIOD AND AFTER<sup>[29]</sup>

By Honorable J. C. Napier, of Nashville, Tenn., register of United States Treasury, May, 1917

Year	Name	County
1871-73	Sampson W. Keeble	Davidson
1877-79	Thos. A. Sykes?	Davidson
1879-81	S.A. McElwee?	Haywood
1881-83	T. Frank Cassells	Shelby
	J.F. Norris	Shelby
	Thos. A. Sykes?	Davidson
	S.A. McElwee?	Haywood
1883-85	J.W. Boyd	Weakley
	S.A. McElwee	Haywood
	D.F. Rivers	Fayette
1885-87	G.E. Evans	Shelby
	W.A. Fields	Shelby
	W.C. Hodge	Shelby
	S.A. McElwee	Haywood
	D.F. Rivers <sup>[30]</sup>	Fayette
1887-89		
1889-91	— Goodman	Fayette
1891-93		
1893-95		

Davidson county, Tennessee, sent two colored men to the Legislature. The first colored member of the Legislature was Sampson W. Keeble from 71-73. From 77-79 the colored member was Thomas A. Sykes. Both of these were representatives. Tennessee never had any colored senators. Sampson W. Keeble was a native of Tennessee. Thomas A. Sykes was a native of North Carolina and had been a member of the North Carolina legislature.<sup>[31]</sup>

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Captain James H. Sumner, of Davidson County, was elected a door-keeper of the House of Representatives for 1867-69. He was afterwards appointed captain of a Militia Company which rendered the State valuable service in putting down the Ku-Klux. Later by act of the Legislature a committee was authorized for Nashville consisting of three persons to audit claims against the State for destruction of property by soldiers of the Confederates and Federal armies during the war. Governor Brownlow appointed on this commission James H. Sumner, a white man named Lassiter, and J.C. Napier. They examined claims amounting to millions of dollars, some of which were afterwards paid and others rejected. There were other colored men on such commissions in other parts of the state whose names I do not now recall.

Haywood county first sent Samuel A. McElwee. He served from 79-83. The same county afterwards sent Rev. D.F. Rivers who is now pastor of the Berean Baptist Church in Washington, D.C. Rev. Rivers defeated the father of a very popular white girl and she met him in the street and spat in his face. McElwee made a very active member and was highly respected by all. He was a graduate of Fisk University and the law department of Walden University.

Weakley County sent John W. Boyd who served two or three terms in the legislature. He ran for the senate but was defeated.

Perhaps there was one from Hamilton county or Knox county.

Shelby county sent quite a delegation of colored men from time to time. Among them were T.F. Cassells and I.F. Norris, who is still living in North Dakota. Cassells was a lawyer, educated at Oberlin.

Mr. Norris was a successful business man of Memphis, Mr. Keeble was a barber in Nashville.

Mr. Sykes was Internal Revenue Collector in Nashville and came there with high revenue officials from North Carolina. He entered politics and was quite influential and finally died at Nashville.

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Keeble was of a family highly respected and of very high standing in Nashville. The men from Memphis and Haywood counties were more highly educated than the others. They were free men of high class and up to the standard of the whites who were sent to the legislature in those days.

#### COLORED MEN IN OTHER POSITIONS

At one time the county government of Davidson County was run by three Commissioners; one of these commissioners was a colored man, named Randall Brown of limited education, but large experience and a large amount of good common sense. He was very influential and highly thought of by white and colored people.

Nashville city government during the days of reconstruction had among its membership, perhaps, one-third colored members. These men were not of the same calibre as the colored members of the legislature. They were picked up in the different wards by their friends. They were chosen for their popularity rather than for fitness for the work before them.

Immediately following the reconstruction days, Josiah T. Settle was elected Assistant Attorney General for Shelby county under General Patterson who afterwards served as Governor of the State of Tennessee. Mr. Settle had previously been a member of the Mississippi Legislature.

In Knoxville men have served in the legislature of the city government.

When they changed the form of government in Nashville, there was a colored man a member of the Board of Aldermen. Two colored men were elected to the council. As a result, two fire companies were given to colored men. Mr. Charles Gowdey and Mr. J.C. Napier were the colored members of the council. The first two brick school houses were erected for colored children during their term. They were the Pearl High School and the Meigs School. At that time the people of Nashville, the Democrats especially, showed a very liberal spirit to the colored people and divided the positions with them. Shortly after this with a more liberal spirit, they erected the third brick school house in the city of Nashville, The Napier School.

After things went out of the hands of the Republicans in Tennessee, Capt. Sumner went down into Mississippi, entered politics and was elected Sheriff of Holmes county. He became quite wealthy. His family was of high standing. Owned property in Nashville and the descendants still own it.

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Settle and Cassells were free men. Keeble was owned by a very distinguished Tennessee family named Keeble.

In Tennessee before the war there were schools for Negroes. There were no laws against schools for free colored people until the agitation that brought on the war.

At Nashville, Franklin college graduated three colored men; that is the school gave them graduation papers. They were prepared for the ministry in the Christian church (Disciples). These men were Samuel Lowery, Daniel Watkins and James T. Rapier. Lowery, Rapier and Watkins were all free men. Rapier served a term or two from Florence, Ala., in Congress during the Reconstruction Period. He was a man of some wealth, was very active and traveled a good deal. Lowery's father was also a minister, before him, in the Christian Church. He had a farm as well as city property. Franklin College was a Campbellite Institution or what is now known as the Christian Church Institution.

When the agitation came about preceding the Civil War they closed all of the colored schools.

Mr. Napier's father and mother with some other colored people had a man named Rufus Conrad come down from Cincinnati, Ohio, to teach their children. This was in 1859. Both free and slave children went to this school. The school had been open two or three months when one day, while the class was spelling the word baker, an abrupt knock on the door interrupted the class and then a man entered without waiting to be admitted. He said to the teacher, "What is your name?" The teacher answered, "Rufus Conrad." "Where did you come from?" was the next question. The teacher answered, "From Cincinnati, Ohio." The man said, "I have been authorized by the powers that be in Nashville to send these children home, to close the doors of this school and give you just 24 hours to leave this town." This ended this school.

There were three or four schools in Nashville, before the war. One was taught by Samuel Watkins. He taught school in an old church right over a branch. It was built up on stilts, and was a place of worship built for the slaves by their owners. Another one was taught by a Mrs. Tate, who was of a very excellent family. Mrs. Sallie Player, a most delightful teacher taught another one of these schools. Mrs. Player was a free woman but her husband was a slave. He belonged to a very excellent family of white people, whose slaves enjoyed every privilege that free people enjoyed. They were protected by their owner. She was a woman of some education. Her husband also had some education, although a slave. There was another school taught by a white man and his wife whose name was Westbrooks. They came to Nashville from St. Louis, Missouri and organized a school. These two gathered considerable money from the free and slave people who wanted to send their children to school. They taught school about three weeks when they suddenly disappeared.

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#### SLAVES IN BUSINESS AND NEGROES WHO OWNED SLAVES

Slaves had more money than is generally thought. Henry Harding, a slave with some education, was a thorough business man from beginning to end. Everything he touched turned to money. His home in Nashville now is as pretty a home as you want to see. He was allowed every liberty by his owners that a free person enjoyed. He was a carpenter and contractor. He did all the construction work on three plantations, that of General Harding, his son's, John Harding and of David Gavock's. One of the Hardings was his father. He was held as a slave until Emancipation in '63. He immediately came to Nashville and went into business building houses. When he died he had considerable property.

Hardy Perry, a slave in Nashville, had a line of hacks and transfer teams during slavery time. He hired his own time. Steven Boyd and Mr. Napier kept a livery stable.

My father's father was a pioneer iron man in middle Tennessee. His parents came from England and went to Dixon county and established what is still known as the Napier Iron Works. He was a man of considerable force of character and influence. He had four colored sons and daughters. He had these sons go to school along with the white children. When he died his will provided that they should leave Tennessee and go to a free state or to Liberia. They went to Ohio and lived on Walnut Hill where they bought a farm. They concluded to sell the farm on Walnut Hill, trading it for a farm at New Richmond, Ohio. Two of the sons went to Richmond with my grandmother, another went to St. Louis, Mo., and my father went back to Nashville. Two of the brothers who went to Richmond with their mother became school teachers in Richmond. The one who went to Nashville went into the livery business.

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My father's father was a physician, having graduated from the medical school of the University of Pennsylvania. He had great political influence and it was through his influence that one of the governors of Tennessee was elected.

Alice Bosley, whose husband was white, and her family owned two large plantations south of Nashville and the other north-east of Nashville. They owned about twenty-five or thirty slaves. She was a thoroughly religious woman and every Sunday would have her slaves and children attend church.

Manse Bryant was another large land owner and slave owner.

MR. MONROE N. WORK, Editor,  
Tuskegee, Alabama.

*My Dear Sir:—*

The Journals of the Senate and House of Delegates for the years in which there have been Negro members do not indicate which of the members were white and which negro. The almanacs, however, do as a general thing though the almanacs are not extremely reliable. I have gotten the following information from the almanacs. The first year in which negroes were allowed to hold office in Virginia was 1869.

The almanac for the year 1870 (which was printed the latter part of 1869 and which gives, therefore, the members of the General Assembly for the session of 1869-70) gives no negro members of the Senate of Virginia, but 18 negro members of the House. The total membership of the House was 137. The membership of the Senate was 40. For the session of 1870-71 there were, according to the almanac, no negro members of the Senate. For the session of 1870-71, I regret to say that the almanac does not differentiate between white and negro members. For the session of 1871-72, I regret to say that the almanac does not give the members of the House of Delegates; nor in the list of the members of the Senate does it differentiate between the two races. For the session of 1872-3 the almanac does not differentiate. For the session of 1873-4 the almanac gives 3 negro members out of 40 in the Senate, and 17 out of 132 members in the House. For the session of 1874-5 there were three negro members out of 40 in the Senate, and there were 17 negro members in the House. In the session of 1875-6 there were 3 negro Senators, and 13 negro members of the House. In the session of 1876-77 there were three negro members in the Senate, and 12 negro members of the House. In 1877-78 there were 3 negro members of the Senate, and four negro members of the House. In 1878-9 there were three negro members of the Senate and four negro members of the House. For the session of 1879-80 the almanac gives no marks of differentiation. For the session of 1880-81 the almanac makes no distinction. For the 1881-2 session the almanac has no list of the members. For the session of 1882-3 the almanac does not differentiate. For the session of 1883-4 there were 3 negro senators and 8 members of the House. For the session of 1884-5 there was one negro senator, and 7 members of the House, out of a total membership of one hundred. In the session of 1885-6 there was only one senator out of a membership of 39, and only one member of the House of Delegates, out of one hundred. In the session of 1886-7 there was one senator and one member of the House. In the session of 1887-8 there was one negro senator, and there were seven members of the House. In the session of 1889-9 there was one senator, and seven members of the House. In the session of 1889-90 there was one negro senator, and three members of the House. In the session of 1890-91 there was one negro senator, and three members of the House. In the session of 1891-2 there were no negroes in either the Senate or the House, that is, none marked. For the session of 1892-3 no negroes were marked. For the session of 1893-4 there seem to have been none. I have not looked further, but I do not believe there has been a negro member in either House since that time.

Very truly yours,

(Signed) H. R. MCLWAINE  
*State Librarian.*

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### FOOTNOTES:

- [1] Compiled by Monroe N. Work.
- [2] Beverly, *History of Alabama*, 202, 208.
- [3] Not returned for the 1875-1876 session.
- [4] Beverly, *History of Alabama*, pp. 202-208.
- [5] Served only in the session of 1874-1875.
- [6] Served only in the session of 1875-1876.
- [7] Alexander is said to have been counted out. He is said to have held the position of postmaster at Madison and also to have had a deputy reserve collector.
- [8] Lewis and Scott were the last Negro members of the Florida Legislature.
- [9] Lewis and Scott were the last Negro members of the Florida Legislature.
- [10] Letter on October 11, 1916, from L. L. Knight, official compiler of Georgia Records; Thompson, *Reconstruction in Georgia*, pp. 211-214, 262, 264.
- [11] The names of these four were later stricken out. They were so nearly white that their race was indeterminate. They remained in the house after the others were expelled.—Thompson, *Reconstruction in Georgia*, p. 213; House Journal Georgia Legislature, p. 229.
- [12] Letter on October 11, 1916, from L.L. Knight, official compiler of Georgia Records.
- [13] Furnished by Major John R. Lynch, May 19, 1915.
- [14] North Carolina Manual, by North Carolina Historical Commission, 1913, pp. 863-906.
- [15] *Ibid.*, pp. 481-862.
- [16] Reynolds, *Reconstruction in South Carolina*, pp. 76-79.

- [17] In 1895 South Carolina again revised her constitution. In the convention held for this purpose there were found Negro delegates, viz.: Thomas E. Miller, L. R. Reed, Robert Smalls, W. J. Whipper and James Wigg, all from Beaufort County. Smalls and Whipper had been delegates in the 1868 convention. (Reported by H. H. Wallace.)
- [18] Furnished by Mr. H. A. Wallace, a former page in the South Carolina House of Representatives in the Reconstruction Period.
- [19] Names marked with asterisk not in lists given in Reynold's *Reconstruction in South Carolina*, pp. 106-107, 394-396.
- [20] Furnished by H. A. Wallace, a former page in the South Carolina House of Representatives in the Reconstruction Period.
- [21] Names marked with asterisk not in lists given in Reynold's *Reconstruction in South Carolina*, pp. 107-108, 394-396.
- [22] Reynolds, *Reconstruction in South Carolina*, pp. 106-108.
- [23] Reynolds, *Reconstruction in South Carolina*, pp. 394-396.
- [24] Furnished by H. A. Wallace, a former page in the South Carolina House of Representatives in the Reconstruction Period.
- [25] *Ibid.*
- [26] *Ibid.*
- [27] George H. White, North Carolina, member of 55th and 56th Congresses, as the last Negro member. (Editor.)
- [28] He was a page in the South Carolina House of Representatives in the Reconstruction Period.
- [29] There were no colored members of the Tennessee Senate.
- [30] Contested, not seated.
- [31] 1868, 1870, see North Carolina list, Pasquotank County.

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## **JAMES G. THOMPSON, THE ORIGINAL CARPETBAGGER<sup>[1]</sup>**

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"I suppose I might call myself the first Carpet Bagger." This expression casually let fall by Mr. J.G. Thompson, of this city, in a conversation with the writer, was so striking and so suggestive that I asked him to explain. He complied, and in so doing, gave the following extraordinary narrative, which he subsequently consented to have published:

From the 7th of November, 1861, when Hilton Head was captured by the United States naval forces, the sea islands of South Carolina never passed out of the hands of the United States. Those islands and a considerable portion of the mainland were thereupon brought under the operation of the United States direct tax act, and were in time sold for United States taxes to whoever would buy them. They were mainly bought in by the United States and were subsequently re-sold to soldiers, army followers and Negroes. Towards the close of the war, having concluded my service under the government, I resolved to settle in the South, and purchased in 1864, a plantation on St. Helena, one of these islands, with the intention of becoming a Southern planter. I was thus engaged when Andrew Johnson began his reconstruction efforts and appointed Benjamin F. Perry provisional governor. This was the first attempt at the reconstruction of the South, and South Carolina was the first state called upon to resume its relations with the Union, as she had been the first to go out. In October, 1865, the provisional governor issued a proclamation setting a day for an election of delegates to a

### CONSTITUTIONAL CONVENTION

His Proclamation called upon the people to repeal the ordinances of secession from a constitution and make such preparations as were necessary to obtain admission into the Union. St. Helena parish was entitled to one delegate to that constitutional convention.

All the original inhabitants of the parish, upon the approach of the Federal forces, had fled. There was but one man left in the whole parish when the United States took possession of the town of Beaufort, and he was found in a garret dead drunk. Consequently when the convention was called the question arose who were citizens of the parish. There were few white natives of South Carolina in the parish. The managers of election were not present. Governor Perry had named the managers of the previous elections held under the confederate government as the ones to conduct the election now to be held, but none of these people were there. So a town meeting in the New England style was called to consider the situation, at which the colored people were in a large majority. Probably one hundred white ex-soldiers, army officers, settlers, clerks, quartermasters, employes, etc., came to the meeting. An examination of the law of South Carolina as to

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showed that it required a three years' residence to be a citizen, and that no person then a soldier of the United States could vote in the state at any election. A long discussion followed, whether to nominate a candidate or not, which ended in a decision to nominate. Then came the query whether every one at the town meeting could take part in naming a candidate to be voted for. The advocates of Negro suffrage claimed that the colored native citizens of South Carolina had a better right to select the candidate to be voted for than any of the white men present. It should be remembered that at this time the Fifteenth amendment had not been adopted. The point was made on the other side that only those who would have the right to vote for such a candidate had the right to participate in the nomination. This proposition was voted down, however, by a large majority, and H.G. Judd, a philanthropist engaged in the work of educating the Negroes, was nominated. Subsequently, however, another meeting was held by the white settlers who had acquired a residence, and who were entitled under the laws of South Carolina to vote, having resided there three years, at which meeting I was nominated.

#### THIS ELECTION

occurred the next day, and I received 36 votes and H.G. Judd 8 votes. There being no authorized managers of the election, the voters assembled at the polls on the morning of the election and elected three persons to act in that capacity. These persons made a certificate that I had received the largest number of votes at the election.

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When the convention assembled in Columbia, I presented by credentials and could have been sworn in without question if I had preferred to make a statement to the convention that it might not act unadvisedly of the circumstances of my election. I asked that the credentials be referred to the committee on credentials. It was so ordered and I then appeared before the committee and related the facts. After the hearing a report was presented which stated that perhaps this was the only case known to legislative history in which a man contested his own seat, and that all the evidence for and against my right to the seat was presented by myself. The committee reported unanimously in favor of

#### SEATING ME

A long debate, however, ensued in the convention upon the question, and it was finally decided only by the close vote of 53 to 50 that I be seated. George D. Tillman, now a member of Congress from South Carolina, made a very bitter speech against seating me. He thought the insolence of this Yankee was beyond precedent in claiming to represent the grand old parish of St. Helena, which had been represented in the past by Middleton, Rhett, Bull and other distinguished citizens of the State. In a speech that was really prophetic, he predicted that to admit me would be to show dragons' teeth, and that ultimately I would be followed by a horde which should devour the state.

James L. Orr made a speech in favor of my admission, and said that he hoped to see the state overrun with just such newcomers. I was, perhaps, the youngest man in the convention, and was surrounded by men of the first rank of the State. Scarcely a man in that convention but had a title. There were ex-senators, ex-governors, ex-chancellors, ex-judges and ex-members of Congress. It was the intellectual power of the state to say nothing of ex-generals, colonels and ex-captains of the confederate army. Probably two-thirds of those men had been members of the convention which carried the state out of the Union, and had looked upon that act at the time it was performed as

#### THE CROWNING END

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of a lifetime of agitation and anxiety. Now they were called upon to undo it all, but they seemed incapable of understanding the true position of affairs, and were totally ignorant of what had been accomplished by the war and blind to the logic of events.

For instance, one of the questions early raised and referred to the judiciary committee was whether Negroes should be allowed to testify in the courts. Judge Frost of Charleston introduced a resolution that the ordinance fixing the status of the Negro upon this question should be passed by the convention. Chancellor Ingalls, who recently died in Baltimore, opposed the proposition, claiming that a sovereign convention called as this was for a special purpose, ought not to legislate. Upon the question of discharging the committee from further consideration of the subject, there were but two votes in the negative, Judge Frost, the mover, a man of 80 years, and myself.

Isolated as I was from the start, I was treated by the convention with the utmost courtesy, and when I occasionally rose to speak, I received the

#### UNDIVIDED ATTENTION

of the members, and the rather obtrusive attention of the ladies who filled the galleries. Such remarks could be heard as: "There, that Yankee is going to speak."

Another point that agitated the convention was, what laws should be passed to fix the status of the Negro, and, after a long discussion, a committee was appointed to frame a code of laws to be

submitted to the legislature, which should assemble under the constitution adopted by this convention. The product of that commission was "The Black Code." Its intentions and provisions were foreshadowed in the debates of the convention. At the close of the debate I spoke for five minutes, closing with the prediction that if the convention thought that its work would be of any value to the state, they were mistaken. If the convention thought it possible to provide a different code of laws for the government of the loyal black citizens of the United States, from that which governed the disloyal white citizens of South Carolina, they did not understand what the war had accomplished. I said that I knew more of the

#### OPINION OF THE WAR

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than it was possible for any man in that convention or all of them to know. While I spoke with modesty before men who had occupied high political positions in the past, I spoke with confidence as to the opinion of the people of the North who had waged a successful war against secession and slavery. Speaking for them I predicted that their laws would be made by major-generals and executed by provost-marshals until the last man present would fall into his grave before the North would admit the state into the Union under a constitution which did not recognize that all men were equal before the law. When I sat down there was a dead silence and solemn faces.

To show the opposition I excited, let me give another anecdote.

James L. Orr came to my room one evening and asked me not to be offended if he requested that upon a certain question he proposed to bring before the convention the next day I would not speak in its favor. He said: "There are fools enough in this convention that do not want anything that you do want, and every time you speak on a measure you hinder its adoption." The proposition he had at hand was to

#### REDUCE THE TIME

requisite to obtain citizenship in the state from three years to one, and after much difficulty he persuaded the convention to make the change. He also wished to abolish the property qualification for state senators. Tillman appealed to him in an eloquent speech to spare this last relic of South Carolina conservatism. Orr, in reply, asked what in God's name had South Carolina conservatism done for South Carolina. He pointed to what its condition was once and what it now was, and charged South Carolina conservatism with the result. His speech was a powerful one, and brought the convention to his views, and no property qualification was thereafter imposed upon any officer.

Near the close of the convention I asked leave to present a petition from 250 colored property owners of the city of Charleston, who asked that the right of suffrage be extended to them. This, I suppose, was the first petition of the kind ever offered in the slave states. A member of the convention immediately moved that the petition be returned to me and not received by the convention. Mr. Orr said that the petition was respectful in form and ought to be received. He moved that it be laid on the table. Another delegate moved that

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#### NO MENTION

of the reception of the petition be made in the journal. I then rose to speak upon the last of these motions, but the president of the convention entertained a motion to adjourn, and the convention did so.

The convention made a constitution which was not, however, submitted to the people for their approval. Under it a governor and legislature were elected.

#### THE BLACK CODE

was ratified by the legislature, and many preposterous laws relating to the Negroes were passed. It was evident that the freedman was to be reduced to a condition worse than slavery—he was to be made a serf, attached to the land, and to be under all the disabilities of slavery without having the protection of the property interest of the owner. CONGRESS took charge of the reconstruction, and the new government of South Carolina fell to pieces, after a brief and inglorious existence.

Although I was the first "carpet bagger," I did not pursue the occupation. I never held office again in the state, although I continued to live there for sixteen years, and taking part in politics as the editor of the Beaufort *Republican* and the Columbia *Union-Herald*.

#### FOOTNOTE:

- [1] This account was taken from James G. Thompson's Papers by his daughter, Caroline B. Stephen, of Washington, D.C. Special Correspondence of the *New York Tribune*.

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## BOOK REVIEWS

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*The Negro in Virginia Politics, 1865-1902.* By RICHARD L. MORTON, Ph.D., Phelps Stokes Fellow in the

This is the fourth number of a series of studies in the race problem promoted by the Phelps Stokes Fund with a view to interesting a larger number of southern white scholars in this field. The seriousness of the problem during recent years has driven home the thought that without scientific investigation it will be extremely difficult to find a rational basis upon which the two races may cooperate for the greatest good of the greatest number. These monographs are very much like the addresses and studies of the University Commission making an effort to meet this need. Judged from the value of the monographs hitherto produced, however, one must express the regret that these works do not measure up to the desired standard. The chief difficulty lies in the misconception that the whole matter of readjustment may be effected by using the white man only. He is to do the thinking, outline the method of attack, and direct the movement. The Negro, the other half of the equation, has not been invited to share this work and the writers making these investigations are unfortunately biased rather than scientific.

The purpose of this monograph is to show the bad effects of Negro suffrage which had no place in Lincoln's plan of Reconstruction or in the early Congressional plan, but was forced upon the South by a group of aggressive radicals led by Thaddeus Stevens and Charles Sumner as a means of their personal aggrandizement and of executing punishment and revenge upon the Southern States. It is not true that these two statesmen desired to force Negro rule upon the South. They tried to give that section a democratic government. At first they advised the Negroes to choose for their leaders the intelligent southern whites and the Negroes entreated their former masters to serve them in this capacity. When the whites refused to coöperate, therefore, Congress could do nothing else but make the Negroes the basis of the reconstructed governments. From this partisan point of view only then the monograph is very much of a success. The writer suffered from a preoccupation of mind and in his researches was governed accordingly. He knew what he wanted to write and found facts to assist him toward this end.

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The book covers in detail from the beginnings of Negro suffrage in Virginia, the campaign of 1867 in which radicals and Negroes drew the color line, the constitutional convention of 1867-68, the committee of nine, the campaign of 1869, the restoration of Virginia, the elimination of the Carpetbaggers from 1869 to 1879, the Readjuster movement in Virginia from 1879 to 1883, politics and race friction from 1885 to 1900, the constitutional convention of 1901-1902, and the new constitution. He, therefore, discusses certain topics already treated in J.A.C. Chandler's *Representation in Virginia*, and *The History of Suffrage in Virginia*; J.P. McConnell's *Negroes and their Treatment in Virginia from 1865-1867*; H.J. Eckenrode's *The Political History of Virginia during Reconstruction*; and C.C. Pearson's *The Readjuster Movement in Virginia*.

The author makes a survey of the situation prior to the Civil War, explaining why the aristocratic Virginians long since accustomed to rule even by excluding the poor whites from the electorate could not tolerate the enfranchisement of the Negroes. An effort is made also to show that inasmuch as most of the Northern States prior to the Civil War had not accepted Negro suffrage, it was natural for the southern people to be opposed to such a policy. To strengthen this point he refers to such authorities as Oliver P. Morton, Governor Andrew and Abraham Lincoln.

The author considers the Negro a failure in politics and supports his contention by a quotation from George W. Murray, who felt that it was the mistake of the nineteenth century to attempt to make the ex-slave a governor before he had learned to be governed and of Booker T. Washington who said, "There is no doubt but that we made a mistake at the beginning of our freedom of putting the emphasis on the wrong end. Politics and the holding of office were too largely emphasized almost to the exclusion of every interest."

Since the Negro has been eliminated, the author seems to rejoice that the races in Virginia now work together in harmony and are friends. He believes that this relationship will continue only so long as no exterior factor disturbs the equilibrium and concludes with a quotation from John Sharp Williams who feels that "It will be well that wise men think more, that good men pray more and that all men talk less and curse less." If the author really intends to set forth the views of such radicals as John Sharp Williams as those upon which the races may expect to coöperate in the South, he might have added his recent pronouncement that "when it comes to maintaining the honor of a white woman the South respects no law human or divine."

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These observations are sufficient to establish the idea of the book. The Negro during the Reconstruction period was a failure. The white man who has been restored to absolute power so as to establish social ostracism, segregation and lynching is a success. In other words, the whole study is from the white man's point of view. The Negro has no political rights which the white man should respect and unless things are in conformity with the white man's prejudice they are wrong.

No one would gainsay that the enfranchisement of all ex-slaves was a mistake. Oliver P. Morton, and Governor Andrew, of Massachusetts, were to some extent right in their criticism of such a policy. It would have been much better to have followed Abraham Lincoln's plan of enfranchising those Negroes who were owners of property or able to read and write and those white men who had not taken any part in the Rebellion. While it should not have been expected that ex-slaves could administer the affairs of the country it could not, on the other hand, have been imagined that their masters who had begrudgingly abandoned their title to men as property would in a few years deal with them as one should with human beings. As a matter of fact the black codes which the Southern States enacted immediately after the war show the inability of the aristocratic

southerners to deal humanely with a subject people. If, therefore, Abraham Lincoln's policy, of gradually recruiting voters from such blacks as gave evidence of wealth and education and from such whites as manifested a disposition to do the right thing by the country and by the freedmen had been followed, the mistakes of the Reconstruction would have been avoided.

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*The Negro Trail Blazers of California.* By DELILAH L. BEASLEY, Los Angeles, California, 1919. Pp. 317.

This is, according to the author, a compilation of records from the California Archives in the Bancroft Library at the University of California and from the diaries, papers and conversations of pioneers in the State of California. It includes also a record of present-day Negroes in that State. The book is illustrated with portraits exhibiting the life of the people past and present. The work is divided into three parts, the first being historical, the second biographical, and the third an account of the present-day Negro.

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Taking up the historical task, the author accounts for the discovery of California and mentions the important roles played by Estevanecito and the Negro priest accompanying the explorers. She then discusses the rule of Spain in California, the Bear Flag Party, the landing of Commodore John D. Sloate, the admission of California to the Union, the Pony Express, the right of testimony, the homestead law, the elective franchise, slavery in California, and freedom papers. Although intended as a continuous sketch, however, this portion of the work, like most of it, is a mixture of narratives and documents.

In the second part of the book giving biographical sketches there is a chapter on the first Negro settlers on the Pacific coast, a pioneer list and the Forty-Niners of color engaged in mining. Into this are worked all sorts of personal narratives without any organizing or unifying scheme as to place or achievement. Not much attention is paid to proportion. The author seemingly wrote all she had heard or collected in each case regardless of the worth of these personal achievements.

The same style holds in the treatment of the present-day Negro of California. There is something about almost everything. The Negro churches and the Negro in education, law and music have considerable space. The author next takes up distinguished women of color, doctors, dentists, literary persons, Negroes at the Panama Pacific International Exposition, and Negroes in the army. Then follow the notes on the text which, instead of being given throughout the work as footnotes are placed at the end of the work.

Judged from the point of view of the scientific investigator, the work is neither a popular nor a documented account. When one considers the numerous valuable facts in the book, however, he must regret that the author did not write the work under the direction of some one well grounded in English composition. As it is, it is so much of a hodge-podge that one is inclined to weep like the minister who felt that his congregation consisted of too many to be lost but not enough to be saved.

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*A History of South Africa.* By DOROTHEA FAIRBRIDGE, Oxford University Press, London, 1918. Pp. 319.

One hears much nowadays about the history of South Africa and the development of that recently enlarged domain under the direction of Great Britain adds further interest to the story. The present volume differs, however, from the type of most recent accounts of South Africa in that it is a small illustrated work within the reach of those too busy or not sufficiently well grounded in the social sciences to read an intensively scientific treatise. As such, it has a place in the current historical volumes growing out of the reconstruction of the countries revolutionized by the world war.

The work begins with a picture of the country as nature made it. There is an account of early plant life, prehistoric animals, paleoliths, and prehistoric man. The early inhabitants are then given more detailed treatment. Attention is directed to the Bushman, the Hottentot, and the Bantu as each figured in South Africa. An effort to contrast the country as the natives kept it with the country as the white man developed it, is a large part of this chapter.

Beginning then with Prince Henry of Portugal the author presents an array of "Great Adventurers." Following this sketch comes the account of the rounding of the Cape of Good Hope by Bartholomew Diaz and next Vasco da Gama's voyage around the Cape to India. The climbing of the Table Mountain by Antonio de Saldanha, the landing of Don Francisco of Almeida, the voyage of Sir Francis Drake, and the adventures of other travellers appear in chronological order.

The rise of settlements in South Africa or on the neighboring islands as half-way stations, show the early importance of the country which, after being conquered, soon experienced considerable expansion. Then followed in the seventeenth century an era of prosperity which paved the way for better beginnings the next century under Governors Hendrik, Swellengrebel and Tulbagh. The troubles of the eighteenth century when the settlements had to reckon with natives and foreigners constitute a critical period of the colony ending with the capture of the Cape by the English in 1795. Then follow the first British occupation, the restoration of the Cape to the Dutch by the Treaty of Amiens in 1802, the second rule of the Dutch and the second coming of the British.

With the nineteenth century the British were to be free to start upon an all but uninterrupted rule of prosperity. The establishment of courts, the rise of missions, the improvement in agriculture, and the extension of the frontier characterized the first efforts of the pioneering British. Their relations with the natives and difficulties with the Boers are treated in the chapters on the Story of Natal, the Vootrekkers, the founding of the Boer Republic and the retrocession of the Transvaal. The chapters covering the subsequent period consist of a discussion of new influences, the Uitlanders, the Jameson Raid, the War of 1899-1902, and the problems of peace and reconstruction.

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RECONSTRUCTION IN LOUISIANA. By ELLA LONN, Assistant Professor in Grinnell College. G.P. Putnam's Sons, New York and London, 1919. Pp. 538. Price \$3.00 net.

Miss Lonn's book is an exhibition of the true scholarly spirit. Her analysis of the situation in Louisiana politics during the period of Reconstruction is most ably executed. She has neglected no source which would throw light upon this very anachronistic epoch. Public documents of all kinds, and especially those which embody the debates in the Senate and assembly of Louisiana have been made to yield interesting testimonies of the passing shows of the years 1867-1876. Not content, however, with these testimonies, she has called to her aid many other sources including the newspapers of the day wherein is displayed popular reaction towards the orgies being indulged in the State House. And thus the reader's mind, by means of most carefully chosen quotations from these records, as if by a lightning flash, is frequently illumined; so that the whole comedy unfolds before the eyes in a most interesting fashion.

The book is not only filled with a wealth of detailed information concerning the period, it not only tells the story of political debauchery, ignorance and fraud; but notes also the few shreds of constructive work done by the legislators under the coercion of public opinion. All of these facts are put together in a logical manner and show that the author is not only gifted with keen analytic powers, but is also endowed with a peculiar faculty for organizing and marshalling facts in such a manner as to weave a beautiful mosaic of otherwise widely divergent elements.

Miss Lonn has succeeded in writing a very interesting narrative and her book will hold the attention of a widely differing clientele. The student of American politics will find an illuminative study of this very remarkable period, and therefore much food for thought. But this book offers to the lover of fiction a new field. There is the hero, Warmoth, the villain, whose protraiture has been limned by a masterly hand. Little by little, sometimes directly and sometimes indirectly; sometimes by the words of his own mouth, oftener by the mouths of those whom he attacked, and almost constantly by the unfriendly newspapers, she deftly portrays the elements of his character. Warmoth had almost unlimited power and he used it like Cataline to corrupt the corruptible elements of the State. He was essentially a Nero, callous to the last degree and indifferent to the progressive anemia which was destroying the State's finances. Like Julius Caesar he attained his gubernatorial power by making multiple false promises and kept it by a species of corrupt practices which were incredibly vile. There is the tragic setting, the broken, maimed, devastated State of Louisiana, just out of the War of Rebellion and struggling hard to regain her "former glory." There are the carpetbaggers, irresponsible, predatory and indigent, of whom an army estimated to have been five hundred thousand strong invaded the State attracted as vultures by the rich pickings of political conquest. There are scalawags, remnants of the Confederate army, also indigent, nevertheless troublesome and among whom many brigands, murderers and cut-throats sprang up. There were respectable Republicans and Democrats, whites and blacks who formed the background for the tragedy of Reconstruction in Louisiana. There were also the Manichean gods of sharply defined good and evil, sanity and insanity, righteousness and corruption, civic pride and utmost indifference; murder, theft, malfeasance, ignorance and crass stupidity. All these thrown in the pot of political regeneration made a situation that was tragically immoral and horrific.

During Warmoth's administration the legislature was a minstrel show. It was worse than a minstrel show; it was profoundly corrupt. Lobbyists openly paid legislators, black and white, for their votes. And what is more, the money was parceled out to each one on the very floor of the Senate and House. This corruption was so rife that it was sickening; it is even nauseating now to read about it. He was finally impeached by the Senate. When it became certain to him that the Senate would vote for his impeachment he cowardly sought to nullify the vote by resigning and fleeing the State. But he regained his power and influence and held office two years longer. And during this time his power was so absolute that the fear of him is manifest in the Senate and House debates. Speakers in making charges of corruption, and even when speaking against bills aimed at increasing the power of the governor, always added, so great was their fear of him, "no reflection is meant upon the present incumbent," or words to that effect. This although they knew well that it was his very abuse of power which called forth many of the bills under consideration.

It was scarcely possible, however, that such abuses, such corruption and infamy, such vile and degraded practices as those which characterized Warmoth's administration as Governor of Louisiana could long continue. So in 1871 came the crash. An open rupture in the ranks of the Republican party developed. The gatling gun convention, so-called, because federal troops with two gatling guns, guarded the convention building, was held. Warmoth, scenting a conspiracy, bolted and held an independent convention in Turner Hall. With him as the leading spirit of the

gathering was Pinchback, then majority leader in the Senate.

The career of Pinchback sheds additional light upon this period. He held a high place in the political life of that day, rising from majority leader, by successive stages, to the lieutenant-governorship, and to the presidency of the Senate. He also became immensely wealthy on account of his association with Warmoth, who is said to have acquired a fortune of more than a million dollars during three years of his administration. While Pinchback was Park Commissioner he was accused by Antoine of cheating him out of \$40,000 at one clip. For a time Pinchback was one of Warmoth's staunchest supporters, and when the party in Louisiana was split by the two factions, the Custom House ring and the Warmoth faction, Pinchback was elected permanent chairman of the Warmoth convention and made the keynote speech for the campaign. Subsequently, Warmoth's utter degeneracy alienated him and so they parted company. Warmoth's star descended, and he went down to ignominious defeat. Upon his name and memory were heaped derogations, curses and anathemas. And unfortunately these will always be associated with his memory. On the other hand, Pinchback's star rose to the ascendant and he was elected to the United States Senate.

Pinchback was a man of good breeding, education and culture; and if he yielded to the corrupt influences of his time, it was because he was unable to withstand the flood; it was because the corrupt hand of everyone in politics at that time, Ishmael-like, was turned against the forces of righteousness in political affairs. For, at that time, as the author clearly shows, crime, corruption and fraud were so rife, so common, that they were taken for granted. And the moral sense was so low, so negligible, that men did not think of their crimes as crimes. They committed them simply because "everybody was doing so," and unrighteousness filled the State as "the waters the great deeps."

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Finally, by a species of corrupt and criminal practices which made those of the Warmoth régime pale into the utmost insignificance, the tide was turned. Another party came into power and the lily-white government was established. Out of such conditions as Miss Lonn has depicted the government of all the Southern States sprang. This book helps us to understand, in some slight degree, the curious political bias of these States. It is in part a heritage of unreasoning fear—not so much of Negro domination as of again being overwhelmed by a flood of corruption let loose by their own kind. How this fear has expressed itself in more recent times we all know too well.

Miss Lonn closes her book with this fitting paragraph: "And therewith the curtain fell upon the last act in this long and weary drama. One can hardly help feeling that surely if Louisiana had sinned, she had paid the penalty of her sins in full measure of atonement."

R. T. BROWNE

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## NOTES

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Recently there passed from this life Sir T. F. Victor Buxton, Bart., a man attracted to Africa, no doubt, by the record of his distinguished great grandfather T. F. Buxton, Bart., who belonged to that group of English reformers instrumental in giving the death blow to the African slave trade. Early interested in the natives of Africa, the grandson soon became associated with the Church missionary movement. He was largely concerned in the establishment of two corporations, the Uganda Company and the East African Industries, both intended to benefit the natives.

Closely connected with Africa, he often visited various parts with a view to studying the many problems arising in the commercial, social and political world. On these occasions many Africans were entertained by him and he maintained friendly relations with them so as to bring together the representatives of various interests to work for the good of all. His interest in the African natives is further shown by his service as president of the Anti-Slavery and Aborigines Protection Society and as a firm supporter of the Native Races and Liquor Traffic Committee.

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Owing to the printers' strike the publication of Dr. C.G. Woodson's illustrated textbook, *The Negro in our History*, has been delayed. It is highly probable that the volume will appear before spring.

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# THE JOURNAL OF NEGRO HISTORY

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**VOL. V—APRIL, 1920—No. 2**

# THE DEVELOPMENT OF THE NEGRO PUBLIC SCHOOL SYSTEM IN MISSOURI<sup>[1]</sup>

## THE PERIOD FROM 1865 TO 1875

On Tuesday, the eleventh day of January, 1865, the Negro of Missouri awoke a slave; that night he retired a free man.<sup>[2]</sup> His darkest hour had passed but before him loomed a great task, that of living up to the requirements of a man. His emancipators were confronted with the responsibility of preparing him for his new duties and for the proper use of suffrage which was to be granted him a few years later.

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Prior to 1865 the State had seen fit to prohibit the education<sup>[3]</sup> of the slave because, although the educated slave was the more efficient, yet he was the more dangerous; as his training might aid him to make a better revolt against his position. But the qualities which were objectionable in the slave were necessary to the freed man, if he was to prove other than a menace to the State. His emancipators faced the education of the Negro fairly, and the same convention which had passed the Emancipation Act of 1865, drew up a new State constitution which was ratified the same year. This constitution<sup>[4]</sup> provided for the establishment and the maintenance of free public schools for the instruction of all persons in the State who were between the ages of five and twenty-one. It further provided that all funds for the support of the public schools should be appropriated in proportion to the number of children without regard to color.

The legislature, which met the same year, passed a law<sup>[5]</sup> which required that the township boards of education, and those in charge of the educational affairs in the cities and the incorporated villages of the State should establish and maintain one or more separate schools for the colored children of school age within their respective jurisdictions, provided the number of such children should exceed twenty. Persons over twenty-one were to be admitted to these schools. The same officers who were in charge of the educational interests of the white schools were to control the Negro schools. The length of the term and the other advantages to be enjoyed by these schools were to be the same as those enjoyed by the white schools of the same grade. This law further provided that if the average attendance for any month should drop below twelve the school might be closed for a period not to exceed six months. In districts where there were less than twenty Negro children, the money raised for their education was to be reserved by the boards of education in those districts and to be appropriated as the boards saw fit for the education of the Negro children upon whom the money had been raised. The same legislature<sup>[6]</sup> passed an act authorizing towns, cities, and villages to organize for school purposes with special privileges. This act, however, provided that any town, city or village so incorporated should be required to establish one or more Negro schools according to the law. At this session of the legislature<sup>[7]</sup> there was enacted a law to compel the school authorities in each sub-district to prepare a school census of their respective jurisdictions which should enumerate separately and according to sex the white and the Negro children who were permanently resident within the sub-district. In case the directors failed to perform this duty the township clerk was to have the census taken and to recover from the directors by judicial proceedings the cost of the work.

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If we were to judge from the constitutional and the statutory laws of this period, we might conclude that the education of the Negro was very popular and that his needs were well taken care of. But before we can draw any conclusion we must study certain conditions. We must know something of the character of the men who were to enforce the law, of the desire of the Negroes for an education, of popular opinion concerning public education, and of the distribution of the Negro population.

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The State Superintendents of this period were well trained men,<sup>[8]</sup> and their reports show that they were faithful in the discharge of their duty. One of these superintendents, John Monteith,<sup>[9]</sup> showed great zeal in the establishment and development of the Negro school system. He was born in the Western Reserve district of Ohio, a section noted for its strong anti-slavery sentiment. He belonged to a family of educators. His father was one of the first presidents of the University of Michigan. Monteith completed his education at Yale and served for a number of years as a minister in St. Louis. Upon becoming State Superintendent, he wrote in favor of Negro education a pamphlet which he sent to each of the county superintendents. His annual reports,<sup>[10]</sup> to which we shall refer later, show the interest and the effort which this man put forth to develop the Negro schools of the State.

The Negroes were not indifferent to the efforts which were put forth in their behalf. There is much evidence to show that they took an active part in the establishment<sup>[11]</sup> and the maintenance of schools for their children. In those districts in which Negro schools were maintained and an honest effort was made to better the conditions of the Negroes, they responded heartily to their opportunities. The following quotations are typical of the reports which the superintendents in those counties were able to make in 1874: "In most of the townships a commendable interest is manifested in the support of Negro schools, which I am happy to report, is appreciated by the Negroes<sup>[12]</sup> themselves. The schools have been well attended with considerable diligence manifested by the pupils." A.A. Neal, Superintendent of Pettis County, reported:<sup>[13]</sup> "The Negro schools are doing better than could be expected under existing circumstances." The

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Superintendent of Bay County said:<sup>[14]</sup> "The Negro schools have been well attended. The pupils have manifested great enthusiasm, and have made surprising advancement in the rudiments." *The Journal of Education*<sup>[15]</sup> which was printed in St. Louis, by J.B. Merwin in 1869, states: "It is a well known fact that our Negro population manifests the greatest zeal in taking advantage of every opportunity for acquiring education."

At the beginning of this period, popular opinion concerning free public schools in general and Negro schools in particular was not favorable. The school laws of the State were in advance of the people. These laws<sup>[16]</sup> were the product of a few statesmen who appeared at intervals, and who, in spite of well known social protests, pushed forward with great energy school laws modeled after those of the more progressive eastern States.<sup>[17]</sup> The State Superintendent complained in his report for 1867 that in those counties in which the southern sympathizers predominated, the people were either wholly negligent or bitterly opposed to their public school right. Three classes of opposers were enumerated;<sup>[18]</sup> those who believed that the public schools tended to foster infidelity, those who believed that the State, the county or a municipal body had no right to tax for educational purposes, and those who regarded as unnecessary any education beyond reading, writing, and simple arithmetic. In March of the year 1866, four months after the constitution of 1865 had gone into effect, of the thirty-four Negro schools<sup>[19]</sup> in the State only two were situated in counties in which the southern element predominated. Thus we see that the attitude toward public schools in general was reflected upon the Negro schools.

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The school laws themselves, which seem to have been adequate to provide equal school rights for all the children in the State, were easily evaded when the officials of a community were hostile to them. In his first annual report,<sup>[20]</sup> State Superintendent Parker called attention to the following facts: No remedy was provided in case the township board refused to comply with the statutes. There was no remedy in case the local board of directors refused to hire teachers for the school when the requisite number of pupils were in the district. In this manner, he reported, the Negro children in many districts were deprived of an opportunity to attend school. Even where there was no apparent hostility to the statutes and to the education of the Negroes there was a failure to make the requisite enumeration of the Negro children in many townships and consequently many children were by the very law itself deprived of the benefits of the State school fund. He pointed out that in the year 1867 many would thus be deprived, since the law regulating the apportionment of the State school fund, compelled the apportionment to be made on the basis of the enumeration which had already been made, and which in many cases did not include the Negro children. The law concerning the establishment of Negro schools was abused here and there throughout the entire period. As late as 1876 the State Superintendent complained<sup>[21]</sup> that in many cases through ignorance of the law and in other cases through willful disobedience of the law, schools for the Negroes had not been established. In the first case, he reported that merely explaining the law had the desired effect and in the other case it was necessary to call the assistance of county clerks and of grand juries.

During this period there was a growing sentiment in favor of public schools. This is shown by the reports which came from the various counties to the State Superintendent's office, and also by the increase in the number of children enumerated and by the increasing number of schools. In 1870,<sup>[22]</sup> the county superintendents reported a great deal of opposition and indifference to the schools especially on the part of the tax-payers. In 1872 a majority of the county superintendents were able to report<sup>[23]</sup> a growing sentiment in favor of public education. They could then say that the enemies of this institution were becoming its friends. The State Superintendent<sup>[24]</sup> reported in 1874 that in the four years of his administration there had been a steady growth in the popularity of the public school system. We can better appreciate the progress made in this period when we remember that prior to the Civil War, the public school in Missouri had been considered a pauper's school. The Constitution<sup>[25]</sup> of 1820 had provided: "One or more schools shall be established in each county township as soon as practicable and necessary where the poor shall be taught gratis." The attendance also showed a healthy growth. In 1870<sup>[26]</sup> there were 280,473 pupils attending 7,547 public schools in the State. There were 389,956 pupils attending these schools in 1872. In 1874 the enumeration showed that there were 708,354 children of school age in the State.

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As sentiment in favor of the public school grew, the willingness to enumerate and to provide schools for the Negro children also increased. In 1867 the number of Negro children enumerated was 33,619. This was an increase of 13,709 over the previous year. Fifty-six public schools were provided for these children. In 1869 forty counties reported 12,871 Negro children and 80 schoolhouses which were devoted to their use. The average school term was four and one-third months. In 1871 the enumeration had increased to 37,173, and the number of public schools to 212. These schools had an enrollment of 4,358 pupils. In 1873<sup>[27]</sup> the enumeration had increased to 38,234 and the number of schools to 252.

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The work of the public school for the education of the Negro was supplemented by two other classes of schools. In 1867<sup>[28]</sup> the State Superintendent called attention to three classes of schools which were educating the Negroes in the State. In the first place there were those supported by benevolent societies in other States. These schools were generally supplied with white teachers and were doing good work. There were then the private or subscription schools, which were supported by the tuition of the pupils and in many cases these were taught by colored teachers of inferior qualifications. Finally there were the public schools as contemplated by the law. A few such schools had been established in the large towns and cities.



In 1869<sup>[29]</sup> it was estimated that there were in the State 34,000 Negro children of educable age. For their accommodation there were 59 Negro public schools with an average attendance of 2,000. This report also states that the majority of these schools were taught in churches and cabins with walls admirably adapted for ventilation and for admission of copious shower baths of rain. The same year Colonel Seely, Agent for the Freedman's Bureau in Missouri, reported 114 schools for the freedmen. Most of these were public schools and the attendance was 6,240. The ninth census for 1870, reported that 9,080 Negro children were attending school in Missouri. Thus we see that the public schools of this period were greatly aided by mission and private schools.

In 1868 the legislature enacted a law<sup>[30]</sup> which gave the State Superintendent the authority to assume the powers of the school board for establishing and maintaining a school for Negro children when the township, city, or village, neglected to establish and to maintain such a school in accordance with the law. The same year the school law was amended<sup>[31]</sup> so as to require the township, the city or the incorporated village to establish one or more schools for Negro children when there was more than fifteen children in the jurisdiction. A Negro school could be closed for six months when the attendance for any month dropped below ten.

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There is evidence to show that the State Superintendent used his power to establish Negro schools when the local authorities neglected this task. In 1873, he reported:<sup>[32]</sup> "I have established between 50 and 60 Negro schools in the State without resorting to the expedient of a tax as indicated and authorized by law." In 1875 he reported: "I have levied taxes for Negro schools in three instances. The medicine is good and effective and I trust it will be administered in every similar case in the State until the Negroes enjoy schools equally good in every way as the white schools." Thus we see that by the Law of 1868 the State Superintendent had the power to remedy conditions as far as the Negroes were concerned but there was no evidence to show that he used this power prior to 1872, although there are reports of violations of the law. In 1874 there was passed a law<sup>[33]</sup> which made a school official subject to a fine of not less than fifty or more than five hundred dollars, for the persistent neglect or refusal to perform any duty or duties pertaining to his office. In view of this and the offensiveness of the results threatened in the civil rights bill, <sup>[34]</sup> the State Superintendent<sup>[35]</sup> was astonished at the number of delinquencies and persistent evasions of the law.

The Commissioner of Education was able to report in 1870: "This State has a larger proportion of schools<sup>[36]</sup> for Negro children than any former slave State. Opposition to the education of the Negroes is rapidly disappearing. Their rapid improvement and good conduct help to disarm prejudice." Among the methods of evading the law the following were reported; the failure to enumerate the Negro children, the complaints of a lack of funds, and the plea of an inability to secure teachers. In 1875 the State Superintendent reported<sup>[37]</sup> that the citizens of Calloway County, the most strongly southern county in the State during the Civil War, were evincing the greatest readiness to provide good schools for their large Negro population. This, he believed, augured well for the future of the Negro schools of the State, since it indicated a growing kindly disposition of the southern element of the State towards them. How great was the change in sentiment can be readily seen by contrasting this report with those of the county superintendent for 1866 and 1867. In 1866 the Superintendent of Calloway reported<sup>[38]</sup> much objection to public schools in that county on account of the impartial application to children of all races and colors. The only Negro school in the county had been established under very discouraging circumstances at Fulton. In many rural districts there were not enough children to permit the establishment of a school and in other districts the existing opposition to Negro schools made their establishment impossible. The next year it was reported<sup>[39]</sup> that the white schools were better fitted for pigs than for children and that there was no interest at all in the education of Negro children.

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Another factor which effected the development of the Negro school system was the sparseness of the Negro population. In many districts and even in some counties there were not enough Negro children to form a school. In 1871, reports<sup>[40]</sup> were received from 109 of the 115 counties of the State. Thirty-nine of the 109 counties did not report a single school district with the required number of Negro children to establish a school. The other seventy counties reported 395 school districts having twenty or more Negro children of school age. The same counties also reported 158 schools for these children. In their annual letters for 1872 twenty-one county superintendents called attention to the fact that the Negro population was so distributed over the counties that it was impossible to provide schools for them according to the law. Three of these superintendents asked that the law might be so amended as to provide for Negro children in the sparsely settled districts, and one superintendent advocated<sup>[41]</sup> that in districts in which there were too few Negro children to form separate schools, they should be admitted to the white schools.

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That same year the State Superintendent reported<sup>[42]</sup> that in several cases in which no schools were provided because of the small number of pupils, that their parents had asked why their children could not enter the white schools since there was no direct law prohibiting it. The next year<sup>[43]</sup> the Negro children in several districts did enter the white schools with the tacit consent of the white population. When the State Superintendent was asked whether or not they could be ejected<sup>[44]</sup> he replied that there was no law to that effect. At this time the enactment of a civil rights bill was being agitated in the State. This bill<sup>[45]</sup> provided that the public schools of the State should be open to all children regardless of color. When the civil rights bill was defeated in 1874, there was passed another bill which aimed to relieve the situation in the sparsely settled districts.

In 1869 the legislature had passed a law<sup>[46]</sup> permitting two or more districts, each of which had

less than fifteen Negro population but which when taken together had more than that number, to establish a union school for those children. This law on account of its lack of force did not accomplish much good. In 1874 the law<sup>[47]</sup> was amended in such a way as to make it obligatory for two or more districts, each of which had too few Negro children, to form a school to unite to form a union school. It was also ordered that all taxable property in a township in which a Negro school was situated should be taxed for its support.

In 1875 each district supported its own school<sup>[48]</sup> for white children, while the whole township in which a Negro school was situated was taxed for its support. No district in the State could be compelled by the law to maintain a school for its white children, but if there were more than fifteen Negro children in the district, the law compelled the local authorities to establish a school for them. If they failed to do so, the law directed the State Superintendent to establish and to levy taxes for the support of Negro schools in such communities. In those districts in which there were too few Negro children to form a separate school, union schools were to be established. The last mentioned law, however, was passed too late to have much effect upon the period under discussion. School officials who refused to perform the duties of their office could be fined<sup>[49]</sup> not less than fifty nor more than five hundred dollars.

In the larger centers of the State where there was a large Negro population the necessity of establishing schools<sup>[50]</sup> for the Negroes seems to have been better realized. Thirty-nine out of seventy-three towns and villages incorporated under the special Act for Towns and Villages, reported<sup>[51]</sup> a sufficient population for a Negro school. There were 19,879 white and 3,609 Negro pupils enrolled in the public schools of these thirty-nine towns and villages. The length of the school term was the same in the white and the Negro schools in a number of cases; but the average length was lower in the Negro schools than in the white schools. The average length of the white school was thirty-four weeks and the average length of the Negro school term was twenty-eight weeks. The average expense a pupil in these schools was 8.1 cents a day for each white pupil and 7.8 cents a day for each Negro pupil. The average attendance in the Negro schools was below that in the white schools. The average attendance of the white schools was 61.89 per cent and that of the Negro schools was 51.86 per cent of the enrollment.

The lower attendance of the Negro children may be accounted for as Asa Martin accounts for a similar condition in Kansas City.<sup>[52]</sup> In this city from 1885 to 1913 a larger per cent of the Negro than of the white children of school age attended the public schools, but the average attendance of the white children enrolled was above that of the Negro children. This he accounted for by the poverty of the Negro population. Since the Negroes were poorer as a whole than the whites, they were more poorly housed and clothed. Consequently the Negro children were more susceptible to sickness and to the disagreeable effects of inclement weather. On this account they were oftener absent from school than the white children.

The report of the State Superintendent of Schools for the year 1874 contains reports<sup>[53]</sup> from thirty-five of the urban communities which were organized under the act for cities, towns and villages. Five of these towns reported that they did not have any Negro children of school age. The thirty towns reported 4,701 Negro children, 2,379 of whom were enrolled in the public schools. Salisbury was the only town having more than sixteen Negro children for whom no school was maintained, while Bolivar and Augusta, which had in the first case eleven and in the second four Negro children of school age, reported respectively five and three Negro children in the public schools.

The largest cities in the State were St. Joseph, Kansas City and St. Louis. These cities provided public schools for the freedmen soon after the war. St. Joseph opened a school<sup>[54]</sup> with seventy seats for Negro children in 1866. In 1871 the city had for Negro children, two schools,<sup>[55]</sup> each of which was provided with one teacher. One of these schools had an enrollment of 96 pupils and the other 94. In 1874 this city enumerated<sup>[56]</sup> 651 Negro children of school age, 386 of whom were enrolled in the two public schools. The number of teachers had increased from two to four.

The first Negro public school<sup>[57]</sup> in Kansas City was reported in 1867. The enumeration<sup>[58]</sup> for 1873 was 408 Negro children of school age. The average attendance was 165. The length of the school term was forty weeks. The amount spent on each pupil was 7.5 cents a day in the Negro school and 8.6 in the white school. The average salary paid to male teachers was \$68.33 in the Negro school and \$112.50 in the white schools. The average salary paid to female teachers was \$45 in the Negro school and \$65 in the white schools. In 1874 the number of Negro children enumerated was 885.<sup>[59]</sup> There was one Negro school in the city for their use which had 356 pupils and five teachers.

In St. Louis, the largest city in the State, there was a steady growth of the Negro school system. The State Legislature granted this city the power to establish separate schools<sup>[60]</sup> for Negro children in 1865. The next year Ira Divoll, the City Superintendent, established three schools for Negro children.<sup>[61]</sup> One was in the northern, one in the central and another in the southern part of the city. In 1868 there were five Negro schools<sup>[62]</sup> in the city with a total enrollment of 924 pupils. Three of these schools held night sessions which ran from the first Monday in October of the year 1867 to the fifth of February, 1868. Twelve teachers were employed in these schools. In 1871 a sixth Negro school<sup>[63]</sup> was added and school No. 3 was improved to accommodate five hundred pupils. There were sixteen teachers and seventeen school rooms. The expenses for the year amounted to \$11,787.80.<sup>[64]</sup>

The next year it was reported<sup>[65]</sup> that good buildings had been built for the Negro schools. A gain of eight pupils over the number enrolled the previous year was reported. This small gain was not charged to indifference, but to a decrease in the Negro population. In 1875 there were twelve Negro schools in the city. The legislature of that year passed a bill<sup>[66]</sup> which permitted the city to establish a Negro high school with a normal department in the old Washington School building and was known from this time on as the Sumner High School.

The first teachers of these schools were white, but they were gradually replaced by Negro teachers. The first teacher<sup>[67]</sup> of color was appointed largely through the influence of Samuel Crupples, who was a member of the Board of Education of St. Louis and also a regent of Lincoln Institute. He was so impressed with the work done by Lincoln Institute in preparing Negro children that he favored the giving of its graduates a trial in the public schools of that city. The chance to try teachers of color came when the friends of a white teacher, who had been assigned to a Negro school, protested against the assignment. From this time on the white teachers in the Negro schools were gradually replaced by those of color.

Very early in the history of the Negro schools the question of training teachers came up. The white teachers did not care to teach in the Negro schools and it was hard to find trained teachers of color at this date. Ten county superintendents in their annual<sup>[68]</sup> letters for 1872 mentioned the difficulties which they experienced in obtaining good teachers for their Negro schools. There was a prejudice on the part<sup>[69]</sup> of both the white and the black people of the State against white teachers for Negro schools; and it is reported<sup>[70]</sup> that in many cases the white teachers in these schools did not take the interest in the advancement of the people which was taken by the Negro teachers. The positions in the Negro school, moreover, were less desirable than those in the white schools because the financial returns were less in teaching in the Negro schools. In 1873 the cities, towns and villages which reported<sup>[71]</sup> Negro schools also reported an average salary of \$46.70 per month for male teachers and \$40.00 per month for female teachers. The white schools in the same towns paid an average monthly salary of \$87.72 to male teachers and \$46.64 to female teachers.

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The first school<sup>[72]</sup> in the State which was devoted to the work of training Negro teachers was Lincoln Institute. This school<sup>[73]</sup> had its origin in a fund of \$6,379 which was contributed by the soldiers of the sixty-second and sixty-fifth United States Negro infantry. These men upon being mustered out of service at the close of the war gave part of their pay to found in Missouri a school where their children might enjoy the blessings of a good education. The school was opened at Jefferson City,<sup>[74]</sup> the State Capital, September 17, 1866. Richard Baxter Foster, a New England white man who was educated at Dartmouth College and who had served as first lieutenant in the sixty-second United States Negro Infantry, became the first principal of this school.

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In his report<sup>[75]</sup> to the adjourned session of the Twenty-fifth General Assembly, T.A. Parker, the State Superintendent of Schools, offered as his most important suggestion for the improvement of Negro schools in the State, the establishment of a Normal School for the training of Negro teachers. He gave five reasons why such a school should be supported by the State: first, the number of teachers were insufficient to supply the rapidly increasing demand; second, the character of the teaching in a large proportion of the Negro schools needed elevating as white teachers of high qualifications could usually do better in white schools and Negro teachers of high qualifications could not be found in any great number; third, as Negroes had not, in many vocations, an equal opportunity with white people, and as teaching is one of the most respectful and useful vocations open to them, they should be encouraged to engage in it; fourth, justice demanded it, for as a large part of the wealth of Missouri had been produced by the unrequited labor of slaves, it was but a small return that the State should give to their children, now free, the largest privileges of education; and fifth, the State gave no funds to institutions of learning above the grade of common schools, which were practically, if not by force of law, limited to white pupils. Equality of treatment demanded that something be appropriated for a school of higher learning to which the people of color could have access. If such a school could not be established at the time, he advised that a sum of \$5,000 per year should be given to the normal department of Lincoln Institute to aid in the training of Negro teachers.

Acting on this advice, the legislature passed in 1870 a bill<sup>[76]</sup> granting the normal department of Lincoln Institute an annual sum of \$5,000 for the training of teachers. In his reports for 1872 and 1873 the State Superintendent commented on the excellent work which this school was doing. But as this school was hampered by debt and could not train the number of teachers needed, he advocated that the State should take a greater interest in the school or better still, the State should take the school over entirely and make it into a normal school for Negro teachers. The annual reports of the State Superintendents from this time up to 1879, when the school was finally given over to the State, contained accounts of the excellent work which this school was doing in the training of teachers and he recommended from year to year that the State should give it more financial aid.

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By the year 1875 the Negro public school system of Missouri was well established. Elementary schools had been started in all parts of the State. A high school for Negroes had been established in St. Louis and the first steps had been taken towards the establishment of a Negro State normal school. Popular opinion had crystallized in favor of separate schools for Negro children taught by teachers of color. The progress of the Negro schools had been somewhat retarded by a prejudice against public schools in general and to a greater extent by a prejudice against the education of

Negroes. Towards the end of the period there was evidence to show that this prejudice was dying out. Much good legislation had been passed with the idea of giving the Negro children the same educational advantages as were held by the white children of the State. The Negro school system of this period was in advance of the corresponding systems in the other States which had recently held slaves.<sup>[77]</sup> The report of the Commissioner of Education for 1872, shows that there were no public schools for the education of the Negro in Georgia, Alabama, Delaware, Kentucky, and Maryland. Ninety per cent of the Negro school population of Tennessee was without the benefit of public schools. Although the Negro public schools of Louisiana and West Virginia were established before those of Missouri, the greater illiteracy of their population in 1870 and 1880 show that these schools were not as efficient as those in Missouri.

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### **THE CRITICAL PERIOD, 1875 TO 1885**

The year 1875 marked an epoch in Negro education in Missouri. That year a new State constitution was adopted. This meant the beginning of a critical period in the school history of the State. In order to understand the educational trend of this period it is necessary to consider the political history of this and the preceding period. During the Civil War the State had been almost equally divided between the Union and the Confederate sympathizers; but the Union forces held control of the government. At the close of the war and while the feeling between the two factions was still very bitter, there were enacted very harsh laws<sup>[78]</sup> by which those who had sided with the South were not only disfranchised, but were also deprived of the right to practice law, to preach, or to teach. As the intense bitterness of the war died out there was strong agitation to restore the right of suffrage to the disfranchised citizens. In 1870<sup>[79]</sup> the Liberal Republicans gained control of the State with the result that there was passed the next year a law removing the restriction placed upon the southern element. In 1872 the Liberal Republicans and the Democrats united to defeat the Radical Republicans, and at the next election which took place in 1874 the Democratic Party came into full power.

One of the first acts of the new administration was to call a constitutional convention which drew up a new State constitution which was ratified by the people in 1875. With the return to power of a party<sup>[80]</sup> which strongly favored local self-government, and which was supported to a great extent by those who but a few years before had been reported to have been opposed to the extension of their public school rights, it is not surprising that the progress of the public school system was for a time checked. In many districts the people had accepted the public schools but they had not become thoroughly reconciled to the system.

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In 1870 the local district school boards<sup>[81]</sup> were subordinate to the township boards of education. The clerk of the township board was both treasurer and recording secretary of all the school districts within his township. He was responsible to the county school superintendent and he made statistical reports to him as well as to the county clerks. The county school superintendents and the county clerks were in turn responsible to the State Superintendent of Schools. In 1874 the legislature<sup>[82]</sup> so changed the old statutes as to do away with county and township supervision. The office of county superintendent was abolished and each district became independent. Even the district board was deprived of some of its power and the right which it had to extend the school term and to levy money for new buildings was vested in the voters of the district. The new State constitution sanctioned tendency toward decentralization by providing<sup>[83]</sup> that the right of the people to local self-government should not be impaired.

Although the old constitution was very objectionable to a large number of the citizens of the State, nevertheless, it contained some good school legislation and fortunately much of this was embodied in the new constitution. The Constitution of 1865 had provided<sup>[84]</sup> that "separate schools may be established for children of African descent." The new constitution provided that "separate free public schools shall be established for the education of children of African descent." The legal school age provided by the old constitution was from five to twenty-one but the legal school age provided by the new constitution was from six to twenty.

The decentralization of the public school system caused many abuses to spring up. Statistics became harder and harder to collect, and school practice less and less uniform in the different parts of the State. The school law was disregarded to such an extent as to cause a decrease in the school enumeration and enrollment in spite of the fact that the population was steadily increasing. In 1875 the enumeration<sup>[85]</sup> showed 720,186 children of school age, 394,780 of whom were enrolled in the public schools. In 1877 the enumeration had shrunk to 553,278 and the enrollment to 364,189. From this time on there was a steady growth until 1880 when the enumeration surpassed that of 1875.

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The Negro public schools of the State also suffered a decline<sup>[86]</sup> in this period. In 1875 there was a Negro school population of 41,916 and an enrollment of 14,832. In 1877 the reported enumeration was 32,411 and the enrollment was 14,505. The enumeration did not equal that of 1875 until 1885, but the enrollment of 1878 surpassed that of 1875 by 6,376. The enrollment of 1877 was only 328 smaller than the enrollment of 1875. Thus, it would appear that while there was a failure in some districts to enumerate their children of color, that in those districts in which they were enumerated an increasing percentage of the children of color attended the public schools.

As has been pointed out before, the emancipators<sup>[87]</sup> of the Negro, in attempting to provide equal school rights for the Negro child, made more stringent laws for the enforcement of his school

rights than were made for the enforcement of the school rights of the white child. The State Superintendent was empowered to enter districts which did not provide schools for Negro children according to the law, and to establish schools for these children, and to levy taxes for the maintenance of the schools. It is not surprising, therefore, to find that the State Superintendent was called upon a number of times in this period to exercise his power.

This official reported<sup>[88]</sup> in 1878 that the law in relation to the public schools for Negro children had been repeatedly evaded and violated during the two preceding years, and that a wicked and malicious advantage was being taken of the ignorance and the weakness of the Negro to shield the law-breaker who was using the money appropriated by the law for the education of the Negro youth. The method of evasion was fully described. In the first place, there was a failure to enumerate a sufficient number of Negroes of school age before the convening of the annual school meeting. After the meeting, when the directors were appealed to, they required the production of evidence that there was a sufficient number and then required time to look into the evidence which took a month or more. They would then inform the Negroes that it was too late to do anything that year, that they should have attended to the matter before the annual school meeting and that they must attend to it in time the following year. In many cases while the money due the Negroes was being used for other purposes, they were promised schools for the next year which the directors did not intend to give them. Sometimes the directors promised well and were then unable to find teachers or they disagreed with the Negroes concerning the site of the school. The year would thus elapse and a new board knowing nothing of the promises of the old board would be elected. The same course would then be followed sometimes with a little variation to suit the emergency. Finally the case would be brought to the State Superintendent and after an annoying and repeated correspondence to collect the facts in the case and to explain the law, the officers were induced to comply with the law by threats of its execution. In counties at a distance from the capital this threat was frequently of no avail because the Negroes were either induced to drop the matter by promises of future fulfillment, were unwilling to proceed to law, or lacked intelligent leadership.

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The next year the State Superintendent complained that the demand upon this functionary to establish Negro schools in districts which neglected to fulfill the law required an undue amount of his time. The legislature which met that year, therefore, removed from the State Superintendent the responsibility of enforcing this law. But it provided<sup>[89]</sup> that any school district which neglected to establish a Negro school or schools according to the law should be deprived of any portion of the State school funds for that year. This was a severe punishment in a State having as large a school fund as Missouri has.<sup>[90]</sup>

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By the year 1885 the public school system of Missouri was on a firm basis. The right of every child in the State to the benefits of a free public school education had been established. The Negro public schools were prosperous. The Negro school population<sup>[91]</sup> had increased to 44,215 and the percentage of the enumerated actually enrolled in the public schools had increased from forty-two per cent in 1877 to sixty-three per cent in 1885.

### **THE PERIOD OF GROWTH, 1885 TO 1915**

A few minor changes have been made in the State statutory law since 1885. Prior to 1889 not only the district but the whole township in which a Negro school was located, was taxed for the support of this school. In 1889 the law<sup>[92]</sup> was so revised as to throw the entire burden of support upon the district in which the school is located. In the same year, the statute which gave Negro adults the right to attend the public schools was abrogated.

The last revision of the law relating to Negro public schools was made in 1909. By the present law<sup>[93]</sup> the boards of directors in districts having fifteen or more Negro children of school age are required to establish and maintain schools for these children which shall have the same length of term and shall enjoy the same privileges as are enjoyed by the white schools of the same grade in the district. The indebtedness incurred by the board of directors in providing suitable buildings, hiring teachers, and maintaining the school shall be paid out of the appropriate funds of the district. If the average daily attendance for any month falls below eight, the school can be closed for a period not to exceed six months. If there are adjoining districts in either or both of which there are less than twenty-five Negro children of school age, a joint Negro school may be established in either of the districts. The expense of maintaining the school is borne by the districts which established it in proportion to the number of Negro children enumerated in each. The control of the school is vested in the board of directors of the district in which the school is located.

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When the number of Negro children residing in a district is less than fifteen as shown by the last enumeration, these children have the right of attending any school for Negro children in the county for the same length of time as school is maintained in their own district. Their tuition is paid by the district in which they reside. When the directors of a district neglect to establish a Negro school according to the law, the district is deprived of any part of the State school funds for that year.

From 1885 to 1890 the Negro schools of Missouri steadily grew. In 1890, 70.8 per cent of the school population<sup>[94]</sup> was enrolled in the schools. This marked the high water mark in the per cent of enrollment. From this date to 1900 the per cent of the school population enrolled in the public

school decreased. In 1899 only 55.05 per cent of the school population was enrolled in the public schools. The school population, however, increased from 44,214 in 1885 to 54,600 in 1899. In 1900 there were 472 Negro schools with 769 school rooms with 804 Negro teachers employed. The Negroes<sup>[95]</sup> of the State received about \$475,000 as their share of the State school fund, between a third and a half of the money appropriated for the support of their schools coming from the white tax payers. As the result of this good school system, Missouri stood last among the sixteen ex-slave States in illiteracy in 1890.

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Since 1900 the rural Negro population has been decreasing and city population has been steadily increasing. Lured by the prospect of better wages, shorter hours, and better educational advantages for his family, the rural Negro has migrated just as his white brother<sup>[96]</sup> has to the large cities. The Negro population of the small towns is also decreasing. The populations of Kansas City and of St. Louis are being swelled by the Negro from the farm and from the small town. The problem of Negro education, therefore, is largely a city problem. In 1910 the Negro school population was 42,764. Of this population 33,465<sup>[97]</sup> dwelt in cities and only 9,299 dwelt in the rural districts. The enrollment showed that of the 29,562 pupils who were attending school, 21,694 were enrolled in the city schools and only 7,868 in the rural schools.

In 1915 St. Louis had a Negro school population of 7,233 and an enrollment of 5,811. Nine grade schools and a high school were maintained by the city to accommodate these children.<sup>[98]</sup> In 1916 a Negro industrial<sup>[99]</sup> school was opened for delinquent youth, and \$40,000 was appropriated to build two cottages on the city farms at Bellefontaine for delinquent Negro children. The Negro schools are modern and well equipped. Kindergarten classes are provided, manual training courses are open to the boys and domestic science classes are provided for the girls. In the year of 1915-16 three elementary night schools were in session with an enrollment of 759.

The Negro school population of Kansas City is also well provided for. In 1880 this city had a Negro school population of 2,035<sup>[100]</sup> and there was an enrollment of 623 or of 30.5 per cent of the school population. In 1911 the Negro school population was 6,500 and the number of pupils enrolled reached 3,251. 54.1 per cent of the Negro school population and 47 per cent of the white school population were enrolled in the public schools. The school property<sup>[101]</sup> devoted to the use of the Negroes was valued at \$465,565 and the value of the property devoted to the white people was \$5,792,468. The Negro population which comprised 9.7 per cent of the total population had public school property valued at 7.4 of the total. The average cost for each white pupil enrolled was \$42.20 a year and the average cost for each Negro child was \$35.02. In 1910-11, there were 86 Negro teachers in the system. There was one teacher for every 37 children enrolled in the white schools and one teacher for every 41 Negro pupils. In the same year the Negro night schools had an enrollment of 472. In 1915 there were ten elementary and one high school<sup>[102]</sup> devoted to the use of the Negroes. The Negro school population had increased to 7,637 and the enrollment was 3,654.

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In 1915 there were fifteen colored schools in the State doing work of a high school grade. Two of these, Sumner High School of St. Louis and Lincoln High School of Kansas City are first class high schools.<sup>[103]</sup> The Negro high schools of Hannibal and of Springfield are ranked second class and the high schools of Chillicothe and St. Joseph are rated third class. The other nine high schools are unclassified.

Until the opening of the new Dunbar High School in Washington, District of Columbia, in 1916 the Sumner High School was considered the finest Negro high school in the country. This school was established in 1875 and had only twenty pupils<sup>[104]</sup> in 1885. By the year 1900 the enrollment had increased to 250. In 1907 the city appropriated \$297,827<sup>[105]</sup> for the building of the new Sumner High School, a magnificent building. It is three stories high and is well equipped. It contains a large auditorium, and gymnasiums on the top floor. On the second floor are laboratories, for the teaching of chemistry, physics, physiology, and biology. Courses for girls are given in domestic science and in domestic art. The school also maintains a commercial department. In the basement there are shops in which the boys are taught carpentry, cabinet making, machinery, and blacksmithing. A swimming pool for the boys is also located in the basement. There is provided a cafeteria at which the children can purchase at a small cost their noonday meal. It is possible for the pupil to take any one of the several courses. He may prepare himself to enter a first-class college, to enter the business world, or to become an artisan.

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Sumner High School also maintains<sup>[106]</sup> a normal training course for its girl graduates. The Cottage Avenue graded school is under the supervision of the High School principal and it serves as an observation school for those taking normal work. This high school also maintains an evening school. In 1915-16 the enrollment was 457. The Negroes of St. Louis are very proud of their high school, and it is well patronized. In 1915-16 the enrollment<sup>[107]</sup> was 811 and in 1916-17 it passed the 1,000 mark. There were employed in this high school in 1915 thirty-five teachers who received an average salary of \$127 a month. The school has a library containing about 2,000 volumes and equipment<sup>[108]</sup> valued at \$30,000.

The Lincoln High School of Kansas City, although it is not as large or as well equipped as Sumner High School, is nevertheless a good high school. The first Negro high school<sup>[109]</sup> was opened in the Lincoln Grade School Building. A high school building was erected on Eleventh Street in 1890. This building was used as such until the erection of the present high school, the site of which was purchased in 1899 and the new building was opened September 6, 1906. In 1915 this school had

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an enrollment<sup>[110]</sup> of 462 pupils. Seventeen instructors were employed at the average salary of \$115 a month. Besides the regular high school courses, this school has departments of domestic science and domestic arts for the girls. Vocational courses are open to the boys and a course in military training has recently been opened for the boys. In 1915 the equipment<sup>[111]</sup> of the school was valued at \$10,000. The library contained a number of valuable works.

In the development of Negro education in keeping with the policy of establishing high schools the State in 1879 assumed complete control<sup>[112]</sup> of Lincoln Institute. Prior to this date, the legislature had merely given the normal department of this institution \$5,000 annually for the purpose of training teachers. The Thirty-fourth General Assembly established an academic and a college department in the school, and the Thirty-sixth General Assembly established an industrial department. The State has since then dealt very liberally with its Negro normal school. In 1915 the legislature appropriated<sup>[113]</sup> \$116,600 for the bi-annual period of 1915-1916. This school then had a campus of twenty acres, upon which was situated six modern buildings and a model training school for the use of students preparing to teach. The school also had a farm of sixty acres. The property<sup>[114]</sup> of the school was valued at \$222,202. There were thirty-one teachers employed and the school enrollment was 343. The academic work is divided between a high school course and a two year normal course. Graduates from the normal department obtain life certificates to teach in Missouri. The following trades are taught: domestic science and domestic art, carpentry, wood-turning, machinery and blacksmithing. The work which this school has done in preparing teachers for the Negro rural schools of the State cannot be over estimated.

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Because of these many efforts in behalf of Negro education, therefore, Missouri stood in 1915 in the lead of the ex-slave States in the provisions which it had made for the education of Negro children. Only the District of Columbia stood ahead of it in the amount of money<sup>[115]</sup> which was invested in public school property for Negroes. The District of Columbia had \$135.30 invested for every Negro child of school age and Missouri had \$50 for each Negro child. Oklahoma and West Virginia ranked next to Missouri, each having \$26.00 invested for every Negro child of school age. Missouri ranked first among the States in the proportion of the total school investment devoted to the education of the Negro child. Missouri had 96 per cent as much invested for each Negro child as was invested for each white child while the District of Columbia had only 74 per cent as much invested in Negro school property<sup>[116]</sup> as it had invested in white school property for every child of school age. If we leave out the District of Columbia, which is not comparable with a State, Missouri stood at the head of the States, in which separate schools were maintained for Negro children, in the annual expenditure for every child of school age. Missouri spent \$12.13 for every Negro child<sup>[117]</sup> of school age enumerated. This was more than was spent by 12 of the southern States for every white child enrolled. Missouri's nearest rivals, Oklahoma and West Virginia, spent \$11.16 and \$10.38 for every Negro child respectively. As the result of her excellent school system, Missouri had, according to the census of 1910, a smaller proportion of her population illiterate<sup>[118]</sup> than did any of the other ex-slave States.

HENRY SULLIVAN WILLIAMS

## FOOTNOTES:

- [1] This dissertation was in 1917 submitted to the Faculty of the Graduate School of Arts and Literature of the University of Chicago, in candidacy for the degree of Master of Arts by Henry S. Williams.

The following original sources were used in the preparation of this manuscript: *Reports of Superintendent of the Public Schools of the State of Missouri*, 1866-1917; *Session Laws of the State of Missouri*, 1866-1913; *Reports of the U.S. Commissioner of Education*, 1870-1916; *U.S. Census Reports*, 1860-1910; *The Missouri Republican*, 1866-1870; *Journal of Education*, Vols. I and II (St. Louis, Missouri, 1879); *Revised Statutes of Missouri*, 1879-1909; *Proceedings and Occasional Papers of the Slater Fund* (Baltimore, Maryland); *Missouri Historical Society Collections*, Vols. II and III; Asa E. Martin, *Our Negro Population* (Kansas City, Missouri, 1913); N.H. Parker, *Missouri as it is in 1867* (Philadelphia, 1867); *Am. Annual Cyclopaedia*, 1870-1877; *Annual Reports of the Board of Education of St. Louis*, 1867-1916; *Annual Reports of the Board of Education*, of Kansas City, 1870-1915.

The secondary sources consulted follow: Lucian Carr, *American Commonwealths, Missouri a Bone of Contention* (Boston, 1894); C.R. Barnes, *Switzler's Illustrated History of Missouri* (St. Louis, 1889); W.B. Davis, and D.S. Durrie, *An Illustrated History of Missouri* (Cincinnati, Ohio); S.B. Harding, *Life of George R. Smith* (Sedalia, Missouri, 1904); W.E.B. DuBois, *The Negro Common School* (Atlanta, Georgia); C.L. Butt, *History of Buchanan County* (Chicago, 1915); H.A. Trexler, *Slavery in Missouri*, 1804-1865 (Baltimore, Maryland, 1914); C.G. Woodson, *The Education of the Negro Prior to 1861*, (New York, 1915); *History of Calloway County* (St. Louis, 1884); *History of Cole, Moniteau, Morgan, Benton, Miller, Maries, and Orange Counties, Missouri* (Chicago, 1889); J.T. Shaff, *History of St. Louis City and County* (Philadelphia, 1885); R.A. Campbell, *Campbell's Gazetteer of Missouri* (St. Louis, 1875); *Encyclopedia of the History of St. Louis* (New York, 1889); *Missouri Historical Review*, Vols. I, II, IV, VI, VII, and IX (Columbia, Missouri); *The Negro Year Book* (Tuskegee, Alabama, 1917).

- [2] Parker, N.H., *Missouri as it is in 1867*, p. 424.
- [3] Woodson, C.G., *Education of the Negro Prior to 1861*, p. 159-168.
- [4] *Missouri State Convention of 1865*, Art. IX.

- [5] *Laws of State of Missouri*, Adjourned Session 23d General Assembly, p. 177.
- [6] *Laws of the State of Missouri*, *op. cit.*, p. 191.
- [7] *Ibid.*, p. 173.
- [8] Ira Divoll, see Schaff, *Hist. of City and County of St. Louis*, Vol. I, p. 843; R.D. Shannon, see Davis, W.B., III. *Hist. of Mo.*, p. 587.
- [9] *Ibid.*, p. 550.
- [10] *Ann. Reports of Supt. of Pub. Schools, 1871-'72-'73-'74.*
- [11] *8th Ann. Report of Supt. of Pub. Schools, 1874*, p. 37.
- [12] *7th Ann. Report of Supt. of Pub. Schools, 1873*, p. 250.
- [13] *7th Ann. Report of Supt. of Schools, 1873*, p. 281.
- [14] *Ibid.*, p. 256.
- [15] *Journal of Education*, Vol. II, No. 1, p. 5, St. Louis, 1869.
- [16] *Report of Commissioner of Education, 1870*, p. 202.
- [17] N. H. Parker, *Missouri as it is in 1865*, p. 53. *Op. cit.*
- [18] *Report of Commissioner of Ed.*, 1871, p. 260.
- [19] *Parker, op. cit.*, p. 54.
- [20] *1st Ann. Report of Supt. of Schools of Missouri, 1867*, p. 9.
- [21] *27th Ann. Report of Supt. of Schools of Mo.*, 1877, p. 17.
- [22] *5th Ann. Report of Supt. of Schools of Mo.*, 1871, p. 125-245.
- [23] *7th Ann. Report of Supt. of Schools of Mo.*, 1873, pp. 233-300.
- [24] *9th Annual Report of Supt. of Schools, 1875*, p. 23.
- [25] *Missouri State Constitution of 1840*, Art. 6.
- [26] *5th Ann. Report of Supt. of Schools, 1871*, p. 6.
- [27] *8th Ann. Report of Supt. of Schools, 1874*, p. 5.
- [28] *2nd Ann. Report of Supt. of Schools, 1868*, p. 10.
- [29] *Journal of Education, 1869*, Vol. I, p. 181.
- [30] *Laws of State of Mo.*, Adj. Sess., 24th Assembly, p. 170.
- [31] See page 140 of this work.
- [32] *Ann. Report of Supt. of Schools, 1874*, p. 44.
- [33] *Laws of State of Mo.*, Adj. Sess., 27th Assemb., p. 168.
- [34] *A Bill to establish mixed schools.*
- [35] *9th Ann. Report of Supt. of Schools, 1875.*
- [36] *Report of Com. of Ed.*, 1870, p. 202.
- [37] *26th Ann. Report of Supt. of Schools, 1876*, p. 12.
- [38] *Ann. Report of Supt. of Schools, 1867*, p. 28.
- [39] *Ibid.*, 1868, p. 59.
- [40] *6th Ann. Report of Supt. of Schools, 1872*, p. 257.
- [41] E.H. Davis, *Clark County*. See *7th Ann. Report of Supt. of Schools, 1872*, p. 246.
- [42] *Ibid.*, p. 45.
- [43] *8th Ann. Report of Supt. of Schools, 1873*, p. 38.
- [44] *Ibid.*
- [45] *9th Ann. Report of Supt. of Schools, 1875*, p. 18.
- [46] *Laws of State of Missouri, 25th Gen. Ass.*, 1869, p. 86.
- [47] *Laws of State of Missouri, Reg. Session, 25th Gen. Assemb.*, p. 164.
- [48] *26th Ann. Report of Supt. of Schools, 1876*, p. 12.
- [49] *27th Gen. Assemb., Adj. Sess.*, p. 168.



- [50] *7th Ann. Report of Gen. Ass. Adj. Sess.*, p. 233. By reading the annual letters of the county superintendents the fact is brought out that most of the colored schools of that period were in the towns and cities. It was in the rural districts that the Negro suffered most.
- [51] *8th Ann. Report of Supt. Of Schools*, 1874, p. 165-219.
- [52] Asa E. Martin, *Our Negro Population*, p. 165.
- [53] *9th Ann. Report of Supt. of Schools*, p. 90 to 136.
- [54] *Ann. Report of Supt. of Schools*, 1867, p. 10.
- [55] *Ibid.*, 1872, p. 51.
- [56] *Ibid.*, 1875, p. 84.
- [57] *2nd Ann. Report of Supt. of Schools*, 1868, p. 94.
- [58] *Ibid.*, 1874, p. 185.
- [59] *Report of Supt. of Schools*, 1875, p. 77.
- [60] *Reg. Session, 28th Gen. Assembly*, p. 349.
- [61] *Ency. of History of St. Louis*, Vol. IV, p. 2076.
- [62] *14th Ann. Report of Bd. of Dir. of St. Louis Pub. Schools*, 1868, pp. 63 and 67.
- [63] *Report of Commissioner of Education*, 1871, p. 264.
- [64] *Ann. Report of Supt. of Schools*, 1876.
- [65] *Ibid.*, 1873, pp. 263 and 268.
- [66] *Report of Commissioner of Education*, 1871.
- [67] *Ibid.*, 1871.
- [68] *Ann. Report of Supt. of Schools*, 1873, p. 253-303.
- [69] *Ibid.*, 1876.
- [70] *Ibid.*, 1873, p. 263-268.
- [71] *Ibid.*, 1873, pp. 263-268.
- [72] *8th Ann. Report of Supt. of Schools*, 1874, p. 165.
- [73] *Report of Commissioner of Education*, 1870, p. 204.
- [74] *44th Ann. Catalog of Lincoln Institute*, p. 6.
- [75] *4th Ann. Report of Supt. of Schools*, 1870, p. 36.
- [76] *Adj. Session 25th Gen. Assembly*, 1870, p. 136.
- [77] This fact can be verified by studying abstracts from the State Superintendents' reports for this period. These abstracts are found in the Reports of the Commissioner of Education for this period.
- [78] *Ann. Cyclopedias* for 1870-75. Art. Missouri.
- [79] *Ibid.*, 1871, p. 516.
- [80] *9th Ann. Report Supt. of Schools*, 1874, p. 7.
- [81] *9th Ann. Report of Supt. of Schools*, p. 6.
- [82] *Ibid.*
- [83] Art. II, Sec. 3.
- [84] Art. XI, Sec. 3.
- [85] *Report of Commissioners of Education*, 1880, p. 184.
- [86] *Ibid.*
- [87] See page 26.
- [88] *Report of Supt. of Schools*, 1877, p. 18.
- [89] *Rev. Statutes of Mo. 1879*, Vol. II, p. 1861.
- [90] In this period a very noteworthy step was taken by the Negro teachers. In 1878 they organized a State teachers' association. In that year its meeting was held in Columbia, Missouri, and a number of professors in the State University took an active part. The next year the Association met in Jefferson City. Since that time, the meeting of the Association has become an annual affair.

- [91] DuBois, *Negro Common School*, p. 61.
- [92] *Rev. Statutes of Mo.*, 1889, p. 2271.
- [93] *Ibid.*, 1909, p. 790.
- [94] DuBois, *Negro Common School*, p. 61.
- [95] *Ibid.*
- [96] *Report of Supt. of Schools*, 1910, p. 69.
- [97] *Report St. Louis Board of Education*, 1916, p. 302.
- [98] *Ibid.*, p. 350.
- [99] *Ibid.*, p. 308.
- [100] Martin, *op. cit.*
- [101] *Ibid.*, *op. cit.*
- [102] *Ann. Report Board of Ed. of Kansas City*, 1915, p. 123.
- [103] *Report of Supt. Public Schools, 1916*, p. 69.
- [104] *Report of The Board of Education of St. Louis*, 1908, p. 234.
- [105] *Report of Board of Education of St. Louis*, 1908, p. 235.
- [106] *Ibid.*, 1913, p. 108.
- [107] *Report of Public Schools of Mo.*, 1916, p. 290.
- [108] *Ibid.*
- [109] *Report of Board of Dir. of Schools*, Kansas City, 1911, p. 243.
- [110] *Report of Supt. of Schools*, 1916, p. 286.
- [111] *Ibid.*, p. 292.
- [112] *Ann. Cat. Lincoln Inst.*, 1916, p. 6.
- [113] *Laws of Mo.*, 1915, p. 69.
- [114] *Report of Commissioner of Education*, 1916, p. 586.
- [115] *Negro Year Book*, 1917, pp. 234-241.
- [116] *Ibid.*, pp. 234-240.
- [117] *Ibid.*
- [118] Missouri had 174 illiterate out of every one thousand, and Oklahoma and West Virginia had 177 and 203 respectively.

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## **RELIGIOUS EDUCATION IN NEGRO COLLEGES AND UNIVERSITIES<sup>[1]</sup>**

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Within the last few decades a deepening sense of responsibility for the religious direction of the American College and University students has arisen. The problem of religious education has become a part of our national consciousness. The term "religious education" has come into general circulation respecting every grade of education. And in every instance it seems to be more or less a characterization of an ideal type of education and a method of realizing that type. Evidence of this is presented in the numerous religious, semi-religious and educational periodicals, as well as in the reports and published statements of educational institutions and organizations since 1903.

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There is a new conscience for character and social usefulness in the college and university. It manifests itself in topics under discussion in conferences of educators, in their personal inquiries, and in the hearty cooperation given agencies for the higher life. In the whole range of education there is a growing recognition of the religious and moral elements inherent in all education. The former emphasis on the difference between religious education and secular education is passing. The foundation of teaching is being lifted into the religious realm. Education is aiming to develop men and women to their highest possibilities for their own sakes and for the sake of their contribution to the welfare and progress of society. The National Educational Association is a potent factor in establishing a strong belief in the worth of religion in education.

The Religious Education Association, organized in 1903, is one of the chief, if not the chiefest, agencies in hastening this new era. The secretary has said: "The leadership of this new crusade

seemed successful in directing a passion for religious education born of the fusion of the scientific spirit with the spirit of humanistic idealism." Between 1903 and 1913 over \$120,000 was spent in religious educational endeavor. The period subsequent to 1913 shows a larger proportionate expenditure. The larger part of this sum stands for gifts.

How has the movement demanding efficiency in religious education affected Negro institutions? The status of religious education in Negro colleges and universities, considered quantitatively and qualitatively is the task of this investigation. What do the supervisors of Negro institutions conceive religious education to be? How does religion function in student life? These are questions arising during the investigation of the problem before us.

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There are 38 private and denominational institutions for Negroes, which do college grade of work with varying degrees of efficiency. Of this number, thirty-four are co-educational colleges, two are colleges for men and two are colleges for women. There are six State colleges which do some college work. These are all land-grant colleges with donations from the respective States in which they are located. There are several so-called colleges having curricula for college grade of work prescribed but no students matriculated to take the courses. They are not included in this study for obvious reasons.

The terms "colleges and universities" are by no means safe criteria for measuring the efficiency of, or even for classification of Negro colleges and universities. This condition is not peculiar to Negro colleges. Those for whites, in the South especially, present the same condition of variety. It seems that there has been a special mania, in our South Land especially, for setting up a laudable ideal in the classification of educational institutions, and then working up to it during subsequent ages. They believe there is much in a name or title. This keen sense of potentiality being in the classification, college or university, is too often misleading if taken on faith.

Another phase of this classification may throw some light on the numerous Negro "colleges" with such wide divergences in standards of curricula. In the South, \$9,000,000 are spent for the elementary education of the Negro, when \$25,000,000 should be used for that purpose by the States. There are 1,000,000 without any school facilities at all, and 2,000,000 who cannot read or write. Then the money spent does not begin to meet the needs of those who are receiving the education given. For example, the South spends \$10.23 for each white student of elementary age and \$2.82 for each Negro student of the same age now given the opportunity to attend school. Thus many institutions of a private nature are stimulated by this State of affairs and seek to meet it. But in so doing, they are actuated by various motives and perhaps they all could not justly be labelled sinister. It is evident then that our study deals with 38 private colleges, all denominational except four, and six State colleges on land-grant bases.

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The method of the thesis, therefore, has assumed a four-fold form. The writer took nine months in making personal investigation of twelve typical Negro colleges. One in the Northwest, one in the Northeast, and ten in the South. Of these ten, five are in Georgia, two in South Carolina, two in Tennessee and one in Alabama. The second method was the questionnaire. Questionnaire No. 1 was sent to 60 educational institutions. 38 responded in full. Eight returned the questionnaires with some answers. These were excluded from the study because they lacked desired data. A second questionnaire was used. It contained data from students in the respective institutions considered typical. The Y.M.C.A. leaders also contributed to this sort of data.

Questionnaire No. 1 follows:

#### RELIGIOUS EDUCATION IN NEGRO COLLEGES

1. Name of the institution, president and dean.
2. Enrollment in the college department.
3. What religious services are held by the school? Is attendance required and what number attend?
4. What curriculum courses in religious education have you, viz: Bible courses, Sunday School Teacher Training, Psychology of Religion, Philosophy of Religion, Religious Pedagogy, Social Service, Social Ethics, Methods of Social Reform, etc.
5. Which of the courses are elective and which are required? How much credit is given for each?
6. Have you any courses in the Seminary or Divinity School for which you give college credit? What are they?
7. Are the teachers of curriculum courses of religious education professionally trained for their task, for example; were they trained in a school of religious education or in a divinity school? What institution attended and what degrees received?
8. How many students are in your curriculum courses of religious education?
9. What voluntary religious organizations have you, for example: the Y.M.C.A., Students Volunteer Movement, B.Y.P.U., C.E. League, College Church, Sunday School, etc.?
10. Are the teachers or conductors of your voluntary organizations professionally trained (viz, as in question 7)?
11. How many students are enrolled in your voluntary organizations?

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12. What opportunity have the students for the expression of ideals received through these organizations? What Christian work is done, such as handling boys' or girls' clubs, ministering to the poor and infirm, orphans, foreign missions, visiting prisons, asylums, or orphanages, teaching vacation Bible schools, etc.?

13. What is your own estimate of the religious value of your courses and organizations? Have you any definite data upon which to base your estimate?

14. Does your school have a special appropriation for religious work, viz: for the Y.M.C.A., for a chaplain, college pastor, etc.?

15. In your opinion, are the Negro colleges meeting the needs of definite religious training?

16. Any other information or suggestion concerning religious education in Negro colleges will be gladly received.

#### QUESTIONNAIRE No. II

1. What is your estimate of the religious services at your college, viz: Church preaching service, Sunday School, Young People 's meetings, Week-day Prayer meetings, Week of Prayer for colleges, Y.M.C.A., Y.W.C.A. or any other religious service? (Mark each according to your estimate as Church 1, Prayer meeting 2, Y.W.C.A. 3, etc.)

2. What are the items of importance in these respective services, the sermon, prayer, ritual, congregational singing, special music, etc.?

3. Why did you make the preceding ranking as you did?

4. What suggestion have you to offer for the improvement of these services? What other criticism have you to offer on these services?

5. What is your church affiliation? For example, Baptist, Methodist, Presbyterian, etc.?

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The majority of Negro institutions—all included in this study—have published statements concerning religious education in their respective curricula and voluntary organizations. These statements appear in announcements, catalogues, and reports. These have been secured and critically reviewed. From these the spirit of religious education, the attitude towards the work, their aim, their own ideas as to value of results obtained from such instruction may in a large measure be determined.

The last means resorted to were the reports of denominations on education. These reports appear in various forms, sometimes in year books, and at other times in the quadrennial reports, viz: the General Conference reports of the Methodist Episcopal, the African Methodist Episcopal, the A. M. E. Zion and Colored Methodist Episcopal Churches.

### I. RELIGIOUS EDUCATION IN PRIVATE AND DENOMINATIONAL COLLEGES AND UNIVERSITIES

Let us first direct our attention to the work as it is being conducted in private and sectarian schools. The most important factor in this study is the teacher. What is the type of teachers in Negro institutions, for the progressive socialization of the individuals whom they instruct? The student's religious life will be conditioned very likely, by the teachers in the colleges. The preparation of the teacher then requires careful consideration.

There are 86 teachers of religious education in some form in these institutions. Of these 86 instructors, 64 have had some degree of professional training for their tasks. Thirty-one of those who have received professional training are graduates of first rank institutions. The institutions in which they were trained are among the best in the country and of long standing. The distribution shows: Yale College 1; Yale Divinity School 3; Drew Theological Seminary 3; Oberlin College and Divinity School 2; Ohio Wesleyan University 1; Columbia University 1; Union Seminary 1; Boston University 2; Colgate University 1; Rochester Theological Seminary 2; the University of Chicago and Divinity School 3; Princeton University 2; Newton Theological Seminary 2; the Chicago Bible Training School 2; Grinnell College 1; Hillsdale College 1; New York School of Philanthropy 1; Andover Theological Seminary 1; Union Theological Seminary 1; and the Chicago Theological Seminary 1. The remaining 33 teachers were trained in Negro seminaries and colleges, the most of them coming from the older institutions for Negroes, such as Wilberforce, Howard, Lincoln, Talladega, and Fisk.

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Though these latter have had some type of professional training, it still remains for us to see the types. The classical theological course claims most of this number as its representatives. We should be surprised if it were otherwise, because it has been comparatively recent that the seminaries of America have begun what they term a reconstruction of the seminary curriculum. The most of these men and women were middle-aged persons and had taken their courses before the evolution took place. Of the sixty-four who have had professional training, forty-five have had the traditional seminary courses which contained no work in "scientific religious education." I am not at this point arguing whether they were the losers or gainers. I am simply stating a fact in terms which all students of religious education understand. The remaining nineteen had received courses in scientific religious education, either theoretical and laboratory exercises, or laboratory courses in practical social service and philanthropy. 57 of these teachers are ministers.

In this study it was discovered that very few of the teachers of religious education have chairs of

Religious Education. Most of them give only part of their time to that work and their programs are divided up to meet the urgent needs of other departments in the colleges and universities. Three are teachers of education and give courses in the Psychology of Religion, the Psychology of the Bible, and the Educational Method applied to the Bible. Those three give the rest of their time to the college and normal school courses in Education. Four have chairs established for teaching the Bible and give almost all of their time to this work. All others are only occasional religious education teachers, so far as curriculum courses are concerned.

What then is the attitude of these teachers toward their task? In the first place we note a large amount of optimism over results achieved or thought or hoped to be achieved. Sixty-four of them said directly, in answer to a question concerning their attitude and estimate, that they were optimistic. Seven were uncertain, and withheld their opinions and three were very pessimistic indeed. The presidents and deans answering the major questionnaire were quite certain that the teachers had the attitude of sustained interest in the work of religious education.

Teachers and conductors of voluntary religious courses and organizations were found helpful. Much of the work in religious training in Negro colleges is done by voluntary organization, some of the most prominent of which are the Young Men's Christian Association, the Young Women's Christian Association, the Student Volunteer Movement associations, the Young People's Societies of the various denominations and Temperance Societies. Sometimes they are centralized and sometimes otherwise. But our task here is to see what preparation the leaders and instructors of these organizations have received, the time given and the attitude.

These volunteers are, for the most part, not professionally trained. Only seven are so reported, and six of the seven are professors who give Bible or social service courses upon the invitation of these voluntary organizations. There is in all America, so far as has been ascertained, only one Negro college that has a paid professionally trained director of one of these organizations. Perhaps it would not be unjust to name that institution, on account of its uniqueness, at least. It is Howard University. The leader is the Y. M. C. A. secretary who has been trained at the Y. M. C. A. Training School and is a salaried officer of the University.

The most accurate account given of the amount of time spent by these instructors and conductors is found in the reports of the Young Men's Christian Association. There are 36 Young Men's Christian Associations and 36 Young Women's Christian Associations in the institutions represented in this study. The average time spent per week for the leaders of these two organizations is one hour and forty-seven minutes. Of this time one hour is spent in the weekly meetings and the other forty-six minutes in meeting committees, planning for activities of the associations, or in conducting Bible study, Mission study or social service classes. Extra time not counted in the estimate is given on extraordinary occasions.

The average time given to the young people's meetings is an hour and twelve minutes. About the same would no doubt represent the other voluntary organizations, the social service work excepted perhaps. The present study has data only on the time spent in certain cases. The attitude of the volunteer is, as would be expected, usually that of optimism and sustained interest. He or she is selected by the students, and on the basis of some manifested interest in the particular line of endeavor.

The courses of religious education will give further light in this study. The courses are not the only agencies, besides the teachers, for assisting college men and women in acquiring a religious personality which will function efficiently in society. Nevertheless, they are one of the factors and are connected with the educative process in such a way that any endeavor similar to the present one must consider them. What then are the courses included in the curricula of these institutions? How much credit is given for them, and how many students are affected by them? These queries are necessary to find the part which intellectual knowledge plays in the educative process, in behalf of religious education. Does intellectual knowledge of this particular type function religiously in the lives of the students?

Let us first investigate the required courses of the curriculum. The Bible is the leader in the list of requirements. Thirty-six colleges and universities require it as a text book. Three give it as an elective and one does not offer it at all. These exceptions are Howard University, Talladega College, Tillotson College and Straight College respectively. Social Ethics is prescribed by ten colleges as follows: Allen University, Lane College, Clark University, Paine College, Roger Williams College, Rust College, Samuel Houston College, Shorter College, Spellman Seminary, and Virginia Theological Seminary and College. Bishop College, Claflin University, Clark University, Knoxville College and Samuel Houston College have required their students at some stages in their college courses to study Christian Evidences. Morris Brown University, Paine College, and Swift Memorial College prescribe courses in social service or Practical Sociology.

Comparative Religion, a course in Sunday School Teacher Training, New Testament History, Philosophy of Religion and Church History are designated as requirements by State University, Knoxville College, Lane College, Paine College and Knoxville College respectively. Spellman Seminary, Tougaloo, State University, Fisk University, and Claflin University require courses in Hebrew History. The requirements in Negro colleges are as follows: thirty-five require the Bible as a text book; ten prescribe Social Ethics; six prescribe Christian Evidences; three make courses in Social Service or Practical Sociology requirements; five prescribe Hebrew History; one college requires Comparative Religion; one, Sunday School Teacher Training; one, New Testament History;

one, Philosophy of Religion; and two, Church History.

We shall omit the consideration of the amount of credit given and the number of students enrolled in these courses until we have given attention to elective courses. Here the Sunday School Teacher Training courses lead. They are composite courses in most instances. In other words, they are elective courses, composed chiefly of sketches of child psychology, the principles of teaching, school management, Old Testament History, New Testament History, geography of Bible lands and story telling. These courses have become very popular in Negro colleges during the last seven or eight years.

Dr. H.C. Lyman, Superintendent of the Negro work under the auspices of the International Sunday School Association, has done incalculable good in the way of encouraging this particular kind of work. The great majority of these courses have been installed as a result of his endeavors. Only three of the 21 courses in these colleges have been established independently of his encouragement but in most instances by his formal installation. The following institutions offer as electives courses in Sunday School management, organization and teaching: Atlanta University, Benedict College, Lane College, Claflin University, Clark University, Fisk University, Howard University, Lincoln University, Livingstone College, Morehouse College, Morgan College, New Orleans University, Roger Williams University, State University, Swift Memorial College, Talladega College, Tillotson College, Wilberforce University, Spellman Seminary, and Morris Brown College.

Social Ethics is elective in Virginia Union University, Morris Brown College, Fisk University, and Knoxville College. Social Service courses are offered under the elective provision in several institutions. Seven of them offer these courses under their departments of sociology. They are: Atlanta University, Benedict College, Fisk University, Howard University, Morgan College, Talladega College, Virginia Union University and Wilberforce University.

Comparative Religion is offered at Talladega and Wilberforce. The Principles of Religious Education and the Organization of Religious Education have been offered recently by Talladega and Fisk. Howard University, Knoxville College and Morris Brown College offer in their elective systems New Testament Greek. The Bible is elective at Fisk, Tillotson and Howard Universities. Mission Study is elective at Talladega College.

Howard University has a wide range of electives covering a large scope of religious subjects which are offered in the School of Religion. They are New Testament and Old Testament introduction courses, Comparative Religion, Church History, Hebrew, Missions, the Teachings of Jesus, the Teachings of Paul, and New Testament biographical courses. Wilberforce has a similar condition. They allow New Testament Greek, Hebrew, Social Service courses, the Life of Christ and the Life of Paul to count toward the Bachelor of Arts Degree. These courses, however, are all given in Payne Theological Seminary which is a part of the Wilberforce system.

Morehouse College has a combination of the elective and prescribed system relative to the Bible. The English Bible is required in the Freshman year but elective in all of the other years. The following will show the courses in religion which are offered in Negro colleges and will designate the number of institutions offering the several courses as well as whether they are elective or prescribed.

Courses	Elective	Required
1. English Bible	3	36
2. Philosophy of Religion	1	1
3. New Testament Greek	3	
4. Hebrew	2	
5. The Principles of Religious Education	2	
6. The Methods and Organization of R. E.	2	
7. Social Ethics	4	10
8. Social Service	7	3
9. Comparative Religion	2	1
10. Hebrew History		5
11. New Testament History		1
12. Church History	2	2
13. Christian Evidences		6
14. Missions	2	
15. New Testament Introduction	1	
16. Old Testament Introduction	1	
17. Sunday School Teacher Training	20	1
18. Teachings of Jesus	1	
19. Teachings of Paul	1	
20. Life of Jesus	1	
21. Life of Paul	1	
	18	10

Thus it is seen that the colleges under investigation offer 18 courses for the religious education of those who come under their supervision and prescribe 10 courses for the same purpose.

What is the number enrolled in these curriculum courses? In the 38 private institutions for Negroes

of college rank, which come under our observation, there were enrolled for the scholastic year 1916-1917 college students numbering 1,952. The numbers in the several colleges run from 558 to 6. It is interesting to observe that over one-half of that number was registered in four universities as follows: Howard University, 558; Wilberforce University, 202; Fisk University, 208; and Lincoln University, 163. The total is 1,131. Of the remaining 821 Negro college students over fifty per cent of them were distributed as follows among these eight institutions: Talladega College, 66; Virginia Union University, 66; Morehouse College, 65; Benedict College, 60; Bishop College, 60; Atlanta University, 59; Shaw University, 49; and Biddle University, 40. The total is 465. In these twelve colleges and universities we have 1,596 students or over 75 per cent of the total for all of the 38 institutions.

The investigation shows that 1,104 of the 1,952 students are enrolled in these religious education courses. This is more than fifty per cent. In fact, it is 56 per cent of the total number enrolled. Making a comparison of the same institutions which have the majority of students we note a difference in their proportion of students in religious education to the total number enrolled. Howard University has 98; Fisk 110; Lincoln 163; and Wilberforce 60. The total is 331, which is less than a third of the total number enrolled. Talladega has 25; Virginia Union University 51; Shaw University 12; Benedict College 40; Bishop College 40. And the total is 262, which is considerably less than 50 per cent of the remaining 773. But when the twelve schools are taken together they afford 53 per cent of the entire number enrolled in the courses of religious education in the 38 colleges and universities.

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The investigation of the amount of credit given for these religious courses reveals facts as interesting as those relative to the number influenced by these courses. We have selected the unit to describe the credit given. By unit we mean a course given 4 or 5 times a week for 36 weeks. This is not intended to be technical. Most of these institutions have 45-minute periods. There are only four exceptions of which three have 60- and one 50-minute periods and a few 55-minute periods. Their periods have been translated in terms of the 45-minute periods for the sake of convenience. The units designate the amount of credit given for both prescribed and elected courses. In the colleges where the elective system is extensive, the units represent the maximum amount of credit which one may receive for courses in religion. For an itemized description of the amount of credit given see chart on last page.

Only one college of the 38 which we had under investigation offered no credit for courses in Bible or correlated subjects. The other 37 offered credit varying from one unit up to six units. Howard University leads in the amount of units offered, and Knoxville College, Virginia Union and Lincoln contend for second place each having four and one-half units. Wilberforce takes third rank with four and one-fourth units. Texas College, one of the smallest in numbers, ties Fisk University for the fourth place. The whole number of institutions investigated offer 85½ units of credit for courses in religious education.

The volunteer courses in colleges have been considered by many exceedingly efficacious for social and religious development. These volunteer courses have various sources. In some few colleges they are offered by the faculty. But in the great majority of cases they come through the channels of the voluntary religious organizations of the respective institutions. The Young Men's Christian Association and the Young Women's Christian Association are the most active sources. The Young People's Societies such as the Christian Endeavor and The Epworth League foster this project in a few of our Negro colleges but very little data can be obtained therefrom, because they keep no accurate records from year to year.

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There are thirty-six Young Men's Christian Associations in the colleges comprising this study. All of the co-educational institutions and those for women especially have the Young Women's Christian Association. Therefore, we have thirty-six Young Men's Christian Associations and thirty-six Young Women's Christian Associations in these private colleges and universities. Fourteen institutions report Bible study classes for men under the direction of students, more or less prepared. The membership in these classes is one hundred and seventy. Only five report Bible classes for women.

Mission study classes are also offered under the supervision of the Association in some of the colleges. The men in eleven colleges attend the mission study classes and number three hundred nine. The women have such provisions in two colleges with a membership of eighteen. The numbers in these classes fluctuate from year to year depending largely on two factors, the leaders of the respective association and the leaders of the classes. The personnel of the student body is also a factor. It is among the things natural that from time to time changes in the personnel of the student body bring changes of interest and there is no guarantee of fixity so far as numbers are concerned. It is the ideal of the Central Associations to have the classes sustained each year with an increased efficiency, but all of the institutions testify to the fluctuation caused by the human element in the problem. These courses are mostly mapped out, even to the assigning of specific texts by accepted authors, by the International Association.

To what extent do religious services figure in this work? Worship has always played an important part in the life of human beings. Whether man is in Babylonia worshipping the stars, or in Egypt at the Isis-Osiris shrine, or whether he ascends Mount Olympus with Homer, he is a worshipper. He may ascend to the indescribable, unthinkable realms with Plotinus or he may with twentieth century enlightenment claim allegiance to the God designated Father of all. Yet he worships. It will prove interesting to note the stimulation of this instinct under the supervision of the Negro

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colleges and universities.

The chapel services claim our attention first because it was unanimously denoted in the questionnaires as one of the services which these institutions emphasize in the life of the students; many of them point out its significance even for the teachers. Every one of these institutions require daily chapel attendance at a service, which lasts on the average one-half hour among the thirty-eight institutions investigated. In nine-tenths of the announcements or bulletins sent from these institutions to prospective students, the chapel attendance is emphasized as one of the rigid requirements of the institutions. In four-fifths of these same institutions, chapel attendance is recorded by some member of the faculty or some one deputized by the authority vested with that right.

What value is the chapel service to the religious development? This cannot be answered indiscriminately. The answer depends upon the chapel activities. One should ask what happens at the chapel service. One student answered that question thus: "The chapel is the place where the president gets us all together to give us all a general 'cussing out' instead of taking us one by one." This expresses the sentiment of several hundred students in those colleges included in our study. During this investigation I visited and had reports from 21 chapel services. Out of the 21 investigated, 19 were exhibits of the opportune reprimand, with the president or his vice-president or the dean performing the task effectively. But it would be a gross injustice even to the twenty-one institutions referred to, if we should leave the impression that the sum total of chapel services is described in the remarks relative to reprimands. A professor of one of the leading Negro colleges, in defending the chapel service, said the "calling down" is merely the introduction and conclusion of the chapel exercises to give opportunity for ex-officio display.

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There is obtaining in Negro institutions another condition which perhaps does not suffice as a legitimate excuse for the daily reprimand but at least explains it or is provocative of it. I have in mind the indiscriminate assembling of students from the high school or preparatory department and too often from the grammar school along with the college students. Very often the official censor of morals aims his remarks at some grammar school or high school character of notoriety, but is democratic enough to include "some of you students." There are only two of these colleges of the entire 38 where the high school students are separated from the college students for chapel services. In all cases, except these two, they all assemble in the same auditorium at the same time with the same privileges and under the same circumstances. The most prominent index of distinction between a Junior college student and a Junior High School student in chapel is the locus of the seats.

The chapel exercises are led by the president, chaplain university pastor, or some member of the faculty. Occasionally local and visiting ministers are asked to serve in this capacity. Where the members of the faculty lead they either come in their turn serving every morning, or whenever chapel services take place, until relieved by members of the faculty who likewise serve for a designated period.

The nature of the service varies very slightly in these colleges and universities. One might readily get the impression that they all have the same model. They all begin with religious music selected in most cases by the one who has the music of the institution under supervision. Scripture reading or a brief moral, æsthetic, or ethical address follows. Then prayer usually closing with the Lord's Prayer. In seven of the institutions the scripture reading follows the prayer. A song usually closes the devotional period, but not the chapel exercises. It is subsequent to this song that the moral admonition undisguised usually follows. This is the time when visitors of distinction and otherwise, entertain or detain the students.

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The attitude of the students has much to do with the religious value received from the chapel service. All of the authorities have estimated that their particular chapel services have excellent effects upon the students, judging from their attitude at chapel, which they describe as fair. They are confronted, however, with the problem not so easily solved in answering the question. It is extremely difficult for them to distinguish just what part of that attitude comes from the influence of rules and regulations regarding chapel attendance and what part comes from choice.

One of the common religious agencies among Negro colleges is the college church. Twenty-nine of these colleges have church services every Sunday, either morning, afternoon or evening. In twelve institutions they have preaching twice a day. All of them require attendance at church. The nine which have no preaching service at their places every Sunday have it occasionally and make up the deficit by requiring the students to attend a neighboring church, in most cases a church of the denomination under whose auspices the institution is operated. The students attending so far as the requirements of the colleges are concerned are those who live in college dormitories. In no case has this requirement affected students living in the community, beyond campus control. This means that the attendance at the college church aside from that given by those under dormitory supervision is voluntary. A large proportion of the students, therefore, attend other churches, the where and why of which is not known by the investigator. The proportion attending the college churches, however, is ascertained.

The "boarding" students are the church goes so far as the college churches are concerned. The number of college students living in the dormitories of these various institutions is 651 or just a fraction over one-third of the entire number enrolled in the thirty-eight private institutions. The other students, numbering 1,301, go whither they please so far as the institutions are concerned,

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and no data as to the number attending the college church are available. In these churches the pastors are usually the presidents or some other member of the faculty. In two instances the pastors are called chaplains and have other religious functions during week days. In four cases, the pastors and presidents are identical. This assures the college church which operates on the basis just stated, a good pastor. There are eighteen which have these pastors. Eleven have no pastors or chaplains but invite ministers of the city or neighboring cities to conduct their religious services on Sunday. This service is had at the time which is most convenient for pastors of local churches. The most frequently used hour is from three or three-thirty to four-thirty or five in the afternoon.

The established churches have prayer meeting during the week on one of the following nights: Tuesday, Wednesday, Thursday or Saturday. Just why Friday night is boycotted one is unable to say. The "luck" psychology may not have had any part in establishing the tradition along that line. Here again we find the law of the "Medes and Persians" working effectively in securing corporeal attendance. The students are required to be there and are there in a body at least. The times for convening these prayer meetings are chiefly two. Just after supper in nine of the institutions and at the close of the "study" period in twenty-five. Four have the hours between seven and eight o'clock in the evening or thereabouts.

The Sunday School is a prevalent religious agency among the Negro colleges and universities. We find a Sunday School reported in thirty-seven of these. In these Sunday Schools the teachers who reside at the college dormitories constitute a part of the Sunday School faculty. Some of the advanced students are used as teachers and officers.

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Another phase of religious service prescribed by several colleges is the Young People's Society. They are all of the same general nature. They take different names such as the Epworth League, The Baptist Young People's Union, the Allen Christian Endeavor and so forth, depending in the main upon their denominational affiliation. Thirty colleges expect their boarding students to be present at these meetings. These thirty institutions have 388 students of college rank living in the dormitories of these respective institutions. Thus three hundred eighty-eight students attend these Sunday afternoon or Sunday evening meetings.

Five colleges which are co-educational have the "quiet" hour for girls on Sunday afternoon. It was designed to be religious or semi-religious at least. Each girl goes to her room and remains there quiet for a designated period of time. During this time she is expected to read her Bible or some religious book, or engage in some meditation which is in keeping with the holy day. Where this idea originated, the writer is unable to say. He, with those who have observed this mystical quiet hour, is puzzled concerning its religious efficacy. One naturally asked those in authority why not a "quiet" hour for the boys as well. There seems to be either a very high compliment paid to the boys or quite an unpardonable insinuation on the inherited tendencies of the girls.

The nature of the Sunday services and the Sunday School is evident without further elaboration. Perhaps a more detailed description of the prayer meeting and the Young People's meeting is in order. A common element is seen in the prayer meetings, "sentence prayers" and singing. Several students think I should add a third, namely, sleeping. Another very frequent activity is the testimony of religious achievements, disappointments and hopes. Eleven colleges have topics which are posted each week prior to the meeting. These topics are religious in the orthodox sense but three of the eleven have pushed far away from the shore of orthodoxy and discuss current topics of vital interest. In these three institutions the meeting re-resembles a forum where every one expresses his opinion, and exhausts his energy on favorite themes. The Young People's meetings without exception, according to reports, have two common phases. The first is the study and discussion of the specified topics, accompanied of course with music and prayers. This might be called the devotional phase of the meeting. Then there is a change in program, in which the literary side is given precedent. Music of a classical nature constitutes the feature of the program.

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One of the all important interrogations in this connection is the feeling of the students concerning these religious organizations mentioned. Do they function in the lives of the students? Do they feel that these organizations are vital to them or do they feel as one student in an eastern university? When interviewed he said: "Oh, well, I guess they are pretty good. I suppose they are among the necessary evils of college life."

An extensive interview of the students at seven institutions revealed some interesting facts. The presidents or deans from the thirty-eight colleges gave some data and much opinion on the benefits which the students derived from these organizations, according to the students testimonies and the observation of these presidents or deans. I am not inclined to place too much emphasis upon the students' testimony to the presidents, because, the psychological situation of a student who is asked by a college president what he thinks of the church service, Sunday School and Epworth League is not conducive to frankness. This is especially true of students who know what the president wants him to say. It is a sort of begging the question. The average college student is apt to have too much respect for the president's feelings to be frank in such a case. He likewise has a keen sense of self-preservation. He does not want to incur the displeasure of the president.

In the case of five other institutions, therefore, I had students, Y. M. C. A. workers, interview the leaders of various activities in these colleges with a view to getting their candid opinion and the reflection of the opinion of the other students. In these various ways we secured data which

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represented a high degree of probability to say the least. Ninety-five per cent of the students in Negro colleges reckon the church service on Sunday a beneficial agency for religious functioning. They vary greatly as to the degree of good derived. In eleven institutions the singing and liturgy are placed first in the rank of importance and the prayer last. These same colleges think the sermon takes second place. By many of this same number congregational singing is given a very high place. The general complaint against the sermon is that it is too dry. I think what is meant by this is that the sermon lacks enthusiasm.

There may be two reasons for the impression of the dryness of the sermon, if the complaint is justified. In the first place, a large number of the college pastors begin their sermons on the assumption that a student's religious life is essentially different from that of the average person in a congregation eight blocks away in another church, a matter which cannot always be taken for granted. That assumption conditions his sermons in character of composition and especially in delivery. The minister works on the assumption that the college man will be interested and benefited by science, philosophy and so forth, regardless of how it is presented. In the reaction against excessive emotion he too often swings to the other extreme.

Again the college students in these universities have come from such a variety of environments. It would be a safe estimate to say that in all Negro colleges 90 per cent of the students are Baptist and Methodists. The registrar's records from these 38 organizations show the following: 983 Baptists; 790 Methodists; and 179 divided among the other denominations. This gives the Baptist and Methodists 90.8 per cent of the total enrollment in these 38 institutions. This means then that 90.8 per cent of these students have had a Baptist-Methodist environment for eighteen or twenty years. Well, what does that matter so far as the estimate of the value of sermons delivered to them? It means that, at least, it is not likely that the impression through childhood, youth, and young manhood or womanhood will be easily offset by the college religious environment in one, two, three or four years. Ideals theoretical, of course, change remarkably, but inevitably some elements of satisfaction afforded by the earlier environment will be demanded in the college environment by the students. Then the Baptist-Methodist environment among the Negroes is, if anything at all, an enthusiastic environment. The sermon is one of the conspicuous features. A student affected by such an environment does not necessarily demand all of the crudities but he does not like the swing to the other extreme.

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It is the opinion of students and teachers that the Sunday School is beneficial. From answers received it is calculated that 98 per cent of all the college students believe in the Sunday School's beneficent influence in student life. Several included in their remarks criticism of the literature used. The same beneficent functioning was attested to in behalf of the Young People's meetings, but the hammer falls heavily on the mid-week prayer meeting, out of which very few see any good come. One dubs "the prayer meeting, the driest, deadest event, which takes place just at the time when it is most difficult to be interested in such." Many other similar expressions concerning the prayer meetings were made. It was noted, however, that the schools which had been diverged the farthest from the traditional prayer meeting had the most good to say in behalf of the prayer meeting. In the great majority of instances the opinion is that the prayer meeting is a bore and should be abandoned. A student in one of the southern colleges, expressing what he had reasons for believing was the student's attitude towards prayer meetings, said: "It isn't interesting and isn't even a good sleeping place because one cannot stretch out as he desires."

The general attitude towards the services on Sunday, however, is favorable. These services are considered beneficial. The students feel that they are moral and religious supports, and in all cases they believe with slight modifications that these services could be more effective. A great premium is placed upon congregational singing and the liturgy in the services.

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The week of prayer for colleges has become in these institutions as universal as the national holidays. This occasion affects the regular routine of school work in 22 colleges and universities. It is conducted variously. In some colleges the effort consists of a series of prayer and song services offering opportunity to those who have not made a decision for the better life to do so openly. Their names are recorded, and they become members of the college church, where there is one. Otherwise they are provided for through other means. Those who fail to make decisions are made special objects of moral and religious endeavor during the following months. In the other cases of 18 colleges, a religious survey is made of the student body, usually through the Young Men's Christian Association and the Young Women's Christian Association. This survey is made sometimes prior to the week of prayer and personal workers are selected to do campaign work which is to culminate in decisions during the week of prayer. The week of prayer service is conducted by the president, college pastor, or chaplain usually assisted by the members of the divinity school where there is one connected with the institution. Nine colleges have this convocation led by some strong minister from the community. Four surrender the entire task to a professional evangelist.

The students and officials of these colleges report some very significant results and all of them are agreed in this: the week of prayer is a very valuable harvester for gathering the fruits of previous endeavor, as well as a decision promoter itself. There is no unanimity of opinion relative to the best way of conducting the week of prayer, except that the method will vary with conditions. Eight college pastors and chaplains declare it injurious in the long run to have professional evangelists. The others except four did not know, as they had never given the evangelist a test. They were at least dubious about making the experiment.

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Some of the results reported from the week of prayer are as follows: For the scholastic year 1916-1917 there resulted 322 confessions for the better life. The most of these were followed by what the presidents of these colleges denominated religious growth. In these colleges there were, prior to the week of prayer, 390 confessors. This means then that subsequent to the week of prayer 68 non-confessors remained among the college men and women. This shows also that prior to the week of prayer one-fifth of a student body of 1,952 were non-confessors. The week of prayer was the occasion of transforming 82.5 per cent of that one-fifth into confessors. The Negro colleges subsequent to the week of prayer 1916-1917, therefore, were 96.5 per cent Christian as a result of the week of prayer, in part at least. Just how much the personal work, the Christian environment and other factors during other times prior to the week of prayer played is conjecture.

Perhaps it will suffice to state that each of these colleges has morning devotions every day at the breakfast hour. They are very terse, consisting chiefly of the Lord's Prayer or a blessing sung or recited. Seventeen have night devotions closing the study hour except on the night appointed for the weekly prayer meeting. The benefit of the dining-room is not easily detected. The enthusiasm often manifested may be due to anxiety to dine. The interest due to that desire, and that due to the religious stimuli, then and thereafter are not easily distinguished one from the other.

Voluntary religious services are conducted under the auspices of the religious organizations in the colleges and universities. These organizations present quite a variety in name. But most of them are very similar in function. Some of the organizations which are included in the study of required religious services will be given space under this topic because while they are required in some colleges, they are voluntary in others. The organizations are the Young Men's Christian Association, the Young Women's Christian Association, Missionary Societies, Temperance Societies, The Student Volunteer Movement, the Circle of King's Daughters, the White Cross League, and Young People's Societies of Endeavor.

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The Young Men's Christian Association is the most popular among the men of the institutions, and the Young Women's Christian Association is the choice of the women. The reasons for this situation is fairly obvious. In the first place, the Young Men's and Young Women's Christian Associations have been stimulated more by the international Associations than any other similar parent organization has stimulated its offspring. There is a continuous program, and alert men whose business it is to see that these associations go. They are paid good salaries for that purpose. Then the very fact that the Y. M. C. A. is international in scope and system has its bearing upon the local branches in the various colleges. What has been asserted concerning the Y. M. C. A. might likewise be said about the Y. W. C. A.

There is, no doubt, another reason explanatory of the popularity of these associations. Those who are in authority in the international Association have studied student life with an eye single to meeting the needs of men and women so environed. Perhaps then, these organizations appeal more to men and women than the others. In 1916-1917 these colleges had enrolled in the Y. M. C. A. and the Y. W. C. A. 1,252 students. They estimated an average attendance at their Sunday meetings of 940, including men and women. These meetings are about an hour long. One feature which the men respond to very readily, according to the reports, is the participation in the discussion of the topic after a leader has opened it. There is, however, an evident lack of accurate records of the effect of these services upon the student life in these institutions. Howard University, Fisk and Talladega Colleges have made the most progress along this line.

Eleven colleges reported temperance societies which have occasional services. These are Lane College, Fisk University, Howard University, Conroe College, Edward Waters College, Livingstone College, New Orleans University, Texas College, Roger Williams University, Samuel Houston College, and Shaw University. Wilberforce and Benedict have student Volunteer services.

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The following twelve institutions have missionary societies holding services fortnightly: Howard University, Morgan College, Morris Brown College, New Orleans University, Rust College, Samuel Houston College, Shaw University, Swift Memorial College, Virginia Union University, Wilberforce University, Spellman Seminary and Virginia Theological Seminary and College.

Eight of the thirty-eight colleges under consideration encourage the Young People's Sunday evening meetings but they have not made attendance compulsory believing, they say, that there should be some opportunity for choice in respect to attending some of these meetings. They report a large attendance and think that compulsion would add very little to the attendance and detract perhaps from the effectiveness of such meetings. Why this point of view does not hold true in respect to the Sunday school which is required by these same institutions one is at a loss to say.

### **EXPRESSIONAL ACTIVITIES OF THE NEGRO COLLEGES AND UNIVERSITIES**

We have investigated the knowledge of religious education derived from religious education courses in the curricula of thirty-eight colleges as well as those offered by voluntary associations. We have likewise reviewed the preparation of the teachers of these courses, the time given to the teaching of them, the attitude of the teachers towards the work, and the character and amount of worship given by these students. It now remains for us to examine the expressional activities of these students. What opportunity have they for the expression of their religious thought and devotional attitude in actual service? The means to that end are not to be viewed lightly, if the education principle, no impression without expression, is worth anything in the process of religious

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growth. The religious laboratories must be as vital for the students, as the chemical or biological laboratory.

35 of these schools report Sunday School work of some kind for 360 students. This work is of the general kinds. There are many who teach in the College Sunday Schools. 187 teach in Mission Sunday Schools in the vicinity of the college. 400 teach vacation Sunday Schools in the various localities to which they go during the summer vacation. These 360 students doing Sunday School work during the scholastic year are distributed among 23 institutions. There is a likelihood of more colleges furnishing teachers for this work but they have not reported it because they keep no record of that work. The schools reporting are: Allen University, Atlanta University, Clark University, Spellman Seminary, Morehouse College, Morris Brown College, Howard University, Fisk University, Lincoln University, Edward Water's College, Lane College, Claflin University, Conroe College, Benedict College, Livingstone College, Morgan College, Roger William University, Shaw University, Virginia Union University, Tougaloo University, Talladega College, Wilberforce University, and Rust College. Fisk University and Virginia Union conduct mission Sunday Schools. They seem to have unique places relative to the Sunday School service.

Boys Clubs are not numerous among the activities participated in by the Negro college students. Only four report such an organization. Wilberforce has a local Boy's Scout Club conducted under the auspices of the Young Men's Christian Association. Howard University, Fisk University and Morehouse College conduct boys clubs and some of the men find excellent opportunity for service. The following make visits to prisons and render the inmates service: Knoxville College, Benedict College, Virginia Union University, Atlanta University, and Morris Brown College.

There are several institutions that minister to the poor and dependents through the various voluntary organizations. Wilberforce distributes a limited number of Bibles, and other necessities to the community in which it is situated. It does this through the Young Women's Christian Association. Morgan College, Fisk University, Morris Brown College, Benedict College, Morehouse College, Edward Waters College, Virginia Union, Talladega College, and Biddle University do similar work for the poor.

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The colleges and universities rendering other social service such as work among the boys at the reform schools, visiting and ministering to orphans, assisting at Old Folk's homes and asylums, are Fisk University, Atlanta University, Morehouse College, Morgan College, Howard University, Talladega College, Virginia Union University, Shaw University, Biddle University, Allen University, and Bishop College.<sup>[2]</sup> Fisk University has a university settlement house, the Bethlehem House, which operates under the social science department. This affords the Fisk students a splendid opportunity to serve society at first hand.

All of the thirty-eight colleges and universities give opportunity for service in the college churches or in the churches where the college worship. All have some students serving in the choirs. In the churches, which are college churches in the real sense of the work, that is, regularly organized with pastor and officers the students are largely the officers. Thirty college presidents think this is splendid expressional activity.

Five institutions use their missionary societies to help support some one whom they know on the foreign mission field. The other seven reporting organized missionary societies all have what might be called foreign mission rallies and give the proceeds to that work. In the most of these cases, the money goes to the foreign field through denominational channels.

Service in the Y. M. C. A. and Y. W. C. A. as chairman and members of committees gives a small number opportunity for expressional activity of a kind. The same may be said for the other voluntary organizations.

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The financing of religious education in these colleges is significant. Question number fourteen in the general questionnaire is: *Does your college have a special appropriation for religious work, viz, for the Y. M. C. A., for Chaplain, College Pastor and so forth?* All of these institutions except four answered this question in the negative. Morgan College has an appropriation for the chaplain and special appropriation for a teacher of Bible. Fisk University and Lincoln have Bible chairs endowed. Howard University has special appropriations for the Y. M. C. A. Tougaloo has a part of the college pastor's salary appropriated by the American Missionary Association. The others have no appropriation which pertains to the special religious work. This means that the religious work in these colleges has a decided financial handicap of which they are all very conscious. The special work is financed by subscriptions, funds raised by entertainments, and the donations of the students and teachers. This means a fluctuation from time to time depending upon the generosity of the donors. An endeavor to secure funds to carry out the programs of these voluntary organizations usurps much of the time and energy of those who lead them.

## RELIGIOUS EDUCATION IN STATE COLLEGES AND UNIVERSITIES

This study embraces the following State institutions offering complete college curricula or doing college grade of work: Florida Agricultural and Mechanical College, Georgia State College for Colored Youths, Alcorn Agricultural and Mechanical College, Alabama Agricultural and Mechanical College, Agricultural and Technical College of North Carolina, and the West Virginia Collegiate Institute.

The teachers of religion in none of these institutions are professionally trained. They are usually laymen who are teaching in the other departments of the institution. The time given varies but averages fifty-five minutes per week each. Their attitude toward the subject of religious education is optimistic. The very fact that all of them are volunteers save three shows that there is an interest in the process.

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Four State colleges offer Teacher Training courses but they are all elective as might be expected since they are State colleges. In all cases these colleges would have to make the most of these courses elective in order to avoid a conflict with State constitutions. Note, however, that Florida Agricultural and Mechanical College offer courses in social service, which are required. Of the 325 college students enrolled in these six State institutions 165 of these are enrolled in the religious education courses. This is more than one-third of the entire number, a larger proportion than in the private institutions.

The State colleges have voluntary religious organizations, but none of the conductors are professionally trained. These courses are of the same type as those found in the private institutions, except for the denominational features. The Young Men's Christian Association, the Young Women's Christian Association and the Temperance Clubs are those found in these institutions and there are enrolled for this work 213 men and women.

Alcorn A. and M. College has five men in the mission study class and five in the Bible study class. Florida A. and M. College has eight in the Bible study class and three in the mission study. The Georgia State College has twenty in the Bible and the Alabama Agricultural and Mechanical College sixteen. The Agricultural and Technical College of Greensboro, North Carolina, reports none in the Bible and mission study classes.

Religious services are not foreign to the State institutions for Negroes. They are the daily chapel exercises, Sunday morning preaching, Sunday School, Sunday afternoon or evening services, and the weekly prayer meeting. The chapel exercises are made compulsory for the students. The nature of the service is very much like that in the denominational and private institutions described above.

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The Sunday services are as conspicuous in these State colleges for Negroes as they are in the private and denominational institutions. Attendance is required by every one of the State institutions being considered. Two of these have chaplains: the Agricultural and Mechanical College of Alabama and Alcorn Agricultural and Mechanical College of Mississippi. In two instances the students attend neighboring churches and have preachers from the outside to minister unto them. Sunday School is conducted at each of the State colleges and attendance is required. Each has on Sunday evening some kind of meeting which the students are required to attend.

The prayer meeting in Negro colleges, State as well as private and denominational, is a permanent organization. Each of these State colleges report that the students are required to attend the prayer meeting. As there are 187 boarding students in the State colleges of college rank, this means a fair attendance at Sunday services and prayer in these institutions. The other 188 attend service promiscuously.

The week of prayer for colleges is observed by all, and all regard it a valuable asset to the religious life of their student bodies. In 1916-1917 prior to the week of prayer 119 of the 325 students of college rank enrolled in these State colleges were not professed Christians. Subsequent to the week of prayer 24 of the one hundred nineteen were left. Thus before the week of prayer there was 63.3 per cent professed Christians. The week of prayer was instrumental in reducing the percentage of non-confessors. After the week of prayer 92.6 per cent of all of the students were professors of Christianity.

Here as in the other institutions the morning and evening devotions are daily for terse periods. They precede breakfast, in the dining halls and at the close of the study periods. The services of the Y. M. C. A., the Y. W. C. A., and the temperance societies are very much like the services of these organizations in the denominational and private colleges and universities. The students in State colleges have feelings similar to those in private colleges about religious services. Very few are defenders of the weekly prayer meetings.

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Expressional activities at State colleges are not wanting. The six colleges report service rendered in the college church and voluntary religious organizations. Seventy-seven teach Sunday School. Five of these colleges are situated in the rural districts and there are students who serve the rural communities in church work. All of them do some extension work of a religious nature. Periodically the students are sent out to investigate conditions among the poor and to offer services to relieve these conditions. Under this social service are lectures and demonstrations portraying ideals which are genuinely religious. The great majority of the students of college grade are assistants to the professors in this work. Five do special social service work during three holidays, Thanksgiving, Christmas and New Year's Day. They take food, fuel, clothes and money to the needy of their communities.

## **THE CONCEPTION OF RELIGIOUS EDUCATION IN NEGRO COLLEGES**

An exhaustive psychological analysis of the conception of religious education is not the aim of this part of the study. But from certain data which has come out of the study one is able to obtain

ideas concerning the view of the educators on the aim of religious education and the degree in which this aim is being attained. We note in the first place that all of those who answered the questionnaires were cognizant of the religious motives in education. Perhaps a few typical quotations will emphasize that. "I think much personal good is done. The student gets a clearer idea of the Bible and its value in the world today." "I regard the course in religion as vital and essential to any thorough education." "The religious value of the course given is inestimable." "The religious training through these courses gives education the impetus which pushes it on to its goal." "The religious courses are regarded as valuable adjuncts to the educational institutions." "I have abundant data from graduates of this institution and other individuals of our constituency confirming our opinion of the abiding gains for character and efficiency through the influence of these courses and their expression in service." "Experience is the basis of the conclusion that the religious work in the colleges gives sympathetic training for efficient service. More attention must be given to our curricula in this respect." "The students who are most exemplary in worthwhile endeavor are prominent in these courses and organizations." "I have a high estimate of the actual work done by these students and of the development of their own character."

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An examination of the statements concerning the religious aims and privileges published in the catalogues of these schools show that, theoretically at least, they have begun their task in directing the educative process with a consciousness of the choice place of moral and spiritual culture in the task. To illustrate, let us note the following: "The aim of all the religious work in our institution is to build up a strong Christian character, to develop the spirit of service, and to train in the methods and the habit of religious work." "This work aims at teaching colored young people how to want the best things in life, and at training them in ability to get those things by skill of hand and power of mind. Character and efficiency are thus the twin essentials of the ideal. It would enable its pupils to make a sufficient living, teach them to live efficient lives, and inspire them to render society sufficient service. To hold such an aim thoroughlygoingly is to be positively Christian." "To all who are inclined to respect the Christian religion and its institutions, the welcome hand will be heartily extended; but to those whose influence will be prejudicial to religion and good morals, no protracted stay can be allowed; since the success of an educational institution is strictly proportional to its moral tone." "Self-mastery, symmetrical character, high ideals and purposes are regarded as the chief ends of education. Special attention is given to the spiritual needs of the students. In the life and discipline of the school, constant effort is made to inculcate Christian principles." These are some of the typical statements published in catalogues, announcements and in other college advertising media.

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One will note that although the great majority of these colleges and universities are sectarian they have refrained, theoretically at least, from obtruding sectarianism in the religious education. They have made sectarianism take at least a secondary place. This is further strengthened by the fact that there are in these denominational schools 36 Catholics who apparently have met no offensive media of instruction.

The results justify the following statement concerning the conception of religious education in Negro colleges and universities: They conceive religious education to be no quantum of doctrine but a life lived efficiently, being animated by the social service motive. Thus religious education is social evolution, and ninety-nine per cent of those in charge of these institutions have conceptions of religious education becoming more efficient than it now is. As proof of this, I may cite the results of their answers to question; fifteen in the general questionnaire. This question is: "*In your opinion are the Negro colleges meeting the needs of definite religious training?*" Every one's answer except one might be summarized thus: Some good has been accomplished but we are far from the real goal. We need reconstruction and a new impetus.

The emphasis which they are putting on expressional activity as an essential in the process of religious education does seem to indicate that they regard self activity. Wherever the social service was very scant the one reporting felt it his duty to give an apology for the actual conditions and express a hope of better results in the future. This showed that they felt it the vital factor in the progressive socialization of the individuals. The place of prominence given to worship, to religious services on Sunday and in the week is either an index to their conception concerning the value of worship or else an index of their habit toward orthodoxy. Circumstances surrounding these schools would suggest the former for the larger number of these institutions.

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### **SOME CURRENT CONCEPTIONS OF RELIGIOUS EDUCATION IN RELATION TO GENERAL EDUCATION**

Religious education is considered a part of general education and is included under that genus. What is general education? For a long time education was defined in terms of intellect, but that ground is no longer tenable. Spencer said: "Education is the preparation for complete living." Modern educators reject this as an inadequate statement of education. Education does not merely prepare for something in the future. It endeavors to fill one full of life, and human experience during the educative process. Education must be expressed in social terms. James describes education as the organization of acquired habits of conduct and tendencies to behavior. This emphasizes the psychological side.

It was thought that the aim of education could be expressed in purely individual terms. It was said to be the harmonious development of all the powers of the individual. Dewey attacks this definition showing that there is no criterion for telling what is meant by the terms used. We do not know what a power is; we do not know what is meant by development or harmony. A power is a

power with reference to the use to which it is put, the function it has to serve. There is nothing in the make-up of human beings, taken in any isolated way which furnishes controlling ends and serves to mark out powers. Unless we have the aim supplied by social life we have only the old faculty psychology to furnish us with ideas of powers in general or the specific powers.<sup>[3]</sup> Dewey defines education as the regulation of the process of coining to share in the social consciousness. And the majority of educators use social terms to define education. Soares has this conception in mind when he gives the following definition of education. "Education is a scientifically directed process of developing progressive socialized personality." But to achieve personality one must achieve sympathy and sympathy is one of the concerns of religion. Hence all true education involves religion.

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What is religion? Wright in the *American Journal of Theology*, Volume XVI, page 385, quotes Leuba as defining religion as a belief in a psychic superhuman power. Wright has objections to this definition on the ground of its narrowness. He attempts to add breadth to the definition in: "Religion is the endeavor to secure the conservation of socially recognized values, through specific actions that are believed to evoke some agency different from the ordinary ego of the individual or from other merely human beings, and that imply a feeling of dependence upon this agency. Religion is the social attitude toward the non-human environment." This is not synonymous with sectarianism, creeds, dogmas or ceremonies. Creeds and ceremonies have to do with ecclesiasticism not with religion per se. Creeds are developments of theology and dogma is an outgrowth of religion and not religion. Modes of worship developed into rites and ceremonies are ecclesiastical means of fostering the religious spirit but not religion. Religion is not a feeling to be imposed from without. Religion is a life and a life-long process. "The religious life is the response the heart of man makes to God, as the heart of the universe. The religious person is one who is conscious of his divinity because of his kinship with the universe through God, and who because of this consciousness seeks fellowship with God and the Godly."

Having arrived at the conclusion concerning education and religion which are given by some of the most representative students of the subjects, let us ascertain some conceptions of religious education. As indicated in the beginning of this topic, religious education is not regarded as a separate entity. It is a part of the process of efficient education. The human organism is a unit. Life is a whole and connects physical, mental and religious phases. The whole personality is the object for consideration for the educator. The emphasis in education varies from physical to mental and from mental to religious, or social. When the emphasis is placed on the social or religious phase the procedure may be properly called religious education.

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Professor Hartshorn carries the social idea to an adequate conclusion. He says: "Religious education is the process by which the individual in response to a controlled environment, achieves a progressive, conscious social<sup>[4]</sup> order based on regard for the worth and destiny of every individual." Professor Peabody states the matter in the following words:<sup>[5]</sup> "Religious education is the drawing out of the religious nature, the clarifying and strengthening of religious ideals, the enriching and rationalizing of the sense of God.... The end of religious education is service...." Dewey's idea of education is much akin to the current conceptions of religious education. "The moral trinity of the school is social intelligence, social power and social interests. Our resources are, (1) the life of the school as a social institution in itself, (2) methods of learning and doing work, and (3) the curriculum."<sup>[6]</sup>

The goal of general and religious education is the same; namely, the getting of the individual into the highest and most desirable relationship with both the human and non-human elements, in his environment. The standard of each is found in the functional relationship of each to society. Modes of expression and emphasis may vary but the ideals for both are the same. Dr. Haslett<sup>[7]</sup> has given an unique representation of this conception. "Religious education," says he, "is closely related to secular education and is largely dependent upon it. The fundamental laws and principles of psychology and of education require to be recognized as central." Professor Coe<sup>[8]</sup> reminds us, however, that "religious education is not and cannot be a mere application of any generalities in which the university departments of education deal. It is not a mere particular that gets its meaning or finds its test in the general." Religious education deals with original data and with specific problems that rarely appear in the instruction that is called 'general' and that grow out of the specific nature of our educational purpose. In the analysis of these data and in the determination of the method, we can and must use matter contained in general courses of education. But the field of study of religious education is not exhausted there, but is so specific and yet so broad as properly to constitute a recognized branch of educational practice. The religious purpose in religious education yields the point of view and the principles of classification that are important for religious educators.

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The conceptions of religious education just passed in review warrant certain deductions. Any institution which meets adequately the requirements of religious education must have genuinely religious men and women in the entire teaching and official force. Such persons will determine the atmosphere and spirit of the institution. These teachers should have clear conceptions of the ideals of religious education. The blind cannot lead the blind. The students must be trained along three fundamental lines, of the religious life. First, he must have some of the intellectual value of religion. He must have social knowledge. He must have the opportunity of expressing the devotional attitude in worship. He must have the outlet of religious energy in social service. The duty of the college will be far from discharged unless it makes provision for laboratory religion where there is a working place for each member. Religion is a life and the college should be a

### EVOLUTION OF RELIGIOUS EDUCATION IN NEGRO COLLEGES AND UNIVERSITIES

The problem of religious education in Negro institutions is real. On the basis of the investigation we are able to point out some prominent phases of the problem. The first element of this problem is the teacher. There are in Negro colleges, 22 teachers of religious education who have had no professional training for the work. This means that one-fourth of the entire corp of teachers of religion in these institutions are without the prestige, at least, of even the semblance of professional training. Two main causes account for this. These institutions have not those who are professionally trained on their faculties and they lack funds to procure the service of such persons. In the next place they think it is not necessary.

One observation here is important. These services seem to be significant in proportion to the participation in them by the students themselves. The Sunday School and the Young People's meetings are the most popular services for the students. They do the things in which they have a volitional interest. We cannot thrust our religious experiences upon the students from without. They must achieve their own religious experience in contact with the environment in which they live. The prayer meetings in all except four institutions follow a program which was effective for those who lived in another civilization. The traditional Negro prayer meeting does not function religiously in the life of the Negro college student.

One of the big problems of religious education is compulsion in regard to religious services. Where should that stop? Many are beginning to think that the religious value of the services is often nullified by the compulsory attendance. There are many conscientious objectors among the students who think the removal of compulsion would be conducive to better religious development. But the likelihood of some swinging from one extreme to the other is very great. It is still a problem left for the religious educators in the colleges to solve. The solution must result in the conservation of the good found in the compulsory system and the good to be found in freedom of choice.

Expressional activities are increasing in Negro colleges but with few exceptions these are inadequate in scope and number. It is true that not enough students are able to share in the social service projects. This is really one of, if not the most important factors in religious education. Men gain religious power by acting out their beliefs, allowing their convictions to flow out into service.

There is an unfortunate lack of coordination of religious agencies in Negro colleges. Frequently we find several organizations attempting to do the same thing and each makes a miserable failure in the attempt. More than that, this lack of coordination and correlation results in duplications which surely mean wasted energy and non-effectiveness. If all of the religious agencies were supervised in such a way that each would know his specific task and would not overlap that of other agencies, much more effective work would be the result.

There are signs of hope in the religious education of these Negro colleges. The almost unanimous recognition of the religious motive in efficient education by the educators and the manifest consciousness of needs of better religious education have been mentioned. There are others. An increasing number of trained teachers from Northern, Eastern and Western colleges and universities is evident. These men and women are coming from the institutions where the points of view and training represented in the previous chapter are found. The summer schools of the various colleges and universities in the North, East and West are offering many of these modern religious education courses and larger numbers of the teachers of religious education are availing themselves of the opportunities. Much literature of religious education published recently is finding its way to these schools, the most notable of which is the *Religious Education Magazine*.

TABLE SHOWING STATISTICS ON RELIGIOUS EDUCATION IN NEGRO COLLEGES

	College Students	Students in Curriculum Courses of Education	Students in Voluntary Courses of Religious Education	Units of Credit Given
Agricultural and M. College	20	15	11	
Agricultural and T. Col. of N. C.	35	11	30	
Alcorn A. and M. College	152	40	115	
Allen University	38	38	30	3
Atlanta University	59	12	50	¼
Arkansas Baptist College	16	16	15	2¼
Biddle University	40	40	20	1
Benedict College	60	40	22	2
Bishop College	60	40	20	1
Clafin University	20	20	14	3½
Clark University	21	7	14	2
Conroe College	14	10	12	1
Edward Waters College	32	15	2	
Fisk University	208	110	90	4
Florida Agricultural and M. College	36	15	20	
Georgia State College	29	15	17	
Howard University	558	98	60	6
Hartshorn College	10	4	5	2
Knoxville College	33	33	30	4½
Lane College	17	10	12	1



Lincoln University	163	163	100	4½
Livingstone College	37	27	30	3
Morehouse College	65	34	40	1¾
Morgan College	46	46	46	1½
Morris Brown College	21	21	19	3
New Orleans University	30	30	26	2
Paine College	11	6	11	2
Texas College	9	9	8	4
Roger Williams University	14	14	14	2½
Rust College	12	10	12	2¼
Samuel Houston College	35	13	29	2
Shaw University	49	20	40	1½
Shorter College	25	25	20	2½
Spelman Seminary	6	6	6	2½
State University	13	7	10	2
Straight College	36	0	29	2
Swift Memorial College	9	5	9	1¼
Talladega College	66	25	60	4
Tillotson College	34	19	11	3
Tougaloo University	16	9	11	2¼
Virginia Theological Seminary and Col.	27	21	20	3
Virginia Union University	66	51	30	4½
West Virginia Collegiate Institute	33	25	20	
Wilberforce University	202	60	150	4¾

DAVID HENRY SIMS

## FOOTNOTES:

- [1] This dissertation was in 1917 submitted to the Faculty of the Graduate School of Arts and Literature of the University of Chicago, in candidacy for the degree of Master of Arts, by David Henry Sims.

The following sources were used in the preparation of this dissertation: *American Missionary Association Report*, 1916; *Baptist Missionary Society (Woman's) Reports*, 1910-1916; *Catalogues—Negro Colleges*, 1916-1917; W. E.B. DuBois, *Morals and Manners Among Negro Americans*, Atlanta University Publications, No. 18; *Journal of the Proceedings of the A. M. E. Church* (General Conference), 1916; *Journal of the Proceedings of the Methodist Episcopal Church* (General Conference), 1916; Thomas J. Jones, *Negro Education*, United States Bureau of Education, Bulletins 38 and 39, 1916; Thomas J. Jones, *Recent Movements in Negro Education*, United States Bureau of Education, 1912, Vol. I; *Questionnaires*, from Negro Colleges, 1917; United States Bureau of Education Investigations, *Education in the South*, Bulletin 30, 1933; Monroe N. Work, *Negro Year Book*, 1914, 1915, 1916; Young Men's Christian Association, *Report of the International Committee*, May 12, 1916; *Year Book*, 1915-1916.

The author used also the following works for general reference: W. S. Athearn, *Religion in the Curriculum-Religious Education*; R. E. Bolton, *Principles of Education*; H. F. Cope, *The Efficient Layman*; H. F. Cope, *Fifteen Years of the Religious Education Association*, *The American Journal of Theology*, July 1917, p. 385 ff; Committee Report, *Standardization of Biblical Courses*, Rel. Educ. August, 1916, p. 314 ff; Crawford, *The Media of Religious Impression in College*, N. E. A. 1914, p. 494 ff; John Dewey, *Ethical Principles Underlying Education*, *Moral Principles in Education*; T. S. O. Evans, *The University Young Men's Christian Association as a Training School for Religious Leaders*, Rel. Educ. 1908; H. F. Fowler, *The Contents of an Ideal Curriculum of Religious Education for Colleges*, Rel. Educ. 1915, p. 355 ff; E. N. Hardy, *The Churches and The Educated Man*; S. B. Haslett, *Pedagogical Bible School*, Parts I and II; International Sunday School Association, *Organized Work in America*, Vol. XIII; C. F. Kent, *Training the College Teacher*, Rel. Educ. 1915, Vol. X, p. 327; P. Monroe, *Cyclopedia of Education*, Vol. I, p. 370; E. C. Moore, *What is Education*; A. Morgan, *Education and Social Progress*; F. G. Peabody, *The Religious Education of an American Child*, Rel. Educ. 1915, p. 107; I. J. Peritz, *The Contents of an Ideal Curriculum of Religious Instruction*, Rel. Educ. Vol. X, 1915, p. 362; C. Reed, *The Essential Place of Religion in Education*, N. E. A. Monograph Publication, 1913, p. 66; R. Rhees, *Evangelisation of Education*, *Biblical World*, August 1916, p. 66; C. E. Pugh, *The Essential Place of Religion in Education*, N. E. A. Monograph Publication, 1913, p. 3; I. T. Wood, *The Contents of an Ideal Curriculum of Religious Instruction for Colleges*, Rel. Educ. 1915, Vol. X, p. 332; *The Survey of Progress in Religious and Moral Education*, Rel. Educ. 1915, Vol. X, p. 114.

- [2] None of these does all of the things described, but all of them do at least some one of them.
- [3] Dewey, *Ethical Principles Underlying Education*.
- [4] *Ideals in Religious Education*, R.E.A., June, 1917, p. 185.
- [5] *Ibid.*, p. 94.
- [6] Dewey, *Ethical Principles Underlying Education*.
- [7] *Pedagogical Bible School*, page 207.
- [8] R. E. A., April 19, 1917, page 123.

Nat Turner was a man below the ordinary stature, though strong and active. He was of unmixed African lineage, with the true Negro face, every feature of which was strongly marked. He was not a preacher, as was generally believed, though a man of deep religious and spiritual nature, and seemed inspired for the performance of some extraordinary work. He was austere in life and manner, not given to society, but devoted his spare moments to introspection and consecration. He thought often of what he had heard said of him as to the great work he was to perform. He eventually became seized with this idea as a frenzy. To use his own language he saw many visions. "I saw white spirits and black spirits engaged in battle," said he, "and the sun darkened—the thunder rolled in the heavens, and blood flowed in streams and I heard a voice saying, 'Such is your luck, such you are called to see and let it come rough or smooth you must surely bear it,'" [2] This happened in 1825. He said he discovered drops of blood on the corn as though it were dew from heaven, that he found on the leaves in the woods hieroglyphic characters and numbers, with the forms of men in different attitudes, portrayed in the blood and representing the figures he had previously seen in the heavens. [3] These were without doubt creatures of Nat Turner's own imagination made by him with coloring matter to make the Negroes believe that he was a prophet from God.

Receiving, as he says, further directions from the Holy Spirit, he communicated his designs to four of his most confidential friends. July 4, 1831, the anniversary of American Independence, was the day on which the work of death was to have been begun. Nat Turner hesitated and allowed the time to pass by, when, the mysterious signs reappearing, he determined to begin at once the bloody work. Sunday, August 21, he met those who had pledged their cooperation and support. They were Hark Travis, Henry Porter, Samuel Francis, Nelson Williams, Will Francis and Jack Reese, with Nat Turner making the seventh. They worked out their plans while they ate in the lonely woods of Southampton their feast of consecration, remaining at the feast until long after midnight. The massacre was begun at the house of Joseph Travis, the man to whom Nat Turner then belonged. Armed with a hatchet Turner entered his master's chamber, the door having been broken open with the axe, and aimed the first blow of death. The hatchet glanced harmless from the head of the would-be victim and the first fatal blow was given by Will Francis, the one of the party who had got into the plot without Nat Turner's suggestion. All of his master's household, five in number, soon perished. [4]

The insurgents procured here four guns, several old muskets with a few rounds of ammunition. At the barn, under the command of Nat Turner the party was drilled and maneuvered. Nat Turner himself assumed the title of General Cargill with a stipend of ten dollars a day. Henry Porter, the paymaster, was to receive five dollars a day, and each private one dollar. Thence they marched from plantation to plantation until by Monday morning the party numbered fifteen with nine mounted. Before nine o'clock the force had increased to forty and the insurgents had covered an extent of territory two or three miles distant from the first point of attack, sweeping everything before them. Nat Turner generally took his station in the rear, with fifteen or twenty of the best armed and reliable men at the front, who generally approached the houses as fast as their horses could run for the double purpose of preventing escapes and striking terror. His force continued to increase until they numbered sixty, all armed with guns, axes, swords, and clubs, and mounted. This line of attack was kept up until late Monday afternoon, when they reached a point, about three miles distant from Jerusalem, the county seat, where Nat Turner reluctantly yielded to a halt while some of his forces went in search of reinforcements. He was eager to push on to the county seat as speedily as possible and capture it. This delay proved the turning point in the enterprise.

Impatient at the delay of his men who had turned aside, Turner started to the mansion house whither they had gone and on their return to the wood found a party of white men who had pursued the bloody path of the insurrectionists and disposed of the guard of eight men whom Turner had left at the roadside. The white men numbered eighteen and were under the command of Captain Alexander P. Peete. They had been directed to reserve their fire until within thirty paces, but one of their number fired on the insurgents when within about one hundred yards. Half of the whites beat a precipitate retreat when Nat Turner ordered his men to fire and rush on them. The few remaining white men stood their ground until Turner approached within fifty yards, when they too followed the example of their comrades, fired and retreated with several wounded. Turner pursued and overtook some of them and their complete slaughter was only prevented by the timely arrival of a party of whites approaching in another direction from Jerusalem.

Being baffled, Nat Turner with a party of twenty men determined to cross the Nottaway river at the Cypress Bridge and attack Jerusalem where he expected to procure additional arms and ammunition from the rear. After trying in vain to collect a sufficient force to proceed to Jerusalem, the insurgents turned back toward his rendezvous and reached Major Thomas Ridley's, where forty assembled. He placed out sentinels and lay down to sleep, but there was to be no sleep that night. An attack on his forces was at hand, and the embarrassment which ensued left him with one half, but Turner, determined to recruit his forces, was proceeding in his effort to rally new adherents when the firing of a gun by Hark was the signal for a fire in ambush and a retreat followed. After this Turner never saw many of his men any more. They had killed fifty-five whites but the tide had turned. Turner concealed himself in the woods but was not dismayed, for by messenger he directed his forces to rally at the point from which on the previous Sunday they had started out on their bloody work; but the discovery of white men riding around the place as though they were looking for some one in hiding convinced him that he had been betrayed. The leader then gave up hope of an immediate renewal of the attack and on Thursday, after supplying himself with provisions from the old plantation, he scratched a hole under a pile of fence rails in a field and

concealed himself for nearly six weeks, never leaving his hiding place except for a few minutes in the quiet of night to obtain water.

A reign of terror followed in Virginia.<sup>[5]</sup> Labor was paralyzed, plantations abandoned, women and children were driven from home and crowded into nooks and corners. The sufferings of many of these refugees who spent night after night in the woods were intense. Retaliation began. In a little more than one day 120 Negroes were killed. The newspapers of the times contained from day to day indignant protests against the cruelties perpetrated. One individual boasted that he himself had killed between ten and fifteen Negroes. Volunteer whites rode in all directions visiting plantations. Negroes were tortured to death, burned, maimed and subjected to nameless atrocities. Slaves who were distrusted were pointed out and if they endeavored to escape, they were ruthlessly shot down.<sup>[6]</sup>

A few individual instances will show the nature and extent of this vengeance. "A party of horsemen started from Richmond with the intention of killing every colored person they saw in Southampton County. They stopped opposite the cabin of a free colored man who was hoeing in his little field. They called out, 'Is this Southampton County?' He replied, 'Yes Sir, you have just crossed the line, by yonder tree.' They shot him dead and rode on."<sup>[7]</sup> A slaveholder went to the woods accompanied by a faithful slave, who had been the means of saving his master's life during the insurrection. When they reached a retired place in the forest, the man handed his gun to his master, informing him that he could not live a slave any longer, and requested either to free him or shoot him on the spot. The master took the gun, in some trepidation, levelled it at the faithful Negro and shot him through the heart.<sup>[8]</sup>

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But these outrages were not limited to the Negro population. There occurred other instances which strikingly remind one of scenes before the Civil War and during reconstruction. An Englishman, named Robinson, was engaged in selling books at Petersburg. An alarm being given one night that five hundred blacks were marching against the town, he stood guard with others at the bridge. After the panic had a little subsided he happened to make the remark that the blacks as men were entitled to their freedom and ought to be emancipated. This led to great excitement and the man was warned to leave the town. He took passage in the stage coach, but the vehicle was intercepted. He then fled to a friend's home but the house was broken open and he was dragged forth. The civil authorities informed of the affair refused to interfere. The mob stripped him, gave him a considerable number of lashes and sent him on foot naked under a hot sun to Richmond, whence he with difficulty found passage to New York.<sup>[9]</sup>

Believing that Nat Turner's insurrection was a general conspiracy, the people throughout the State were highly excited. The Governor of the commonwealth quickly called into service whatever forces were at his command. The lack of adequate munitions of war being apparent, Commodore Warrington, in command of the Navy Yard in Gosport, was induced to distribute a portion of the public arms under his control. For this purpose the government ordered detachments of the Light Infantry from the seventh and fifty-fourth Regiments and from the fourth Regiment of cavalry and also from the fourth Light Artillery to take the field under Brigadier General Eppes. Two regiments in Brunswick and Greenville were also called into service under General William H. Brodnax and continued in the field until the danger had passed. Further aid was afforded by Commodore Elliott of the United States Navy by order of whom a detachment of sailors from the *Natchez* was secured and assistance also from Colonel House, the commanding officer at Fortress Monroe, who promptly detached a part of his force to take the field under Lieutenant Colonel Worth.<sup>[10]</sup> The revolt was subdued, however, before these troops could be placed in action and about all they accomplished thereafter was the terrifying of Negroes who had taken no part in the insurrection and the immolation of others who were suspected.

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Sixty-one white persons were killed. Not a Negro was slain in any of the encounters led by Turner. Fifty-three Negroes were apprehended and arraigned. Seventeen of the insurrectionists were convicted, and executed, twelve convicted and transported, ten acquitted, seven discharged and four sent on to the Superior Court. Four of those convicted and transported were boys. There were brought to trial only four free Negroes, one of whom was discharged and three held for subsequent trial were finally executed. It is said that they were given decent burial.<sup>[11]</sup>

The news of the Southampton insurrection thrilled the whole country, North as well as South. The newspapers teemed with the accounts of it.<sup>[12]</sup> Rumors of similar outbreaks prevailed all over the State of Virginia and throughout the South. There were rumors to the effect that Nat Turner was everywhere at the same time. People returned home before twilight, barricaded themselves in their homes, kept watch during the night, or abandoned their homes for centers where armed force was adequate to their protection. There were many such false reports as the one that two maid servants in Dinwiddie County had murdered an old lady and two children. Negroes throughout the State were suspected, arrested and prosecuted on the least pretext and in some cases murdered without any cause. Almost any Negro having some of the much advertised characteristics of Nat Turner was in danger of being run down and torn to pieces for Nat Turner himself.

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There came an unusual rumor from North Carolina. It was said that Negro insurgents there had burnt Wilmington, massacred its inhabitants, and that 2,000 were then marching on Raleigh. This was not true but there was a plot worked out by twenty-four Negroes who had extended their operations into Duplin, Sampson, Wayne, New Hanover, and Lenoir Counties. The plot having been

revealed by a free Negro, the militia was called out in time to prevent the carrying out of these well-laid plans. Raleigh and Fayetteville were put under military defence. Many arrests were made, several whipped and released and three of the leaders executed. One of these, a very intelligent Negro preacher named David, was convicted on the testimony of another Negro.<sup>[13]</sup>

The excitement in other States was not much less than in Virginia and North Carolina. In South Carolina Governor Hayne issued a proclamation to quiet rumors of similar uprisings. In Macon, Georgia, the entire population rose at midnight, roused from their beds by rumors of an impending onslaught. Slaves were arrested and tied to trees in different parts of the State, while captains of the militia delighted in hacking at them with swords. In Alabama, rumors of a joint conspiracy of Indians and Negroes found ready credence. At New Orleans the excitement was at such a height that a report that 1,200 stands of arms were found in a black man's house, was readily believed.<sup>[14]</sup>

But the people were not satisfied with this flow of blood and passions were not subdued with these public wreakings. Nat Turner was still at large. He had eluded their constant vigilance ever since the day of the raid in August. That he was finally captured was more the result of accident than of design. A dog belonging to some of Nat Turner's acquaintances scented some meat in the cave and stole it one night while Turner was out. Shortly after, two Negroes, one the owner of the dog, were hunting with the same animal. The dog barked at Turner who had just gone out to walk. Thinking himself discovered, Turner begged these men to conceal his whereabouts, but they, on finding out who it was, precipitately fled. Concluding from this that they would betray him, Turner left his hiding place, but he was pursued almost incessantly. At one time he was shot at by one Francis near a fodder stack in a field, but happening to fall at the moment of the discharge, the contents of the pistol passed through the crown of his hat. The lines, however, were closing upon Turner. His escape from Francis added new enthusiasm to the pursuit and Turner's resources as fertile as ever contrived a new hiding place in a sort of den in the lap of a fallen tree over which he placed fine brush. He protruded his head as if to reconnoiter about noon, Sunday, October 30, when a Benjamin Phipps, who had that morning for the first time turned out in pursuit, came suddenly upon him. Phipps not knowing him, demanded: "Who are you?" He was answered, "I am Nat Turner." Phipps then ordered him to extend his arms and Turner obeyed, delivering up a sword which was the only weapon he then had.<sup>[15]</sup>

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This was ten weeks after that Sunday in August when they had feasted in the woods and arranged their plan of attack. At the time of the capture there were at least fifty men out in search of him, none of whom could have been two miles from the hiding place. The *Richmond Enquirer* in giving the first public announcement, said: "Nat displayed no sort of enterprise in his attempt to escape nor any degree of courage in resisting his captor;" but this journal does not give him credit for having eluded his pursuers for more than two months or for knowing that discretion is the better part of valor. Several companies of the State militia and a battalion of United States marines had joined in the search and failed, yet Nat displayed no enterprise.<sup>[16]</sup>

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His arrest caused much relief. He was taken the next day to Jerusalem, the county seat, and tried on the fifth of November before a board of magistrates. The indictment against him was for making insurrection and plotting to take away the lives of divers free white persons on the twenty-second of August, 1831. On his arraignment Turner pleaded "Not Guilty." The Commonwealth submitted its case, not on the testimony of any eye witnesses but on the depositions of one Levi Waller who read Turner's *Confession*<sup>[17]</sup> and Colonel Trezevant the committing magistrate corroborated it by referring to the same confession. Turner introduced no testimony in defense and his counsel made no argument in his behalf. He was promptly found guilty and sentenced to be hanged Friday, November 11, 1831, twelve days after his capture. During the examination Nat evinced great intelligence and much shrewdness of intellect, answering every question clearly and distinctly and without confusion or prevarication.

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An immense throng gathered on the day of execution though few were permitted to see the ceremony. He exhibited the utmost composure and calm resignation. Although assured if he felt it proper he might address the immense crowd, he declined to avail himself of the privilege, but told the sheriff in a firm voice that he was ready. Not a limb nor a muscle was observed to move. His body was given over to the surgeons for dissection. He was skinned to supply such souvenirs as purses, his flesh made into grease, and his bones divided as trophies to be handed down as heirlooms. It is said that there still lives a Virginian who has a piece of his skin which was tanned, that another Virginian possesses one of his ears and that the skull graces the collection of a physician in the city of Norfolk.

Considering the situation unusually serious, Governor John Floyd made this the dominant thought of his message to the legislature that year. More space was devoted to a discussion of this uprising than to any other single fact mentioned in the message. He was of the opinion that the spirit of insurrection was not confined to Southampton. The Governor believed that there were well-drawn plans of treason, insurrection and murder, "designed and matured by unrestrained fanatics in some of the neighboring States, who found facilities in distributing their views and plans amongst our population either through the post office or by agents sent for that purpose throughout our territory." He, therefore, corresponded with the governors of commonwealths to preserve as far as possible "the good understanding which existed and which ought to be cherished between the different members of this Union."

The Governor believed that the persons most active in stirring up the revolt were Negro preachers. "They had acquired," said he, "great ascendancy over the minds of their fellows, and infused all their opinions which had prepared them for the development of the final design. There was also some reason to believe," thought he, "those preachers have a perfect understanding in relation to these plans throughout the eastern counties; and have been the channels through which the inflammatory papers and pamphlets, brought here by the agents and emissaries from other States, have been circulated amongst our slaves." He considered it a weakness in the laws of the State that facilities for assembly, to plot, treason, and conspiracy, to revolt and make insurrection, had been afforded by the lack of legislation to the contrary to prevent such freedom of movement among the Negroes. He believed, therefore, the public good required that the Negro preachers be silenced, "because, full of ignorance, they were incapable of inculcating anything but notions of the wildest superstition, thus preparing fit instruments in the hands of crafty agitators, to destroy the public tranquility."<sup>[18]</sup>

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He, therefore, recommended as a means against the possible repetition of such sanguinary scenes the revision of the laws to preserve in due subordination the Negroes of the State. He believed, moreover, that although this insurrection had been due to the work of slaves, that the free people of color furnished a much more promising field for the operations of the abolition element of the North, inasmuch as they had opened to them more enlarged views and urged the achievement of a higher destiny by means, "for the present less violent, but not differing in the end from those presented to the slaves." He referred to the free Negroes as "that class of the community, which our laws have hitherto treated with indulgent kindness," and for whom many instances of solicitude for their welfare have marked the progress of legislation. If, however, thought he, the slave who is confined by law to the estate of his master can work such destruction, how much more easy it would be for the free Negro to afflict the community with a still greater calamity. The Governor, moreover, referred to the fact that the free people of color had placed themselves in hostile array against every measure designed to remove them from the State and raised the question as to whether the last benefit which the State might confer upon them might not be to appropriate annually a sum of money to aid their removal to other soil.<sup>[19]</sup>

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To show how general the excitement was throughout the State one needs but read in the journal of the legislature the number of petitions praying that some action be taken to provide for the safety of the people in the commonwealth.<sup>[20]</sup> In the Valley and in the extreme western portion of the State where few slaves were found and where there were still persons who did not welcome the institution, there were held a number of meetings in which the abolition of slavery was openly discussed and urged. Such memorials, however, did not constitute the majority of the petitions requiring action with reference to slavery. More meetings were held in the eastern counties but opinion there differed so widely that they availed little in working out a constructive plan. The larger number of these took the form of such an improvement and change in the black code as to preserve the institution and at the same time secure the safety of the citizens.<sup>[21]</sup>

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Believing that the free people of color had been or would be the most effective means in the attack on the institution of slavery, there were more memorials for the removal of this class of the population than any other petitions bearing on slavery. Among the counties praying for the removal of the free Negroes, were Amelia, Isle of Wight, York, Nansemond, Frederick, Powhatan, Fairfax, and Northumberland. Others asked for the removal of the free Negroes<sup>[22]</sup> and furthermore the purchase of slaves to be deported. Among the counties praying for such a measure were Fauquier, Hanover, Washington, Nelson, Loudoun, Prince William, and King William. From Charles City, Rockbridge, and Caroline Counties came the additional request for a legislation providing for gradual emancipation. Page, Augusta, Fauquier, and Botetourt, sent memorials praying that steps be taken to procure an amendment to the Constitution of the United States, investing Congress with the power to appropriate money for sending beyond the limits of the United States the free people of color and such of the slaves as might be purchased for the same purpose. This was almost in keeping with the request from the Henrico and Frederick Colonization Societies asking the Government to deport the Negroes to Africa. Buckingham County requested that the colored population be removed from the county and colonized according to the plans set forth by Thomas Jefferson. The request of the Society of Friends in the county of Charles City for gradual emancipation, however, caused resentment.<sup>[23]</sup>

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Thinking that it might not be possible to transport all the Negroes of the country very easily, requests for dealing with the situation as it was, were also in order. As a number of the farmers had suffered from a loss of sheep by the numerous dogs maintained by slaves and free persons of color, there came requests praying that the keeping of dogs and hogs by Negroes be made illegal. Some of these petitions, too, had an economic phase. There came from Culpepper a petition praying for a passage of the law for the encouragement of white mechanics by prohibiting any slave, free Negro or mulatto from being bound as an apprentice to learn any trade or art. Charles City and New Kent complained against the practice of employing slaves and Negroes as millers and asked that a law penalizing such action be enacted.<sup>[24]</sup>

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The question as to what should be done with the blacks turned out to be the most important matter brought before the legislature. Three-fourths of the session was devoted to the discussion of such questions as the removal of the free Negroes and the colonization of such slaves as masters could be induced to give up. The legislature met on the 5th of December and after going through the preliminaries of organization listened to the message of the Governor which had the insurrection as its most prominent feature. When the petitions from the various counties began to

come in, there soon prevailed a motion that so much of the Governor's message as related to the insurrection of slaves and the removal of the free Negroes be referred to a select committee, which after prolonged deliberation found it difficult to agree upon a report.

Desiring to protect the interests of slavery, William O. Goode, of Mecklenburg County, moved on the eleventh of January that the select committee appointed to consider the memorials bearing on slaves free Negroes and the Southampton massacre be discharged from the consideration of all petitions, memorials and resolutions, which had for their object the manumission of slaves. The resolution further declared that it was not expedient to legislate on slavery.<sup>[25]</sup> Whereupon Thomas Jefferson Randolph, of Albemarle County, moved to amend this resolution so as to instruct the committee to inquire into the expediency and to report a bill to submit to the voters of the State the propriety of providing by law that the children of all female slaves who might be born in that State on or after the fourth day of July, 1840, should become the property of the commonwealth, the males at the age of twenty-one years and females at the age of eighteen, if detained by their owners within the limits of the commonwealth, until they should respectively arrive at the ages aforesaid. They would then be hired out until the net sum arising therefrom should be sufficient to defray the expenses of their removal beyond the limits of the United States.<sup>[26]</sup>

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After several days of heated but fruitless discussion marked by adjournment to calm the troubled waters, the question assumed a new phase when William H. Brodnax, the chairman of the select committee, reported the resolution: *That it is inexpedient for the present to make any legislative enactments for the abolition of slavery.* Whereupon Mr. William A. Patterson of Chesterfield County moved to amend this resolution so as to read: *That it was expedient to adopt some legislative enactments for the abolition of slavery.*<sup>[27]</sup> Around Goode's motion, Randolph's substitute and Preston's amendments centered an exciting debate showing such a wide difference of opinion that the publicity caused about as much excitement as Nat Turner's insurrection itself. Many citizens protested against such an open discussion, knowing that slaves able to read might thereby be induced to rise again.<sup>[28]</sup> This fear, however, did not serve very well as a restraining factor.

The warning sounded by some of these people is significant. *The Richmond Enquirer* the chief organ of thought in the State expressed in a strong editorial that the evils of slavery were alarming and urged that some definite action be taken immediately since the policy of deferring the solution of the problem for future generations had brought the commonwealth to grief.<sup>[29]</sup> Certain ladies from Fluvanna County said in their memorial: "We cannot conceal from ourselves that an evil is among us, which threatens to outgrow the growth and eclipse the brightness of our national blessings."<sup>[30]</sup> Brodnax deplored the fact that the time had come in Virginia "When men were found to lock their doors and open them in the morning to receive their servants to light their fires, with pistols in their hands."<sup>[31]</sup>

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A summary of this debate shows that a few members of the legislature desired instant abolition, a much larger number, probably a majority of the body, wanted to work out some scheme for gradual emancipation, and others feeling that the slaves could be controlled by severe laws, endeavored to restrict the effort to the removal of the free people of color. Certain citizens of Hanover desired to lay a tax on slaves and free Negroes to raise funds to deport them all.<sup>[32]</sup> The unfortunate development, however, was that no one knew exactly what he wanted, no one came to the legislature with a well-matured plan to remedy the evils, and every man seemed to be governed in his action by his local interests rather than those of the commonwealth.

The Preston amendment was, after an exciting discussion, finally defeated on the 25th of January by a vote of 58 to 73. Thereupon on motion of Mr. Archibald Bryce, of Goochland County, the legislature amended the report of the select committee by inserting the following: "Profoundly sensible of the great evils arising from the condition of the colored population of this commonwealth induced by humanity, as well as by policy to an immediate effort for the removal in the first place, as well of those who are now free, as of such as may hereafter become free: believing that this effort, while it is in just accordance with the sentiment of the community on the subject, will absorb all our present means, and that a further action for the removal of the slaves should await a more definite development of public opinion."<sup>[33]</sup>

This resolution aptly describes the situation resulting after the prolonged discussion. A majority of the members believed that slavery was an evil, but no one was willing to pay the cost of exterminating it. It was easily shown that because of unprofitable slave labor the commonwealth was lagging behind the free States and that the free labor essential to the rebuilding of the waste places in the State would never come to the commonwealth as long as there would be competition with slave labor. It was soon apparent, however, that a State with such a diversity of interests, one-half slave and one-half free could not legislate on slavery. This compromising resolution of procrastination, therefore, was adopted as the best Virginia could under the circumstances be induced to do for the extermination<sup>[34]</sup> of its worst evil.

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The debate proved to be valuable to the abolitionists. In the course of his remarks Mr. Brodnax declared that the confidence of the people seemed to be gone. "Under such circumstances life becomes a burthen and it is better to seek a home in some distant realm and leave the graves of our fathers than endure so precarious a condition." It was evident, he thought, that something must be done; and although measures for the removal of this evil might not, perhaps be arrived at immediately yet some plan for its gradual eradication would probably be hit upon. A system might

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be concocted by degrees to embrace the whole subject and it was therefore necessary to consider it in all its bearings.<sup>[35]</sup>

Mr. Chandler said that he in common with his constituents looked forward to the passage of a law for the removal of the free blacks. He was also in favor of the consideration of any plan which might remove entirely at some future time, the greatest curse that had ever been inflicted upon this State. He would look upon the day on which the deliverance of the commonwealth from the burden of slavery should be accomplished as the most glorious in the annals of Virginia since the fourth of July, 1776.<sup>[36]</sup> Mr. Moore did not wish to entangle the committee on the subject of getting rid of the free black population of this State. That population, he knew, was a nuisance which the interests of the people required to remove, but there was another and a greater nuisance, slavery itself. He wished that it should be considered and if it were possible to devise any plan for the ultimate extinction of slavery, he would rejoice.<sup>[37]</sup>

Mr. Bolling rose in his remarks to a height of moral sublimity. "We talk of freedom," said he, "while slavery exists in this land; and speak with horror of the tyranny of the Turk. We foster an evil which the highest interests of the community require should be removed, which was denounced as the bans of our happiness by the Father of the Commonwealth and to which we trace the cause of the lamentable depression of Eastern Virginia. Every intelligent individual admits that slavery is the most pernicious evil with which a body politic can be afflicted."<sup>[38]</sup>

Mr. Randolph, the grandson of Thomas Jefferson, said that it was the dark, the appalling, the despairing future that had awakened the public mind rather than the Southampton Insurrection. He asked whether silence would restore the death-like apathy of the Negro's mind. It might be wise to let it sleep in its torpor; "but has not," he asked, "its dark chaos been illumined? Does it not move, and feel and think? The hour of the eradication of the evil is advancing, it must come. Whether it is affected by the energy of our minds or by the bloody scenes of Southampton and San Domingo is a tale for future history."<sup>[39]</sup> Mr. Faulkner addressed the House in favor of the gradual extinction of slavery, concluding with these words: "Tax our lands, vilify our country, carry the sword of extermination through our defenceless villages but spare us the curse of slavery, that bitterest drop from the chalice of the destroying angel."<sup>[40]</sup>

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Mr. MacDowell, referring to the insurrection, thus described its terror and its awful lesson: "It drove families from their homes, assembled women and children in crowds in every condition of weakness and infirmity, and every suffering that want and terror could inflict, to escape the terrible dread of domestic assassination. It erected a peaceful and confiding State into a military camp which outlawed from pity the unfortunate beings whose brothers had offended; which barred every door, penetrated every bosom with fear or suspicion, which so banished every sense of security from every man's dwelling; that, let but a hoof or horn break upon the silence of the night, and an aching throb would be driven to the heart. The husband would look to his weapon and the mother would shudder and weep upon her cradle. Was it the fear of Nat Turner and his deluded drunken handful of followers, which produced such effects? Was it this that induced distant counties where the very name of Southampton was strange to arm and equip for a struggle? No sir, it was the suspicion eternally attached to the slave himself, a suspicion that a Nat Turner might be in every family, that the same bloody deed might be acted over at any time and in any place, that the materials for it were spread through the land and were always ready for a like explosion."<sup>[41]</sup>

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Although no agreement on the extinction of slavery could be reached, the question of removing the free people of color was decidedly another matter. Many who were unwilling to legislate with reference to slavery did not object to the proposal to remove the free Negroes from the State. Yet there were others who looked upon this as a political by-play. The Southampton Insurrection was not the work of free Negroes but that of slaves. Only two of the many free Negroes in Southampton county took a part in the insurrection and these two had slave wives. The North Carolina plot, moreover, was revealed by a free Negro. Many citizens agreed too with a *Richmond Enquirer* correspondent of Hanover, who in speaking for the free people of color pointed out the good they had been to the community,<sup>[42]</sup> and the Governor who in his annual message raised the question as to propriety of removing them, said that the laws of the State had theretofore treated the free people of color with "indulgent kindness" and that "many instances of solicitude for their welfare" had "marked the progress of legislation."<sup>[43]</sup>

A bill for removal, however, was promptly offered on the twenty-seventh of January.<sup>[44]</sup> On the first of February there was presented an additional report deeming it expedient to set apart for the removal of the free colored population so much of the claims of Virginia on the General Government as may come into and belong to the treasury of the State.<sup>[45]</sup> A few days later Mr. Moore submitted a resolution covering the same ground and calling upon the Senators and Representatives of Virginia in Congress to use their best efforts to promote this project.<sup>[46]</sup> The Matter was tabled but on the 6th of February the House resolved itself into a committee of the whole to take this bill into consideration. After prolonged discussion the matter was again tabled with a view to future consideration. The feeling of the majority seemed to be that, if the Negroes were removed, no coercion should be employed except in the case of those who remained in the State contrary to the law of 1806.<sup>[47]</sup> \$35,000 for 1832 and \$90,000 for 1833 was to be appropriated for transportation. A central board consisting of the governor, treasurer, and members of the Council of State was to decide the place to which these Negroes were to be expatriated and the agents to carry out the law would also be named by the same board.<sup>[48]</sup> The

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bill for the removal of free Negroes was indefinitely postponed in the Senate by a vote of 18 to 14 and therefore was never taken up.

The next effort of the legislature in dealing with the Negroes was to strengthen the black code as it then existed so as to provide for a more adequate supervision and rigid control of the slaves and free people of color. There was offered thereafter a bill to amend an act entitled "an act to revise under one the several acts concerning slaves, free Negroes and mulattoes." The important provisions of the bill were that slaves and free Negroes should not conduct religious exercises nor attend meetings held at night by white preachers unless granted written permission by their masters or overseers. Thereafter no free Negro should be capable of purchase or otherwise acquiring permanent ownership, except by descent, of any slave, other than his or her husband, wife or children. Further penalties, moreover, were provided for persons writing or printing anything intended to incite the Negroes to insurrection. The State had already enacted a law prohibiting the teaching of slaves, free Negroes and mulattoes.<sup>[49]</sup> The other petitions requiring that Negroes be restricted in the higher pursuits of labor and in the ownership of hogs and dogs were, because of the spirit which existed after the excitement had subsided, rejected as unnecessary. The law providing for burning in the hand was repealed. The immigration of free Negroes into the State, however, was prohibited in 1834.<sup>[50]</sup>

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The effect of this insurrection and this debate extended far beyond the borders of Virginia and the South. Governor McArthur of Ohio in a message to his legislature called special attention to the outbreak and the necessity for prohibitive legislation against the influx within that commonwealth of the free people of color who naturally sought an asylum in the free States. The effect in Southern States was far more significant. Many of them already had sufficient regulations to meet such emergencies as that of an insurrection but others found it necessary to revise their black codes.

Maryland passed, at the session of its legislature in 1831-1832, a law providing a board of managers to use a fund appropriated for the purpose of removing the free people of color to Liberia in connection with the State colonization society.<sup>[51]</sup> Another act forbade the introduction of slaves either for sale or resident and the immigration of free Negroes. It imposed many disabilities on the resident free people of color so as to force them to emigrate.<sup>[52]</sup> Delaware, which had by its constitution of 1831, restricted the right of franchise to whites<sup>[53]</sup> enacted in 1832 an act preventing the use of firearms by free Negroes and provided also for the enforcement of the law of 1811 against the immigration of free Negroes and mulattoes, prohibited meetings of blacks after ten o'clock and forbade non-resident blacks to preach.<sup>[54]</sup>

In 1831 Tennessee forbade free persons of color to immigrate into that State under the penalty of fine for remaining and imprisonment in default of payment. Persons emancipating slaves had to give bond for their removal to some point outside of the State<sup>[55]</sup> and additional penalties were provided for slaves found assembling or engaged in conspiracy. Georgia enacted a measure to the effect that none might give credit to free persons of color without order from their guardian required by law and, if insolvent, they might be bound out. It further provided that neither free Negroes nor slaves might preach or exhort an assembly of more than seven unless licensed by justices on certificate of three ordained ministers. They were also forbidden to carry firearms.<sup>[56]</sup> North Carolina, in which Negroes voted until 1834, enacted in 1831 a special law prohibiting free Negroes from preaching and slaves from keeping house or going at large as free men. To collect fines of free Negroes the law authorized that they might be sold.<sup>[57]</sup> The new constitution of the State in 1835 restricted the right of suffrage to white men. South Carolina passed in 1836 a law prohibiting the teaching of slaves to read and write under penalties, forbidding too the employment of a person of color as salesman in any house, store or shop used for trading. Mississippi had already met most of these requirements in the slave code in the year 1830.<sup>[58]</sup>

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In Louisiana it was deemed necessary to strengthen the slave code. An act relative to the introduction of slaves provided that slaves should not be introduced except by persons immigrating to reside and citizens who might become owners.<sup>[59]</sup> Previous legislation had already provided severe penalties for persons teaching Negroes to read and write and also had made provision for compelling free colored persons to leave the State.<sup>[60]</sup> In 1832 the State of Alabama enacted a law making it unlawful for any free person of color to settle within that commonwealth. Slaves or free persons of color should not be taught to spell, read or write. It provided penalties for Negroes writing passes and for free blacks associating or trading with slaves. More than five male slaves were declared an unlawful assembly but slaves could attend worship conducted by whites yet neither slaves nor free Negroes were permitted to preach unless before five respectable slaveholders and the Negroes so preaching were to be licensed by some neighboring religious society. It was provided, however, that these sections of the article did not apply to or affect any free person of color who, by the treaty between the United States and Spain, became citizens of the United States.<sup>[61]</sup>

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So many ills of the Negro followed, therefore, that one is inclined to question the wisdom of the insurgent leader. Whether Nat Turner hastened or postponed the day of the abolition of slavery, however, is a question that admits of little or much discussion in accordance with opinions concerning the law of necessity and free will in national life. Considered in the light of its immediate effect upon its participants, it was a failure, an egregious failure, a wanton crime. Considered in its necessary relation to slavery and as contributory to making it a national issue by the deepening and stirring of the then weak local forces, that finally led to the Emancipation



Proclamation and the Thirteenth Amendment, the insurrection was a moral success and Nat Turner deserves to be ranked with the greatest reformers of his day.

This insurrection may be considered an effort of the Negro to help himself rather than depend on other human agencies for the protection which could come through his own strong arm; for the spirit of Nat Turner never was completely quelled. He struck ruthlessly, mercilessly, it may be said, in cold blood, innocent women and children; but the system of which he was the victim had less mercy in subjecting his race to the horrors of the "middle passages" and the endless crimes against justice, humanity and virtue, then perpetrated throughout America. The brutality of his onslaught was a reflex of slavery, the object lesson which he gave brought the question home to every fireside until public conscience, once callous, became quickened and slavery was doomed.

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JOHN W. CROMWELL

## FOOTNOTES:

- [1] Nat Turner was a familiar name in the household in which the author was reared, as his home was within fifty miles of the place of Turner's exploits. In 1871, the last term of the author's service as a teacher in the public schools of Virginia, was spent in this same county, with a people, many of whom personally knew Nat Turner and his comrades.

Nat Turner was born October 2, 1800, the slave of Benjamin Turner. His father, a native of Africa, escaped from slavery and finally emigrated to Liberia, where, it is said, his grave is quite as well known as that of Franklin's, Jefferson's or Adams's is to the patriotic American. There is now living in the city of Baltimore a man who on good authority claims to be the grandson of Nat Turner and a son of his was said to be still living in Southampton County, Virginia, in 1896.

In his early years Turner had a presentiment which largely influenced his subsequent life and confirmed him in the belief that he was destined to play an unusual rôle in history. That prenatal influence gave him a marked individuality is readily believed when the date of his birth is recalled, the period when the excitement over the discovery of Gabriel Prosser's plot was at its height. Nat's mind was very restless and active, inquisitive and observant. He learned to read and write with no apparent difficulty. This ability gave him opportunity to confirm impressions as to knowledge of subjects in which he had received no instruction. When not working for his master, he was engaged in prayer or in making sundry experiments. By intuition he, in a rude way, manufactured paper, gunpowder, pottery and other articles in common use. This knowledge which he claimed to possess was tested by actual demonstration during the trial for his life. His superior skill in planning was universally admitted by his fellow workmen. He did not, however, attribute this superior influence to sorcery, conjuration or such like agencies, for he had the utmost contempt for these delusions.

"To this day," says T. W. Higginson, "There are the Virginia slave traditions of the keen devices of Prophet Nat. If he were caught with lime and lampblack in hand conning over a half-finished county map on the barn door, he was always planning what he would do if he were blind. When he had called a meeting of slaves and some poor whites came eavesdropping, the poor whites at once became the topic of discussion; he incidentally mentioned that the master had been heard threatening to drive them away; one slave had been ordered to shoot Mr. Jones' pigs, another to tear down Mr. Johnson's fences. The poor whites, Johnson and Jones, ran home at once to see to their homesteads and were better friends than ever to poor Nat."—T. W. Higginson's *Travellers and Outlaws*, pp. 282-283.

- [2] T. W. Higginson's *Travellers and Outlaws*, p. 284.
- [3] Nat Turner's *Confessions*.
- [4] Drewry, *The Southampton Insurrection*, pp. 35-74.
- [5] *The Richmond Enquirer*, Aug. 30, Sept. 4, 6 and 20, 1831.
- [6] Based on statements made to the author by contemporaries of Nat Turner.
- [7] Higginson, *Travellers and Outlaws*, p. 300.
- [8] The statement of Rev. M.B. Cox, a Liberian Missionary, then in Virginia.
- [9] Higginson, *Travellers and Outlaws*, 302-303.
- [10] *Journal of the House of Delegates*, 1831, p. 9.
- [11] Drewry, *The Southampton Insurrection*, 102.
- [12] *The Richmond Enquirer*, August 30 and September and October, 1831.
- [13] *The Richmond Enquirer*, Sept. 4, 1831.
- [14] Higginson, *Travellers and Outlaws*, 303.
- [15] *The Richmond Enquirer*, Nov. 4 and 8, 1831.
- [16] *The Richmond Enquirer*, Nov. 4, 1831.
- [17] The trial and execution over, the *Confessions* of Nat were published in pamphlet form and

had a wide sale. An accurate likeness by John Crawley, a former artist of Norfolk at that time, lithographed by Endicott and Sweet of Baltimore, accompanied the edition which was printed for T. R. Gray, Turner's attorney. Fully 50,000 copies of this pamphlet are said to have been sold within a few weeks of its publication, yet today they are exceedingly rare, not a copy being found either in the State Library at Richmond, the Public Library at Boston nor the Congressional Library at Washington. These *Confessions* purport to give from Turner's own lips circumstances of his life. "Portions of it," says *The Richmond Enquirer*, "are eloquent and even classically expressed; but," continues the critic, more than sixty miles away, "the language is far superior to what Nat Turner could have employed, thereby giving him a character for intelligence which he does not deserve and should not receive." On the contrary, however, Mr. Gray, his attorney and confessor who did not write from long range, said: "As to his ignorance, he certainly had not the advantages of education, but he can read and write and for natural intelligence and quickness of apprehension is surpassed by few men I have ever seen. Further the calm, deliberate composure with which he spoke of his late deeds and intentions, the expression of his fiend-like face when excited by enthusiasm; still bearing the stains of the blood of helpless innocence about him; clothed with rags and covered with chains, yet daring to raise his manacled hands to heaven; with a spirit soaring above the attributes of man, I looked on him and my blood curdled in my veins."—*The Confessions of Nat Turner*.

[18] *The Journal of the House of Delegates*, 1831, pp. 9 and 10.

[19] *The Journal of the House of Delegates*, 1831, p. 10.

[20] In Fluvanna this memorial of certain ladies was agreed upon and sent to the legislature: "We cannot conceal from ourselves that an evil is among us, which threatens to outgrow the growth and eclipse the brightness of our national blessings. Our daughters and their daughters are destined to become, in their turn, the tender fosterers of helpless infancy, the directors of developing childhood, and the companions of those citizens, who will occupy the legislative and executive offices of their country. Can we calmly anticipate the condition of the Southern States at that period, should no remedy be devised to arrest the progressive miseries attendant on slavery? Will the absent father's heart be at peace, when, amid the hurry of public affairs, his truant thoughts return to the home of his affection, surrounded by doubtful, if not dangerous, subjects to precarious authority? Perhaps when deeply engaged in his legislative duties his heart may quail and his tongue falter with irresistible apprehension for the peace and safety of objects dearer than life.

"We can only aid the mighty task by ardent outpourings of the spirit of supplication at the Throne of Grace. We will call upon the God, in whom we trust, to direct your counsels by His unerring wisdom, guide you with His effectual spirit. We now conjure you by the sacred charities of kindred, by the solemn obligations of justice, by every consideration of domestic affection and patriotic duty, to nerve every faculty of your minds to the investigation of this important subject, and let not the united voices of your mothers, wives, daughters and kindred have sounded in vain in your ears."—Drewry, *The Southampton Insurrection*, p. 165.

[21] Drewry, *The Southampton Insurrection*, pp. 1-100.

[22] October 18. This memorial circulated in Petersburg and in adjoining towns and counties is typical:

"The undersigned good citizens of the County of ..... invite the attention of your honorable body to a subject deemed by them of primary importance to their present welfare and future security.

"The mistaken humanity of the people of Virginia, and of our predecessors, has permitted to remain in this Commonwealth a class of people who are neither freemen nor slaves. The mark set on them by nature precludes their enjoyment in this country, of the privileges of the former; and the laws of the land do not allow them to be reduced to the condition of the latter. Hence they are of necessity degraded, profligate, vicious, turbulent and discontented.

"More frequent than whites (probably in tenfold proportion) sustained by the charitable provisions of our laws, they are altogether a burden on the community. Pursuing no course of regular business, and negligent of everything like economy and husbandry, they are as a part of the community, supported by the productive industry of others.

"But their residence among us is yet more objectionable on other accounts. It is incompatible with the tranquility of society; their apparent exemption from want and care and servitude to business, excites impracticable hopes in the minds of those who are even more ignorant and unreflecting—and their locomotive habits fit them for a dangerous agency in schemes, wild and visionary, but disgusting and annoying.

"We would not be cruel and unchristian—but we must take care of the interests and morals of society, and of the peace of mind of the helpless in our families. It is indispensable to the happiness of the latter, that this cause of apprehension be removed. And efforts to this end are, we firmly believe, sanctioned by enlightened humanity toward the ill-fated class to whom we allude. They can never have the respect and intercourse here which are essential to rational happiness, and social enjoyment and improvement. But in other lands they may become an orderly, sober, industrious, moral, enlightened and christian community; and be the happy instruments of planting and diffusing those blessings over a barbarous and benighted continent.

"Your petitioners will not designate a plan of legislative operation—they leave to the wisdom and provident forecast of the General Assembly, the conception and the

prosecution of the best practicable scheme—but they would respectfully and earnestly ask that the action of the laws passed to this effect be decisive, and the means energetic—such as shall, with as much speed as may be, free our country from this bane of its prosperity, morality and peace."—*The Richmond Enquirer*, Oct. 21, 1831.

- [23] *The Journal of the House of Delegates*, 1831, pp. 1-123.
- [24] *The Journal of the House of Delegates*, 1831, pp. 41, 56, 119.
- [25] *Ibid.*, 1831, p. 93.
- [26] *The Journal of the House of Delegates*, 1831, p. 93.
- [27] *Ibid.*, p. 93.
- [28] *Ibid.*, p. 125.
- [29] *The Richmond Enquirer*, Jan. 7, 1832.
- [30] Drewry, *The Southampton Insurrection*, p. 165.
- [31] *The Richmond Enquirer*, Dec. 17, 1831.
- [32] *Ibid.*, Nov. 18, 1831.
- [33] *The Journal of the House of Delegates*, 1831, p. 110.

[34] Before the insurrection free men of color voted in North Carolina and at least one well-authenticated case exists of a colored voter in Virginia prior to 1830. A native of Virginia long a resident of Massachusetts is an authority for the statement that the facilities for higher education of the Negro were quite as good in Richmond as in Boston at that time. There was published in a paper of the time an account of the celebration of the anniversary of the Declaration of Independence, July 4, 1827, by the free people of color of the city of Fredericksburg, Virginia. The orator of the day was Isaac N. Carey.

In North Carolina John Chavis, a Negro, rose to such excellence as a teacher of white youth that he is pronounced in a biographical sketch, contained in a history of education in that State, published by the United States Bureau of Education, as one of the most eminent men produced by that State. Though an unmistakable Negro, as a preacher he acceptably filled many a white pulpit and was welcomed as a social guest at many a fireside. Such was the bitterness against the race growing out of Nat Turner's Insurrection, however, that even such a man fell under the ban of proscription.

One of the preachers to whom Governor Floyd had reference quietly ignored the suggestion in the message of his Excellency and kept up his work. He was a Baptist preacher, William Carney, the grandfather of the famous Sergeant William H. Carney, of the 54th Massachusetts Regiment. At the same time a daughter of his and a Methodist in a neighboring town "bearded the lion in his den" by actually collaring and driving out the leader of a party of white men who broke into a Negro religious meeting.

- [35] *The Richmond Enquirer*, Jan. 11, 1839.
- [36] *Ibid.*, Jan. 11, 1839.
- [37] *Ibid.*, Jan. 19, 1832.
- [38] *Ibid.*, Jan. 24, 1832.
- [39] *The Richmond Enquirer*, Jan. 25, 1832.
- [40] *Ibid.*, Jan. 26, 1832.
- [41] *The Richmond Enquirer*, Jan. 27, 1832.
- [42] *Ibid.*, Nov. 18, 1831.
- [43] *The Journal of the House of Delegates*, 1831, p. 10.
- [44] *Ibid.*, p. 112.
- [45] *Ibid.*, 1831, p. 125.
- [46] *Ibid.*, 1831, p. 131.
- [47] *The Richmond Enquirer*, Jan. and Feb., 1832.
- [48] *The Journal of the House of Delegates*, 1831, Appendix, Bill No. 7.
- [49] *Ibid.*, Bill No. 13.
- [50] Hurd, *Law of Freedom and Bondage*, II, 9.
- [51] *The Laws of Maryland*, 1831-32, c. 281.
- [52] *Ibid.*, c. 328.
- [53] See Article IV, Sec. 1.
- [54] Revised Code of Maryland, Chap. 52 and 237.7

- [55] *The Laws of Tenn.*, 1831, Chaps. 102 and 103.
- [56] *Cobb's Digest of the Laws of Georgia*, 1005.
- [57] *Revised Statutes of North Carolina*, c. 109 and 111.
- [58] Hurd, *Law of Freedom and Bondage*, II, 146.
- [59] *Ibid.*, II, 162.
- [60] *Laws of Louisiana*, 1830, p. 90, Sec. 1.
- [61] *Annual Laws of Alabama*, 1832, p. 12.

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## DOCUMENTS

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The publication of the list of names of Negroes who served in some of the Reconstruction conventions and legislatures elicited a number of comments which furnish desirable information. It is earnestly hoped that any one in a position to supply other missing information will follow the example of our friends whose correspondence we give below.

February 24th, 1920.

MR. CARTER G. WOODSON,  
1216 You St., N.W.,  
Washington, D. C.

*Sir:*

In the *Journal of Negro History* for Jan., 1920, in giving the names of Negroes who were members of the reconstruction convention to frame a constitution for North Carolina in 1867-68, you omit Cumberland county. Permit me to say that the late Bishop James W. Hood represented that county and played a most prominent part and afterward became Ass't Superintendent of Public Instruction of the State. I was a boy at the time but I remember it. That you may know that I am not an adventurer, I enclose you a sketch of myself which was prepared by request for other purposes and show that I speak somewhat from authority. You will kindly return the same. At the same time you are at liberty to use any part of it that may suit your purpose should you so desire.

With very great respect, I am

Respectfully,

(Signed) GEO. C. SCURLOCK

The sketch of this participant in the Reconstruction follows:

Mr. George C. Scurlock, from the year 1874 was a prominent figure in the Republican party in North Carolina. In the year above stated, when he had barely reached his majority, he was nominated for member of the Board of Education, at a time when all the schools, white and colored, were under the same board. His opponent was one of the most prominent Democrats in the city and a majority of the electorate was white. So popular was Mr. Scurlock that he defeated his Democratic opponent at the polls by a handsome majority and served out his term to the satisfaction of his constituents.

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In 1876 he was a delegate to the State Convention that nominated the late Judge Settle for Governor and canvassed the State for him. He was again a delegate to the State Convention in each succeeding four years up to and including the year 1896. In the latter year he headed the delegation. In the campaign of that year, at the request of the State Executive Committee, he canvassed 21 counties in the State for McKinley and Hobart, all of which were carried for the Republican ticket. So pleased was the Committee with the canvass he was making, he was highly commended in letters from the Chairman while still canvassing.

In 1890 he was urged by leading Republicans of his district, including such men as ex-Governor Brogden, to become the Republican candidate for Congress. Long before the convention convened it was evident that he was the strongest man in the field. When the convention met and was organized, ex-Governor Brogden took the platform and in a ringing speech paying a high tribute to the subject of this sketch, placed him in nomination. Before the end of the roll call of counties his nomination was made unanimous. In his canvass for election he had the hearty support of the State organization and many of the leading colored and white Republicans in and without his district and State. In 1892 he was unanimously chosen as a delegate to the Republican National Convention, which met in Minneapolis.

As far back as 1883 he was appointed a clerk in one of the Departments at Washington by Secretary Teller. He held this position until under a Democratic administration he was for partisan reasons asked to resign. President Harrison, recognizing his ability, appointed him Postmaster of his city, Fayetteville.

For more than 20 years he was a leader in the party and so recognized by the late Judge Buxton and such men as the late ex-Congressman O. H. Dockery, and Judges Boyd and Pritchard, now on the bench. Outside his State his ability as an organizer and canvasser was recognized by Hon. J.S. Clarkson and the late William E. Chandler and M.S. Quay.

I was born and raised in Elbert County, Georgia (born a slave), June 25th, 1850. I taught school in '69, '70, '71, and '72. Was a candidate for the Legislature of Georgia in 1872. Attorney General Amos J. Ackerman, of Grant's Cabinet, was in the convention that nominated me, and he canvassed and voted for me. In 1873 I went to Abbeville County, S.C., and taught '73, '74, and '75. Was Deputy U.S. Marshall in 1876 and elected to the South Carolina Legislature.

Mr. M.N. Work has discovered the following:

In the ten years 1876-1886, Negroes were elected to the South Carolina Legislature as Democrats. The Columbia (South Carolina) State in its issue of December 24, 1918, advised that an effort be made to have Negroes enroll in Democratic precinct clubs and participate in the primaries of the State along with white men. As a precedent for this, it was pointed out that: "In 1876 when the Democrats redeemed the State from misrule, they appealed to the Negroes to join their party, and a minority of Negroes, more numerous, perhaps than is generally supposed, wore the 'red shirt.' Many of them did valuable service in behalf of respectable government. During the ten years following that time, until the primary election took the place of the convention system in all but two or three of the counties, the Democratic Negroes were given political recognition. From Barnwell, Colleton, Orangeburg, and Charleston Negro Democrats were elected to the legislature and in a number of counties other Negroes were elected to such offices as coroner and county commissioner.

"With the extension of the primary system a racial line came to be drawn in the Democratic organization and it was made very nearly impossible for a Negro to participate in it. An exception in the party law provided that Negroes who voted for General Hampton in 1876 and who continued to vote the Democratic ticket in succeeding years be allowed to vote in the primaries, but the rules applying to these cases were in a form so rigid that they reduced the Negro Democratic vote."<sup>[1]</sup>

**FOOTNOTE:**

[1] Columbia State, December 24, 1918.

**A SUMMARY OF NEGRO MEMBERS OF SOME RECONSTRUCTION LEGISLATURES**

	1868-69		1870-71		1871-72		1873-74		1874-75		1876	
	Whites	Negroes	Whites	Negroes	Whites	Negroes	Whites	Negroes	Whites	Negroes	Whites	Negroes
Alabama												
Senate	32	1	29	4	29	4	29	4	27	6	27	6
House	74	26	73	27	86	14	73	27	71	29	77	23
Arkansas												
Senate	23	1	22	2	..	..	22	2	..	..	..	..
House	73	7	71	9	..	..	71	9	..	..	..	..
Georgia												
Senate	41	3	42	2	..	..	..	..	..	..	..	..
House	145	30	149	26	..	..	..	..	..	..	..	..
Mississippi												
Senate	..	..	29	4	..	..	28	9	..	..	32	5
House	..	..	77	30	76	39	60	55	..	..	100	16
N. Carolina												
Senate	47	3	47	9	45	5	46	4	46	4	..	..
House	102	18	101	1	108	12	107	13	107	13	113	7
S. Carolina												
Senate	24	9	22	11	..	..	..	..	..	..	..	..
House	48	76	49	75	..	..	..	..	..	..	70	54
Texas												
Senate	..	..	28	2	..	..	..	..	..	..	..	..
House	..	..	82	8	..	..	..	..	..	..	..	..
Virginia												
Senate	..	..	..	..	..	..	37	3	37	3	37	3
House	119	18	116	21	..	..	115	17	112	17	112	13

There were Negro members of the North Carolina legislature to 1899 and of the Virginia legislature to 1891 as follows:

	<i>North Carolina</i>		<i>Virginia</i>	
	Senators	Representatives	Senator	Representatives
1879	2	6	1876-77	3
1881	1	4	1877-78	3
1883	3	5	1878-79	3
1885	2	2	1883-84	3
1887	3	3	1884-85	1
1889		2	1885-86	1
1891	1		1886-87	1
1893		1	1887-88	1
1895		1	1888-89	1
1897		1	1889-90	1
1899	1	1	1890-91	1

**SPEECH OF WILLIAM H. GRAY BEFORE THE ARKANSAS CONSTITUTIONAL CONVENTION, 1868<sup>[1]</sup>**

William H. Gray, a Negro, and delegate to the convention from Phillips County, rose and spoke as follows:

"It appears to me, the gentleman has read the history of his country to little purpose. When the Constitution was framed, in every State but South Carolina free Negroes were allowed to vote. Under British rule this class was free, and he interpreted that 'we the people' in the preamble of the Constitution, meant all the people of every color. The mistake of that period was that these free

Negroes were not represented *in propria persona* in that constitutional convention, but by the Anglo-Saxon. Congress is now correcting that mistake. The right of franchise is due the Negroes bought by the blood of forty thousand of their race shed in three wars. The troubles now on the country are the result of the bad exercise of the elective franchise by unintelligent whites, the 'poor whites' of the South. I could duplicate every Negro who cannot read and write, whose name is on the list of registered voters, with a white man equally ignorant. The gentleman can claim to be a friend of the Negro, but I do not desire to be looked upon in the light of a client. The Government has made a solemn covenant with the Negro to vest him with the right of franchise if he would throw his weight in the balance in favor of the Union and bare his breast to the storm of bullets; and I am convinced that it would not go back on itself. There are thirty-two million whites to four million blacks in the country, and there need be no fear of Negro domination. The State laws do not protect the Negro in his rights, as they forbade their entrance into the State. (Action of loyal convention of '64). I am not willing to trust the rights of my people with the white men, as they have not preserved those of their own race, in neglecting to provide them with the means of education. The Declaration of Independence declared all men born free and equal, and I demand the enforcement of that guarantee made to my forefathers, to every one of each race, who had fought for it. The constitution which this ordinance would reenact it not satisfactory, as it is blurred all over with the word 'white.' Under it one hundred and eleven thousand beings who live in the State have no rights which white men are bound to respect. My people might be ignorant, but I believe, with Jefferson, that ignorance is no measure of a man's rights. Slavery has been abolished, but it left my people in a condition of peonage or caste worse than slavery, which had its humane masters. White people should look to their own ancestry; they should recollect that women were disposed of on the James River, in the early settlement of the country, as wives, at the price of two hundred pounds of tobacco. When we have had eight hundred years as the whites to enlighten ourselves, it will be time enough to pronounce them incapable of civilization and enlightenment. The last election showed that they were intelligent enough to vote in a solid mass with the party that would give them their rights, and that too in face of the influence of the intelligence and wealth of the State, and in face of threats to take the bread from their very mouths. I have no antipathy toward the whites; I would drop the curtain of oblivion on the sod which contains the bones of my oppressed and wronged ancestors for two hundred and fifty years. Give us the franchise, and if we do not exercise it properly, you have the numbers to take it away from us. It would be impossible for the Negro to get justice in a State whereof he was not a full citizen. The prejudice of the entire court would be against him. I do not expect the Negro to take possession of the government; I want the franchise given him as an incentive to work to educate his children. I do not desire to discuss the question of the inferiority of races. Unpleasant truths must then be told; history tells us of your white ancestors who lived on the acorns which dropped from the oaks of Didona, and then worshipped the tree as a God. I call upon all men who would see justice done, to meet this question fairly, and fear not to record their votes."

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In the session of January 29th, he said:

"Negroes vote in Ohio and Massachusetts, and in the latter State are elected to high office by rich men. He had found more prejudice against his race among the Yankees; and if they did him a kind act, they did not seem to do it with the generous spirit of Southern men. He could get nearer the latter; he had been raised with them. He was the sorrier on this account that they had refused him the rights which would make him a man, as the former were willing to do. He wanted this a white man's government, and wanted them to do the legislating as they had the intelligence and wealth; but he wanted the power to protect himself against unfriendly legislation. Justice should be like the Egyptian statue, blind and recognizing no color."

Concerning intermarriage between whites and Negroes, Mr. Bradley, a delegate to the convention, having offered to insert in the constitution, a clause "forbidding matrimony between a white person and a person of African descent," on which point nearly all of the members spoke pro and con in that and the following days, Mr. Gray said:

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"It was seldom such outrages were committed at the North, where there are no constitutional provisions of the kind proposed. He saw no necessity of inserting any in the present constitution. As for his people, their condition now would not permit any such marriages. If it was proposed to insert a provision of the kind, he would move to amend by making it an offence punishable with death for a white man to cohabit with a Negro woman." At another time he observed on the same subject, that "there was no danger of intermarriage, as the greatest minds had pronounced it abhorrent to nature. The provision would not cover the case, as the laws must subsequently define who is a Negro; and he referred to the law of North Carolina, declaring persons Negroes who have only one-sixteenth of Negro blood. White men had created the difficulty, and it would not be impossible to draw the line which the gentleman desired established."

## FOOTNOTE:

[1] Annual Cyclopedia, 1868, pp. 34-35.

Mr. Monroe N. Work, who compiled the records of the Negro in politics during the Reconstruction period, has received the following interesting letters containing some valuable facts:

1425 McCULLOH ST., BALTIMORE, MD., Feb. 9, 1920.

*My dear Mr. Work:*

Referring to the "Journal of Negro History" for Jan., 1920, in the letter of the State Librarian of Virginia, page 119, occur these words: "*For the 1881-2 session the almanac has no list of members.*"

It so happens that the writer was present, and was an employee of that particular session of the Virginia Legislature, and therefore takes pleasure in supplying the necessary information.

The speaker of the House of Representatives was the Hon. I.C. Fowler, and the President protem (the Lieutenant Governor, John F. Lewis, being President) of the Senate was the Hon. H.C. Wood. The Governor of the State at that time was the Hon. William E. Cameron, from my home town, Petersburg. It was quite a memorable session, and I could almost write a book, with respect to matters as they pertained to the Negro. The Hon. William Mahone was United States Senator, and although a boy, I was much trusted by Senator Mahone; and in many important conferences held in the old "Whig" building, I was quite active in helping to prevent none but "the faithful" from entering.

Upon the assembling of the Legislature, I was appointed one of the six pages in the House. The other five were white boys. Very soon afterwards, I was promoted to the postmastership of the House. On the Senate side, there were two colored boys as pages, a son of ex-Senator Moseley of Goochland Co., and a son of the late R.G.L. Paige, representative from Norfolk county.

There were three colored men in the Senate Chamber, and two of them were really able and scholarly men, and were among the leading debaters in that chamber. One was Dr. Dan Norton, from the Yorktown District, another was Senator William N. Stevens, representing the senatorial district of Sussex and Greensville counties. Senator Stevens was a speaker of much elegance and grace, and was always listened to with respect and admiration. Then there was Senator J. Richard Jones, representing Charlotte and Mecklenburg counties.

In the Lower House, there were thirteen colored representatives; the names of two I can not just recall, but the others I will mention.

Norfolk county, R.G.L. Paige.  
Princess Anne county, Littleton Owens.  
York county, Robert Norton.  
City of Petersburg, Armstead Green.  
Dinwiddie county, Alfred W. Harris.  
Powhatan county, Neverson Lewis.  
Brunswick county, Guy Powell.  
Cumberland county, Shed Dungee.  
Prince Edward county, Batt Greggs.  
Amelia and Nottoway, Archie Scott.  
Mecklenburg county, Ross Hamilton.

Paige and Harris were thoroughly educated men, while Ross Hamilton possessing only limited literary qualifications, was a most remarkable man, and one of the parliamentary authorities of that body. In the preceding session, of which Hamilton was a member, he got to himself great fame by the introduction of the measure known and referred to as the "Ross Hamilton bill." It had to do with the settlement of the Virginia debt, the great issue on which Mahone rode into power.

Paige and Harris were among the principal leaders of the House, and certainly, few were the men in that house whether democrats or republicans, who could outrank them in oratory or public debate.

Mr. Harris introduced the measure which provided for the present state Normal school, at Petersburg, carrying with it an appropriation of one hundred thousand dollars. I had the great pleasure of bearing the bill to the Speaker's desk.

During the session of this Legislature two colored men were given clerkships at the capitol: young Bob Norton, whose father represented York, in that body, was given a place in the General Land Office, while Richard De Baptist, of Mecklenburg county, was given a desk in the 2nd Auditor's office. A white physician, Dr. David F. May, of Petersburg, was made Superintendent of the Central Lunatic Asylum, for colored people, his two assistants being colored physicians, Dr. J.C. Ferguson, of Richmond, and Dr. R.F. Tancil, of Alexandria. A number of colored men were put on as guards at the State Penitentiary. Capt. R.A. Paul, of Richmond, was made private messenger to the Governor. So numerous were the places filled by colored men, that that particular period, and the one that followed, have been indicated in the phrase, having a political bearing: "When they lived, they lived in clover: but, when they died, they died all over."

Those were thrilling times. I remember, a year or two later, when I had just become of age, I was elected a delegate to the State Convention, which was held in the old Richmond Theater on Broad St. There were over thirteen hundred delegates, only about a fifth being colored. The writer was elected the first assistant secretary of that gathering. That convention marked the passing of the "re-adjuster" party into the Republican, and, under the dominance of Senator Mahone, the slogan of the Convention was, "We are for Arthur, because Arthur is for us." I hope that what I have thus very hurriedly written may prove of some value to you in the preservation of the annals of Virginia as respects the black man.

Respectfully yours,

(Signed) GEORGE FREEMAN BRAGG, JR.

P.S. I want to correct a statement. There were two of us in the Lower House. Clinton Paige, and myself, were in the lower chamber, and Moseley on the Senate side. I began my first work of the ministry in Norfolk in 1887, and about that time the Hon. R.G.L. Paige was appointed Postmaster of Norfolk City. He really ran the office. I have spent many a pleasant moment with him in his office there. It will be interesting to state just here, that "Dick" Paige made his escape from Norfolk by way of the Under Ground Railroad, only a little fellow of nine or ten years of age, secreting himself in a vessel leaving that port. He was educated in Boston. After the civil war he returned to Norfolk.

Round about the same time that I took charge in Norfolk, John C. Asbury, now of Philadelphia, was practising law in Norfolk Co. and city. Norfolk county is one of the largest and richest counties in the State. Asbury was elected by the voters of that county Prosecuting Attorney, and to my own knowledge, he most acceptably filled the office during the term of four years, I think, for which he was elected. He was recognized as one of the able political leaders of that section. Captain Fields was

ected and served as Commonwealth's Attorney of Newport News and Warwick county. Rev. J. M. Dawson was the county treasurer where the ancient capital Williamsburg is situated, while a Mr. Mitchell, for a number of years was the Collector of Customs for the historic port of Yorktown.

(Signed) G. F. B., Jr.

Phone 4512

E.W. SHERMAN, *Vice President*  
Guaranty Mutual Life & Health Insurance Co.  
774 E. Waldburg St., Savannah, Ga.

Feb. 8th, 1920.

PROF. MONROE N. WORK,  
Tuskegee, Ala.

*My dear Mr. Work:*

I have perused with considerable interest your review of the political history of the Reconstruction period. I have gotten from the review quite a bit of useful information. In my opinion, this particular part of your research work should be in the hands of every Negro in America that every Negro child might know something of the early exploits of colored men.

As a pointer for further work I want to state that succeeding Phil. Joiner of Dougherty County, Georgia, Ishmael London represented that county. J.H. Watson of Albany could furnish detail information. Jack Horne of Pulaski County was Clerk of the Court of Pulaski County and Richard White was Clerk of Chatham County Court during the period under discussion. Mrs. Hannah Benefield or Mr. Edward Cary of Hawkinsville will give authentic information regarding the former and P.A. Denegall will furnish information regarding "Dick" White.

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We are pleased to follow you in your statistical ramblings because we love to connect you with us here and to recall your presence among us. We cherish very deeply your memory and applaud your efforts for racial uplift.

The madam joins me in wishing for you a long and useful career—a happy and prosperous one.

Respectfully,

(Signed) E. W. SHERMAN.

February 14, 1920.

MR. J. H. WATSON,  
Albany, Georgia.

*Dear Sir:*

As you may already know, I have been for a considerable time collecting information about the colored persons who were members of State Legislatures during the reconstruction period. A list of these members as far as I have been able to collect them was published in the January number of the "Journal of Negro History."

Mr. E.W. Sherman of Savannah, Georgia, after reading my article, wrote to me that Phil Joiner, Dougherty County, was succeeded by Ishmael London. He stated that you could give me further information concerning this. Will you not, as Mr. Sherman suggests, send to me the names of all of the colored men whom you know to have represented Dougherty County in the Georgia Legislature and as near as you can, the date that they were members of the Legislature.

Thanking you in advance for your courtesy and appreciating an early reply, I am

Yours very truly,

M. N. WORK,  
*Editor Negro Year Book.*

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ALBANY, GEORGIA.  
February 21, 1920

PROF. MONROE WORK,  
Tuskegee Inst.,  
Tuskegee, Ala.

*Dear Sir:—*

Replying to your letter of the 14th inst., I beg to state that I cannot give you the dates as I was quite a boy and do not remember, but Phil Joiner served one term, was followed by Israel London, who served two terms, and who was followed by Howard Bunts, who served one term. In Thomas County, Rev. Jack Carter was a member, but I do not remember the dates.

Yours very truly,

Signed—  
J.H. WATSON.



February 24, 1920.

PROF. MONROE WORK,  
Tuskegee, Alabama.

*Dear Sir:*

I am in receipt of yours of 14th inst., seeking information relative to the occupancy of the clerkship of Chatham Superior Court, by the late Richard W. White, during reconstruction period.

In reply I beg to say, that at the period, about which you desire information, I was too young a boy to have any adequate or understanding knowledge of the political affairs or status of that period, so that I have no first hand knowledge of the matter upon which you desire information. All I know about the late Mr. White's clerkship is only what I gleaned in conversation with my father, and as he paid no special attention to dates, simply telling me of things taking place during reconstruction, I have only by that means, knowledge of some things without the dates of their occurrence.

I am very sorry I cannot give you the information you desire, I should be glad to do so if I could.

May I add that I have read your article in the January "*Journal of Negro History*" on "Some Negro members of reconstruction conventions and legislatures." I note that the name of the late Prof. John McIntosh, late principal of Mape St. School of this city is omitted from the list of colored members of Georgia legislature. He was a member of the Georgia House of Representatives, representing Liberty County in the "80's" a few years after his graduation from Atlanta University. As far as I know he was the most thoroughly educated colored man to have had the privilege of being a member of the Georgia Legislature. I knew him intimately. We were pupils at Beach Institute, this city at the same time, later fellow students at Atlanta University. Again regretting that I am not able to give the desired information, I am

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Very truly yours,

Signed—  
P. A. DENEGALL.

SAYBROOK, CONN.  
February 14, 1920.

MR. MONROE N. WORK,  
Tuskegee Institute  
Alabama.

*My dear Sir:*

I have read with keen interest the facts presented by you in the *Journal of Negro History* for January 1920 on "Some Negro Members of Reconstruction Conventions etc."

I have known intimately Gen. Samuel Smalls and his family in Beaufort, S.C. and Miss Olive Rainey and her mother, daughter and wife of Joseph H. Rainey; Miss Mamie Hayne of S.C. daughter of Henry E. Hayne.

One daughter of Gen. Smalls still lives in the paternal home in Beaufort, where are the books and personal possessions of her distinguished father. She was companion and house-keeper for him in his late years; she is doubtless able to furnish much valuable information.

Brothers of Henry E. Hayne still live, though they do not identify themselves with the Negro race. The daughter does, however, and has friends of her father's generation who could help in building up a Hayne's history.

Among the relatives is the mother of my husband and a large family of relatives, the older ones of whom lived thro' Reconstruction Days in South Carolina.

Miss Rainey and her mother live in Springfield, Massachusetts.

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My own family on the maternal side is descended from George Houston, member of the Alabama Legislature 1868-70.

I have long felt that the last opportunity to collect data concerning this interesting period in our history, is while this present generation lives; the next generation will have no interest in it.

If I can assist you in collecting facts from these people who knew intimately the men of whom you write, I should be glad to do so.

I feel that the best way to do this would be for you to send me a set of questionnaires which I might send to these friends with letters.

I am trying thro' the Department of Archives and History of Alabama and the Congressional Library to locate material which will illuminate the life of George Houston.

If what I have written is of interest to you, then I am glad that I have written. And can I be of assistance, I shall be glad to make further contribution if possible.

Sincerely,

(Signed) HELEN JAMES CHISHOLM,

MRS. FRANK P. CHISHOLM.

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## CORRESPONDENCE

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The following letter written primarily to correct certain errors has been productive of much good in bringing to light a number of facts which the public should know:

140 COTTAGE STREET, NEW HAVEN, CONN., February 23, 1920.

DR. CARTER G. WOODSON,  
1216 You Street, Washington.

*My dear Dr. Woodson:*

I find the latest number of your *Journal* most interesting and permanently valuable, like those that have preceded. I think that the publication is gaining a position in its particular field which promises to make it an accepted authority on historical questions. This makes it the more essential for manifest errors to be carefully guarded against and eliminated from contributed articles.

I observe on page 5 the designation "Tillston College" of The American Missionary Association; the correct name is Tillotson College, for the institution at Austin, Texas. The footnote gives *Brawley* as authority. I do not have this book at hand but have a suspicion that the erroneous spelling is found there also.

Another statement in the same article which seems to me erroneous in a more serious matter is found at the bottom of page 4, where it is assumed that in 1863 "only 5 per cent of the Negro population was literate." In your book on *The Education of the Negro Prior to 1861* you have stated very solid reasons for believing 10 per cent to be about the right estimate. This accords also with the U.S. Census figures of 1870, set forth in a table of which I sent you a copy. Is it not a matter of vital significance to our American history which of these statements is to be accepted? Yesterday I saw posted on the wall of a New Haven church the statement of *5 per cent*. It used to be considered allowable to make wild statements on this subject when presenting the claims of Southern education. Indeed I have known the statement to be made in such a connection, that *none* of the Negroes could read or write before the war. I yield to no one in my estimate of the importance of the work of Northern teachers and Northern schools in the education of the colored people. But their value is not magnified by such exaggerated and reckless over-statement. Rather is it brought under serious question and damaging suspicion.

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You have done and are still doing most valuable work in the interest of historical accuracy, and to clear away the fogs of misconstruction and misapprehension concerning the Negro people which have prevailed for at least a hundred years. I could wish that you might see your way as an editor to insist on alteration in a manuscript containing such a misstatement, or at least add an editorial comment on the point.

Wishing for your *Journal* continued and increasing circulation and popular support, I remain,

Faithfully, yours,

G. S. DICKERMAN.

The editor made the following reply:

February 28 1920.

DR. G. S. DICKERMAN,  
140 Cottage Street,  
New Haven, Conn.

*My dear Dr. Dickerman:*

I have your interesting letter in which you make a strong plea for accuracy in the writing of history that the Negro may receive justice at the hands of those represented as treating the records of the race scientifically. You insist that, prior to the emancipation of the race, more than five per cent of the Negro population was literate, and refer to my *Education of the Negro Prior to 1861* to support you in that statement. You must observe, however, that I maintain that ten per cent of the adult Negroes had the rudiments of education. It might, therefore, be possible for some one to prove that less than ten per cent of the whole Negro population was at that time able to read and write.

Thanking you for your interest in this work, I am

Yours very truly,

C. G. WOODSON,  
*Director.*

140 COTTAGE STREET, NEW HAVEN, CONN., July 14, 1917.

DR. CARTER G. WOODSON,  
1216 You Street, N.W.  
Washington, D. C.

Dear Dr. Woodson:

In preparing a chapter on The History of Negro Education for Dr. Jones, of the Phelps Stokes Foundation, I made a study of the Ninth Census and prepared a table of figures which I suggested for publication in a foot note. But my manuscript was so long that it was thought best to eliminate about a third of it and this table with much besides.

I have therefore thrown this Census study into form for publication in an article by itself. If you like you may have it for *Journal of Negro History*. Of course the Census is not infallible and the Ninth Census has been especially charged with inaccuracy. But it certainly has some meaning, and I think the confirmation of your conclusions is worth noticing.

If you do not wish to use the article please return it to the above address.

Very truly yours,

G. S. DICKERMAN.

THE NINTH CENSUS ON NEGRO ILLITERACY

The treatise of Dr. Carter Godwin Woodson on *The Education of the Negro Prior to 1861* offers an impressive array of evidence to show that there were many more Negroes than have usually been supposed who had some literary knowledge while still under slavery. Other evidence bearing on a subject of so great importance cannot but have interest for historians of that period.

Some of the statistics in the United States Census of 1870 are in point: Figures are there given for the colored men of voting age, that is for those over 21, who were unable to read and write. There are also given the total numbers of colored men of voting age in the several States. Subtracting the former from the latter will then give the number of those able to read and write. The results appear in the table presented below:

COLORED MALES 21 YEARS OF AGE AND UPWARD IN 1870; WITH REFERENCE TO THEIR ABILITY TO WRITE

	Total	Unable to Write	Able to Write	Per Cent Able
United States	1,032,475	862,243	170,232	16.5
Southern States	932,612	820,670	111,942	12.0
All other states	99,863	41,573	58,290	58.4
Alabama	97,823	91,017	6,806	6.9
Arkansas	26,789	23,681	3,108	11.6
District of Columbia	10,143	7,599	2,544	25.1
Florida	18,842	16,806	2,036	10.8
Georgia	107,962	100,551	7,411	6.9
Kentucky	44,322	37,889	6,432	14.5
Louisiana	86,911	76,612	10,301	11.7
Maryland	39,123	27,123	11,997	30.6
Mississippi	89,920	80,810	9,116	10.1
Missouri	23,886	18,002	5,880	24.6
North Carolina	78,012	68,669	9,350	12.0
South Carolina	85,475	70,830	14,645	17.1
Tennessee	64,131	55,938	8,193	12.8
Texas	51,575	47,235	4,340	8.4
Virginia	107,691	97,908	9,783	9.1

This Census gives the figures for women of color over 21 years of age who were unable to write; but not the whole number of women of color over 21. If however we assume the proportion of all Negro males to all Negro females to hold the same for those over 21 we arrive at the conclusion that the whole number of women of color over 21 was 1,072,847 for the United States; of whom 946,332 were unable to write and 126,515 were able. That is, in 1870, there were approximately 126,515 women of color of 21 years of age and upward who were able to read and write. This number added to the 170,232, found for the number of literate men, gives a total of 296,747 Negroes of 21 years of age and upward who were able to read and write; which is 14 per cent of the whole number. There must have been a considerable increase between 1863 and 1870, but one can hardly suppose it to have been over 4 per cent, or 84,212, which substantiates the estimate of about 10 per cent of the Negroes as able to read and write at the date of emancipation. We may suppose that the number of those who were able to read, but did not add to this the accomplishment of writing, must have been much larger.

The existence of so large a body of Negroes who already had the rudiments of an education goes far to account for the rapid growth of schools as soon as the Negroes were made free, and especially for that eagerness that was shown for advanced learning which made an almost immediate demand for secondary schools and colleges at the more important centers of population throughout the South. The people had received, in some way or other, a love of education and a start in obtaining it under the old slave system, so that when the new chance came they were ready to make a good use of it.

G. S. DICKERMAN.

This volume of this work deals with the period of the most dramatic history of the State. After discussing the frontier and the rise of railroads, the author directs his attention to the agitation and compromise of 1850, the origin of the Republican party, the Lincoln-Douglass Debates, the election of 1860, the appeal to arms, the war in Illinois, new abolitionists and copperheads, and the war in its relation to agriculture and the industrial revolution. The book is illustrated with such portraits as those of Abraham Lincoln, Stephen A. Douglass, Lyman Trumbull and Richard Yates. There are maps showing the foreign-born population in 1860, the presidential election in 1848, the vote for treasurer in 1854, the vote for congressmen in 1858, the vote on the constitution in 1862, the vote for congressmen-at-large in 1860, and the presidential election in 1868. The volume closes with an adequate bibliography and a useful index.

As a book on the Civil War is not uncommon, one does not ordinarily expect many things new from such a volume inasmuch as most of them cover familiar ground. In connecting the history of Illinois with the national drama of Civil War, however, the author has brought forward facts which, although belonging to local history, have a national significance and historians will make use of them, although they will not agree with him in all of his views. The scientific use which he has made of the newspaper material of that day is especially commendable. He has, moreover, shown that this history was as economic as political. Good farms and roads figured as conspicuously as efficient generals and wise statesmen.

There is some mention of the Negro as a human element. Sympathy for the race, "whether the southern slave or the northern victim of the black laws, was aroused by *Uncle Tom's Cabin in 1852.*" Thereafter came the effort to secure for the blacks equal rights before the law but because of opposition to them in southern Illinois the black code could not be easily repealed, for race hatred often broke out in southern towns as in the case of Mound City, which in 1857 undertook to drive out all Negroes. The author mentions also such strivings of the Negroes as the efforts of the members of the race in Chicago to defend their rights by protesting against the oppression through local indignation meetings and the Colored National Convention in Cleveland in 1848. Their Chicago Literary Society condemned the Fugitive Slave Law, they organized to resist colonizationists and kidnappers, and at the outbreak of the war organized a military force to fight for their own freedom.

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*The National Encyclopedia of the Colored Race.* Volume I. By CLEMENT RICHARDSON, Editor-in-Chief. The National Publishing Company, Montgomery, Alabama, 1919.

This is a fair effort at local and national biography with no pretense to scientific treatment. Some attention is given also to religious and educational institutions. Apparently almost any one financially able to aid the enterprise or sufficiently influential to have his sketch incorporated into the work appears in this volume. One man's achievements seemed to count for about as much as those of another and the law of proportion was disregarded. There are farmers, business men, ministers, physicians, dentists, lawyers and the like, many of whom are well known and others who have made no impression upon the world except to complete a course in an institution of learning and to use the knowledge thus acquired in making a living. The world has never heard of some of them and they will, of course, thank the editor for this publicity.

The aim of this work, according to the editor, is to inform and inspire. He complains that the ordinary work of this kind has merely had information for its purpose. As the only sure hope the black American can entertain for immediate notice comes through committing crime, the editor here endeavors to treat the records of a large number of Negroes who, because of their color, would never have a hearing. The aim of the book too is not only to inform the white race but it is to introduce Negroes to one another. To be properly inspired they need to be better informed as to what the ambitious members of the race are doing in their various fields of endeavor. An effort is made to get away from former biographical works largely given to eulogy of individuals unduly advertised. The aim seems rather to idealize the life of obscure men, who have achieved merit in applying themselves to the ordinary duties of life. Referring to the failure to treat more extensively the biographical material of the whole race the editor states that such accounts cannot be secured in many instances for the reason that, some are indifferent to fame, experience a shrinking from publicity, or are too busy to give attention to matters of this kind. The defects of this book, however, cannot be excused on this ground.

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On the whole, the book has a value. It is fairly well printed, is adequately illustrated, and is readable. Although much of the information given is not now uninteresting it will in the course of time serve as a valuable source book.

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*The Man Next Door.* By A. B. JACKSON, M.D. Neaula Publishing Company, Philadelphia, Pa., 1919. Pp. 253.

This is another work on the much mooted question, the Negro problem. There was in the mind of

the author some doubt as to whether or not he should make an apology for adding another such work to the many volumes written in this field. Observing, however, that the discussions of the race problem have in the past done some good as well as harm, he here endeavors to present an up-to-date discussion from a new point of view in order to conform with the exigencies of the day. The aim is to direct special attention to the failure to recognize the Negro as a human asset with untold economic possibilities. He believes that the matter of race values and interdependency of all races must find "a definite and assuredly positive place in the various policies of any nation which is made up of several race groups." In one sense the author believes that "racial conflict, strife and differences inspiring as they do, struggle, jealousy, and ambition, are essential to the progress of the whole group of mankind." He insists, however, that struggle should be a friendly rivalry out of which shall be woven a strong and everlasting national fabric consistent with impressing and assuring the perpetuation of the various policies which guarantee national honor and uplift.

The author believes that the one great hope for the Negro is to make himself an economic asset to his country. When this is accomplished, there will be little doubt as to the possibility of his securing full recognition as a citizen. He does not deplore the presence of obstacles but rather thinks that the salvation of the race will be in developing in the midst of this struggle the power to overcome these obstacles. It is suggested that the discussion of these matters should be dispassionate and efforts for adjustment should be based upon reason rather than upon sentiment. To show exactly how this can be done the author has directed his attention to such questions as citizenship, and patriotism, the producer and the consumer, the Negro and his church, and educational assets. The question is further treated under such captions as race consciousness, health and economics, tuberculosis a great waste, rent and ownership, and business development. The book closes with observations on racial grouping, political status, and the follies of prejudice.

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*Darkwater.* By W. E. B. DuBois. Harcourt, Brace and Howe, New York, 1920. Pp. 276.

This work is a collection of essays by the well-known author of *Souls of Black Folk*, *The Philadelphia Negro*, *The Suppression of the African Slave Trade*, and *The Negro*. The aim of the work is to show that the Negro problem is essentially connected with the problem of work or wages or education and government which, when solved, will mean also the solution of the race problem. To give his point of view, the author, therefore, describes his childhood, training, and outlook on the world as a Negro. To show the "vast emotional content of the social problem, he has inserted between the chapters, bits of poetry and fancy which interpret the bewilderment, the disappointment, the longing and the faith of millions of men. The work ends with a brief philosophy of duty and death and a story and a hymn looking toward human unity.

This book, therefore, follows the trend of thought characteristic of Dr. DuBois. As in the beautifully written essays entitled *Souls of Black Folk* he has here put himself forward as a person representative of millions of black men seriously suffering from social proscription. Although his contention that the race problem is interwoven with the economic problems of the country is presented as the reason for directing more attention to this problem, the author does not treat the race question from an economic point of view. This has been the defect of the historical works which Dr. DuBois has written. He is at best a popular essayist with a bit of poetic genius. In all of his discussions of the race problem his mind has not as yet been adequate to the task of scientific treatment of the question. *The Suppression of the African Slave Trade* is a literary compilation or digest of State and national legislation to curb an evil, but it does not exhibit any relief or a unifying influence. *The Philadelphia Negro* is an ordinary report on social conditions which a local secretary of the Urban League could now compile in almost any large city in about three or six months and his *The Negro* is merely a summary of a number of popular works setting forth such history of Africa as a few travellers have been able to learn from the outside. It is hoped, therefore, that Dr. DuBois will take his task more seriously that he may finally write a scholarly economic treatise in this long neglected field.

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## NOTES

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The next annual meeting of the Association for the Study of Negro Life and History will convene in Washington, D. C., next November. All institutions interested in the teaching of Negro life and history will be invited to send representatives to this meeting to confer as to the best methods of prosecuting studies in this neglected field. The session will cover two days to be devoted to addresses by the best thinkers of the country. The official program will appear within a few weeks.

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The illustrated textbook in Negro history by Dr. C. G. Woodson has been further delayed by disturbances among the printers. It is hoped that it will appear before the end of the year.

A. B. Caldwell, of Atlanta, has published Volume III (South Carolina edition) of what he calls the

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# THE JOURNAL OF NEGRO HISTORY

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### THE SLAVE IN CANADA

#### PREFACE

When engaged in a certain historical inquiry, I found occasion to examine the magnificent collection of the Canadian Archives at Ottawa, a collection which ought not to be left unexamined by anyone writing on Canada. In that inquiry I discovered the proceedings in the case of Chloe Cooley set out in Chapter V of the text. This induced me to make further researches on the subject of slavery in Upper Canada. The result was incorporated in a paper, *The Slave in Upper Canada*, read before the Royal Society of Canada in May 1919, and subsequently published in the JOURNAL OF NEGRO HISTORY for October, 1919. Some of the Fellows of the Royal Society of Canada and the editor of the JOURNAL OF NEGRO HISTORY have asked me to expand the paper. The present work is the result.

I have spent many happy hours in the Canadian Archives and have read all and copied most of the documents referred to in this book; but I cannot omit to thank the officers at Ottawa for their courtesy in forwarding my labor of love, in furnishing me with copies, photographic and otherwise, and in unearthing interesting facts. It will not be considered invidious if I mention William Smith, Esq., I.S.O. and Miss Smillie, M.A., as specially helpful. My thanks are also due to Messrs. Herrington, K.C., of Napanee, F. Landon, M.A., of London, Mrs. Hallam and Mrs. Seymour Corley of Toronto, General Cruikshank of Ottawa, the Very Reverend Dean Raymond of Victoria, as well as to many others of whose labors I have taken advantage. This general acknowledgment will, I trust, be accepted in lieu of special and particular acknowledgment from time to time.

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The chapter on the Maritime Provinces is almost wholly taken from the Reverend Dr. T. Watson Smith's paper on *Slavery in Canada* in the *Nova Scotia Historical Society's Collections*, Vol. X, Halifax, 1899.

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## CHAPTER I

### BEFORE THE CONQUEST

That slavery existed in Canada before its conquest by Britain in 1759-60, there can be no doubt, although curiously enough it has been denied by some historians and essayists.<sup>[1]</sup> The first Negro slave of which any account is given was brought to Quebec by the English in 1628. He was a young man from Madagascar and was sold in Quebec for 50 half crowns.<sup>[2]</sup> Sixty years thereafter in 1688, Denonville, the Governor and DeChampigny, the Intendant of New France, wrote to the French Secretary of State, complaining of the dearness and scarcity of labor, agricultural and domestic, and suggesting that the best remedy would be to have Negro slaves. If His Majesty would agree to that course, some of the principal inhabitants would have some bought in the West Indies on the arrival of the Guinea ships. The minister replied in 1689 in a note giving the King's consent but drawing attention to the danger of the slaves coming from so different a climate dying in Canada and thereby rendering the experiment of no avail.<sup>[3]</sup>

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The Indians were accustomed to make use of slaves, generally if not universally of those belonging to other tribes: and the French Canadians frequently bought Indian slaves from the aborigines. These were called "Panis."<sup>[4]</sup> It would seem that a very few Indians were directly enslaved by the inhabitants: but the chief means of acquiring Panis was purchase from *les sauvages*.

The property in slaves was well recognized in International Law. We find that in the Treaty of Peace and Neutrality in America signed at London, November 16, 1686,<sup>[5]</sup> between the Kings of France and England, which James II had arranged shortly after attaining the throne, Article 10 provides that the subjects of neither nation should take away the savage inhabitants, or their slaves or the goods which the savages had taken belonging to the subjects of either nation, and that they should give no assistance or protection to such raids and pillage. In 1705 it was decided

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that Negroes in America were "moveables," meubles, corresponding in substance to what is called "personal property" in the English law.<sup>[6]</sup> This decision was on the *Coutume de Paris*, the law of New France.

The Panis and Negro slaves were not always obedient. Jacques Raudot, the Intendant, April 13, 1709, made an ordinance on "the Subject of Negroes and Savages called Panis." In this he recited the advantage the colony would acquire by certainty of ownership of the savages called Panis "whose nation is far removed from this country" and that certainty could only be brought about through the Indians who capture them in their homes and deal for the most part with the English of Carolina, but who sometimes in fact sell them to the Canadians who are often defrauded of considerable sums through an idea of liberty inspired in the Panis by those who do not buy,<sup>[7]</sup> so that almost daily they leave their masters under the pretext that there are no slaves in France—that is not wholly true since in the islands of this Continent all the Negroes bought as such are regarded as slaves."

The further recital says that all the colonies should be on the same footing, and that the Panis were as necessary for the Canadians for the cultivation of the land and other work as the Negroes were for the islands, that it was necessary to assure the property in their purchases those who have bought and those who should buy in the future. Then comes the enactment "Nous sous le bon plaisir de Sa Majesté ordonnons, que tous les Panis et Nègres qui ont été achetés et qui le seront dans la suite, appartiendront en pleine propriété à ceux qui les ont achetés comme étant leurs esclaves." "We with the consent of His Majesty enact that all the Panis and Negroes who heretofore have been or who hereafter shall be bought shall be the absolute property as their slaves of those who bought them."<sup>[8]</sup>

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This ordinance was not a dead letter. On February 8, 1734, Gilles Hocquart, the Intendant at Quebec issued an ordinance in which he recited that in 1732 Captain Joanne of the Navy brought a Carib slave of his to Canada and employed him as a sailor; that he had deserted when Captain Joanne was ready to embark for the West Indies; and that the master had seen and recognized him a short time theretofore in the Parish of St. Augustine but on reclaiming him certain evil-disposed persons had facilitated his escape. The ordinance directed all captains and officers of the militia to give their assistance to the master in recovering the Carib slave and forbade all persons to conceal him or facilitate his escape on pain of fine or worse.<sup>[9]</sup>

Slavery thereafter tended to expand. The Edict of October 1727 concerning the American islands and colonies and therefore including Canada in the preamble spoke of the islands and colonies being in a condition to support a considerable navigation and commerce by the consumption and trade of Negroes, goods and merchandise, and the measures taken to furnish the necessary Negroes, goods and merchandise. It was decreed that only such Negroes, goods, and merchandise should be received by the islands and colonies as should be brought in French bottoms. Very explicit and rigid regulations were made to that end.

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Some of these slaves were too vindictive to be good servants. There is given by Abbé Gosselin in a paper in the *Transactions, Royal Society of Canada for 1900*, an account of a mutiny of part of the garrison at Niagara incited by a Panis probably in the service of an officer at the post. Some of the mutineers were sentenced to death but made their escape while the Panis, Charles, was sent to Martinique with a request to the authorities to make him a slave and to take every precaution that he should not escape to Canada or even to the English colonies. A female slave of color belonging to Mme. de Francheville who had been bought in the English Colonies set fire to her mistress' home the night of the 10-11 April 1734, thus causing a conflagration which destroyed a part of the city of Montreal. The unfortunate slave was apprehended and tried for the crime then and for long after a capital felony. Being found guilty, she was hanged June, 1734.

The increase in the number of slaves made necessary some regulation concerning their liberation. September 1, 1736, Gilles Hocquart, the Intendant already mentioned, made an ordinance concerning the formalities requisite in the enfranchisement of slaves. Reciting that he had been informed that certain persons in Canada had freed their slaves without any other formality than verbally giving them their liberty, and the necessity of fixing in an invariable manner the status of slaves who should be enfranchised, he ordered that for the future all enfranchisements should be by notarial act and that all other attempted enfranchisements should be null and void.

Slaves unable to secure their freedom by legal means, however, undertook sometimes to effect the same by flight. A royal decree of July 23, 1745, recited the escape of three male and one female Negro slaves from the English West India Island of Antigua to the French Island of Guadeloupe and there sold. There followed a decision of the Superior Council of Guadeloupe that the proceeds of the sale belonged to the King of France and Negro slaves belonging to the enemy when they came into a French colony became at once the property of His Majesty. To make clear the course to pursue for the future, the decree declared that Negro slaves who escape from enemy colonies into French colonies and all they bring with them belong to His Majesty alone in the same way as enemy ships and goods wrecked on his coasts.

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With all of this security the ownership of slaves became common. In the Registers of the Parish of La Longue Pointe is found the certificate of the burial, March 13, 1755, of the body of Louise, a female Negro slave, aged 27 days, the property of M. Deschambault. In the same Parish is found the certificate of baptism of Marie Judith, a Panis, about 12 years of age belonging to Sieur Preville of the same Parish, November 4, 1756. On January 22, 1757, one Constant a Panis slave of Sieur

de Saint Blain, officer of Infantry, is sentenced by de Monrepos, Lieutenant-Governor civil and criminal in the Jurisdiction of Montreal,<sup>[10]</sup> to the pillory in a public place on a market day and then to perpetual banishment from the jurisdiction.

The conquest of Canada begun at Quebec in 1759 and completed by the surrender to Amherst of Montreal by de Vaudreuil in 1760 had some bearing on slavery. One of the Articles of Capitulation, the 47th, provided that "the Negroes and Panis of both Sexes shall remain in the possession of the French and Canadians to whom they belong; they shall be at liberty to keep them in their service in the Colony or to sell them: and they may also continue to bring them up in the Roman religion."<sup>[11]</sup>

Having now reached the end of the French period, it will be well to say a word as to the rights of the slaves. There is nowhere any intimation that there was any difference in that regard between the Negro and the Panis. The treatment of the latter by their fellow Indians depended upon the individual master. The Panis had no rights which his Indian master was bound to respect. Remembering the persistence of customs among uncivilized peoples, one may conclude that the description given of slavery among the Chinook Indians about a century later will probably not be far from the mark concerning the Indians of the earlier time and their slaves.

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Paul Kane, the celebrated explorer and artist,<sup>[12]</sup> in a paper read before the Canadian Institute<sup>[13]</sup> in 1857 said: "Slavery is carried on to a great extent along the North-West Coast and in Vancouver Island and the Chinooks.... The inhabitants still retain a large number of slaves. These are usually procured from the Chastay Tribe who live near the Umqua, a river south of the Columbia emptying into the Pacific. They are sometimes seized by war-parties but are often bought from their own people.... Their slavery is of the most abject description: the Chinook men and women treat them with great severity and exercise the power of life and death at pleasure."

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Kane gives shocking instances of this. He tells of a chief who sacrificed five slaves to a colossal wooden idol he had set up and says that the unfortunate slaves were not considered entitled even to burial but their bodies were cast out to the crows and vultures.

Amongst the French such an extreme of barbarity did not obtain. Their law was based upon the civil law, that is, the law of Rome, which in its developed form recognized the slave as a human being. The Roman world was full of slaves. Not only were there slaves born but debtors sometimes sold themselves<sup>[14]</sup> or their children. The criminal might be enslaved. In early pagan times the slave had no rights. He was a chattel disposable according to the will of his master who had *jus vitæ necisque*, who could slay, mutilate, scourge at pleasure.<sup>[15]</sup> In the course of time this extreme power was restrained. Hadrian forbade the killing of slaves, Marius allowed the slave to lay an information against his master. The prefect at Rome and the presidents of the provinces took cognizance of crimes against the slave; and Constantine allowed a master to go free on killing his slave in chastisement only if he used rods or whips, but not if he used sticks, stones or javelins or tortured him to death.<sup>[16]</sup> Hard as was his lot, the unhappy slave had at least some rights in the later civil law, few and slight as they were, and these he had under the Coutume de Paris, the law of French Canada.

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## FOOTNOTES:

- [1] For example in Garneau's *Histoire du Canada* (1st Edit) Vol. 2, p. 447 after speaking of correspondence of 1688-9 referred to in the text he says of the answer of the authorities in Paris:

"C'était assez pour faire échouer une entreprise, qui aurait greffé sur notre société la grande et terrible plaie qui paralyse la force d'une portion si considérable de l'Union Américaine, l'esclavage, cette plaie inconnue sous notre ciel du Nord"—"That was effective to strand a scheme which would have engrafted upon our society that great and terrible plague which paralyzes the energies of so considerable a part of the American Union, Slavery, that plague unknown under our northern sky."

- [2] He was sold by David Kertk or Kirke the first English Conqueror of Quebec. England held her conquest only from 1629 to 1632, if it be permissible to call Kirke's possession that of England when he was repudiated by his country.

*Relations des Jesuites*, 1632, p. 12: do. do. 1633, p. 25. Much of the information which follows concerning slavery in Quebec is taken from a paper in the *Memoirs of the Historical Society of Montreal*, 1859, *De L'esclavage en Canada*, written by M. Jacques Viger and Sir L.H. Lafontaine. I have made an independent investigation and am satisfied that the facts are truly stated. This general acknowledgment will prevent the necessity of particular reference.

In a local history of Montreal *Memoirs de la Société Historique de Montreal* 1869, p. 200, there is a reference to Panis slaves in Montreal in 1670.

- [3] "Mais il est bon de leur faire remarquer qu'il est à craindre que ces nègres, venant d'un climat si différent, ne périssent en Canada et le projet serait alors inutile." "Il est à craindre" that the prospect of "le projet" being "inutile" was more alarming than that of "ces nègres" perishing in frozen Canada.

- [4] The name Pani or Panis, Anglicized into Pawnee, was used generally in Canada as synonymous with "Indian Slave" because these slaves were usually taken from the



Pawnee tribe. It is held by some that the Panis were a tribe wholly distinct from the tribe known among the English as Pawnees—*e.g.*, Drake's *History of the Indians of North America*. Those who would further pursue this matter will find material in the *Wisconsin Historical Collections*, Vol. XVIII, p. 103 (note); Vigor and Lafontaine, *L'Esclavage en Canada* cited above n. 2; *Michigan Pioneer and Historical Collections*, Vol. XXVII, p. 613 (n); Vol. XXX, pp. 402, 596; Vol. XXXV, p. 548; Vol. XXXVII, p. 541. From Vol XXX, p. 546, we learn that Dr. Anthon, father of Prof. Anthon of Classical Text-book fame, had a "Panie Wench" who, when the family had the smallpox "had them very severe" along with Dr. Anthon's little girl and his "æltest boy"—"however they got all safe over it and are not disfigured." Thwaites, an exceedingly careful writer, in his edition of *Long's Travels*, Cleveland, 1904, says in a note on page 117; "Indian Slavery among the French was first practised in the Illinois Country." He gives no authority and I know of none.

[5] Referred to in Chalmers' *Collection of Treaties between Great Britain and Other Powers*, London, 1790, p. 328: Pap. Off. B. 25.

[6] We shall see later in this work that by the English law, the "villein" was real property and in the same case as land: also that when Parliament came to legislate so as to make lands in the American Colonies liable for debts, "Negroes" were included in "hereditaments" and therefore "real estate."

[7] Thus early do we find the Abolitionist getting in his fiendish work—the enemy of society, of God and man!

[8] This ordinance is quoted (*Mich. Hist. Coll.*, XII, p. 511, 517) and its language ascribed to a (non-existent) "wise and humane statute of Upper Canada of May 31, 1798"—a curious mistake, perhaps in copying or printing.

In Kingsford's *History of Canada*, Vol. 2, p. 507, we are told: "In 1718, several young men were prosecuted on account of their relations with Albany carried on through Lake Champlain. One of them, M. de la Découverte, had made himself remarkable by bringing back a Negro slave and some silver ware. One of the New York Livingstones resided in Montreal and was generally the intermediary in these transactions. The author adds in a note: "This negro must have been among the first brought to Canada."

[9] "A peine d'amende arbitraire et de plus grande peine si le cas y escheoit."

[10] Canada was at this time divided into three Jurisdictions or Districts—those of Quebec, Trois Rivières and Montreal.

[11] There are trifling variations in the English text in the several versions in the *Capitulations and Extracts of Treaties relating to Canada*, 1797; *Knox's Journal*, Vol. 2, p. 423; *Documents relative to the Colonial History of the State of New York*, Vol. 10, p. 1107. That in the text is from Shortt & Doughty's *Constitutional Documents 1759-1791*, *Canadian Archives Publication*, Ottawa, 1907. There is no substantial difference in terminology and none at all in meaning. I give the French version, as to which there is no dispute: "Les Nègres et panis des deux Sexes resteront En leur qualité d'Esclaves, en la possession des françois et Canadiens à qui Ils apartiement; Il leur Sera libre de les garder à leur Service dans la Colonie od de les vendre, Et Ils pourront aussi Continuer à les faire Elever dans la Religion Romaine."

[12] The Province of Ontario is the proud possessor of many of Paul Kane's sketches.

[13] Now the Royal Canadian Institute. The paper appears in Series II of the *Transactions*, Vol. 2, p. 20 (1857).

The use by the Indians of Slaves is noted very early: for example in Galinée's *Narrative* of the extraordinary voyage of LaSalle and others in 1669-70 the travellers are shown to have obtained from the Indians, slaves as guides. See pp. 21, 27, 43 of Coyne's edition, *4 Ont. Hist. Soc. Papers* (1903). These Indians were accustomed to take their slaves to the Dutch. *Ibid.*, p. 27.

Still there is not very much in the old authors about slavery among the Indians: the references are incidental and fragmentary and the institution is taken for granted. Thus in Lescaurbot's *History of New France*, published in 1609, the only reference which I recall is on pp. 270, 449 of The Champlain Society's edition, Toronto, 1914; speaking of the Micmacs the author says: "... the conquerors keep the women and children prisoners ... herein they retain more humanity than is sometimes shown by Christians. For in any case, one should be satisfied to make them slaves as do our savages or to make them purchase their liberty."

[14] It will be remembered that the ancient law of Rome, the Twelve Tables, authorized creditors to take an insolvent debtor, kill him and divide his body amongst them, a real execution against the person more trenchant if not more effective than the *capias ad satisfaciendum* dear to the English lawyer.

[15] Everyone has shuddered at the awful picture drawn by Juvenal in his Sixth Satire of the fashionable Roman dame who had eight husbands in five years and who ordered her slave to immediate crucifixion. When her husband mildly ventured to suggest that there should at least be some evidence of guilt and that no time should be considered long where the life of a man is in question he was snubbed, just as the Roman lady who was expostulated with for taking her bath in the presence of man slaves asked "*An servus homo?*" The horrible but pithy dialogue reads:

"Pone crucem servo." "Meruit quo crimine servus  
Supplicium? Quis testis adest? Quis detulit? Audi

Nulla umquam de morte hominis cunctatio longa est"  
"O demens, ita servus homo est? Nil fecerit, esto  
Hoc volo, sic jubeo, sit pro ratione voluntas."  
—*Juvenal, Sat., VI, ll. 219-223.*

"The cross for the slave!" "What is the charge? What is the evidence? Who laid the information? Hear what he has to say—No delay is ever great where the death of a man is in question." "You driveller! So a slave is a man! Have it your own way—he did nothing. I wish it, that is my order, my wish is a good enough reason."

The natural death for a Roman slave was on the cross or under the scourge.

[16] Constantine also by his Constitution No. 319 provided for slaves becoming free: the Constitution referred to in the text is No. 326. The best short account of slave legislation in Rome which I have seen is in a paper read by the late Vice Chancellor Proudfoot of the Ontario Court of Chancery, February 7, 1891, before the Canadian Institute. *Trans. Can. Ins., Series IV, Vol. 2, p. 173.* Many of the judgments of Vice Chancellor Proudfoot (venerabile nomen) show a profound knowledge and appreciation of the Civil Law.

The following is taken from Prof. Sherman's great work *Roman Law in the Modern World*, Boston, 1917. The learned author has laid philosophical lawyers of all countries under heavy obligations by this splendid book, as noted for its lucidity as for its learning.

Vol. I, 69. "To inflict unnatural cruelty upon—and finally to kill—a slave was prohibited by Augustus Claudius and Antoninus Pius. Moreover, because by natural law all men were born free and equal (see Digest, 50, 17, 32) the Emperor often restored to slaves the status of a freeborn person."

I, 146. "Constantine ... abolished crucifixion as a punishment; encouraged the emancipation of slaves...."

I, 150. " ... It is regrettable that Christianity did not change other parts of the Roman law of persons which ought to have been reformed. The chief example of this failure is slavery, which the law of Justinian fully recognized. The inertia of past centuries as to slavery was too great to be overcome. St. Paul's attitude towards slavery was to recognize the *status quo*, and he did not counsel wholesale emancipation. But Christianity continued the progress of the pagan law along the lines of mercy and kindness, *e.g.*, to poison a slave or brand him was treated in later Imperial Roman law as homicide, and manumission was made easier; but the Church did not recognize the marriage of slaves until over 300 years after Justinian's death."

II, 434, "In Roman law ... the slave was a thing or chattel—nothing more legally. Slaves could not hold property—slaves could not marry, their actual unions were never legally recognized."

II, 436, "With the advent of Greek culture and Christianity the harsh manners of ancient Rome became greatly altered."

II, 828, "One feature of the Lex Aquilia is ... that it granted an action in damages for the unlawful killing of ... the slave of another man." *Inst.*, 413, pr; Gaius 3, 210.

II, 829, " ... the owner had his option either of suing the culprit for damages under the lex Aquilia or of causing him to be criminally prosecuted." *Inst.*, 4, 3, 11 Gaius 3, 213.

II, 935, "A free person called as a witness could not be subjected to torture, but a slave could be tortured."

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## CHAPTER II

### THE EARLY BRITISH PERIOD

When Canada passed under the British flag by conquest there was for a time confusion as to the law in force. During the military regime from 1760 to 1764 the authorities did the best they could and applied such law as they thought the best for the particular case. There was no dislocation in the common affairs of the country. When Canada was formally ceded to Britain by the Treaty of Paris, 1763,<sup>[1]</sup> it was not long before there was issued a royal proclamation creating among other things a "Government of Quebec" with its western boundary a line drawn from the "South end of Lake Nipissim"<sup>[2]</sup> to the point at which the parallel of 45° north latitude crosses the River St. Lawrence. In all that vast territory the English law, civil and criminal, was introduced.<sup>[3]</sup> It is important now to see what was the law of England at the time respecting slavery.

The dictum of Lord Chief Justice Holt: "As soon as a slave enters England he becomes free,"<sup>[4]</sup> was succeeded by the decision of the Court of King's Bench to the same effect in the celebrated case of *Somerset v. Stewart*,<sup>[5]</sup> when Lord Mansfield is reported to have said: "The air of England has long been too pure for a slave and every man is free who breathes it."<sup>[6]</sup>

James Somerset,<sup>[7]</sup> a Negro slave of Charles Stewart in Jamaica, "purchased from the African coast in the course of the slave trade as tolerated in the plantations," had been brought by his master to England "to attend and abide with him and to carry him back as soon as his business should be

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transacted." The Negro refused to go back, whereupon he was put in irons and taken on board the ship *Ann and Mary* lying in the Thames and bound for Jamaica. Lord Mansfield granted a writ of habeas corpus requiring Captain Knowles to produce Somerset before him with the cause of the detainer. On the motion, the cause being stated as above indicated, Lord Mansfield referred the matter to the full court of King's Bench; whereupon, on June 22, 1772, judgment was given for the Negro.<sup>[8]</sup> The basis of the decision and the theme of the argument were that the only kind of slavery known to English law was villeinage, that the Statute of Tenures enacted in 1660, expressly abolished villeins regardant to a manor and by implication villeins in gross. The reasons for the decision would hardly stand fire at the present day. The investigation of Paul Vinogradoff and others have conclusively established that there was not a real difference in status between the so-called villein regardant and villein in gross, and that in any case the villein was not properly a slave but rather a serf.<sup>[9]</sup> Moreover, the Statute of Tenures deals solely with tenure and not with status.

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But what seems to have been taken for granted, namely that slavery, personal slavery, had never existed in England and that the only unfree person was the villein, who, by the way, was real property, is certainly not correct. Slaves were known in England as mere personal goods and chattels, bought and sold, at least as late as the middle of the twelfth century.<sup>[10]</sup> However weak the reasons given for the decision, its authority has never been questioned and it is good law. But it is good law for England, for even in the Somerset case it was admitted that a concurrence of unhappy circumstances had rendered slavery necessary<sup>[11]</sup> in the American colonies; and Parliament had recognized the right of property in slaves there.<sup>[12]</sup> Consequently so long as the slaves, Panis or Negro, remained in the colony they were not enfranchised by the law of the conqueror but retained their servile status.

The early records show the use of slaves. General James Murray, who became Governor of the Quebec Fortifications and adjoining territory immediately after the fall of Quebec and in 1763 the first Captain General and Governor in Chief of the new Province of Quebec,<sup>[13]</sup> writing from Quebec, November 2, 1763, to John Watts in New York speaks thus of the promoting of agriculture in the Province:

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"I must most earnestly entreat your assistance, without servants nothing can be done, had I the inclination to employ soldiers which is not the case, they would disappoint me, and Canadians will work for nobody but themselves. Black Slaves are certainly the only people to be depended upon, but it is necessary, I imagine they should be born in one or other of our Northern Colonies, the Winters here will not agree with a Native of the torrid zone, pray therefore if possible procure for me two Stout Young Fellows, who have been accustomed to Country Business, and as I shall wish to see them happy, I am of opinion there is little felicity without a Communication with the Ladys, you may buy for each a clean young wife, who can wash and do the female offices about a farm. I shall begrudge no price, so hope we may, by your goodness succeed."<sup>[14]</sup>

From time to time slavery makes its appearance in official correspondence. Moreover, there are still subsisting records which show the prevalence of slavery in the province.<sup>[15]</sup> In January, 1763, there took place at Longueuil the marriage of Marie, slave of baroness de Longueuil, with Jacques César, slave of M. Ignace Gamelin. From 1763 to 1769 there are found records of the baptism of the children of slaves in the registers of the Parish of Lachine. In the first issue of the *Gazette* of Montreal, June 3, 1778, there is an advertisement by the widow Dufy Desaulniers, offering a reward of six dollars for the return to her of a female slave who had run away on the 14th. She was thirty-five years old and she was dressed in striped calico of the ordinary cut and was of "tolerable stoutness."

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Alexander Henry writing from Montreal, October 5, 1778, to the Governor Sir Frederick Haldimand, says that he had obtained a judgment in the Court of Common Pleas against one Gillelande in the colonies who owed him a considerable sum of money. "Hearing that a Negro of his had deserted from him," said Henry, "and was lurking in this Province I obtained an execution upon that judgment and got the negro apprehended—who is still in gaol." General Powell who was the Commander there sent to Mr. Gray the Sheriff desiring him to postpone the sale until such time as the Governor should be made acquainted with the matter. Mr. Gray thereafter informed Mr. Henry that he mentioned the affair to Sir Frederic Haldimand, who likewise ordered the sheriff to postpone the sale until the Governor could confer with the Attorney-General. The Attorney-General thereafter informed Mr. Henry that he had spoken to the Governor, who was of the opinion that the civil law should take its course.... Mr. Gray thought he should have some definite authority to sell.... He said: "There are some gentlemen from the Upper Countries<sup>[16]</sup> whom I presume will give more for him than any person resident here and ... they are now on their return." He asked that an order for sale should be sent before the departure of these gentlemen.<sup>[16]</sup> The higher price which the gentlemen from the "Upper Countries" would pay indicates the objection of those in the old settled parts of the province to Slavery.

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An official report made in 1778 by James Monk, Attorney General at Quebec, to the Governor, Sir Guy Carleton, (afterwards Lord Dorchester) gives a sufficiently full account of an occurrence the subject of much controversy and correspondence showing the significance of slavery at that time. The Attorney General examined the several papers, making a case of complaint, by Joseph Despin of St. Francois Merchant a trader against Major de Barner Commanding a Regiment of Light Infantry Chasseurs of Brunswick Troops. Despin complained to Brigadier General Ehrenkrook, Commander of the Brunswick Troops at Trois Rivieres, that Major de Barner by his orders or

otherwise at Midnight of the first of the previous June, occasioned forcibly to be taken from said Despin a Negro-woman slave, Despin's property and suffered her to be carried out of the province. He therefore prayed Brigadier General Ehrenkrook, that Major de Barner might either return to him the said slave with damages or pay to Despin the value thereof.

Upon this complaint an inquiry was made. In the course of this inquiry Joseph Despin did not support his complaint and charge with those legal proofs which could entitle him to recover from Major de Earner thereupon; "or induce a Court of Justice to consider Major de Barner as having either given any others for the taking of, or even had any knowledge touching the intended escape of the Slave." The complaint of Despin was then deemed very justly dismissed.

Upon the dismissal of this complaint Major de Barner requested of the Governor satisfaction and punishment upon the accuser, and a notary, one Robin, who prepared notarial acts, in an unbecoming affrontive manner. This request was made under three heads: first, that Despin might be exemplarily punished, not merely for a false dishonoring accusation of Major de Barner, a commanding officer and injurious to his whole battalion, but punishment for the personal insults to Major de Barner and his character; second, that Despin might pay the expenses of preparing and making out writings; and third, that the said Robin, the notary, may be equally punished for using expressions in his acts hurtful and indecent to persons of honor and character.

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The Attorney General asserted that there is reason to conclude from the several testimonies appearing in the case, that Despin had lost his slave by means of some soldiers belonging to the Battalion of Chasseurs which Major de Barner Commanded, *though not in the least by the orders or with the knowledge or consent of Major de Barner as charged.*

One of the most extraordinary stories of the time is told by William Dummer Powell afterwards Chief Justice of Upper Canada, but in 1780<sup>[17]</sup> and later practising as a barrister in Montreal. "Meeting in the Street of Montreal an armed Party escorting to the Provost Guard several female prisoners and Children," says Mr. Powell, "curiosity was excited and upon engaging the Non-Commissioned Officer commanding the Escort, Mr. Powell was informed that they were Prisoners of war, taken in the Kentucky Country and brought into Detroit by a Detachment of the Garrison and now arrived from thence. Further Enquiry after procuring necessary relief to the first wants of the party, drew from Mrs. Agnes La Force the following Narrative:

"That her husband was a loyal Subject in the Province of North Carolina,<sup>[18]</sup> having a good Plantation well stocked and a numerous family. That his political Sentiments exposed him to so much Annoyance from the governing Party, that he determined to retire into the wilderness, that he accordingly mustered his whole family, consisting of several Sons and their Wives and Children, and Sons-in-law with their Wives and Children, a numerous band of select and valuable Slaves Male and female, and a large Stock of Cattle, with which they proceeded westward, intending to retire into Kentucky.

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"That after" the accidental death of the father they pursued their route to the westward and settled with their Slaves in the wilderness about five hundred miles from any civil establishment. After a residence of three years, a party of regular Troops and Indians from the British Garrison at Detroit appeared in the plain and summoned them to surrender.<sup>[18]</sup> "Relying upon British faith," says Mr. Powell, "they open'd their Gate on condition of Protection to their Persons and property from the Indians; but they had no sooner surrendered and received that promise than her sons and sons-in-law had to resort to arms to resist the Insults of the Indians to their wives and Slaves.<sup>[19]</sup> Several lives were lost and the whole surviving Party was marched into Detroit, about six hundred Miles, where the Slaves were distributed among the Captors and the rest marched or boated eight hundred miles further to Montreal and driven into the Provot Prison as Cattle into a Pound."<sup>[19]</sup>

This story will be credited with difficulty but accident some time after put into the hands of Mr. Powell a document of undeniable credit, which, however, was unnecessary: for on Mr. Powell's representation of the case to Sir F. Haldimand the most peremptory orders to the Commandant at Detroit to find out the slaves of Mrs. La Force in whose ever possession they might be and transmit them to their mistress at Montreal. But Detroit was too far distant from headquarters and interests prompting to disobedience of such an order too prevalent for it to produce any effect; and the commandant acknowledged in answer to a reiterated order that the slaves could not be produced, although their names and those of their new masters were correctly ascertained and the following list transmitted with the order.

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List of slaves formerly the property of Mrs. Agnes La Force and in possession of others:

Negro	Scipio	in possession of	Simon Girty <sup>[20]</sup>
do	Tim	"	Mr. Le Duc.
do	Ishener	"	do do
do	Stephen	"	Captn. Graham.
do	Joseph	"	Captn. Elliot.
do	Peggy	"	do do
do	Job	"	Mr. Baby
do	Hannah	"	Mr. Fisher.
do	Candis	"	Capt. McKee.

The case of Mrs. La Force and some similar cases led Haldimand to require Sir John Johnson, the Superintendent of Indian Affairs, to report. He wrote from Quebec, July 16, 1781, "Several complaints having been made upon the subject of selling negroes brought into this Province (Quebec) by scouting parties—who allege a Right to Freedom and others belonging to Loyalists who are obliged to relinquish their properties or reclaim them by paying the money for which they were sold, I must desire that you upon the most minute enquiry give in to Brigadier General Maclean a Return of all Negroes who have been brought into the Province by Parties in any Respect under your Directions whether Troops or Indians, specifying their names, their former masters, whether Loyalists or Rebels, by whom brought in and to whom sold, at what price and where they are at present. I shall direct Cols. Campbell and Clans to do the same by which it will be in my Power to reduce the Grievances now complained of and to make such arrangements as will prevent them in future."

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Johnson sent a return of Negroes to Maclean and Maclean July 26, 1781, and they sent it on to Haldimand: Clans and Campbell made returns direct to Haldimand in August of the same year. Fortunately the covering letters are extant as are the reports. There is also one Negro, Abraham, reported in a Return of Rebel Prisoners in and about Montreal as having been taken June 18, 1781; and, therefore, about a year after Mrs. La Force's capture.<sup>[21]</sup>

"Of the fifty or more slaves named in this list," says Dr. T. W. Smith, "nearly half were sold at Montreal, a few being carried by the Indians and Whites to Niagara. The others were handed to their former owners. 'Charles' 'taken at Balls Town making his escape out of a window in Col. Gordon's house' was sold to the Rev. David C. DeLisle, the Episcopal rector at Montreal, for £20 Halifax currency; Samuel Judah, Montreal, paid £24 for 'Jacob' also a slave of Col. Gordon, a rebel master, but for a Negro girl of the same owner he gave £60; Nero, another of Col. Gordon's slaves, captured by a Mohawk Indian, Patrick Langan sold to John Mittleberger of Montreal for £60; 'Tom' was sold by Captain Thompson of Col. Butler's Rangers for £25 to Sir John Johnson who gave him to Mr. Langan; and William Bowen, a Loyalist owner, sold his recovered slave 'Jack' for £70 to Captain John McDonell of the Rangers. 'William,' who was also sold for £30 to Mr. McDonell and afterwards carried to Quebec, had been taken from his master's house by Mohawk Indians under Captain John the Mohawk with a wagon and horses which he had got ready to convey his mistress Mrs. Fonda wife of Major Fonda to Schenectady ... another Negro man, name unknown, was sold 'by a soldier of the 8th Regiment to Lieutenant Herkimer of the Corps of Rangers, who disposed of him to Ensign Sutherland of the Royal Regiment of New York.'"

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Negroes were not the only victims of Indian raids. In 1782 Powell had another experience, which is indicative of the practices of the Indians during the Revolutionary War.<sup>[22]</sup> In his letter to the Commissary of Prisoners at Quebec he wrote:

Montreal, 22 August, 1782.,

"Sir

I should make an Apology for the Liberty I take but that I consider it a public Duty.

When you were here some time since, I am informed that mention was made to you of a young female slave bought of the Indians by a Mr. Campbell, a Publican of this Town, and that when you learned that she was the Daughter of decent family in Pensilvania<sup>[23]</sup> captured by the Indians at 10 years of age, your Humanity opposed itself to the barbarous Claim of her Master and you Promised that she should be returned to her Parents by the first Flag with Prisoners.

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"In consequence of such a Promise," continued he, "the Child had been taught to expect a speedy release from her Bondage, and, finding that her Name was in the List permitted by his Excellency to cross the Lines with a flag from St. Johns,<sup>[24]</sup> she imagined that there could be no Obstacle to her Return; but, being informed that Mr. Campbell had threatened to give her back to the Indians, she eloped last Evening, and took refuge in my House from whence a female Prisoner, (sometime a nurse to my children) was to sett off this Morning for the Neighborhood of the Child's Parents. Upon Application from Mr. Campbell to Brigadr. Genl. De Speht setting forth that He had furnished her with money, an order was obtained for the delivery of the Child to her Master and there was no time for any other Accommodation than an undertaking on my part to reimburse Mr. Campbell the Price he paid for her to the Indians. This I am to do on his producing a Certificate from some Military Gentleman, whom he says was present at the Sale. I have no objection to an Act of Charity of this Nature, but *all Political Considerations aside*, I am of opinion that the national Honor is interested, that this Redemption should not be the Act of an Individual. As Commissary of Prisoners I have stated the Case to you, Sir, that you may determine upon the propriety of reimbursing me, or not, the sum I may be obliged to pay on this occasion.

"That all may be fairly stated I should observe that the Child was never returned a Prisoner,<sup>[25]</sup> nor has drawn Provisions as such—although there can be no doubt of her political character, having been captured by our Savages."

The reply to this communication was:

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"I am favored with your's by Saturday's post and have since layed it before His Excellency the Commander in Chief, and I have the Pleasure to inform you that he approves much of your Conduct and feels himself obliged for your very humane Interposition to rescue the poor unfortunate Sarah

Cole from the Clutches of the miscreant Campbell; and I am further to inform you that your letter has been transmitted by his Secretary to the Judges at Montreal, not only to make Campbell forfeit the money he says he paid for the Girl, but if possible to punish and make him an example to prevent such inhuman conduct for the Future; but in any Event you shall be indemnified for the very generous Engagement you entered into."

It has been established that Mr. Powell had redeemed his word the day it was given and paid Mr. Campbell Twelve Guineas<sup>[26]</sup> on production of a string of Wampum delivered by the Indians with the girl and the money paid by Campbell. A cartel went forward August 22, 1782, and in the list of prisoners sent south appears the name "Sarah Coal."<sup>[27]</sup> Haldimand gave Mr. Justice Mabane, the man of all work of his administration, instructions to see to it that Campbell did not profit by his inhumanity and also to take such steps that the practice should not prevail for the future.<sup>[27]</sup>

A petition presented to Haldimand in 1783, however, discloses another transaction with the Indians.<sup>[28]</sup> Jacob Adams presented the petition December 13 of that year from Carleton Island. He said:

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"I have taken a Yankee Boy (by name Francis Cole)<sup>[29]</sup> with a party of Messesagee Indians— afterwards when I arrived at Carleton Island with the said party of Indians and said Yankee Boy, the Commanding Officer (Captain Aubrey) demanded the Prisoners Vizt. this Boy and an old man<sup>[30]</sup> the Indians refus'd giving them up on which Capt. Aubrey gave me Liberty to purchase them and so I did by paying sixteen Gallons Rum for the Boy which cost me at this place twenty shillings, York Currency, pr. Gallon,<sup>[31]</sup> and he the said Yankee Boy was to serve me the term of four years (with his own lawful consent) for my redeeming him. As for the old man I likewise bought him for two Gallons Rum but Capt. Aubrey requested I should send him Prisoner to Your Excellency. I acted accordingly. I likewise gave a shirt apiece to each of the two Chiefs who belonged to said party in like manner I lost twenty-four shillings York Currency by four Keggs which the above Rum was put into.<sup>[32]</sup>

"Now, may it please Yr Excellency this said Yankee Boy remained very peaceably and quietly with me for the space of two months during which Time I took him several Journeys to Fort Stanwix and Oswego and whilst I was absent he got acquainted with some of the soldiers on this Island who persuaded him to get off from me and accordingly he got off in the manner following: when Lieut. Peppin of the 5th Regiment and his Party were embarking on board the Haldimand to go to Niagara, he privately got on board and remained there Incog. for one Day and a Night on which I made an application to Mr. Peppin to make a search for him and accordingly he did and found him and likewise brought him before the Commanding Officer who asked the Boy his Reasons for Running away from me: he replied He did not chuse to live with me on which Capt. Aubrey has sent him down as Prisoner to Yr. Excellency.

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"May it please Your Excellency I expect your Excellency will please to take my Case into consideration by granting me the Request of being paid for what I have lost by said Prisoner or the Yankee Boy, to be returned to me..."<sup>[33]</sup>

There were not wanting at this time or later instances of those convicted of crime buying their lives by enlistment for life. One case of a mulatto, a slave, may be here mentioned. A mulatto called Middleton was convicted at Montreal in 1781 of a felony (probably larceny) which carried the sentence of death. He was an expert mechanic of a class of men much in demand in the army and he was given a pardon conditioned upon his enlisting for life. He chose the Second Battalion of Sir John Johnson's Royal American Regiment then in Quebec and was handed over by Sheriff Gray to the officers of that corps after having taken the oath of allegiance administered to all recruits.<sup>[34]</sup>

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Many slaves were employed as boatmen, laborers, and the like, in the army. We find a letter from headquarters at Quebec to Captain Maurer who was at Montreal, dated October 6, 1783, which reads:

"Having had the Honor to communicate to His Excellency, the Commander-in-Chief, your intimation that applications have been made by the Proprietors of some Negro's Serving Capt. Harkimer's (Herkimer) Company of Batteau Men to have them restored to them and desiring to receive His Excellency's Pleasure therein, I am directed to signify to you His Excellency's Commands that all such Negro's to be given up on the Requisition of their owners, provided they produce sufficient Proofs of their Property and give full acknowledgments or Receipts for them which must be taken in the most ample manner to prevent future claims and to have the necessary recourse to those Persons who receive them should different applications be made for the above Negro's."<sup>[35]</sup>

Peace had come<sup>[36]</sup> and there was no more need for a large army. But it was some years before the Indians of the western country ceased from their practice of making prisoners.<sup>[37]</sup>

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RETURN OF NEGROES AND NEGRO WOMEN BROUGHT INTO THE PROVINCE BY PARTIES UNDER THE COMMAND AND DIRECTION OF LIEUT. COL. SIR JOHN JOHNSON, BART 1783

Names	Former Masters	Property of Loyalists	Rebel Property	By Whom Brought In	To Whom Sold	Price Sold For	Where They Are at Present
Tom	Conyne	Loyalist		Canada Indians	Jacob Jordon	Halifax Curry. £12-10	Montreal with Mr. Jordon.

Charles[1]	Smyth		Rebel		Rev. Mr. DeLisle	20—	Montreal with Mr. DeLisle.
Nero[2]	Col. Gordon		ditto	Mohawk Indians	John Mittleberger	60—	Montreal in Provost Gaol.
Jacob[3]	ditto		ditto	Mohawk Indians	Saml. Judah	24—	Quebec.
A Negro Wench[4]	ditto		ditto	Mohawk Indians	ditto	60—	Montreal with Mr. Judah.
Betty	Capt. Collins		ditto	Mohawk Indians	John Gregory	45—	Montreal with Mr. Gregory.
Tom[5]	Col. Fisher		ditto	ditto	Captn. Thomson	25—	Montreal with Mr. Tangen.
Jack	Barney Wimple		ditto	Royal Rt., N. Y.			Montreal with Capt. Anderson.
Diana	Adam Fonda		ditto	ditto			ditto ditto
William[6]	Major Fonda		ditto	Mohawk Indians	Mr. McDonell	30—	Quebec.
Combwood	J. Wimple		ditto	ditto	Capt. Sherwood	12-10	St. James with Capt. Sherwood.
Catharine Simon[7]	Dora Fonda		ditto	Canada Indians	John Grant	12-10	St. Genevieve with Capt. A. McDonell.
Boatswain	Lewis	ditto		Canada Indians			Niagara with A. Wimple.
Jane	Clemont	ditto		ditto			Niagara with his former master.
Dick	Col. Butler	ditto		Mohawk Rangers			ditto ditto with his former master.
Jack[8]	Wm. Bowen	ditto		Royal Rt., N.Y.	Captn. J. McDonell	70—	ditto with Captn. McDonell.
Peggy	Mr. Young	ditto		ditto			ditto with her former master.
Mink[9]	Capt. Harkemaw	ditto					Coteau du Lac with his former master.

[1] Taken at Bells Town, making his escape out of a window in Col. Gordon's House.

[2] Runed away some time ago from his late Master.

[3] Taken at the same place endeavoring to make his escape, also runed away from his late Master.

[4] Sold by Sir John Johnson in lieu of a Negro wench and child of his Property which Col. Gordon exchanged for this Wench.

[5] Sold by Capt. Thomson of Col. Butlers Rangers, to Sir Johnson who gave him to W Langen Since Dead.

[6] Taken at his masters house by Capt John the Mohawk, with Waggon & Horses which he got ready to convey his mistress to Schenectady.

[7] Sold by John Grant to Captn Alexander McDonell.

[8] Sold by Wm. Bowen his Former Master, to Captn John McDonell of Col. Butlers Rangers.

[9] Came in with Sir John Johnson, and are now employed in Captn Harkimers company of Batteau Men.

Names	Former Masters	Property of Loyalists	Rebel Property	By Whom Brought In	To Whom Sold	Price Sold For	Where They Are at Present
Tance	Adam Fonda		Rebel				Coteau du Lac.
Cato	Pruyne		ditto				ditto
Jack	Major Fonda		ditto				ditto
Jack	ditto		ditto				ditto
William	Sir J. Johnson	Loyalist		Rl. Rt., N. Y.			With his Master.
Frank	ditto	ditto		ditto			ditto
Farry	ditto	ditto		ditto			ditto
Jack	ditto	ditto		ditto			ditto
Abraham	ditto	ditto		ditto			ditto
Tom[10]	ditto	ditto		ditto			ditto
Sam	ditto	ditto		ditto			ditto
Jacob a boy	ditto	ditto		ditto			ditto
Tanoë a boy	ditto	ditto		ditto			ditto
Phillis	ditto	ditto		ditto			With her master.
Betty	ditto	ditto		ditto			ditto
Jade	ditto	ditto		ditto			ditto
Jane	ditto	ditto		ditto			ditto
Hager	ditto	ditto		ditto			ditto
Nicholas	Col. Claus			Mohawk Rangers			With his master.
Tom	ditto	ditto		ditto			ditto
Peter	ditto	ditto		ditto			ditto
Maria	ditto	ditto		ditto			ditto
A Negro man name unknown[11]							
N. B. several others carried to Niagara by Indians and White Men[12]							
Chas. Grandison Col. Warner							

[10] Since dead—All these marks for Sir John Johnson Joyned him on the Mohawk.

[11] Sold by a Soldier of the 8th Regt to Lieut Harkemer of the Corps of Rangers, who sold him to Ensign Sutherland of the Rl Rt N. Y.

[12] Sent a Prisoner to Fort Chambly—The Indians still claim the allowance promised them by ye Commandr in Chief.

JOHN JOHNSON,  
Lieut Col Comm.

### FOOTNOTES:

[1] See this Treaty which was concluded at Paris, February 10, 1763 "au Nom de la Très Sainte & indivisible Trinité, Pere, Fils & Saint Esprit"—Shortt & Doughty, *Constitutional Documents*, 1759-1791, pp. 73 sqq.

[2] What we now call Lake Nipissing.

[3] See the Proclamation, Shortt & Doughty, *Const. Docs.*, pp. 119, sqq.

- [4] Per Hargrave, *arguendo*, *Somerset v. Stewart* (1772), Lofft 1, at p. 4; the speech in the State Trials Report was never actually delivered.
- [5] (1772) Lofft, 12 Geo. III, 1; (1772) 20 St. Trials 1.
- [6] These words are not in Lofft or in the State Trials, but will be found in Campbell's *Lives of the Chief Justices*, Vol. II, p. 419, where the words are added: "Every man who comes into England is entitled to the protection of the English law, whatever oppression he may heretofore have suffered and whatever may be the color of his skin. *Quamvis ille niger, quamvis tu candidus esses* and certainly Vergil's verse was never used to a nobler purpose. Verg. E. 2, 19.

William Cowper in *The Task*, written 1783-1785, imitated this in his well-known lines:

"Slaves cannot breathe in England; if their lungs  
Receive our air, that moment they are free.  
They touch our country and their shackles fall."

- [7] I use the spelling in Lofft. The State Trials and Lord Campbell have "Somerset" and "Steuart."
- [8] This was in direct opposition to the opinion of Sir Philip Yorke, Attorney General (afterwards Lord Chancellor Lord Hardwicke) and Sir Charles Talbot, Solicitor General (afterwards Lord Chancellor Lord Talbot) who had pledged themselves to the British planters for all the legal consequences of Slaves coming over to England. The law of Scotland agreed with that of England.
- [9] See *e.g.*, Vinogradoff, *Villeinage in England*, passim. Hallam's *Middle Ages* (ed. 1827), Vol. 3, p. 256; Pollock and Maitland, *History of English Law*, Vol. 1, pp. 395, sqq. Holdsworth's *History of English Law*, Vol. 2, pp. 33, 63, 131; Vol. 3, pp. 167, 377-393.
- [10] See Pollock and Maitland's *History Eng. Law*, Vol. 1, pp. 1-13, 395, 415; Holdsworth's *Hist. Eng. Law*, Vol. 2, pp. 17, 27, 30-33, 131, 160, 216.
- [11] "So spake the fiend and with necessity,  
The tyrant's plea, excused his devilish deeds."  
Paradise Lost, Bk. 4, ll. 393, 394.

Milton a true lover of freedom well knew the peril of an argument based upon supposed necessity. Necessity is generally but another name for greed or worse.

- [12] For example, the Statute of (1732) 5 Geo. II, c. 7, enacted, sec. 4, "that from and after the said 29th September, 1732, the Houses, Lands, Negroes and other Hereditaments and real Estates situate or being within any of the said (British) Plantations (in America) shall be liable" to be sold under execution. Note that the Negroes are "Hereditaments and Real estate," as were the villeins—a rule wholly different from that of the French law.
- [13] His Commission is dated November 28, 1763, Shortt & Doughty, *Constitutional Documents*, 1759-1761, pp. 126, sqq.
- [14] *Canadian Archives, Murray Papers*, Vol. II, p. 15: the Quebec Act mentioned immediately below is (1774) 14 George III, c. 83.

In 1774 the well known Quebec Act reintroduced the former French Canadian law in civil matters while it retained the English law in criminal matters; but the change made no difference in the condition of the slave.

- [15] The three which follow I owe to the interesting paper of Mr. E. Z. Massicotte, Archivist of Montreal published in *Le Bulletin des Recherches Historiques* for November, 1918, pp. 348 sqq.—the advertisement in the Gazette is to be found in Terrill's *Chronicles of Montreal*. The paper was 2½ Spanish dollars per annum, 10 sous per copy, published every Wednesday.
- [16] The "Upper Countries" were Detroit and Michilimackinae, sometimes including the Niagara region—at this time there were practically no residents in what became the Province of Upper Canada and is now the Province of Ontario. The letter is to be found in the *Canadian Archives*, B. 217, p. 21: as no further record appears, it is to be presumed that an order was made for sale by the Sheriff.

The Report of James Monk Attorney-General at Quebec about to be mentioned is to be found in the *Canadian Archives*, B. 207, p. 105.

- [17] In the same year a much wronged Negro petitioned Haldimand. His petition dated at Quebec, October 17, 1778, reads: "To His Excellency Frederick

Haldimand, Governor & Commander in Chief of all Kanady and the territories thereunto belonging,

The Petition of Joseph King humbly sheweth that Your Petitioner has been twice taken by the Yankys and sold by them each time at Public Vendue: he has made his escape and brought two white men through the woods: he was a servant to Captain McCoy last winter in Montreal and came here (Quebec) last spring. Your Petitioner has gone through many Perils and Dangers of his life for making his escape from the Yankeys. He hoaps that Your Excellency through the abundance of Your Benevolence will grant him his liberty for which your poor Petitioner as in Duty bound will ever pray." *Canadian Archives*, B. 217, p. 324.

- [18] In the Petition referred to *post*, Mrs. La Force states that her husband was "late of



Virginia."

- [19] I have followed the Powell MSS. in spelling, capitalization, etc.
- [20] They were taken in an expedition nominally under Captain Bird but he had little control over the Indians and had only a few men of his own British Regulars. He had had bitter experience of the cruelty and unreliability of the Indians in 1779 but had to go with them in 1780. This was not one of the two large Forts which Bird took in his 1780 expedition, Fort Liberty and Martin's Station, but a smaller fortification. It was taken June 26, 1780 (*Can. Arch.*, B. 172, 480); that there were several small forts is certain; that some of the prisoners brought to Detroit were from the small forts and that they (or some of them) were not rebels appears from the letter from De Peyster of August 4, 1780 (*Canadian Archives*, B. 100, p. 441): "In a former letter to the Commander in Chief," said he, "I observed that it would be dangerous having so many Prisoners here but I then thought those small Forts were occupied by a different set of people."
- [21] The well-known so-called Renegade, is in reality a loyal subject whose reputation pays the penalty of a losing cause. The others are all well-known loyalists of Detroit.
- Mrs. La Force's Petition to Haldimand is still extant. *Canadian Archives*, B. 217, p. 116. Her name is included in the list of women and children remaining at Montreal, the list being dated Quebec, September 11, 1782, and she being given as of Virginia and taken June 26, 1780.
- [22] The correspondence, &c., is in the *Canadian Archives*, B. 129, p. 221, 225; B. 159, p. 152; B. 183, p. 284. A Negro taken "horse hunting" by a party of Puttewatamies in the West is mentioned August 16, 1782, in B. 123, p. 290. He belonged to Epharaim Hart from whom he deserted and was taken about 20 miles up Cross Creek. I copy from a Manuscript of Powell's in my possession which I have compared with a photostate copy of a manuscript in the *Canadian Archives*.
- [23] The western part of Pennsylvania is meant. This region was seething with conflicts on a small scale between the Loyalists and the Republicans. The Indians for the most part took the side of the former.
- [24] In what is now the Province of Quebec.
- [25] In 1780 Germain instructed Haldimand that "all prisoners from revolted Provinces are committed as guilty of high treason not as prisoners of war" (*Canadian Archives*, B. 59, p. 54) but a change soon took place and after some intermediate stages, Shelburne, the Home Secretary, in April, 1782, instructed Haldimand that all American prisoners were to be held for exchange. *Canadian Archives*, B. 50, p. 164.
- [26] By the Ordinance of March 29, 1777, 17 George III, c. 9, the guinea was declared equivalent to £1.3.4, Quebec Currency: this would make the price of the girl, \$42.60. See note 30 post. It is to be presumed that Powell was repaid. He nowhere complains that he was not as he certainly would have done if he had cause to do so.
- Negroes were frequently arriving in the colony and seeking aid and subsistence. For example, we find Thomas Scott, J. P., reporting Thursday, May 17, 1781: "The Bearer John Jacob a Negro man just arrived from Montreal has applied to me for relief in his case as set forth in the Annexed Paper. But as I apprehend that can only be given him by His Excellency the Governor I respectfully recommend him to His Excellency's notice." *Canadian Archives*, B. 100, p. 72.
- [27] See *Canadian Archives*, B. 130, pp. 33, 34.
- [28] It is more than doubtful that the prohibition of the sale of white captives by the Indians would be productive of good. The natural result would rather be that the Indians would kill their white captives at once or torture them to death. At the best the prisoners would in most cases, if adults become slaves and if young be adopted into the tribe. There are numerous instances of white captives being slain because unsaleable while the Negroes escaped death because they found a ready market. See the story of Thomas Ridout, post, note 37. The order of Haldimand will be found in the *Canadian Archives*.
- [29] Remembering that Sarah Cole was bought by Campbell from the Indians at Carleton Island (near Kingston) it seems likely that Francis Cole was her brother or some other relation. That Adams says nothing of Sarah is not at all strange.
- The Mississagua Indians occupied a great part of the territory now the Province of Ontario and were always loyal to the British Crown.
- [30] In the "Return of Prisoners who have requested leave to remain in the Province made at Quebec, November 3, 1782," appear the names of "Mich. & Phoebe Roach to remain at Montreal to receive a child with the Savages and a man at Carleton Island." These were white. The Report of the Negroes follows. *Canadian Archives*, B. 163, p. 258.
- [31] The York Shilling (or shilling in New York currency) was 12½ cents, one eighth of a dollar.
- [32] \$5.00 for the rum; \$3.00 for the Keggs.
- [33] *Canadian Archives*, B. 216, pp. 14, sqq.

No proceedings seem to have been taken on this Petition and it is probable that Mr. Adams had to stand the loss on Francis Cole the said Yankee Boy as Campbell did on Sarah Cole of Pennsylvania.

Indians were not the only slavers. As soon as the Declaration of Independence was promulgated, if not before, Boston began to fit out privateers to prey on British trade. We read of four privateers reported by Governor Montague as seen in the Straits of Belle Island in 1776, two off Placentia in 1777 and in 1778 committing daily depredations on the coast of Newfoundland. They harried the unprotected fishermen and the farmers of Newfoundland and Labrador but some at least of them went further. Those who had demanded political freedom themselves denied even personal freedom to others. They seized and carried away into slavery some of the unoffending natives, the Eskimos, who were freemen and whose only crime was their helplessness. One instance will suffice. The *Minerva* privateer of Boston, Captain John Grimes, Master, mounting 20 nine pounders and manned with 160 men landed on Sandwich Bay, Labrador, at Captain George Cartwright's station, took his brig, *The Countess of Effingham*, loaded her with his fish and provisions and sent her off to Boston. Cartwright not unnaturally said: "May the Devil go with them." "The *Minerva* also took away four Eskimo to be made slaves of." W. G. Gosling, *Labrador*, Toronto, n. d., pp. 192, 244, 245, 333.

- [34] See *Canadian Archives*, B. 61, p. 83, where he is called a Negro. *Ibid.*, B. 158, p. 261, where he is called a mulatto.
- [35] *Canadian Archives*, B. 215, p. 236.
- [36] The Definitive Treaty of Peace between the mother country and her revolted colonies, now become the United States of America, was signed at Paris, September 3, 1783, but it had been incubating for months before that date.
- [37] It may not be out of place to give some account of the capture by Indians of Thomas Ridout, afterwards Surveyor General and Legislative Councillor of Upper Canada. His story is given in his own words by his granddaughter Lady Edgar in her interesting *Ten Years of Upper Canada*.

Thomas Ridout, born in Dorsetshire, when twenty years of age came to Georgia in 1774. After trading for a few years he left Annapolis, Maryland, in 1787 for Kentucky with letters of introduction from George Washington, Colonel Lee of Virginia and other gentlemen of standing. Sailing with Mr. Purviance, his man James Black and two other men towards the Falls of the Ohio, the party was taken by a band of about twenty Indians. Ridout was claimed by an elderly man, apparently a chief, who protected him from injury, but could not save his hat, coat and waistcoat. Soon he saw tied two other young men who had been taken that morning and set aside for death. Ridout was able to secure their release. The Indians were Shawanese, Pottawatamies, Ottawas and Cherokees. One prisoner, William Richardson Watson, said to be an Englishman but who had lived for some years in the United States, they robbed of 700 guineas and then burnt to death. Purviance, they beat to death but Ridout was saved by the Indian who claimed him as his own. A white man, Nash, about twenty-two who had been taken by the Indians when a child and had become a chief, encouraged him and told him that he would be taken to Detroit where he could ransom himself. He was more than once within a hairsbreadth of death but at length he was brought by his master, Kakinathucca, to his home. He was a great hunter and went every year to Detroit with his furs for sale, taking with him his wife Metsigemawa and a Negro slave. The chief had a daughter Altewesa, about eighteen years of age "of a very agreeable form and manners." She saved Ridout from death from the uplifted hand of an Indian who had his hand over him ready to strike the fatal blow with his tomahawk.

At the end of three weeks the whole village set off for the Wabash. Arriving at the Wabash his papers were read by the interpreter, a white man who had been taken prisoner several years before and held in captivity. The Indians were assured that Ridout was an Englishman and not an American and they consented that he might go with his master to Detroit for ransom. The Indians were excessively enraged at the Americans who they claimed were the cause of their misfortunes. The preceding autumn the Americans had come to their village on the Scito River from Kentucky and in times of profound peace and by surprise destroyed their village and many of their people, their cattle, grain and everything they could lay their hands on.

Ridout witnessed the torture and heard the dying shrieks of an American prisoner Mitchell who had been captured with his father Captain Mitchell on the Ohio. The father had been liberated but the son given to a warrior who was determined to burn him.

After three or four days, Ridout's master collected his horses and peltry and with his wife the Negro and Ridout set out for Detroit. On the way there were met other Indians among whom was the noted Simon Girty. A council was held at which the murderer of Mitchell claimed Ridout as his but at length Kakinathucca prevailed and Ridout's life was again spared. The murderer asserted that he was a spy but his papers proved his innocence. The little party went on to Fort Miami where several English and French gentlemen received Ridout with open arms. Mr. Sharpe clothed him and a French gentlemen lent a canoe to carry the party and furs 250 miles by water to Detroit. Reaching Detroit, which, it should be remembered, remained in British hands until August 1796, he was received with every attention and a bed was provided for him at Government House. The officers furnished him with money and gave him a passage to Montreal where he arrived about the middle of July, 1788. Ridout settled in Upper Canada. In 1799, Kakinathucca and three other Shawanese chiefs came to pay him a visit at York, (Toronto), and were hospitably treated, the great and good Kakinathucca receiving substantial testimony of the gratitude of the man he had saved from a death of torture.

Ridout's memorandum of the fate of the other prisoners is terribly significant: "Samuel Purviance, Killed; Barland, Killed; Wm. R. Watson, burnt; James Black, beat to death; Symonds, burnt; Ferguson, sold for corn; a negro woman unharmed."

## CHAPTER III

### AFTER THE PEACE

Early in the summer of 1782, Haldimand received orders from Sir Guy Carleton then in New York to act only on the defensive. This was due to the negotiations for peace being on the way, and from that time it may fairly be said that Canada was at peace.

One slave felt the movement in the air. This was Plato, an old Negro slave who had been taken in Carleton's operations against Fort George in 1780 and brought to Montreal where he entered the service of St. Luc, a personage in those days. Plato had belonged to a Mr. Stringer who, the slave always asserted, never joined the rebels. But when, on November 3, 1782, there was made by the Commissary of Prisoners at Quebec a return of the prisoners who had requested to remain in the province, Plato's name appeared in the list. The next year he changed his mind and on July, 17, 1783, he presented a petition to Haldimand asking him to "excuse these few lines from a slave who would wish to go again to his own Master and Mistress." He added: "The Gentleman I am now living with Mr. St. Luc says he is very willing to let me go with the first party that sets out from here" (Montreal).<sup>[1]</sup> Another Negro slave Roger Vaneis (Van Ness) who had also been taken at Fort George declined to go. He was living with Lieutenant Johnson and was to have his freedom on serving for a time already about completed.<sup>[2]</sup>

The declaration of peace, however, brought many more slaves into Canada. Even before the treaty was signed some of those who had kept their faith to England's crown and desired to live and die under the old flag made their way to the north. After the peace when the cause was lost, many thousands came. Many of these had been slaveholders and they brought their slaves with them. Some settled in what was afterwards Lower Canada in Sorel and elsewhere, some in the upper country, around Cornwall, Kingston, and Niagara, and a very few crossed the river at Detroit.<sup>[3]</sup>

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Returns made about the time show a large number of slaves—euphemistically disguised as *servants* in some cases. A Report of 1784 shows 14 near Cataraqui (Kingston). Another of the same year for the new townships on the River St. Lawrence beginning at Township No. 1, on Lake St. Francis and running upwards, gives

1st Battn. late King's R. Rifles	25
Tps. 1, 2, 3, 4, 5.	
Part Major Jessup's Corps	12
Tps. 6, 7 & pt. 8.	
2nd Battn.	10
Tps. 3, 4, Cataraqui	
Capt. Grass, Party	
Tp. 1 Cataraqui (apparently none)	
Part Major Jessup's Corps	12
Tp. 2 Cataraqui	
Major Rogers' Corps	14
Tp. 3 Cataraqui	
Major VanAlstine's Party of Loyalists <sup>[4]</sup>	17
	90

In the return of the disbanded troops and Loyalists at Sorel the same year, the number of servants is given at 5; none near Chambly, 3 about St. John's, 40 about Montreal, and 8 about Lachine.<sup>[5]</sup> In the Niagara district in 1782 the blunt word "slave"<sup>[6]</sup> is used and the number given at only one. In 1784 the first census in which slaves were counted was made. In the District of Quebec there were 88, in the District of Trois Rivières 4, and in the District of Montreal 212. In what was afterwards the Province of Lower Canada there were in all 304.

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The sale and marriage of Negro slaves continued to be<sup>[7]</sup> recorded. For example, there are extant two notarial acts of sale of a female Negro slave called Peg, June 9, 1783 from Elias Smith to James Finlay and May 14, 1788 from Finlay to Patrick Langan. In each case the price was £50<sup>[8]</sup>. On January 20, 1785 there took place at Christ Church the marriage of Francis and Jane both slaves to Colonel Campbell. On March 9, 1785, there was a sale of a female Negro slave named Sarah, by James Morison, merchant, as agent for Hugh McAdam, of Saratoga, New York, to Charles Lepallieur, Clerk of the Court of Common Pleas. The price was 36 louis. On April 1, 1785 Elizabeth Cady of New York, sold to William Ward of Vermont, four Negroes: Tobi 24 years, Joseph 20 years, Sarah 19 years and a child six months, the price being 250 louis. On April 26, William Ward sold three of these slaves at Montreal to William Campbell—that is Tobi, Sarah and the child for \$425. On May 6, William Campbell sold these three slaves to Dr. Charles Blake for \$300.

On September 5, there followed the sale of a Pani slave called Charlotte, aged eighteen years, by Dame Marie-Joséphine Deguire, widow of Jean-Etienne Waden, to Jacob Schieffelin, auctioneer, for 21 louis. The said slave had been brought from Upper Canada by Mr. Waden in 1776. To increase her value it was said that the slave had had the measles and the small-pox and was not scrofulous nor had any other defect.

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On January 22, 1786, there took place at Christ Church the marriage of the slaves, Thomas York

and Margaret McCloud. On March 17, 1787, Samuel Mix, Merchant of Saint-Jean on the Richelieu, sold to Louis Gauthier, merchant tanner of the Faubourg Saint Laurent, a female Negro slave named Rose aged 14 years for the sum of 40 louis. On June 6, 1789, Charles Lepallieur resold to James Morison the female Negro slave Sarah whom he had sold to him in 1785. The price was 36 louis. On the sixth of June James Morison sold the same Sarah for 50 louis to Joseph Andrews, at a profit of 14 louis. On April 3, 1790 there was a sale by Oliver Hasting to M. le chevalier Chs. Boucher de la Bruère, de Boucherville, of a Negro of the name of Antoine, aged eight years and a half. The price was 90 minots de blé. On September 9, 1791 followed the sale at auction of the female Negro slave Rose, aged 19 years, by William Matthews, merchant of Sorel, to Lambert Saint-Omer, Merchant of Montreal, for 38 louis and 5 shillings. This slave had already belonged to S. Mix as set forth above.

Alexander Campbell writing from Montreal August 16, 1784, to Major Mathews says that having sent to Albany to recover some of his debts, Adam Fondea of Cauchnawago of Tryon's County gave as an excuse for not paying his debt that a certain Negro woman named Dine born in his own family and his actual property was taken away from his house by Captain Samuel Anderson of Sir John Johnson's First Batallion, and was still detained by him as his property. Fondea being willing to pay the debt had sent a power of attorney to take his slave, sell her and pay the debt with the proceeds. Campbell asked that the governor should order Dine to be seized and sold as no Magistrate had the power or the inclination to give such an order. No attention seems to have been paid to this request.

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On September 15, 1784, James Doty writing also from Montreal says that "with some difficulty to myself I have ... purchased a Negro boy from Lieut. Clench of the Indian Department which boy has been allowed his provisions drawn at Cataraqui (Kingston) from the time of his first coming into the Province with other Loyalists from N. York last year." He asked to have this allowance continued. There was no answer. The report of settlers near Cataraqui for this year gave 3 "servants" and near Oswegatchie 11. But the importation of Slaves was not encouraged indiscriminately.<sup>[10]</sup>

The accustomed abuses were not wanting. In an action Poirée v. Lagord in the Court of Common Pleas at Montreal July 1788, it was proved that Lagord had sold to Poirée in September, 1787, a free Negro for £37.6. He was ordered to repay the price with interest. Another and more celebrated case was that of the Negro Nero. In 1780 Haldimand sent a detachment of troops accompanied by Mohawk Indians to attack Ballstown and the Saratoga region. They captured a number of Negroes some of them the slaves of Colonel Gordon of the American service. These were claimed by the white men and Indians, and as was the custom, they were brought to Montreal and sold. One Negro called Dublin was known to be free. He was liberated and enlisted in the army. Lieutenant Patrick Langan acted as agent for the Indians and sold Nero to John Mittberger for £60 December 5, 1780. Claiming the Negro as a prisoner of war General Allan Maclean imprisoned him "in the public Provot." He made his escape and went to his master Colonel Gordon and Mittleberger sued Langan in 1788 for the price and for damages. In January 1789 he was awarded judgment for the £60 and interest.<sup>[11]</sup> About the same time Rossiter Hoyle, attorney for the trustees of Mary Jacobs, obtained a judgment in the Court of Common Pleas at Montreal that Donald Fisher and Elizabeth his wife should forthwith deliver "two negro women, the one named Silvia Jane, the other Ruth Jane," which said Negro women, they had sold to Mary Jacobs by a notarial deed for £50 or pay £50 with costs.<sup>[12]</sup>

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There are also in existence advertisements for the sale of Negroes. In the *Quebec Gazette* of March 18, 1784, is the advertisement of the sale of a female Negro slave, price to be obtained on inquiry of Madame Perrault. In the issue of March 25, 1785, there is advertised for sale a Negro of about twenty-five years of age who has had the smallpox. There appear also a few advertisements for runaway slaves.

There arose also some complaints like the following: In 1784 there was presented at Quebec to Sir Frederick Haldimand, Governor in Chief, a petition from John Black showing that the petitioner hath served as a seaman in His Majesty's service on board the sloop, *Happy Couple* of New York for which he had a certificate to shew, and was then living servant to Mrs. Martin, the wife of Captain Martin of this place, who wanted to deprive him of his liberty and humbly begged His Excellency to grant him a passport.<sup>[13]</sup>

The immigration into Canada of those who had been British subjects was ardently desired by the home authorities. To encourage this immigration, the Imperial Parliament in 1790 passed an Act<sup>[14]</sup> which had some effect in increasing the slave population. Intended to encourage "new settlers in His Majesty's Colonies and Plantations in America," it applied to all "subjects of the United States." It allowed an importation into any of the Bahama, Bermuda or Somers Islands, the province of Quebec (then including all Canada), Nova Scotia and every other British territory in North America. It allowed the importation by such American subjects of "Negroes, household furniture, utensils of husbandry or cloathing free of duty," the "household furniture, utensils of husbandry and cloathing" not to exceed in value £50 for every white person in the family and £2 for each Negro, any sale of Negro or goods within a year of the importation to be void. After the division of the Old Province of Quebec into Upper and Lower Canada in 1791 the course of slavery was different.<sup>[15]</sup>

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It seems appropriate to close this chapter by adding a number of available advertisements

including some of runaway apprentices.<sup>[16]</sup>

Il s'est enfui de chez les Soussignés, la nuit du 12 du courant, Un Nègre Esclave nommé POMPÉ d'environ cinq pieds cinq pouces d'hauteur, robuste, il a été acheté dernièrement de M. Perras, négociant de cette ville; il avoit sur lui quand il a décampé un gilet et des culottes brunes: Celui qui le ramenera aura HUIT PIASTRES de Récompense, et les frais raisonnables qu'il aura faits. Quiconque le retirera chez lui sera poursuivi suivant la dernière rigueur de la Loi, par

JOHNSTON & PURSS.

RUN-AWAY from the subscribers, in the Night of the 12th inst. a Sailor Negro Slave named POMPEY, about 5 Feet, 5 Inches high, and is Robust; he was lately bought of Mr. Perras, Merchant in this Town; had on when he went away a brown Jacket and Breeches. Whoever brings him to the Subscribers shall have EIGHT DOLLARS Reward and reasonable Charges paid. Any Person Harboursing him will be prosecuted according to the utmost Rigor of the Law, by

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JOHNSTON & PURSS.

Run-away from the Subscriber, living in Quebec, on the Evening of the 9th Instant, an indented Servant Woman, named Catharine Osburn, about 20 or 21 years of Age, red fac'd, very fat and rough skin'd, about 5 Feet 5 Inches high, a little mark'd with the Small-Pox; She had on a purple colour'd Stuff Jacket flower'd with green and white, a blue thick Kersey Petticoat, blue Stockings with White clocks, an old red Cloak; and took with her two new Shifts of good Dowlas Linen, seven plain and two lac'd caps. She was inticed away by two discharg'd soldiers, John Linsey and John McDonald, said to be going for New England. McDonald was formerly Turnkey at the Gaol; they were both of the 60th Regiment. Whoever takes them up, and secures them, so that they may be brought to Justice, shall receive Five Dollars Reward for each of them; and whoever secures the Woman, or brings her to her Master, shall receive Five Dollars Reward, and all reasonable Charges, paid by

WILLIAM LAING.

N. B. All Persons are forbid to harbour or carry any of them off. It is thought that they are still harbour'd in and about this City Quebec, 14th March, 1767.—*Quebec Gazette*, 1767.

Whereas William Russey, an article'd Servant to Mr. Suckling, of this City, hath lately run-away, and absented himself from the Service of his said Master: If any Person will give Information to the said Mr. Suckling of the said Servant, so that he may be apprehended and brought before John Collins, Esq; one of His Majesty's Justices of the Peace for the District of Quebec, shall, upon such Apprehension and Bringing, receive Eight Dollars Reward, to be paid by me the Subscriber: And any Person or Persons who shall, after this Notice, employ, harbour or conceal the said Servant, will be prosecuted with the utmost Severity of the Law, by me,

GEO. SUCKLING.

QUEBEC, 14th April, 1767.

—*Quebec Gazette*, 1767.

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Run-away, from James Crofton, Vintner in Montreal, the Third of May, 1767, a Mulatto Negro Slave, named Andrew, born in Maryland Twenty-three Years of Age, middle sized, very active and sprightly, has a remarkable large Mouth, thick lips, his Fingers crooked, speaks good English and French, a little Dutch and Earse; is supposed to have with him forged Certificates of his Freedom, and Passes. Whoever takes up and secures the said Negro, so that his Master may have him again, shall have Eight Dollars Reward, besides all reasonable charges, paid by Mr. Henry Boone, Merchant, at Quebec, or James Crofton, at Montreal.

N.B. He is remarkable for being clean dres'd and wearing a Handkerchief tied round his Head: is very well known to all the Gentlemen at Quebec, that has been in Montreal, and who have used my House, and was Three Months with Mr. Joseph Howard, of Montreal Merchant, last Summer in Quebec.—*Quebec Gazette*, 1767.

TO BE SOLD,

For no Fault, the Owner having no employ for him,

A likely Negro fellow, about 23 or 24 Years of Age; understands Cooking, waiting at Table, and Houshold Work, &c., &c. He speaks both English and French. For further Particulars enquire of the Printers.—*Quebec Gazette*, 1770.

From the Subscriber, on Sunday morning the 24th ult, about four o'Clock, a Negro Lad named NEMO, born in Albany, near eighteen years of age, about five feet high full round fac'd, a little marked with the Smallpox, speaks English and French tolerably; he had on when he went away a double-breasted Jacket of strip'd flannel, old worsted Stockings, and a pair of English Shoes. Also a Negro Wench named CASH, twenty-six years old, about 5 feet 8 inches high, speaks English and French very fluently; she carried with her a considerable quantity of Linen and other valuable Effects not her own; and as she has also taken with her a large bundle of wearing apparel belonging to herself, consisting of a black satin Cloak, Caps, Bonnets, Ruffles, Ribbons, six or seven Petticoats, a pair of old Stays, and many other articles of value which cannot be ascertained, it is likely she may change her dress.

All persons are hereby forewarned from harbouring or aiding them to escape, and Masters of vessels from carrying them off, as they may depend on being prosecuted to the utmost rigour of the Law; and whoever will give information where they are harboured; or bring them back to the Subscriber at Quebec, or to Mr. George Ross, Merchant at Sorel, shall have TEN DOLLARS Reward for each, and all reasonable charges.

HUGH RITCHIE.

N. B. The Lad was seen at Sorel on Friday morning the 29th ult. and there is reason to believe they are both lurking thereabout.

QUEBEC, November 2, 1779.

—*Quebec Gazette*, 1779.

Ran-Away on Sunday the 24th of October, JOHN BARCLAY, an Apprentice, aged 15 years, small of his age, has short black and lank Hair, dark hazle Eyes, good complexion a little freckled, speaks good English and a little French: had on when he went away a light grey Coat and Waistcoat, and stript cotton Trowsers with leather Breeches under them. Whoever will apprehend him or give information so that he may be apprehended, shall receive Five Guineas Reward from

SHOOLBRED & BARCLAY.

QUEBEC, November 2, 1779.

—*Quebec Gazette*, 1779.

Run Away from his bail, an indented servant man named Christian Miller, born in Germany, by trade a Tailor, he is about 5 feet 9 or 10 inches in stature, well made, middling long black hair, speaks English tolerably well, he was formerly a servant to a German Hessian officer, one Mr. Seiffort, Lieutenant in Capt. Schoels regiment, has very much the art and behaviour of a sham beau and has a variety of cloaths, viz. a Maroon Coat, a brown ditto, lined with light blue silk, the one had Gold the other Silver Buttons, a brown Great Coat and a variety of Waistcoats and Breeches: Whoever will apprehend the said Run-away, so as the subscriber may have him in custody shall receive FIVE GUINEAS reward, over and above any reasonable expences; and all masters of vessels, officers of the army and others, are forwarn'd not to harbour or entertain him nor to be aiding in his escape, on pain of being prosecuted as the law directs.

Note. If apprehended at Quebec, apply to Mr. Wm. Laing, Merchant, or to the subscriber at Montreal.

(Signed) JOHN MITTLEBERGER.

MONTREAL, 4th July, 1782.

*Quebec Gazette* 1782.

Ran Away from the subscriber, on Thursday evening the 21st instant, an Apprentice Boy named JOSEPH POWERS, a Shoemaker, about fifteen years of age, of a fair complexion short hair, speaks English and French, had on when he went away a Blanket Coat, light blue Waistcoat and Breeches very dirty, a Check Shirt much wore, a round Hat, and a pair of Slippers: this is to give notice to the public that they are not to harbour the said Apprentice in their houses or families, otherwise they will be prosecuted as the law directs.

ALEXR. WALLACE.

QUEBEC, November 27, 1782.

—*Quebec Gazette*, 1782.

Ran-Away from the Printing-Office, On Monday night last, an Apprentice Lad named Duncan M'Donell, about 19 years of age, about five feet five inches high, of a fresh complexion; speaks English, French and Erse: all persons are hereby forwarn'd from harbouring him, as they may depend on being prosecuted to the utmost rigour of the Law, and whoever will bring him back shall have One Guinea Reward from the

PRINTER.

QUEBEC, April 17, 1783.

—*Quebec Gazette*, 1783.

TO BE SOLD.

A NEGRO WENCH about 18 years of age, who came lately from New York with the Loyalists. She has had the Small Pox—The Wench has a good character and is exposed to sale only from the owner having no use for her at present.

Likewise will be disposed of a handsome Bay Mare.

For particulars enquire of the Printer.

—*Quebec Gazette*, 1783.

A Gentleman going to England has for sale, a Negro-wench, with her child, about 26 years of age, who understands thoroughly every kind of house-work, particularly washing and cookery: And a stout Negro—boy, 13 years old: Also a good horse, cariole and harness. For particulars enquire at Mr. William Roxburgh's Upper-town, Quebec, 10th May, 1785.

—*Quebec Gazette*, 1785.

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To be SOLD together.

A Handsome Negro Man and a beautiful Negro Woman married to one another: the man from twenty-three to twenty-four years of age, between five and a half and six English feet high: the woman from twenty-two to twenty-three years of age; both of a good constitution. For further information, such as may be desirous of purchasing them must apply to Mr. Pinguet, in the Lower-town of Quebec, Merchant.

—*Quebec Gazette*, 1788.

## FOOTNOTES:

[1] *Canadian Archives*, B. 163, p. 258: *ibid.*, B. 163, p. 324.

[2] *Ibid.*, B. 163, p. 258.

[3] As Britain kept possession of Detroit until 1796, many United Empire Loyalists settled on the west side of the river at that point. A few remained on the east side of the Niagara River as Fort Niagara was held in the same way.

[4] *Canadian Archives*, B. 168, p. 42.

Different detachments of disbanded regulars on Tp. 5 Cataraqui, detachment of Germans under Baron Kritzenstein on Tp. 5 Cataraqui and Rangers of 6 Nations Department settled with the Mohawks on Bay of Quinte return no servants. *Canadian Archives*, B. 168, p. 42. Report dated Montreal, July 1, 1784.

[5] *Canadian Archives*, B. 168, pp. 44, 47, 48, 51, 55, 61, 63, 67, 68, 71, 77, September, 1784. See also B. 168, pp. 81, 88, 92, 95, 99, 100, 101, 102. These may be found in the Report for 1891 of the *Canadian Archives* Department, pp. 5-20.

[6] *Ibid.*, B. 169, p. 1. There is a column for "Male Slaves" and one for "Female Slaves." Thomas McMicken has the proud monopoly, he had one male slave. The other fifteen householders had none. But then he had 20 hogs to look after and no one else had more than 14; most many fewer.

[7] *Canadian Archives*, B. 225, 2. p. 406. Massicotte B. R. H. *ut supra*.

[8] Lafontaine *ut supra*, pp. 21, 22.

[9] Those in the text are taken from Mr. Massicotte's Article B. R. H. *ut supra*. The letter of Campbell is *Can. Arch.*, B. 162, p. 351. That of Doty, *ibid.*, p. 365: the Report is *ibid.*, p. 385.

[10] In a letter from Henry Hope, Lieutenant-Governor dated Quebec, November 6, 1786, to Captain Enys, 29th Reg't., we read:

"I am by desire of His Excellency the Commander in Chief (Lord Dorchester) to require that no negro slaves shall be permitted on any account to pass into this Province by the Post under your command."

[11] Lafontaine *ut supra*, pp. 22, 23, 24, 44, 45, 46. *Le Monde Illustré* December 9, 1893. Massicotte, *Bulletin des Recherches Historiques* for November, 1918, pp. 348 sqq.

[12] Lafontaine *ut supra*, p. 43. The advertisements spoken of are on p. 21.

[13] *Can. Arch.*, B. 217, p. 397. What if anything was done on the petition does not appear.

[14] (1790) 30 George III, c. 27.

[15] The division of the Province of Quebec into two provinces, that is, Upper Canada and Lower Canada, was effected by the royal prerogative, Sec. 31, George III, c. 31, the celebrated Constitutional Act of Canada. Technically and in law, the new province was formed by Order in Council, August 24, 1791, but there was no change in administration until December 26, 1791.

[16] These I owe to the kindness of the officers of the Canadian Archives Department of Ottawa.

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## CHAPTER IV

### LOWER CANADA

The Province of Lower Canada continued the former law—in criminal matters, the English law, in civil matters the French law. It was not long before the status of the slave became a burning issue. At the first session of the first Parliament<sup>[1]</sup> of the new Province Lower Canada, Mr. P. L. Panet, a member of the House of Assembly, moved (January 28, 1793) for leave to introduce a bill for the abolition of slavery in the province and leave was unanimously given. On the twenty-sixth of February, Panet introduced a bill pursuant to leave given, and it was read in French and in English. On the eighth of March, Mr. B. Panet proposed the first reading of the bill and it was so read. On the nineteenth of April Mr. P. L. Panet moved that the bill be taken into consideration by the Committee of the Whole on the following Tuesday. The motion was debated and Mr. Debonne moved an amendment to table the bill, which was carried 31 to 3.<sup>[2]</sup> There was no further effort toward legislative dealing with slavery until 1799.<sup>[3]</sup>

The sale of Negroes continued as indicated by the records.<sup>[4]</sup> On the twelfth of May, 1794, Francois Boucher de la Périère and Marie Pecaudy de Contrecoeur, his wife, gave liberty to James, their Negro slave, aged 21 years, on condition that he should live in the most remote parts of the upper country. If, however, he left those parts, he should return to slavery. On the fifteenth of December, 1795, Frs. Dumoulin, merchant of Bout de l'île sold to Myer Michaels, merchant, a mulatto named Prince, aged 18 years, for the price of 50 louis.

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On the sixteenth of January, 1796 there was found a bill of sale of a female Negro slave named Rose, dated January 15, 1794, the vendor being P. Byrne, the purchaser Simon Meloche, for the price of 360 shillings, deposited with the Notary J. P. Delisle. On the third of September John Shuter by notarial act promised his Negro, Jack, to give him his liberty in six years, if, in the meantime, he served him faithfully. Later, on November 2, 1803, Shuter declared that Jack had fulfilled his obligation, and he accordingly emancipated him. On the thirteenth of September, J. B. Routier, merchant of the Faubourg Saint-Antoine, sold to Louis Charles Foucher, Solicitor-General of His Majesty, Jean Louis, a mulatto, aged 27 years, height 5' 10", the price being 1300 shillings. Routier declared that he had bought Jean Louis as well as his mother at the Island of Saint-Domingue in 1778. On the twenty-third of November César, a free Negro of New London, Connecticut, engaged for ten years as a domestic to Dr. John Aussem, living in the Faubourg Saint Antoine, with a salary of 30 louis in advance. Dr. Aussem reserved to himself the right to sell the services of his domestic to whomsoever he pleased during the ten years.

On the twenty-fifth of May, 1797 Dame Marie-Catherine Tessier, Widow of Antoine Janisse, in his lifetime a voyager, liberated her slave Marie Antoine de Pade, an Indian, aged 23 years, in recognition of her services which she had rendered her, and in addition gave her a trousseau. On the twenty-fifth of August Thomas Blaney, gold painter, sold to Thomas John Sullivan, hotel-keeper of Montreal, the Negro Manuel about 33 years old for 36 louis, payable in monthly instalments of three louis each. On the same date and before the same notary, Sullivan promised the slave to liberate him in 5 years, if he served him faithfully. On the twenty-second of November George Westphall, formerly Lieutenant of the 6th Regiment, who owed 20 louis to Richard Dillon, proprietor of the Montreal Hotel in security for payment, delivered to his creditor a mulatress, a slave called Ledy, aged 26 years. She was to work with Mr. Dillon until he was repaid what was owed him by Westphall for principal and interest.

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In the year 1793, there came up in the Court of Appeal at Quebec a case involving slavery but nothing was really decided. The plaintiff Jacob Smith sued Peter McFarlane in the Court of Common Pleas for taking away his wife and her clothes and detaining them. McFarlane claimed that Smith's wife was his slave. The Court of Common Pleas gave the plaintiff judgment for £100 and McFarlane appealed to the Court of Appeal. The Court pointed out that it was for McFarlane to prove that Smith's wife was his slave and that he had not done so: but as there had been error in the proceedings the case was sent back to be retried. It is important to notice that the court considered that if McFarlane could prove that Smith's wife was his slave, he had the right to take her away.<sup>[5]</sup>

A lawsuit also arose over the Negro Manuel (Allen) sold August 25, 1797, to Thomas John Sullivan. When Blaney sold him for £36 Sullivan paid down only half and the balance with interest £30.15.2 was sued for in the Court of King's Bench at Montreal in 1798. Sullivan pleaded that Manuel was not the plaintiff's slave but a free Negro and that he had run away March, 1798, at Montreal where he continued to be: and Sullivan claimed to be reimbursed the £18 which he had paid. On the sixth of October Manuel himself came into the suit and claimed that "by the laws of this land he is not a slave but a freeman." Evidence was given that he had absconded from Sullivan's service alleging as a reason that he was a freeman, "that other blacks were free and that he wanted to be free also." In February, 1799, the court held that no title or right to sell Manuel has been shown and dismissed the action directing the return of the £18.<sup>[6]</sup>

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In 1797 the Imperial Act of 1732 for the sale of Negroes and other hereditaments for debt in the American Plantations was repealed so far as it related to Negroes<sup>[7]</sup> but this made no difference in their status. The courts, however, were becoming astute in favor of assisting those claiming freedom. In February, 1798, a certain female Negro slave called Charlotte belonging to Miss Jane Cook left her mistress and refused to return. On information laid she was committed by the magistrates to prison. She sued out a writ of habeas corpus from the Court of King's Bench at Montreal and Chief Justice, James Monk, ordered her release. On this becoming known, the Negroes of the city and district of Montreal became very threatening in their demeanor. Many renounced all service and one woman called Jude who had been bought at Albany in 1795 for £80



by Elias Smith, a merchant of Montreal, left her master and was committed to prison in the same way by the magistrates. Being brought up in the Court of King's Bench at Montreal on habeas corpus, Chief Justice Monk discharged her March 8, 1798 without deciding the question of slavery. The Chief Justice declared that he would set free every Negro, artiled apprentice, or domestic servant who should be committed to prison in this way by the magistrates. But this was because the statute in force at that time<sup>[8]</sup> gave power to the magistrates to cause such due correction and punishment to be ministered to an apprentice as they thought fit and this empowered them to commit apprentices to the house of correction as a punishment, but it gave no authority to commit to a common gaol or other prison.

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These decisions alarmed the owners of slaves: and a petition from many inhabitants of Montreal was presented to the House of Assembly April 19, 1799, by Joseph Papineau. This petition set forth the ordinance of the Intendant Raudot in 1709<sup>[9]</sup> the Act of 1732,<sup>[10]</sup> that of 1790,<sup>[11]</sup> the facts concerning Charlotte, Jude and the other Negroes, the judgments of Chief Justice Monk, and the absence of any house of correction. It prayed that an Act should be passed that until a house of correction should be established every slave, Panis or Negro who should desert the service of his master, might be proceeded against in the same way as apprentices in England, and be committed to the common gaol of the District; and further that no one should aid or receive a deserting slave or that there should be passed a law declaring that there was no slavery in the Province or such other provision concerning slaves should be made as the House should deem convenient.<sup>[12]</sup> The petition was laid on the table.

In 1799 there was passed an Act providing houses of correction for several districts, but no provision was made concerning slavery. Perhaps the wisdom of this house proved insufficient to devise any "provision convenable."

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The next year another petition was brought in by Papineau from certain inhabitants of the District of Montreal saying that doubts had been entertained how far property in Negroes and Panis was sustainable under the laws of the province. They cited Raudot's ordinance, the recognition of slavery for years, and stated that in a recent case the Court of King's Bench at Montreal in discharging a slave of Mr. Fraser's who had been committed to the house of correction by three justices of the peace, had expressed the opinion that the Act of 1797<sup>[13]</sup> had repealed all the laws concerning slavery. They asked that the House should pass an act declaring that with certain restrictions slavery did exist in the province and investing the owners with full property in the slave; and that this chamber should also pass such laws and regulations in the matter as should be thought advisable.<sup>[14]</sup>

The petition on motion of Messrs. Papineau and Black was referred to a committee of five, Papineau, Grant, Craigie, Cuthbert and Dumas. The committee reported and Cuthbert introduced on April 30, 1800, a bill to regulate the condition of slaves, to limit the term of their slavery and to prevent further introduction of slavery in the province. The bill passed the second reading and was referred to the Committee of the Whole, but got no further. The next year Cuthbert introduced a similar bill with the same result, and again in 1803. The reason for the failure of these attempts was that any legislation on slavery would in view of the decisions of the courts be reactionary and change for the worse the condition of the slave.

The most celebrated of these decisions was in the case of Robin, *alias* Robert, a black. James Fraser, a Loyalist of the colony of New York, became the owner of Robin a Negro man in 1773, before the American Revolution. The colonies were successful and provisional articles of peace were signed November 30, 1782. Congress proclaimed them April 11, 1783 and it was almost inevitable that they would become a permanent and definitive treaty. Article VII provided for the speedy evacuation by the British forces of territory to be allotted to the United States of America "without carrying away any negroes or other property of the American inhabitants." There was allowed full time for everyone who desired to live under the British flag to leave New York. James Fraser made up his mind to go to Nova Scotia and obtained a pass from William Walton, the Magistrate of Police of the city, for his slave Robin and another, Lydia, September 23, 1783.<sup>[15]</sup> Fraser went to Shelborne, Nova Scotia, and the following year in September he went to "the Island of St. John,"<sup>[16]</sup> accompanied by Robin who was and acknowledged himself to be Fraser's property. Afterwards Fraser brought him to the Current of Saint Mary near the city of Montreal where Fraser became a farmer. Robin, infected with the pernicious doctrines of freedom then rather prevalent left Fraser, March 19, 1799, and went to live with Richard, a tavern keeper in Montreal. Fraser laid an Information before Charles Blake, a justice of the peace, and January 31, 1800, Charles Blake, Robert Jones and James Dunlop, justices of the peace of the District of Montreal committed Robin to the "Common Gaol and House of Correction at Montreal" with a warrant to Jacob Kuhn "Keeper of His Majesty's Jail and House of Correction" to receive "a negroman named Robert who refuses to go home to his owner and him safely to keep till he may be discharged or otherwise dealt with according to law."

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In the February Term 1800 of the Court of King's Bench for the District of Montreal<sup>[17]</sup> Mr. A. Perry, his advocate, obtained a writ of habeas corpus and on the tenth of February the black was produced in court. Mr. Perry for the black and Mr. Kerr for James Fraser presented their arguments upon this day and on the thirteenth of February, and after consideration and consultation the court five days later ordered the discharge of Robin *alias* Robert from his confinement under the warrant.<sup>[18]</sup>

The decision proceeded on the ground that the Act of 1797 which repealed the provision for the sale of Negroes to answer a judgment had revoked all the laws concerning slavery. Remembering that the Act of 1732 was intended to change the common law of England which did not allow the sale of land under a writ of execution, fieri facias, it should probably be considered that the sole effect of the repeal of the act as regards Negroes was to exempt them from sale under fieri facias, without affecting their status. And it is well known that slavery continued in the West India Islands and in Upper Canada long after the Act of 1797.

The effect of the decisions while not technically abolishing slavery rendered it innocuous. The slave could not be compelled to serve longer than he would, and the burden of slavery was rather on the master who must support his slave than on the slave who might leave his master at will. The legislature refusing to interfere, the law of slavery continued in this state until the year 1833 when the Imperial Parliament passed the celebrated act which forever abolished slavery in British Colonies from and after August 1, 1834.<sup>[19]</sup>

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As Lower Canada passed no legislation on slavery, the extradition of fugitives was made impossible and Canada became therefore an asylum for the oppressed in the United States. Before the Act of 1833 there was one instance of a request from the Secretary of State of the United States for the delivery up of a slave. The matter was referred to the Executive Council by Sir James Kempt, the Administrator of the Government.<sup>[20]</sup> The report of the Executive Council shows the view held that "the Law of Canada does not admit a slave to be a subject of property."

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At a meeting of the Executive Council of the Province of Lower Canada held at the Council Chamber in the Castle of St. Lewis, on Thursday, June 18, 1829, under Sir James Kempt, the Administrator of the Government, the following proceedings were had:

"Report of a Committee of the whole Council Present The Honble. the Chief Justice in the Chair, Mr. Smith, Mr. DeLery, Mr. Stewart, and Mr. Cochran on Your Excellency's reference of a letter from the American Secretary of State requesting that Paul Vallard accused of having stolen a Mulatto Slave from the State of Illinois may be delivered up to the Government of the United States of America together with the Slave.

"May it please Your Excellency,

"The Committee have proceeded to the consideration of the subject matter of this reference with every wish and disposition to aid the Officers of the Government of the United States of America in the execution of the laws of that dominion and they regret therefore the more that the present application cannot in their opinion be acceded to.

"In the former cases the Committee have acted upon the principle which now seems to be generally understood that whenever a crime has been committed and the perpetrator is punishable according to the *Lex Loci* of the country in which it is committed, the country in which he is found may rightfully aid the police of the country against which the crime was committed in bringing the criminal to justice—and upon this ground have recommended that fugitives from the United States should be delivered up.

"But the Committee conceive that the crimes for which they are authorized to recommend the arrest of individuals who have fled from other Countries must be such as are *mala in se*, and are universally admitted to be crimes in every nation, and that the offence of the individual whose person is demanded must be such as to render him liable to arrest by the law of Canada as well as by the law of the United States.

"The state of slavery is not recognized by the law of Canada nor does the law admit that any man can be the proprietor of another.

"Every slave therefore who comes into the province is immediately free whether he has been brought in by violence or has entered it of his own accord; and his liberty cannot from thenceforth be lawfully infringed without some cause for which the law of Canada has directed an arrest.

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"On the other hand, the Individual from whom he has been taken cannot pretend that the slave has been stolen from him in as much as the law of Canada does not admit a slave to be a subject of property.

"All of which is respectfully submitted to Your Excellency's Wisdom."<sup>[21]</sup>

## FOOTNOTES:

[1] Under the Canada Act of 1791, the provinces had each a parliament or legislature, an upper house, the Legislative Council, of nominated members, not fewer than seven in Upper and not fewer than fifteen in Lower Canada, and a lower house, the House of Assembly, sometimes called the House of Commons elected by the people, not fewer than sixteen in Upper and not fewer than fifty in Lower Canada.

[2] In the sister province a bill to the same effect was more fortunate in the same year a little later. This will be considered in the next chapter.

[3] In a work of some authority, Bibaud's *Pantheon Canadien*, page 211, it is said that "Joseph Papineau, Notary Public, Member of the Legislature Assembly for Upper Quebec presented about 1797 a petition of the citizens of Montreal for the abolition of slavery." If that be the case there was nothing done on the petition, but it seems probable that the author refers to the petition of 1799 spoken of later in the Text.

- [4] From Massicotte *ut supra* in *Le Bulletin des Recherches Historiques*, Vol. II, p. 136, it is said: "Une annonce publiée dans la Gazette de Québec vers: cette époque (*i.e.*, 1797) represente un nègre courant à toutes jambes. 'Il est offert une recompense honnête a qui remenera a son maître marchand de Trois Rivières son esclave fugitif' Ce pauvre diable pensait sans doute que la loi qu'on proposait pourrait pas d'effet retroactif."
- [5] Lafontaine *ut supra*, pp. 49-51.
- [6] Lafontaine *ut supra*, pp. 52 & 56.
- [7] For the Act of 1732 (5 George II, c. 7). The repealing Act was (1797) 37 George III, c. 119 (Imp.).
- [8] The Statute of 1562, 5 Elizabeth, c. 4, not repealed until 1814, 54 George III, c. 96 (Imp.).
- [9] See ante, p. 304.
- [10] *Ibid.*, p. 305.
- [11] *Ibid.*, p. 310.
- [12] "Ou qu'une loi puisse être passée déclarant qu'il n'y a point d'esclavage dans la Province; ou telle autre provision concernant les esclaves que cette Chambre, dans sa sagesse, jugera convenable." The Act of 1799 providing for houses of correction (really the common gaol) was 39 George II, c. 6 (L. C.), and was to be in force for two years. It was amended and continued for four years by the Act (1802) 42 George III, c. 6 (L. C.) and again by (1806) 46 George III, c. 6 (L. C.), until January 1, 1810 when it expired.
- [13] See ante, note 7. The effect of this Act was probably not as stated. The slave of Mr. Fraser's was Robin alias Robert to be spoken of *infra*, page.
- [14] The two reasons given for the request are the familiar ones. The petitioners had paid large sums for the slaves who had left them and "they are all wholly convinced that that class of men really lazy leading an idle and abandoned life would attempt to commit crime."
- [15] The definitive treaty was in fact signed September 3, 1783, but not ratified by Congress until January 14, 1784. The armistice had been concluded January 20, 1783. In the definitive treaty, Article VII contains the same provisions as to Negroes as the corresponding article in the preliminary articles.
- [16] Isle St. Jean so called from about the end of the sixteenth century until 1798, when it was given the name Prince Edward Island out of compliment to Prince Edward, Duke of Kent (father of Queen Victoria), then commanding the British Forces in North America. The name it still retains.
- [17] The Judges were James Monk, Chief Justice and Pierre Louis Panet and Isaac Ogden, Puisne Justices.
- [18] Lafontaine *ut supra*, pp. 56-63. It has often been said that it was Chief Justice Osgoode who gave the death blow to slavery in Lower Canada. For example, in James P. Taylor's *Cardinal facts of Canadian History*, Toronto, 1899, on p. 88 we find a statement that in 1803, Chief Justice Osgoode in Montreal declared slavery inconsistent with the laws of Canada. But Osgoode became Chief Justice of the Province in July, 1794. Continuing as such Chief Justice, he became Chief of the Court of King's Bench for the District of Quebec later on in the same year on the coming into force of the Act of 1794, 34 George III, c. 6, which erected two Courts of King's Bench one for each District. James Monk became Chief Justice of the Court of King's Bench for the District of Montreal, which position he retained until 1825. Osgoode resigned his position and went to England in 1801 and lived in England until his death in 1824: he was never Chief Justice at Montreal.
- [19] One result of these decisions was to induce the escape of Negro slaves from Upper Canada where slavery was lawful to Lower Canada. For example one hears of two of the three slaves whom Captain Allan brought with him into Upper Canada from New Jersey running away to Montreal. The owner pursued them to Montreal and searched for them in vain for ten days. The third slave, a woman, he sold with her child.
- The Statute is (1833) 3, 4, William IV, c. 73 (Imp.). One result of this Act is exceedingly curious and to the philosophical lawyer exceedingly interesting. Slaves which had been real estate, as soon as the act was passed ceased to be such, and the benefit to be obtained from their labor until fully enfranchised and the money to be paid by the legislature as compensation for their freedom became personal estate. See the luminous judgment of the Judicial Committee of the Privy Council in *Richard v. Attorney General of Jamaica*, Moore's *Report of Cases in the Judicial Committee* (1848), Vol. 6, p. 381.
- In a note on p. 35 of a paper in the *Transactions of the Royal Society of Canada*, 1900, on *La Declaration de 1732* M. L'Abbé Auguste Gosselin, Litt.D., F.R.S., Can., we read:
- "On trouve dans le livre de Mgr. Tanguay *A travers les Registres*, p. 157, une notice sur l'Esclavage au Canada, avec un 'Tableau des familles possédant des esclaves de la nation des Panis' L'esclavage ne fut définitivement aboli par une loi, en Canada, qu'en 1833."
- The learned author does not mean that there was legislation on slavery in Canada in 1833, or that it was Canadian legislation which abolished slavery; for such was not the case.
- [20] From September 8, 1828, to October 19, 1830.

## CHAPTER V

### UPPER CANADA—EARLY PERIOD

The first Parliament of the Province of Upper Canada sat at Newark formerly and now Niagara-on-the-Lake, September 17, 1792. The very first act of this first Parliament of Upper Canada reintroduced the English civil law.<sup>[1]</sup> This did not destroy slavery, nor did it ameliorate the condition of the slave. It was rather the reverse, for as the English law did not, like the civil law of Rome and the systems founded on it, recognize the status of the slave at all, when it was forced by grim fact to acknowledge slavery, it had no room for the slave except as a mere piece of property. Instead of giving him rights like those of the "servus," he was deprived of all rights, marital, parental, proprietary, even the right to live. In the English law and systems founded on it, the slave had no rights which the master was bound to respect.<sup>[2]</sup> At one time, indeed, it was understood in the English colonies that the master had the *jus vitæ necisque* over his slaves; but at the beginning of the eighteenth century the Crown much to the anger and disgust of the colonists made the murder of a Negro a capital offence, and at least some of the governors vigorously upheld this decision.<sup>[3]</sup>

Upper Canada was settled almost wholly by United Empire Loyalists who had left their homes in the revolted colonies and kept their faith to the Crown. Many of them brought their slaves as well as their other property to the new land. The statute of 1790 encouraged this practice.<sup>[4]</sup>

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The first Lieutenant-Governor of Upper Canada was Col. John Graves Simcoe. He hated slavery and had spoken against it in the House of Commons in England. Arriving in Upper Canada in the summer of 1792, he was soon made fully aware by the Chloe Cooley case that the horrors of slavery were not unknown in his new province. There came up to the Executive Council the complaint that a Negro girl thus named had been cruelly forced across the border and sold in the United States by one Vroomen. Much indignation was expressed by both citizens and officials.

The Attorney-General was John White<sup>[6]</sup> an English lawyer of no great eminence indeed but of sufficient skill to know that the brutal master was well within his rights in acting as he did. He had the same right to bind, export, and sell his slave as to bind, export, and sell his cow. Chloe Cooley had no rights which Vrooman was bound to respect; and it was no more a breach of the peace than if he had been dealing with his heifer. Nothing came of the direction to prosecute and nothing could be done unless there should be an actual breach of the peace.

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It is probable that it was this circumstance which brought about legislation. At the second session of the First Parliament which met at Newark, May 31, 1793, a bill was introduced and unanimously passed the House of Assembly. The trifling amendments introduced by the Legislative Council were speedily concurred in, the royal assent was given July 9, 1793, and the bill became law.<sup>[7]</sup>

Simcoe, as was his duty, reported to Henry Dundas afterwards Lord Melville, Secretary of State for the Home Department concerning this Act September 28, 1793. Simcoe had discovered that there was much resistance to the slave law. There were many plausible arguments of the demand for labor and the difficulty of obtaining "Servants to cultivate Lands." "Some possessed of Negroes," said he, "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>[8]</sup>

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The Act recited that it was unjust that a people who enjoy freedom by law should encourage the introduction of slaves, and that it was highly expedient to abolish slavery in the province so far as it could be done gradually without violating private property. It repealed the Imperial Statute of 1790 so far as it related to Upper Canada, and to enact that from and after the passing of the act "No Negro or other person who shall come or be brought into this Province ... shall be subject to the condition of a slave or to bounden involuntary service for life." With that regard for property characteristic of the English-speaking peoples, the act contained an important proviso which continued the slavery of every "negro or other person subjected to such service" who had been lawfully brought into the province. It then enacted that every child born after the passing of the act, of a Negro mother or other woman subjected to such service, should become absolutely free on attaining the age of twenty-five, the master in the meantime to provide "proper nourishment and cloathing" for the child, but to be entitled to put him to work, all issue of such children to be free whenever born. It further declared that any voluntary contract of service or indenture should not be binding longer than nine years. Upper Canada was the first British possession to provide by legislation for the abolition of slavery.<sup>[9]</sup>

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It will be seen that the statute did not put an end to slavery at once. Those who were lawfully slaves remained slaves for life unless manumitted and the statute rather discouraged

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manumission, as it provided that the master on liberating a slave must give good and sufficient security that the freed man would not become a public charge. But, defective as it was, it was not long without attack. In 1798, Simcoe had left the province never to return, and while the government was being administered by the timeserving Peter Russell,<sup>[10]</sup> a bill was introduced into the Lower House to enable persons "migrating into the province to bring their negro slaves with them." The bill was contested at every stage but finally passed on a vote of eight to four. In the Legislative Council it received the three months' hoist and was never heard of again.<sup>[11]</sup> The argument in favor of the bill was based on the scarcity of labor which all contemporary writers speak of, the inducement to intending settlers to come to Upper Canada where they would have the same privileges in respect of slavery as in New York and elsewhere; in other words the inevitable appeal to greed.

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After this bill became law, slavery gradually disappeared. Public opinion favored manumission and while there were not many manumissions *inter vivos*<sup>[12]</sup> in some measure owing to the provisions of the act requiring security to be given in such case against the free man becoming a public charge, there were not a few emancipated by will.<sup>[13]</sup>

The number of slaves in Upper Canada was also diminished by what seems at first sight paradoxical, that is, their flight across the Detroit River into American territory. So long as Detroit and its vicinity were British in fact and even for some years later, Section 6 of the Ordinance of 1787 "that there shall be neither slavery nor involuntary servitude in the said territory otherwise than as punishment of crime" was a dead letter: but when Michigan was incorporated as a territory in 1805, the Ordinance of 1787 became legally and at least in form effective. Many slaves made their way from Canada to Detroit, then a real land of the free; so many, indeed, that we find that a company of Negro militia composed entirely of escaped slaves from Canada was formed in Detroit in 1806 to assist in the general defence of the territory.<sup>[14]</sup>

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The number of slaves in Upper Canada cannot be ascertained with anything approaching accuracy. The returns of the census of 1784 show that very many of the 212 slaves in the District of Montreal, which then extended from the Rivers St. Maurice and Godfrey to the Detroit River *de jure* and to the Mississippi *de facto*, were the property of the United Empire Loyalists on the St. Lawrence in territory which in 1791 became part of the new Province of Upper Canada.

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The settlement crept up the St. Lawrence and Lake Ontario so as to be as far as the River Trent by the end of the eighteenth century: and Prince Edward County had also its quota of settlers. Until the nineteenth century had set in there were practically no settlers from the Trent to near York (Toronto) but that splendid territory of level clay and loam land covered by magnificent forests of beech and maple gradually filled in and by the 30's was fairly well settled. In the latter territory there were very few, if any, slaves.<sup>[15]</sup>

Farther east, however, in what became the Eastern and Midland Districts there were many slaves. It is probable that by far the greatest number had their habitat in that region. When York became the provincial capital (1796-7) slaves were brought to that place by their masters. In the Niagara region there were also some slaves, in great part bought from the Six Nation Indians as some of these in the eastern part of the province were bought from the Mississaguas who had a rendezvous on Carleton Island near Kingston. In the Detroit region there were many slaves, some of them Panis;<sup>[16]</sup> and many of both kinds, Panis and Negro bought from the Shawanese, Pottawattaimies and other Western Indians, taken for the most part from the Ohio and Kentucky country. Most of these slaves were west of the river, few being in the Province of Upper Canada *de jure*. Omitting Detroit, the number of slaves in the province at the time of the Act of 1793 was probably not far from 500.<sup>[17]</sup>

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In the Eastern District, part of which became the District of Johntown in 1798, there were certainly some slaves. Justus Sherwood one of the first settlers brought a Negro slave Caesar Congo to his location near Prescott. Caesar was afterwards sold to a half pay officer Captain Bottom settled about six miles above Prescott and after about twenty years service was emancipated by his master. Caesar afterwards married a woman of color and lived in Brockville for many years and until his death. Daniel Jones another old settler had a female Negro slave and there were a few more slaves in the district.<sup>[18]</sup>

It is possible that this part of the province was the home of a Negro who at the age of 101 appeared at the Assize Court at Ottawa in 1867 to give evidence. He was born in the Colony of New York in 1766, had been brought to Upper Canada by his master, a United Empire Loyalist, had fought through the war of 1812 on the British side, was present at the Battles of Chippewa and Lundy's Lane and was wounded at Sackett's Harbor.<sup>[19]</sup>

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In the Midland District at Kingston such leading families as the Cartwrights, Herkimers and Everetts were slave owners. Further west the Ruttans, Bogarts, Van Alstynes,<sup>[20]</sup> Petersons, Allens, Clarks, Bowers, Thompsons, Meyers, Spencers, Perrys, Pruyns, speaking generally all the people of substance had their slaves.<sup>[21]</sup>

It may be noted that there are many records of births, deaths and marriages of slaves. In the Register for the Township of Fredericksburg (Third Township) of the Reverend John Langhorn, Anglican clergyman, we find in 1791, November 13, that he baptized "Richard son of Poms and Nelly a negro living with Mr. Timothy Thompson."<sup>[22]</sup> On October 6, 1793, "Richard surnamed Pruyn

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a negro, living with Harmen Pruyn," on March 2, 1796, "Betty, surnamed Levi, a negro girl living with Johannes Walden Meyers" of the Township of Thurlow. On April 22, 1805, "Francis, son of Violet, a negro woman living with Hazelton Spencer<sup>[23]</sup> Esq. by Francis Green." We find that "Francis, son of Violet ... by Francis Green as was supposed" was buried January 17, 1806.<sup>[24]</sup>

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In a paper by the late J. C. Hamilton, a barrister of Toronto, he says that Lieutenant Governor Sir Alexander Campbell had favored him with a note concerning slaves at Kingston, which concluded "I had personally known two slaves in Canada: one belonging to the Cartwright and the other to the Forsyth family.<sup>[25]</sup> When I remember them in their old age, each had a cottage, surrounded by many comforts on the family property of his master and was the envy of all the old people in the neighborhood."<sup>[26]</sup>

York (Toronto) and its neighborhood were settled later but they received their quota of Negro slaves, at least the town did. In 1880, the *Gazette* at York announces to be sold "a healthy strong negro woman, about thirty years of age; understands cooking, laundry and the taking care of poultry. N.B. She can dress ladies' hair. Enquire of the Printers, York, Dec. 20, 1800."<sup>[27]</sup>

The best people in the capital owned Negroes. Peter Russell who had been administrator of the government of the province and therefore the head of the State advertised in the *Gazette and Oracle* of February 19, 1806:

"To be sold: a Black Woman named Peggy, aged forty years and a Black Boy her son named Jupiter, aged about fifteen years, both of them the property of the Subscriber. The woman is a tolerable cook and washerwoman and perfectly understands making soap and candles. The boy is tall and strong for his age, and has been employed in the country business but brought up principally as a house servant. The price of the woman is one hundred and fifty dollars. For the boy two hundred dollars payable in three years with interest from the day of sale and to be secured by bond, &c. But one-fourth less will be taken for ready money."

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Peggy was not a satisfactory slave, she had awkward visions of freedom. On September 2, 1803, Russell advertised: "The subscriber's black servant Peggy not having his permission to absent herself from his service, the public are hereby cautioned from employing or harbouring her without the owner's leave. Whoever will do so after this notice may expect to be treated as the law directs."

Peggy was not the only slave who was dissatisfied with her lot. On March 1, 1811, William Jarvis, the Secretary of the Province "informed the Court that a negro boy and girl, his slaves, had the evening before been committed to prison for having stolen gold and silver out of his desk in his dwelling house and escaped from their said master; and prayed that the Court would order that the said prisoners with one Coachly a free negro, also committed to prison on suspicion of having advised and aided the said boy and girl in eloping with their master's property...." It was "ordered that the said negro boy named Henry commonly called Prince be recommitted to prison and there safely kept till discharged according to law and that the said girl do return to her said master and Coachly be discharged."<sup>[29]</sup>

Jarvis had slaves when he resided at Niagara. We find in the Register of St. Mark's Parish there an entry of February 5, 1797, of Moses and Phoebe, Negro slaves of Mr. "Sec'y Jarvis." Nor is this a unique entry for we find this: "1819 April 4, Cupitson Walker and Margt. Lee (of Colour)," but these may have been free.

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There were baptized: "1793, January 3, Jane a daughter of Martin, Col. Butler's Negro," "1794, September 3, Cloe, a mulatto," "1800, March 29, Peggy a mulatto (*filia populi*)," "1807, May 10, John of a negro girl (*filius populi*)" and in the same list was a soldier shot for desertion, a soldier who shot himself, "an unfortunate stranger," "R. B. Tickel, alas he was starved," an Indian child, "Cutnose Johnson, a Mohawk chief" and there is recorded the burial of "Mrs. Waters a negro woman," September 29, 1802.<sup>[30]</sup>

Slaves continued to run away. Colonel Butler in the *Upper Canada Gazette* of July 4, 1793, advertised a reward of \$5 for his "negro-man servant named John."<sup>[31]</sup> On August 28, 1802, Mr. Charles Field of Niagara advertised in the *Herald*: "All persons are forbidden harbouring, employing or concealing my Indian Slave Sal, as I am determined to prosecute any offender to the extremity of the law and persons who may suffer her to remain in or upon their premises for the space of half an hour, without my written consent will be taken as offending and dealt with accordingly."<sup>[32]</sup>

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There was always a demand for good slaves. For example, in the *Gazette and Oracle* of Niagara October 11, 1797, W. & J. Crooks of West Niagara "Wanted to purchase a negro girl of good disposition": a little later, January 2, 1802 the *Niagara Herald* advertised for sale "a negro man slave, 18 years old, stout and healthy; has had the Smallpox and is capable of service either in the house or out-doors. The terms will be made easy to the purchaser, and cash or new lands received in payment." On January 18, 1802, the *Niagara Herald* proclaimed for sale: "the negro man and woman, the property of Mrs. Widow Clement. They have been bred to the business of a farm; will be sold on highly advantageous terms for cash or lands."<sup>[33]</sup>

Slavery in Upper Canada continued until the Imperial Act of 1833<sup>[34]</sup> but there does not seem to be any record of sales after 1806. Probably the last slaves to become free were two who are mentioned by the late Sir Adam Wilson, Chief Justice successively of the Courts of Common Pleas

and Queen's Bench at Toronto. These were "two young slaves, Hank and Sukey whom he met at the residence of Mrs. O'Reilly, mother of the venerable Miles O'Reilly, Q. C., in Halton County about 1830. They took freedom under the Act of 1833 and were perhaps the last slaves in the province."<sup>[35]</sup>

In the Detroit neighborhood there were undoubtedly many slaves, Panis and Negro: most of these were lost to the province on the delivery up of the retained territory in 1796 under the provisions of Jay's Treaty. But some were on the Canadian side and some were brought over by their masters on the surrender. Colonel Matthew Elliott who settled in 1784 just below Amherstburg brought many slaves, some sixty it is said. The remains of slave quarters are still in existence on the place. Jacques Duperon Baby the well-known fur-trader had at least thirty.

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Antoine Louis Descompte dit Labadie, who raised a family of thirty-three children was the owner of slaves also. He was a wealthy farmer of the Township of Sandwich (now Walkerville) and died in 1806, aged 62. On May 26, 1806, he made at Sandwich his will by which he made the following bequest: "I also give and bequeath to my wife the use or service of two slaves that she may select, as long as she continues to be my widow." After a number of bequests there follows: "I will that all my personal property not here above bequeathed as well as my slaves with the exception of the two left to my wife, be portioned out or sold, and that the proceeds arising therefrom be equally divided between my said wife and the nine children<sup>[36]</sup> born out of my marriage with her."

Some of these slaves were probably Panis. There is extant a parchment receipt dated at Detroit, October 10, 1775, which reads:

"Je certifie avoir vendu et livré au Sieur Labadie, une esclave Paniese<sup>[37]</sup> nommée Mannon pour et en considération de la quantité de quatre-vingt minots<sup>[38]</sup> de Blé de froment qu'il doit me payer à mesure qu'il aura au printemps prochain, donné sous ma main au Detroit ce dixième jour d'Octobre, 1775.

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(Signé) James Sterling<sup>[39]</sup>

Temoin  
(Signé) John Porteous.

Some of the reports of judges who presided over criminal assizes, moreover, contain references to slavery. Mr. Justice Powell tried a Negro, Jack York, with a jury at Sandwich for burglary in 1800. He was found guilty and in accordance with the law at that time, was sentenced to death. Powell respited the prisoner that the pleasure of the Lieutenant Governor might be known. The Lieutenant-Governor at that time was General Peter Hunter a rigid disciplinarian. Hunter wrote Powell that as York had been convicted of "the most atrocious offence without any circumstances of doubt or alleviation" he was to be hanged. When York was made aware of his fate, he promptly escaped from the ramshackle gaol at Sandwich.

In the proceedings Captain McKee informed the judge that the main witness had "been an Indian prisoner redeemed by his father and had lived in his kitchen and he did not think her credit good." She was one of Mr. James Girty's three Negroes and "known to be saucy."<sup>[40]</sup>

Another report nearly a score of years later may be of interest. It can be best understood in its historical setting. During the war of 1812, as soon as the American invasion of Canada began, prices of all commodities began to soar.<sup>[41]</sup> There was a great demand for beef for the troops regular and militia and the commissariat was not too scrupulously particular to inquire the source whence it might come. The result was that a crime which had been almost unknown suddenly increased to alarmingly large proportions. Cattle roaming in the woods were killed and the meat sold to the army. Prosecutions were instituted in many cases. It was found that the perpetrators were generally, but by no means always, landless men, not infrequently refugee slaves, who had come to the province from the United States. The offence was punishable with death:<sup>[42]</sup> and convictions were not hard to obtain. But the punishment of death was not in practice actually inflicted.

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Whatever the cause, the crime continued until normal conditions were reestablished when it became as rare as it had been before the war. At the Fall Assizes, 1819, at York before Mr. Justice Campbell and a jury, a man of color, Philip Turner, was convicted of stealing and killing a heifer and sentenced to death: Mr. Justice Powell who had been in the Commission of Oyer and Terminer with Campbell reported to the Lieutenant-Governor<sup>[43]</sup> that there had as yet been no execution for this offence in the province and recommended that the sentence should be committed to banishment for life from His Majesty's dominions.<sup>[44]</sup> Tradition has it that Turner was a refugee from the United States and begged to be hanged rather than sent back where he would be again enslaved.<sup>[45]</sup>

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When the fugitive slave reached the soil of Upper Canada he became and was free with all the rights and privileges of any other freeman: but sometimes the former condition of servitude had unhappy results. One case will suffice. John Harris was a slave in Virginia. He rented a house in Richmond and lived in it with his wife Sarah Holloway. Harris was a painter and gave the greater part of his earnings to his master. The wife earned money by washing and gave to her mistress part of her scanty earnings. The wife's second name was that of her master Major Holloway in whose house she had been married in 1825 to Harris by the Reverend Richard Vaughan, a Baptist minister, a free man. The couple had three children.

In 1833 Harris effected his escape to Upper Canada and came to Toronto (then York) in the spring of 1834 under the name of George Johnstone. In 1847 he obtained from John Beverley Robinson, Chief Justice of Upper Canada a deed of three acres of land part of Lot 12 in the First Concession from the bay east of the river Don in the Township of York. He died without a will in February, 1851. The deserted wife after his escape married a man by the name of Brown. She continued a slave until the fall of Richmond and died in 1869 or 1870.<sup>[46]</sup>

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About that time the eldest son came to Canada, and he brought an action as the heir-at-law against one Cooper, the person in possession. All the facts were clear and the only difficulty in the way was as to the validity of the marriage of the Negro. Chief Justice William Buell Richards, of the Court of Queen's Bench tried the case at the Fall Assizes, 1870, at Toronto. Evidence was given by a Virginia lawyer and judge<sup>[47]</sup> that there was no law in Virginia either authorizing or forbidding the marriage of slaves because "slaves were property and not persons for marital purposes.... In short, by the law of Virginia, slaves were but property, treated as property exclusively, except where by special Statute they were made persons."

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On this evidence, therefore, the Chief Justice dismissed the action. The plaintiff appealed to the full Court of Queen's Bench urging that the slaves had done all they could to make their marriage legal. In vain, they were not British subjects and the rules of international law were too rigid to allow of the court holding the marriage legal. Mr. Justice Wilson in giving the judgment of the Court said:<sup>[48]</sup>

"This is, no doubt, an unfortunate conclusion, for the plaintiff is undoubtedly the child of John Harris and Sarah who were made man and wife in form and by all the usual solemnities of real matrimony. The parents were of mature age, of sound sense, reason and understanding. The father had a trade which he followed by permission of his master for a yearly sum which he paid to him for the privilege, or as it is said 'he hired his own time.' He rented a house for himself; he was married with the consent of those who could give it by a minister in orders and in form at least under the sanction of religion: he lived with the woman he had taken as his wife and had children by her and left her only to gain his freedom; yet it is manifest by the force of positive human law, there was no marriage and no legitimate issue."<sup>[49]</sup>

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## FOOTNOTES:

- [1] The Statute is (1792) 32 George III, c. 1 (U.C.).
- [2] Compare the opinion of the Chief Justice of the Supreme Court of the United States in the celebrated Dred Scott case. 19 Howard, 354, pp. 404, 405.
- [3] See as to this Reginald W. Jeffery, *The History of The Thirteen Colonies of North America 1497-1763* (London), p. 190. This interesting work which I have found accurate gives Governor Spotswood as enforcing the Royal decree rigidly.
- [4] See ante, p.
- [5] This is copied from the Canadian Archives, Q. 282, pt. 1, pp. 212 sqq.; taken from the official report sent to Westminster by Simcoe. There is the usual amount of uncertainty in spelling names Grisley or Crisley, Fromand, Frooman, Froomond or Fromond (in reality Vrooman).

The following is a report of a meeting of his Executive Council:

"At the Council Chamber, Navy Hall, in the County of Lincoln, Wednesday, March 21st, 1793.

"Present

"His Excellency, J.G. Simcoe, Esq., Lieut.-Governor, &c., &c.,  
The Honble. Wm. Osgoode, Chief Justice,  
The Honble. Peter Russell.

"Peter Martin (a negro in the service of Col. Butler) attended the Board for the purpose of informing them of a violent outrage committed by one Fromand, an Inhabitant of this Province, residing near Queens Town, or the West Landing, on the person of Chloe Cooley a Negro girl in his service, by binding her, and 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 Wm. Grisley (or Crisley).

"William Grisley an Inhabitant near Mississague Point in this Province says: that on Wednesday evening last he was at work at Mr. Froemans near Queens Town, who in conversation 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 with a rope, that afterwards a Boat was brought, and the said Frooman with his Brother and one Vanevery, 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 the 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 Froomand, 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 condition delivered to the man ... Wm. Grisley farther says that he saw a negro at a distance, he believes to be tied in the same manner, and has heard that many other People mean to do the same by their Negroes.



"RESOLVED—That it is necessary to take immediate steps to prevent the continuance of such violent breaches of the Public Peace, and for that purpose, that His Majesty's Attorney-General, be forthwith directed to prosecute the said Fromond.

"ADJOURNED."

[6] John White was called to the bar in 1785 at the Inner Temple. He practised for a time but unsuccessfully in Jamaica and through the influence of his brother-in-law, Samuel Shepherd, and of Chief Justice Osgoode was appointed the first Attorney General of Upper Canada. It is probable, but the existing records do not make it certain, that it was he who introduced and had charge in the House of Assembly of the bill for the abolition of slavery passed in 1793, shortly to be mentioned. His manuscript diary is still extant, a copy being in the possession of the writer: One entry reads under date Newark Tuesday March 6 1793 "John Young from Grand River came with Mr. MacMichael respecting his runaway negro. Rec'd 5 Dols."

[7] The statute is (1793) 33 Geo. III, c. 7 (U.C.). The Parliament of Upper Canada had two houses, the Legislative Council, an upper house, appointed by the Crown; and the Legislative Assembly, a lower house or House of Commons, as it was sometimes called, elected by the people. The Lieutenant Governor gave the royal assent. The bill was introduced in the Lower House, probably by Attorney General White, as stated in last note, and read the first time, June 19. It went to the committee of the whole June 25, and was the same day reported out. On June 26 it was read the third time, passed and sent up for concurrence. The Legislative Council read it the same day for the first time, went into committee over it the next day, June 28, and July 1, when it was reported out with amendments, passed and sent down to the Commons July 2. That house promptly concurred and sent the bill back the same day. See the official reports: *Ont. Arch. Reports for 1910* (Toronto, 1911), pp. 25, 26, 27, 28, 32, 33. *Ont. Arch. Rep. for 1909* (Toronto, 1911), pp. 33, 35, 36, 38, 41, 42.

[8] *Canadian Archives*, Q. 279, 2, p. 335.

White in his diary says "To the 21 June, some opposition in the House not much"—under date June 25 when the Bill was in Committee of the whole he says "Debated the Slave Bill hardly: Met much opposition but little argument."

[9] Simcoe was almost certainly the prime mover in the legislation of 1793. When giving the royal assent to the bill he said: "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." See *Ont. Arch. Rep. for 1909*, pp. 42-43.

I do not understand the allusion to "protection from undue severity by the Law of the land." There had been no change in the law, and undue severity to slaves was prevented only by public opinion. It is practically certain that no such bill as that of 1798 would have been promoted with Simcoe at the head of the government as his sentiments were too well known.

Vermont excluded slavery by her Bill of Rights (1777), Pennsylvania and Massachusetts passed legislation somewhat similar to that of Upper Canada in 1780; Connecticut and Rhode Island in 1784, New Hampshire by her Constitution in 1792, Vermont in the same way in 1793; New York began in 1799 and completed the work in 1827, New Jersey 1829. Indiana, Illinois, Michigan, Wisconsin and Iowa were organized as a Territory in 1787 and slavery forbidden by the Ordinance, July 13, 1787, but it was in fact known in part of the Territory for a score of years. A few slaves were held in Michigan by tolerance until far into the nineteenth century notwithstanding the prohibition of the fundamental law (*Mich. Hist. Coll.*, VII, p. 524). Maine as such probably never had slavery, having separated from Massachusetts in 1820 after the Act of 1780; although it would seem that as late as 1833 the Supreme Court of Massachusetts left it open when slavery was abolished in that State (*Commonwealth v. Aves*, 18 Pick. 193, 209). (See Cobb's *Slavery*, pp. clxxi, clxxii, 209; Sir Harry H. Johnston's *The Negro in the New World*, an exceedingly valuable and interesting work, but not wholly reliable in minutiae, pp. 355 et seq.)

[10] Russell became administrator of the Government of Upper Canada, July 21, 1796, and held that position until the arrival of the new Lieutenant-Governor General Peter Hunter, August 16, 1799.

[11] *Ont. Arch. Rep. for 1909*, pp. 64, 69, 70, 71, 75; *ibid.* for 1910, pp. 67, 68, 69, 70.

The bill was introduced in the Lower House by Christopher Robinson, member for Addington and Ontario. He was a Virginian Loyalist, who in 1784 emigrated to New Brunswick, and in 1788 to that part of Canada, later Lower Canada; and in 1792 to Upper Canada. Accustomed from infancy to slavery, he saw no great harm in it—no doubt he saw it in its best form.

The chief opponent of the bill was Robert Isaac Dey Gray, the young Solicitor General, the son of Major James Gray, a half-pay British Officer. He studied law in Canada. He was elected member of the House of Assembly for Stormont in the election of 1796, and again in 1804.

The motion for the three months' hoist in the Upper House was made by the Honorable Richard Cartwright seconded by the Honorable Robert Hamilton. These men, who had been partners, generally agreed on public measures and both incurred the enmity of Simcoe. He called Hamilton a Republican, then a term of reproach distinctly worse than Pro-German would be now, and Cartwright was, if anything, worse. But both were men of considerable public spirit and great personal integrity. For Cartwright see *The Life and Letters of Hon. Richard Cartwright*, Toronto, 1876. For Hamilton see Riddell's edition of *La Rochefoucault's Travels in Canada in 1795* (Toronto, 1817), in *Ont. Arch. Rep. for 1916*; Miss Carnochan's *Queenston in Early Years, Niagara Hist. Soc. Pub. No. 25*; *Buffalo Hist. Soc. Pub. Vol. 6*, pp. 73-95.

There was apparently no division in the Upper House although there were five other Councillors in addition to Cartwright and Hamilton in attendance that session, viz.: McGill, Shaw, Duncan, Baby and Grant; and the bill passed the committee of the whole.

[12] Slaves were valuable even in those days. A sale is recorded in Detroit of a "certain Negro man Pompey by name" for £45 New York Currency (\$112.50) in October, 1794; and the purchaser sold him again January, 1795, for £50 New York Currency (\$125.00). (*Mich. Hist. Coll.*, XIV, p. 417.) But it would seem that from 1770 to 1780 the price ranged to \$300 for a man and \$250 for a woman (*Mich. Hist. Coll.*, XIV, p. 659). The number of slaves in Detroit is said to have been 85 in 1773 and 179 in 1782 (*Mich. Hist. Coll.*, VII, p. 524).

[13] A number of interesting wills are in the Court of Probate files at Osgoode Hall, Toronto. One of them deserves special mention, viz.: that of Robert I. D. Gray, the first Solicitor General of the Province, whose death was decidedly tragic. In this will, dated August 27, 1803, a little more than a year before his death, he releases and manumits "Dorinda my black woman servant ... and all her children from the State of Slavery," in consequence of her long and faithful services to his family. He directs a fund to be formed of £1,200 or \$4,800 the interest to be paid to "the said Dorinda her heirs and Assigns for ever." To John Davis, Dorinda's son, he gave 200 acres of land, Lot 17 in the Second Concession of the Township of Whitby and also £50 or \$200. John, after the death of his master whose body servant and valet he was, entered the employ of Mr., afterwards Chief, Justice Powell; but he had the evil habit of drinking too much and when he was drunk he would enlist in the army. Powell got tired of begging him off and after a final warning left him with the regiment in which he had once more enlisted. Davis is said to have been in the battle of Waterloo; he certainly crossed the ocean and returned later on to Canada. He survived till 1871, living at Cornwall, Ontario, a well-known character—with him, died the last of all those who had been slaves in the old Province of Quebec or the Province of Upper Canada.

In the *Canadian Archives*, M. 393, is the copy of a letter, the property of the late Judge Pringle of Cornwall, by Robert I. D. Gray to his sister Mrs. Valentine dated at Kempton February 16, 1804, and addressed to her "at Captain Joseph Anderson's, Cornwall, Eastern District": speaking of a trip to Albany, New York, he says:

"I saw some of our old friends while in the states, none was I more happy to meet than Lavine, Dorin's mother. Just as I was leaving Albany I heard from our cousin Mrs. Garret Stadts who is living in Albany in obscurity and indigence owing to her husband being a drunken idle fellow, that Lavine was living in a tavern with a man of the name of Broomly. I immediately employed a friend of mine, Mr. Ramsay of Albany, to negotiate with the man for the purchase of her. He did so stating that I wished to buy her freedom, in consequence of which the man readily complied with my wishes, and altho' he declared she was worth to him £100 (*i.e.*, \$250) he gave her to me for 50 dollars. When I saw her, she was overjoyed and appeared as happy as any person could be, at the idea of seeing her child Dorin, and her children once more, with whom if Dorin wishes it, she will willingly spend the remainder of her days. I could not avoid doing this act, the opportunity seemed to have been thrown in my way by providence and I could not resist it. She is a good servant yet—healthy & strong and among you, you may find her useful, I have promised her, that she may work as much or as little as she pleases while she lives—but from the character I have of her, idleness is not her pleasure, I could not bring her with me, she wanted to see some of her children before she sets out; I have paved the way for her, and some time this month, Forsyth, upon her arrival here will forward her to you...."

Then follows a pathetic touch:

"I saw old Cato, Lavine's father at Newark, while I was at Col. Ogden's; he is living with Mrs. Gouverneur—is well taken care of & blind—poor fellow came to *feel* me, for he could not see, he asked affectionately after the family."

In the will of the well-known Colonel John Butler of Butler's Rangers there are bequests to his son Andrew of "a negro woman named Pat": to his grandson John of "a Negro Boy named George ... until the said negro arrives at the years that the Law directs to receive his freedom" and to John's sister Catharine "a negro girl named Jane" for a similar time.

[14] *Michigan Hist. Coll.*, XIV, p. 659. But the actual effect of the Ordinance of 1787, even after 1805 was not absolute. "As late as 1807 Judge Woodward refused to free a negro man and woman on a writ of habeas corpus, holding in effect that as they had been slaves at the time of the surrender in 1796, there was something in Jay's Treaty that forbade their release." *Michigan as a Province, Territory and State*, 1906, p. 339. "There is a tradition that even as late as the coming of Gen. John T. Mason, as Secretary of the Territory in 1831, he brought some domestic slaves with him from Virginia. It is not improbable that a few domestic servants continued with their old Masters down to the time of the adoption of the State Constitution" (in 1835) *ibid.*, p. 338, note.

Before Detroit and its adjoining territory were given up by the British to the Americans

under Jay's Treaty, August, 1796, there were many instances of slaves escaping from the United States territory to British territory in that neighborhood and vice versa. One instance of escape from British territory will suffice.

Colonel Alexander McKee, a well-known and very prominent Loyalist of Detroit, lost a mulatto slave in 1795 and his friend and colleague Captain Matthew Elliott sent a man David Tait to look for him in what is now Indiana. Tait's success or want of success is shown by his affidavit before George Sharp a justice of the peace for the Western District of Upper Canada residing in Detroit. The whole deposition will be given as it illustrates the terms on which the two peoples were living at the time in that country, and shows that even then the charges were made which were afterwards made one of the pretexts for the War of 1812. It is given in the *Mich. Hist. Coll.*, Vol. XII, pp. 164, 165.

"DEPOSITION

"I being sent by Captain Elliott in search of a Molato man name Bill the property of Colonel McKee, which was thought to be at Fort Wayne, But on my Arrival at the Glaize was inform'd by the officer there that he was gone, they said he had gained his liberty, by getting into their lines he being stole from their Country.

"They abused the Gentlemen in this place very & Told me that Governor Sancom (Simcoe) Colonel England and Captain Elliott caused bills in print to be dropped near their fort, Encouraging their Soldiers to desert.

"They called Coll McKee & Capt Elliott dam'd rasculs and said that they gave the Indians Rum to make them Drunk to prevent them from going to Council & That Capt Brent they said was a Dam'd rascal and had done everything in his power against them. But they said in Course of Nine Months that they Expected to be in full possession of Detroit and all the Country between their & it & I begged liberty to withdraw when Major Hunt told me to make the best of my way from Whence I came, while I was getting ready to return the Serjeant of their Guard came & Told me it was the Majors orders that I should leave the place immediately & not to stay about any of the Indian Camps. Which Orders I obeyed.

(signed) DAVID TAIT.

Sworn before me at Detroit 4th August 1795.

GEO SHARP, J. P. W. D."

Indian Affairs, M. G. VII.

- [15] I have found no reliable accounts of slaves in this region—some traditions which I have investigated proved unreliable and illusory.
- [16] I cannot trace many Panis slaves in Upper Canada proper; that there were some at Detroit is certain and equally certain that some were at one time on both shores of the Niagara River. I do not know of an account of the numbers of slaves at the time; in Detroit, March 31, 1779, there were 60 male and 78 female slaves in a population of about 2,550 (*Mich. Hist. Coll.*, X, p. 326); Nov. 1, 1780, 79 male and 96 female slaves in a somewhat smaller population (*Mich. Hist. Coll.*, XIII, p. 53); in 1778, 127 in a population of 2,144 (*Mich. Hist. Coll.*, IX, p. 469); 85 in 1773, 179 in 1782 (*Mich. Hist. Coll.*, VII, p. 524); 78 male and 101 female (*Mich. Hist. Coll.*, XIII, p. 54). The Ordinance of Congress July 13, 1787, forbidding slavery "northwest of the Ohio River" passed with but one dissenting voice, that of a delegate from New York was quite disregarded in Detroit (*Mich. Hist. Coll.*, I, 415); and indeed as has been said, Detroit and the neighboring country remained British (*de facto*) until August, 1796, and part of Upper Canada from 1791 till that date.
- [17] This is indicated by a number of facts none of much significance and all together far from conclusive—but it is a mere estimate perhaps not much more than a guess and I should not be astonished if it were proved that the estimate was astray by 100 either way. Indeed contemporary estimates gave for the Nassau District alone in 1791, 300 Negro slaves and a few Panis. Col. Mathew Elliott in 1784 brought more than 50 slaves to his estate at Amherstburg.
- [18] See letter of Sheriff Sherwood, *Papers &c.*, *Ontario Historical Society* 1901, Vol. 3, p. 107. Justus Sherwood came from Vermont, originally from Connecticut, joined Burgoyne's army in 1777 and came to Canada in 1778, joined Rogers' Rangers and served during the war. He came to Prescott in 1784. He had had a not unusual experience with the Continentals. His "Negro wench and two negroe children" had been seized and "sold to Wm. Drake." (Second *Ont. Arch. Rep.*, 1904, p. 820.) Daniel Jones, father of Sir Daniel Jones of Brockville, came from Charlotte County, New York (*ibid.*, p. 398). He was also a native of Connecticut.
- [19] He was in full possession of all his faculties and had been brought to Ottawa to prove the death of one person in 1803 and of another in 1814. The action was *Morris v. Henderson* "Ottawa Citizen" May 3, 1867. Robert I. D. Gray mentioned in note 13 above, came from this district.
- [20] A Van Alstyne—Major Peter Van Alstyne—was elected to represent Prince Edward County in the first Legislative Assembly when Philip Dorland was unseated because he would not take the prescribed oath being a Quaker.
- [21] See the interesting paper read before the Women's Historical Society of Toronto by Mrs. W. T. Hallam, B.A., and published in *The Canadian Churchman*, May 8, 1919, republished in pamphlet form. I am authorized by Mrs. Hallam to make full use of her researches and I take advantage of this permission. Mrs. Hallam has also the following:

"There is an old orchard between Collins Bay and Bath, Ontario, now used as a garden, which belongs to the Fairfield family. The children of this Loyalist family brought the seeds in their pockets from the old home in Vermont, and here lie buried the slaves belonging to the Fairfield and Pruyn families. On the way over they milked the cows, which were brought with them, and sometimes the milk was the only food which they had. The old Fairfield Homestead, built in 1793, is still standing, but the negro quarters are unused, for as those who live there say, "On a hot day you would declare the slaves were still there."

Miss Alice Fairfield of the White House, Collins Bay, a descendant of these Fairfields gives the following account in a paper read before the Woman's Historical Society, Toronto (of which Mrs. Seymour Corley of Toronto has been good enough to furnish me a copy) "In March 1799, Stephen Fairfield married Maria Pruyn (from Kinder Hook, N. Y.), whose marriage portion included several slaves. They remained with the family as a matter of course after the law had given them their freedom. Of their devotion a story is told—"Mott" the old black nurse of my great grandmother walked to York (Toronto) a distance of 160 miles in cold weather to warn her of a plot against her property—the shoes were literally worn off her feet." The writer adds "The Tory branch of the Fairfield family that came to Canada were from Paulet County, Vermont ... they brought some 'niggers' as they called their black slaves, into Canada." "The first apples grown in the country were raised from the seeds of apples with which the Children had filled their pockets at the old home."

A contributor to the *Napanee Banner* writes: "There has been considerable controversy of late whether slaves ever were owned in this section of Canada. The Allens brought three slaves with them who remained with the family for years. Thomas Dorland also had a number of slaves who were members of the house-hold as late as 1820. The Pruyns who lived on the front of Fredericksburg had, we are informed, over a dozen slaves with them. The Ruttans of Adolphustown brought two able-bodied slaves with them. Major Van Alstyne also had slaves; so had John Huyck who lived north of Hay Bay, and the Bogarts near neighbors, and the Trampours of the opposite side of Hay Bay. The Clarks of Ernestown, now called Bath, owned slaves who were with them years after their residence in Canada. The Everetts of Kingston Township and the Cartwrights of Kingston had theirs."

[22] A man of considerable note: in 1800 appointed with Richard Cartwright, Commissioner to settle the finances between the two Provinces.

[23] Member for Lenox, Hastings and Northumberland Counties in the first Legislative Assembly: and afterwards Sheriff.

[24] The Pruyns of Fredericksburg are credited with owning more slaves than any other family in that region. Mrs. Hallam, *ut supra*, p. 4.

The above extracts are taken from the Registers published by the *Ont. Hist. Soc.*, Vol. 1.

[25] Both prominent families in Kingston.

[26] *Trans. Can. Inst.*, Vol. 1 (1889-1890), p. 106.

[27] For this and the following incident see that most interesting book "*Toronto of Old*" by Henry Scadding, D.D., Toronto, 1873, pp. 293, 294, 295.

[28] Henry Scadding's *Toronto of Old*, p. 296. Dr. Scadding, speaks of his "in former times" gazing at Amy Pompadour with some curiosity.

Miss Elizabeth Russell, sister of the Administrator, had a slave, a pure Negro Amy Pompadour, whom she gave to Mrs. Denison wife of Captain John Denison, an old comrade in arms of her brother's.

[29] *Ibid.*, p. 292. The boy if he had stolen his master's money would be guilty of grand larceny, a capital offence at the time and consequently not tried at the Quarter Sessions. He was, therefore, recommitted to prison to await the Court of Oyer and Terminer and General Gaol Delivery commonly called the Assizes.

The master probably withdrew the charge against the girl and Coachly, or they may have been so fortunate as that there was no evidence against them.

[30] See the lists in the *Ont. Hist. Soc. Papers* (1901), Vol. 3, pp. 9 sqq.

In the list of marriages are found: "1797, Oct. 12, Cuff Williams and Ann, Negroes from Mr. C. McNabb"; "1800, Dec. 1, Prince Robinson and Phillis Gibson, Negroes" and six other marriages down to 1831 between persons "of Colour". These last were probably not slaves.

That Joseph Brant "Thayendinaga," the celebrated Indian Chief, had Negro slaves has been confidently asserted and as confidently denied. That there were Negroes in his household seems certain and their *status* was inferior. Whether he called them slaves or not, it is probable that he had full control of them.

See Stones' *Life of Brant*, New York, 1838. He rather boasted of his slaves. He was attended on his journeys and at table by two of them, Patton and Simon Gauseville. Hamilton in his *Osgoode Hall*, Toronto, 1904, says (p. 21): "Thayendinaga lived surrounded with slaves and retainers in barbarous magnificence at Burlington." But that is rhetoric.

[31] *Trans. Can. Inst.*, Vol. 1 (1889-1890), p. 105.

[32] Dr. Scadding *ut supra*, p. 295. This is almost the only trace of Panis slavery in Upper Canada, proper, which I have found. The attempt to make a crime by the advertiser is not without precedent or imitation: it was, however, merely a threat and a *brutum fulmen*.

[33] Dr. Scadding *ut supra*, pp. 294, 295.

Such advertisements as these of 1802 indicate an uneasiness as to the security of the slave property. Dr. Scadding remarks "Cash and lands were plainly beginning to be regarded as less precarious property than human chattels," *ibid.*, p. 295.

[34] See *supra*, p.

[35] *Trans. Can. Inst., ut supra*, p. 106.

These if actual slaves could not have been very young. If they were brought into the province after the Act of 1793 they would become free *ipso facto*. If born after that Act they would not properly speaking be slaves at all but only subject to service until the age of 25.

If they were slaves they must have been at least 37 in 1830; but probably they were born after 1793 and had not attained the age of 25 in 1833. They might then be young as described by Sir Adam.

[36] Labadie had been twice married.

[37] For "Panise."

[38] The French Minot is 39.36 litres; the Canadian 36.34 litres or 63.94 pints—the bushel is 64 pints—the Canadian minot is consequently almost exactly one bushel.

[39] *Essex Historical Society—Papers and Addresses*, Vol. 1, Windsor, Ont. (1913), pp. 13, 39, 48-52.

This is translated thus: I certify that I have sold and delivered to Mr. Labodie a Panis slave called Manon for and in consideration of 80 minots (practically 80 bushels) of wheat which he is to pay me as he has it the coming spring—given under my hand at Detroit this 10th day of October, 1775.

WITNESS: (Signed)  
(Signed) JOHN PORTEOUS. JAMES STERLING."

[40] The fact was that Jack York had broken into McKee's dwelling house to commit rape and he had committed rape on the person of Mrs. Ruth Sufflemine (or Stufflemine).

Powell's report is dated from Mount Dorchester, September 22, 1800. *Canadian Archives, Sundries U.C. 1792-1800*; Hunter's decision in May is in *Canadian Archives Letters Hunter to Heads of Departments*, p. 65; York's escape is *ibid.*, p. 84; the Death Warrant is referred to in *Canadian Archives Sundries U.C. 1792-1800*.

There were certainly slaves in the Western District. The will of Antoine Louis Descomps Labadie made May 26, 1806, contains a bequest "I also give and bequeath to my wife Charlotte, the use or service of two slaves that she may select as long as she continues to be my widow." "A black boy slave to Mrs. Benton, widow of the late Commodore of the Lakes" seems to have been as bad as Jack York. Convicted at Kingston of a house robbery, a capital crime he had the "benefit of clergy" that is, set free as a first offence. But he did not mend his ways. He committed burglary and was convicted at Kingston 1795 before Mr. Justice Powell. The judge sentenced him to be hanged but recommended a pardon. He said the boy was said to be 17 but looked no more than 15 and in view of his education as a slave he hoped that his "would not be the first capital example." *Can. Arch.*, B. 210.

[41] In a memorial by the judges of the Court of King's Bench to the Lieutenant Governor, January 10, 1814, they point out that prices have doubled since the war. The prices before the war and at the time were of bread 1/ and 2/; of beef 6 d and 1/; of wood 7/6 and 15/.

[42] Before 1772, this was not a crime at all but only a civil trespass; the Waltham Black Act (1722) 9 George I, c. 22 made it a felony punishable with death without benefit of clergy. This continued to be the law in England until the Act (1827) 7, 8 George IV, c. 27 (Imp.), and in Upper Canada until 1841.

[43] Sir Peregrine Maitland.

[44] Banishment existed as a punishment in Upper Canada until 1841, when it was finally abolished and succeeded by imprisonment. Banishment was a very common alternative for hanging. I have counted as many as four cases at one assize.

[45] The tradition is a floating and rather indefinite one. It has some plausibility but there is nothing which to my mind can be dignified by the name of proof. The facts of the Turner case will be found in a Report by Mr. (afterwards Chief) Justice Powell to Sir Peregrine Maitland's Secretary Edward McMahan, November 1, 1819, *Canadian Archives, Sundries, U.C.*, 1819.

[46] *Canadian Archives*, Q. 324, pp. 432, 436 Letter, June 8, 1818, from "Thos. N. Stewart, Capt. H. P. late Royal Newfoundland Regiment" to the Right Honourable Earl Bathurst, dated from Barnstable, North Devon.

Turning to a more pleasant subject, while it may not be strictly within the purview of this treatise, it may be permitted to bring to light from the files of the Canadian Archives a

story of a poor black woman who showed true humanity. It may be considered by some at the expense of her patriotism. That will not be admitted by everyone, for what share did the Negro have in America in which he lived more than in Britain which offered him freedom?

When in May, 1813, General Dearborn took Fort George in Upper Canada, one of his prisoners was Captain Thomas N. Stewart of the Royal Newfoundland Regiment who was wounded. Taken to the United States, he was with several other British officers kept for months a close prisoner at Philadelphia as a hostage under the retaliation system.

"At length," said he, "I with fourteen other officers made my escape from the prison at Philadelphia by sawing off the iron bars with the springs of watches, but from the active search which was made ten of my companions were retaken in the course of three days. I ... attribute my success (as well as that of two more British officers) in being enabled to elude the vigilance of the enemy to the kindness and humanity of a poor black woman to whose protection we committed ourselves in our *real character* and situation: and notwithstanding a reward of one hundred dollars was offered for the apprehension of each officer without our even being able to reward her in an equal degree, she persevered in affording us comfort and accommodation, greatly to her own risk and loss by the total resignation of her small hut and a tender of her services to our use visiting us only at night with provisions, &c. This she continued to do for eight days. When it was thought that the active search was in a great degree abated I ventured by night to leave the abode of this black woman with the intention of going to the Headquarters of the British Army in Canada and this I ultimately succeeded in accomplishing."

His companions leaving one by one at different times also succeeded in returning to the service of their country. Having only \$70 and having to travel 600 miles, Capt. Stewart could give the woman only \$20: and all she received from all the officers was only \$50. He wrote Earl Bathurst, Secretary of State for War and the Colonies asking that she should be remunerated and saying that he would "be most happy to give the address and the source thro' which communication could be made."

Bathurst replied June 13, asking for particulars, and Captain Stewart June 18 wrote again on the eighteenth of June saying that the matter required the utmost circumspection and excusing himself from giving information until he had communication with America, hoping to point out the precise object whom "His Lordship has thought worthy of remuneration." No doubt the matter then passed into the Secret Service, as no further correspondence is preserved in documents open to the public.

- [46a] The motion was heard in Trinity Term, 34 Victoriae i.e. in February, 1871, see the report in 31 Upper Canada Queens Bench Reports, p. 182: *Harris v. Cooper*. The Court was composed of the Chief Justice William Buell Richards, afterward Sir William Buell Richards, Chief Justice of Canada, Mr. Justice Joseph Curran Morrison, afterwards a Judge of the Court of Error and Appeal, and Mr. Justice Adam Wilson, afterwards successively Chief Justice of the Court of Common Pleas, and of the Court of Queen's Bench.
- [47] Two years after her first husband's death, that is, in 1853, the widow who had then married one Scott sold the lot to Mr. Boomer for \$300. Mr. Boomer sold two acres to Edward Osborne and he to Cooper for \$800. By 1871 the land had appreciated in value so as to make it worth a lawsuit. Of course, the widow never had any right to sell the land, but it was at least ungracious for her son to repudiate her deed.
- [48] The law of Virginia as to marriages of slaves even with the consent of the master was fully and clearly stated by the Court of Appeals of Virginia in the case of *Scott v. Raub* (1872) 88 Virginia, 721. See also the decision of the Supreme Court of the United States in the case of *Hall v. United States*, 92 U. S. 127; and in Alabama, *Matilda v. Gardner*, 24 Alabama, 719.
- [49] 31 Upper Canada Queens Bench Reports at p. 195, 1871.

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## CHAPTER VI

### THE FUGITIVE SLAVE IN UPPER CANADA

Before the Act of 1793, there was some immigration of slaves fleeing from their masters in the United States. After the Act of 1793, however, a slave by entering Upper Canada became free, whether he was brought in by his master or fled from him. Legislation of the United States in the same year<sup>[1]</sup> increased the number of those fleeing to the province under this law. Slaves who had effected their escape to what were considered free States were liable to be reclaimed by their masters. Shocking instances of the forcing into renewed slavery of the escaped slave and even of enslaving the free persons of color are on record and there are told worse which never saw the open light of day.

Eli Whitney's invention of the cotton gin about the same time<sup>[2]</sup> made slaves much more valuable and not only checked the movement toward gradual emancipation but increased the ardor with which the fugitive was pursued. From 1793 the influx of fugitive slaves into the province never quite ceased. The War of 1812 saw former slaves in the Canadian militia fighting against their former masters and Canada as an asylum of freedom became known in the South by mysterious but effective means. "As early as 1815 negroes were reported crossing the Western Reserve to

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Canada in great numbers and one group of Underground Railway workers in Southern Ohio is stated to have passed on more than 1000 fugitives before 1817."<sup>[3]</sup>

It is not proposed here to give an account of the celebrated Underground Railway. It is sufficient to say that it was the cause of hundreds of slaves reaching the province.<sup>[4]</sup> Some slaves escaped by their own efforts in what can fairly be called a miraculous way. No more dramatic or thrilling tales were ever told than could be told by some of these refugees. Some having been brought by their masters near to the Canadian boundary then clandestinely or by force effected a passage. Some came from far to the South, guided by the North Star. Many were assisted by friends more or less secretly. These refugees joined settlements with other people of color freeborn or freed in the western part of the Peninsula, in the counties of Essex and Kent and elsewhere.<sup>[5]</sup> Some of them settled in other parts of the province, either together or more usually sporadically. Toronto received many. These were superior to most of their race, for none but those with more than ordinary qualities could reach Canada.<sup>[6]</sup>

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The masters of runaway slaves did not always remain quiet when their slaves reached this province. Sometimes they followed them in an attempt to take them back. There are said to have been a few instances of actual kidnapping. There were some of attempted kidnapping. Most of these are merely traditional but at least one is well authenticated.<sup>[7]</sup>

In May, 1830, a young man with finely chiselled features, bright hazel eyes, apparently a quadroon or octoroon applied for service at the house of Charles Baby, "the old Baby mansion in the ... historical town of Sandwich" in Upper Canada on the Detroit River. He said he had escaped from slavery in Kentucky, had arrived on the previous evening at Detroit and had crossed the river to Canada as quickly as possible. He had been a mason but understood gardening and attending to horses and had other accomplishments. He was engaged and proved a satisfactory servant "respectful, cleanly, capable, lithe and active as a panther." His former master came from Kentucky and reclaimed him after the lapse of six months. The recognition was mutual and immediate. The Kentuckian, offered \$2000 to Baby for the return of Andrew his former slave, but the offer was indignantly refused. It turned out that Andrew had taken his master's favorite horse to assist him in his flight but had turned it loose after riding it some twenty-five miles. Whether for this reason or for some other, the Kentuckian did not appeal for the extradition of Andrew<sup>[8]</sup> but determined to use violence.

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A short time afterwards five desperadoes from Detroit attempted to kidnap Andrew while the family were at Church, but they were successfully resisted by Andrew and Charles Baby until the service was over and the people were seen hastening home. The would-be kidnappers made their escape across the river. Finding it dangerous to keep Andrew so near the border, the neighbors took up a subscription and he was sent by stage to York (Toronto). This place he reached in safety. "He made good" and lived a respectable and useful life undisturbed by any fear of Kentucky vengeance.<sup>[9]</sup>

The law as to such attempts was authoritatively stated in 1819 by John Beverley Robinson, Attorney General of Upper Canada, afterwards Sir John Beverley Robinson, Bart, Chief Justice of Upper Canada. The opinion will be given in his own words:<sup>[10]</sup>

"In obedience to Your Excellency's comments I have perused the accompanying letter from G. C. Antrobus Esquire, His Majesty's charge d'affaires at the Court of Washington and have attentively considered the question referred to me by Your Excellency thereupon—namely—"Whether the owners of several Negro Slaves who have fled from the United States of America and are now resident in this Province can be permitted to come hither and obtain possession of their property, and whether restitution of such Negroes can be made by the interposition of the government of this Province" and I beg to express most respectfully my opinion to your Excellency that the Legislature of this Province having adopted the Law of England as the rule of decision in all questions relative to property and civil rights, and freedom of the person being the most important civil right protected by those laws, it follows that whatever may have been the condition of these Negroes in the Country to which they formerly belonged, here they are free—For the enjoyment of all civil rights consequent to a mere residence in the country and among them the right to personal freedom as acknowledged and protected by the Laws of England in cases similar to that under consideration, must notwithstanding any legislative enactment that may be thought to affect it, with which I am acquainted, be extended to these Negroes as well as to all others under His Majesty's Government in this Province. The consequence is that should any attempt be made by any person to infringe upon this right in the persons of these Negroes, they would most probably call for, and could compel the interference of those to whom the administration of our Laws is committed and I submit with the greatest deference to Your Excellency that it would not be in the power of the Executive Government in any manner to restrain or direct the Courts or Judges in the exercise of their duty upon such an application."<sup>[11]</sup>

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Then came a number of applications for the return of runaway slaves cloaked under criminal charges, the pretence being made that they had committed some crime and that it was desired to bring them to trial and punishment. There can be no doubt that in the absence of some constitutional provision every country has the right to keep out criminals and, if they have entered the country, to hand them over to the authorities of the country whence they came; but the rules of international law have never gone so far as to make it obligatory on any country to send away immigrant criminals even if demanded by their former country. It has always been the theory in Upper Canada that the Governor had the power independently of statute or treaty to deliver up alien refugees charged with crimes.<sup>[12]</sup> This was not wholly satisfactory and the legislature took the matter up and passed an act governing such cases, February 13th, 1833,<sup>[13]</sup> providing for the

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apprehension of fugitive offenders from foreign countries, and delivering them up to justice. This provides that on the requisition of the executive of any foreign country the governor of the province on the advice of his executive council may deliver up any person in the province charged with "Murder, Forgery, Larceny or other crime which if committed within the province would have been punishable with death, corporal punishment, the pillory, whipping or confinement at hard labour." The person charged might be arrested and detained for inquiry, but the act was permissive only and the delivery up was at the discretion of the Governor-in-Council.

It was under this act that the extradition of Thornton Blackburn was sought but finally refused. The case was this: Two persons of color named Blackburn, a man and his wife, were claimed as slaves on behalf of some person in the State of Kentucky. They were arrested in Detroit in 1833 and examined before a magistrate, who, in accordance with the law of the United States, made his certificate and directed them to be delivered over as the personal property of the claimant in Kentucky. The sheriff took them into custody but when one of them was on the point of being removed from the prison to be restored to his owner, he was violently rescued and directed across the river into Canada. On the day before the rescue of Thornton Blackburn his wife eluded the jailer in disguise and escaped to Canada.

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The Upper Canadian Government was, therefore, called upon to return these prisoners to the United States. Upon examining the record in the case, however, the Attorney General of Upper Canada in reply to the Governor for information in the case, advised that the so-called offences of Thornton Blackburn in trying to effect his own escape from persons seeking to return him to slavery could not be construed as rioting or rescuing a prisoner from an officer of the law as had been set forth in the requisition papers from the Michigan authorities and certainly could not be applied to Thornton Blackburn's wife who, as the evidence showed, had taken no part at all in the rescue.

The council<sup>[14]</sup> was thereafter called upon to consider the question whether, if a similar charge had been committed in Canada, the offenders would be liable to undergo any of the punishments provided for in the act passed at the session of the Canadian Legislature in 1833. The Attorney General<sup>[15]</sup> was of the opinion that had the government been confined to the official requisition that had accompanied it, he might have been warranted in delivering up these persons inasmuch as there was evidence on which, according to the terms of the Canadian law, a magistrate would have been warranted in apprehending and committing for trial persons charged with riot, forcible rescue and assault and battery. The Attorney General believed, however, that the Governor and the Council were not confined to such evidence since, though limited in their authority to enforcing the provisions of the act against fugitives from foreign States, on being satisfied that the evidence would warrant the commitment for trial, yet in coming to that conclusion, they were bound to hear not ex parte evidence alone but matter explanatory to guide their judgment; for even with the authority so to do, they were not required to deliver up any prisoner so charged, if for any reason they deemed it inexpedient so to do.

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The conclusion of the Attorney General, therefore, was that Blackburn and his wife were not charged with any of the offences enumerated in the statute of Canada and that the Governor and Council were not authorized by its provisions to send them out of the province. He said, moreover: "It has not escaped our attention as a peculiar feature in this case that two of the persons whom the Government of this Province is requested to deliver up are persons recognized by the Government of Michigan as slaves and that it appears upon these documents that if they should be delivered up they would by the laws of the United States be exposed to be forced into a state of slavery from which they had escaped two years ago when they fled from Kentucky to Detroit; that if they should be sent to Michigan and upon trial be convicted of the riot and punished they would after undergoing their punishment be subject to be taken by their masters and continued in a state of slavery for life, and that, on the other hand, if they should never be prosecuted, or if they should be tried and acquitted, this consequence would equally follow.

The next case was not so happy in its result. It caused much excitement at the time and is not yet forgotten. Solomon Mosely or Moseby, a Negro slave, came to the province across the Niagara River from Buffalo which he had reached after many days travel from Louisville, Kentucky. His master followed him and charged him with the larceny of a horse which the slave took to assist him in his flight. That he had taken the horse there was no doubt and as little that after days of hard riding he had sold it. The Negro was arrested and placed in the Niagara Gaol. A prima facie case was made out and an order sent for his extradition.<sup>[16]</sup>

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The people of color of the Niagara region made the Mosely case their own and determined to prevent his delivery up to the American authorities to be taken to the land of the free and the home of the brave, knowing that there for him to be brave meant torture and death, and that death alone could set him free. Under the leadership of Herbert Holmes, a yellow man<sup>[17]</sup> a teacher and preacher, they lay around the jail night and day to the number of from two to four hundred to prevent the prisoner's delivery up. At length the deputy sheriff with a military guard brought out the unfortunate man shackled to a wagon from the jail yard, to go to the ferry across the Niagara River. Holmes and a man of color named Green grabbed the lines. Deputy Sheriff McLeod gave the order to fire and charge. One soldier shot Holmes dead and another bayoneted Green, so that he died almost at once. Mosely, who was very athletic leaped from the wagon and made his escape. He went to Montreal and afterward to England, finally returning to Niagara, where he was joined by his wife, who also escaped from slavery.

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An inquest was held on the bodies of Holmes and Green. The jury found "justifiable homicide" in the case of Holmes. "Whether justifiable or unjustifiable" there was not sufficient evidence before the jury to decide in the case of Green. The verdict in the case of Holmes was the only possible verdict on the admitted facts. Holmes was forcibly resisting an officer of the law in executing a legal order of the proper authority. In the case of Green the doubt arose from the uncertainty whether he was bayoneted while resisting the officer or after Mosely had made his escape. The evidence was conflicting and the fact has never been made quite clear. No proceedings were taken against the deputy sheriff; but a score or more of the people of color were arrested and placed in prison for a time. The troublous times of the Mackenzie Rebellion came on and the men of color were released, many of them joining a Negro militia company which took part in protecting the border.

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The affair attracted much attention in the province and opinions differed. While there were exceptions on both sides, it may fairly be said that the conservative and government element reprobated the conduct of the blacks in the strongest terms, being as little fond of mob law as of slavery, and that the radicals including the followers of Mackenzie, looked upon Holmes and Green as martyrs in the cause of liberty. That Holmes and Green and their followers violated the law there is no doubt; but so did Oliver Cromwell, George Washington and John Brown. Every one must decide for himself whether the occasion justified in the courts of Heaven an act which must needs be condemned in the courts of earth.<sup>[18]</sup>

It was, however, only when the alleged crime was recent and followed up promptly that the rigid rule of extraditing slaves accused of crime was applied. A case which came before the Executive Council a few days after Mosely's is a good illustration of the care taken in such cases. Jesse Happy, a slave in Kentucky, had made his escape to Canada, stealing a horse with which he outran his pursuers. Knowing the indisposition of the Canadian authorities to return fugitives from slavery, the Governor of Kentucky undertook to have this fugitive extradited on the ground that he was charged with a felony in that commonwealth. It appeared that the real object of the application from Kentucky was not so much to bring Happy to trial for the alleged felony as to reduce him again to a state of slavery. In the report of the Attorney General reference was made to an application for extradition in a case in which the offence had been recently committed, and because of this fact the requisition was honored. In the case of Jesse Happy, however, the alleged offence had been committed four years prior to making an effort to have him extradited. No process had been issued in the State of Kentucky nor had any steps been taken to punish him for felony. It was suggested, therefore, that the real object of this apprehension was to give him up to his former owners and to deprive him of the personal liberty secured to him by the laws of Canada.

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As the delivery of the slave under these circumstances would subject him to a double penalty, the one of being punished for the crime and the other of being returned to a state of slavery even if he should be acquitted, the Canadian authorities were in a dilemma; for punishment of the felony was in strict accordance with the statutes of Canada whereas the enslavement of the fugitive was in direct opposition to the genius of its institutions and the spirit of its laws. Yet as the council<sup>[19]</sup> could not take the position that because a man happened to be a fugitive slave he should escape the consequences of crime committed in a foreign country to which a free man would be amenable, action was suspended so as to give the accused time to furnish affidavits of the facts set forth in the petition on his behalf, and not wishing to make of this a precedent without the support of the highest authority, the matter was submitted to the Government in England with a request for their views upon this case as a matter of general policy.<sup>[20]</sup>

Lord Palmerston having had the matter brought to his attention by Lord Glenelg, Secretary of State for War and the Colonies, recognized its very great importance. He accordingly had it submitted to the Law Officers of the Crown. The opinion of these officers Sir John Campbell and Sir Robert Mousey Rolfe appears from a letter from W.T.H. Fox Strangeways, Parliamentary Secretary of State for Foreign Affairs addressed February 25, 1838, to Sir George Gray of the Colonial Department. This officer said:

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"I have received and laid before Viscount Palmerston your Letter to me of the 6 December 1837 with its accompanying copy of a Dispatch from Sir Francis Head, in which that officer requests Instructions for his guidance, in the general case of Fugitive Slaves who, having escaped to Canada may be demanded from the Canadian Authorities by the Authorities of the United States on the plea of their having committed crimes in the last mentioned Country and in the particular case of Jesse Happy, who having escaped to Upper Canada more than four years ago, had been demanded from the Lieut. Governor of that Province, upon the ground of a charge of Horse Stealing.

"These two questions have by direction of Lord Palmerston been submitted to the Law Officers of the Crown, and I am directed by his Lordship to state to you the opinion of these officers for the information of Lord Glenelg.

"The Law Officers report upon the general question, that they think that no distinction should in the case contemplated, be made between the demand for Slaves or for Freeman.

"It is the opinion of the Law Officers that in every case in which there is such Evidence of criminality as, according to the terms of the Canadian Statutes, would warrant the apprehension of the accused Party, if the alleged offence had been committed in Canada, then on the requisition of the Governor of the Foreign State, the accused Party ought to be delivered up, without reference

to the question as to whether he is or is not a Slave.

"The Law Officers desire however that it should be distinctly understood, that the Evidence for this Purpose must be evidence taken in Canada, upon which (if false) the Parties making it may be indicted for Perjury.

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"The Law Officers remark further on this point that the 3rd Section of the Provincial Statute enables the Governor to refuse to deliver up a Party, whenever special circumstances may render it inexpedient to accede to the demand made to the Governor on such a point.

"The Law Officers, reporting upon the subject of Jesse Happy state that they do not think that there was in that case such evidence of criminality, as, according to the Laws of the Province of Upper Canada would warrant the apprehension of Jesse Happy if the offence charged had been committed in U. Canada.

"The Law Officers indeed go farther, and say that so far as there is any evidence of the Facts, what took place was not Horse Stealing according to the Laws of Upper Canada, but merely an unauthorized use of a horse, without any intention of appropriating it.

"The Law Officers conclude by, stating, that upon these grounds, they are of opinion, that Jesse Happy ought to be set at liberty, and that instructions to that effect should be sent to the Lieutenant Governor of Upper Canada."<sup>[21]</sup>

On the ninth of May Glenelg wrote to Sir George Arthur who succeeded Bond Head as Lieutenant Governor of Upper Canada, saying: "With reference to my Dispatch to Sir Francis Bond Head of the 4th December last No 255, I enclose for your information the copy of a letter from the Under Secretary of State for Foreign Affairs stating the substance of the opinion given by the Law Officers of the Crown in respect to the restitution of Fugitive Slaves who may be demanded from the Government of Upper Canada on the plea of their having committed crimes at the places from which they have fled. In conformity with the opinion of the Law Officers of the Crown I have to desire that Jesse Happy, the individual with respect to whom this question was raised shall be forthwith set at liberty."

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It is impossible not to see that the very stringent rules laid down by the Law Officers of the Crown at Westminster were intended to be in *favorem libertatis*. Happy was released November 14th, 1837, and so far as appears from the official records no further application was ever made for the extradition of a runaway slave until after 1842. That year the well-known Ashburton Treaty was concluded<sup>[22]</sup> between Britain and the United States. This by Article X provides that "the United States and Her Britannic Majesty shall, upon mutual requisitions ... deliver up to justice all persons ... charged with murder, or assault with intent to commit murder, or piracy or arson or robbery or forgery or the utterance of forged paper...." Power was given to judges and other magistrates to issue warrants of arrest, to hear evidence and if "the evidence be deemed sufficient ... it shall be the duty of the ... judge or magistrate to certify the same to the proper executive authority that a warrant may issue for the surrender of such fugitive."

It will be seen that this treaty made two important changes so far as the United States was concerned. It made it the duty of the executive to order extradition in a proper case and took away the discretion. It gave the courts jurisdiction to determine whether a case was made out for extradition.<sup>[23]</sup> These changes made it more difficult in many instances for a refugee to escape; but the courts were astute as ever in finding reasons against the return of slaves.

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The case of John Anderson is a well-known one in evidence. He was born a slave in Missouri. As his master was Moses Burton, he was known as Jack Burton. He married a slave woman in Howard County, the property of one Brown. In 1853, Burton sold him to one McDonald living some thirty miles away and his new master took him to his plantation. In September 1853 he was seen near the farm of Brown, when apparently he was visiting his wife. A neighbor, Seneca T.P. Diggs, became suspicious of him and questioned him. As his answers were not satisfactory he ordered his four Negro slaves to seize him, according to the law in the State of Missouri. The Negro fled, pursued by Diggs and his slaves. In his attempt to escape the fugitive stabbed Diggs in the breast and Diggs died in a few hours. Effecting his escape to this province, he was in 1860 apprehended in Brant County, where he had been living under the name of John Anderson, and three local justices of the peace committed him under the Ashburton Treaty. A writ of habeas corpus was granted by the Court of Queen's Bench at Toronto, under which the prisoner was brought before the Court of Michaelmas Term of 1860.

The motion was heard by the full court.<sup>[24]</sup> Much of the argument was on the facts and on the law apart from the form of the papers, but that was hopeless from the beginning. The law and the facts were too clear, although Mr. Justice McLean thought the evidence defective. The case turned on the form of the information and warrant, a somewhat technical and refined point. The Chief Justice Sir John Beverley Robinson, and Mr. Justice Burns agreed that the warrant was not strictly correct, but that it could be amended. Mr. Justice McLean thought it could not and should not be amended.

The case attracted great attention throughout the province, especially among the Negro population. On the day on which judgment was to be delivered, a large number of people of color with some whites assembled in front of Osgoode Hall.<sup>[25]</sup> While the adverse decision was

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announced, there were some mutterings of violence but the counsel for the prisoner<sup>[26]</sup> addressed them seriously and impressively, reminding them "It is the law and we must obey it." The melancholy gathering melted away one by one in sadness and despair.

Anderson was recommitted to the Brantford Jail.<sup>[27]</sup> The case came to the knowledge of many in England. It was taken up by the British and Foreign Anti-Slavery Society and many persons of more or less note. An application was made to the Court of Queen's Bench of England for a writ of habeas corpus, notwithstanding the Upper Canadian decision, and while Anderson was in jail at Toronto, the court after anxious deliberation granted the writ<sup>[28]</sup> but it became unnecessary owing to further proceedings in Upper Canada.

In those days the decision of any Court or of any judge in habeas corpus proceedings was not final. An applicant might go from judge to judge, court to court<sup>[29]</sup> and the last applied to might grant the relief refused by all those previously applied to. A writ of habeas corpus was taken out from the other Common Law Court in Upper Canada, the Court of Common Pleas. This was argued in Hilary Term, 1861, and the court unanimously decided that the warrant of commitment was bad and that the court could not remand the prisoner to have it amended.<sup>[30]</sup> The prisoner was discharged. No other attempts were made to extradite him or any other escaped slave; and Lincoln's Emancipation Proclamation put an end to any chance of such an attempt being ever repeated.<sup>[31]</sup>

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## FOOTNOTES:

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- [1] The first Fugitive Slave Law was passed by the United States in 1793. Three years afterwards occurred an episode, little known and less commented upon, showing very dearly the views of George Washington on the subject of fugitive slaves, at least of those slaves who were his own.

A slave girl of his escaped and made her way to Portsmouth, N. H.; Washington on discovering her place of refuge, wrote concerning her to Joseph Whipple the Collector at Portsmouth, November 28, 1796. The letter is still extant. It is of three full pages and was sold in London in 1877 for ten guineas. (*Magazine of American History*, Vol. 1, December, 1877, p. 759.) Charles Sumner had it in his hands when he made the speech reported in Charles Sumner's *Works*, Vol. III, p. 177. Washington in the letter described the fugitive and particularly expressed the desire of "her mistress" Mrs. Washington for her return to Alexandria. He feared public opinion in New Hampshire for he added.

"I do not mean by this request that such violent measure should be used as would excite a mob or riot which might be the case if she has adherents; or even uneasy sensations in the minds of well disposed citizens. Rather than either of these should happen, I would forego her services altogether and the example also which is of infinite more importance."

In other words if the slave girl has no friends or "adherents" send her back to slavery—if she has and they would actively oppose her return, let her go—and even if it only be that "well-disposed citizens" disapprove of her capture and return let her remain free.

- [2] Whitney's first patent was 1784. His rights were firmly established in 1807.
- [3] Landon, *Canada's Part in Freeing the Slave*, Ontario Historical Society, Papers, etc. (1919), quoting Birney's *James G. Birney and His Times*, p. 435.

Mr. Landon's paper is of great interest and value and I gladly avail myself of the permission to use it.

- [4] A fairly good account of the Underground Railroad will be found in William Still's *Underground Railroad*, Philadelphia, 1872, in W.H. Mitchell's *Underground Railway*, London, 1860; in W.H. Siebert's *Underground Railway*, New York, 1899, and in a number of other works on Slavery. Considerable space is given the subject in most works on Slavery.

One branch of it ran from a point on the Ohio River, through Ohio and Michigan to Detroit; but there were many divagations, many termini, many stations; Oberlin was one of these. See Dr. A.M. Ross, *Memoirs of a Reformer*, Toronto, 1893, and *Mich. Hist. Coll.*, XVII, p. 248.

- [5] The Buxton Mission in the County of Kent is well known. The Wilberforce Colony in the County of Middlesex was founded by free Negroes but they had in mind to furnish homes for future refugees. See Mr. Fred Landon's account of this settlement in the recent (1918) *Transactions of the London and Middlesex Hist. Soc.*, pp. 30-44. For an earlier account see A. Steward's *Twenty Years a Slave* (Rochester, N.Y., 1857).

- [6] "The Kingdom of Heaven suffereth violence and the violent take it by force." There can be no doubt that the Southern Negro looked upon Canada as a paradise. I have heard a colored clergyman of high standing say that of his own personal knowledge dying slaves in the South not infrequently expressed a hope to meet their friends in Canada.

- [7] *Souvenirs of the Past*, by William Lewis Baby, Windsor, Ontario, 1896. Mr. Baby is a member of an old French-Canadian family of the highest repute for honor and public service. Charles Baby was the author's brother. The author lived with him and tells the story of his own knowledge. The quotations are from Mr. Baby's book.

- [8] As was done in the case of Solomon Mosely, spoken of infra, p.

- [9] I have not been able to verify other tales of attempted abduction to my satisfaction, there are, however, several stories which may be true.
- [10] *Canadian Archives Sundries, U. C., 1819.*
- [11] John Beverley Robinson was the son of Christopher Robinson mentioned above.
- [12] The same rule obtained in Lower Canada; (1827) re Joseph Fisher, 1 Stuart's L. C. Rep. 245.
- [13] This is the Act (1833), 3 Will IV, c. 7 (U. C.). This statute came forward as cap. 96 in the *Consolidated Statutes of Upper Canada, 1859*, but was repealed by an Act of (United) Canada (1860), 23 Vic. c. 91 (Can.).

The Act of 1833 was drawn by Chief Justice Robinson and introduced by him into the Legislative Council of which he was Speaker—it was a "Government measure." Notice of bringing in the bill was given November 28, 1832; the bill brought in November 30; read the second time December 3 passed the committee of the whole on the fourth of December and was finally passed by the Council the following day. It reached the Legislative Assembly the same day where it was passed without opposition and received the Royal Assent February 13, 1833.

- [14] At the meeting were present His Excellency Sir John Colborne, K. C. B. Lieutenant Governor, the Hon. and Rev. John Strachan, D.D., Archdeacon of York, the Honorable Peter Robinson, the Honorable George Herchmer Markland, the Honorable Joseph Fells, and the Honorable John Elmsley. The Executive Council at that time was very much under the influence of the Chief Justice and Dr. Strachan, then Archdeacon afterwards the first Anglican Bishop of York or Toronto.
- [15] Robert Sympson Jameson an English barrister of the Middle Temple, a familiar friend of Coleridge and Southey and the husband of Anna Jameson of some literary note.

The report is from the *Canadian Archives, State J.*, p. 137.

- [16] The Executive Council on September 7th 1837 recommended his extradition. The following is a copy of the Proceedings:

EXECUTIVE COUNCIL CHAMBER AT TORONTO THURSDAY 7TH SEPTEMBER 1837

REQUISITION FOR SOLOMON MOSELY

Read the Requisition of the Governor of the State of Kentucky and other documents relating to the surrender of Solomon Mosely a fugitive from the State of Kentucky charged with Horse stealing.

Read also the Attorney General opinion thereon as follows:

ATTORNEY GENERAL'S OFFICE  
TORONTO 6th September 1837

*Sir,*

I have the honor to report that in my opinion there is sufficient proof of the guilt of Solomon alias John Mosely a fugitive from the State of Kentucky charged with horse stealing in that Country—to Warrant His Excellency the Lieutenant Governor (with the advice of the Executive Council) to deliver him up upon the request made by the Governor of the State referred to.

I have the honor to be &c

(Signed) Cs HAGERMAN, *Atty, Gen*

J JOSEPH ESQ,  
*Civil Secretary.*

The Council concur in the above opinion of the Attorney General and consider that the case comes within 3rd Wm 4 Ch 7 and therefore advise His Excellency the Lieutenant Governor to deliver up the Fugitive alluded to in the requisition of His Excellency the Governor of the State of Kentucky.

—*Can. Arch. State J. Upper Canada*, p. 595.

In a despatch from Head to Lord Glenelg, October 8, 1837, *Can. Arch.* 398, p. 149, Head says: "In a case brought before me only a few days previous to that which is the subject of this communication (*i.e.*, the Jesse Happy case) I insisted on giving up to the Governor of the Commonwealth of Kentucky (a slave) who in order to effect his escape had been guilty of stealing his Master's horse." It was suggested that the real object was to get him back to his Master—not to punish him for the crime. But the crime was perfectly proved and the Council followed the judicial opinion in the Thornton Blackburn case that as the black had been shown to have committed an offence clearly coming within the statute of 1833, they could not advise a course to be taken "different from that which should be pursued with respect to free white persons under the same circumstances." They, therefore, advised an order for extradition.

- [17] To his people he seems to have been known as "Hubbard Holmes" he is always called a "yellow man," whether mulatto, quadroon, octoroon or other does not appear.

[18] The contemporary accounts of this transaction, *e.g.*, in the *Christian Guardian* of Toronto, and the *Niagara Chronicle*, are not wholly consistent. The main facts are clear; although there is some doubt as to the time, the military guard were ordered to fire.

[19] Present, Allen, Hon. Augustus Baldwin and Hon. William Henry Draper (afterwards Chief Justice of the Court of Common Pleas, 1856, Chief Justice of the Province of Upper Canada, 1863, and President of the Court of Error and Appeal 1868 till his death, 1877).

[20] *Canadian Archives State J.*, p. 597.

[21] *Canadian Archives*, G. 84, p. 277. The letter to Sir George Arthur is *ibid.*, G. 84, p. 275. The despatch from Lord Glenelg to Sir Francis Bond Head dated January 4, 1837, has endorsed on it a pencil memorandum "Jesse Happy has been liberated by Lieutenant Governor's command November 14, 1837," *ibid.*, G. 83, p. 238.

[22] Concluded at Washington, August 9, 1842.

[23] It was held in the Province of Upper Canada that the Act of 1833 was superseded by the Ashburton Treaty in respect to the United States, but that it remained in force with respect to other countries (*Reg. v. Tubber*, 1854, 1, P.R. 98). Since the treaty our government has refused to extradite where the offence charged is not included in the treaty. In *re Laverne Beebe* (1863), 3 P.R. 273—a case of burglary. The provisions of the treaty were brought into full effect in Canada (Upper and Lower) by the Canadian Statute of 1849, 12, Vic. c. 19; C.S.C. (1859), c. 89.

[24] The Chief Justice Sir John Beverley Robinson, Mr. Justice McLean (afterwards Chief Justice of Upper Canada) and Mr. Justice Burns.

[25] The seat of the Superior Courts in Toronto, the Palais de Justice of the Province.

[26] Mr. Samuel B. Freeman Q.C., of Hamilton, a man of much natural eloquence, considerable knowledge of law and more of human nature; he was always ready and willing to take up the cause of one unjustly accused and was singularly successful in his defences. I have heard it said that it was Mr. M.C. Cameron, Q.C., who so addressed the gathering but he does not seem to have been concerned in the case in the Queen's Bench.

[27] The case is reported in (1860) 20 U. Can. Q.B., pp. 124-123. The warrant is given at pp. 192, 193.

[28] The case is reported in (1861) 3 Ellis & Ellis Reports, Queen's Bench, p. 487; 30, Law Jour., Q.B., p. 129; 7 Jurist N.S., p. 122; 3 Law Times, N.S., p. 622; 9 Weekly Rep., p. 255.

It was owing to this decision that the statute was passed at Westminster (1862) 25, 26, Vic. c. 20, which by sec. 1 forbids the courts in England to issue a writ of habeas corpus into any British possession which has a court with the power to issue such writ. The Court was Lord Chief Justice Cockburn and Justices Crompton Hill and Blackburn, a very strong court. The Counsel for Anderson was the celebrated but ill-fated Edwin James. The writ was specially directed to the sheriff at Toronto, the sheriff at Brantford and the jail keeper at Brantford. Judgment was given January 15, 1861.

[29] Common Law of course, not Chancery.

[30] The court was composed of Chief Justice William Henry Draper, C.B., Mr. Justice Richards, afterwards Chief Justice successively of the Court of Common Pleas, of the Court of Queen's Bench and of the Supreme Court of Canada and Mr. Justice Hagarty, afterwards Chief Justice successively of the Court of Common Pleas, of the Court of King's Bench, and of Ontario.

Mr. Freeman was assisted in this argument by Mr. M.C. Cameron, a lawyer of the highest standing professionally and otherwise, afterwards Justice of the Court of Queen's Bench and afterwards Counsel for the Crown on both arguments were Mr. Eccles, Q.C., a man of deservedly high reputation, and Robert Alexander Harrison, afterwards Chief Justice of the Court of Queen's Bench, an exceedingly learned and accurate lawyer.

The case in the Court of Common Pleas is reported in Vol. 11. Upper Can., C.P., pp. 1 sqq.

[31] *Canadian Archives*, Sundries U.C., 1807.

It would be unfair to the United States to say or suggest that all the flights for freedom were in the one direction. Very early trouble was experienced by Canadian owners of slaves from their running away to the United States. The following letter tells its own story. D.M. Erskine the British representative writing from New York, May 26, 1807, to Francis Gore, Lieutenant Governor of Upper Canada, says:

"I have the honour to acknowledge the receipt of your letter of the 24th ult enclosing a Memorial presented to you by the Proprietors of Slaves in the Western District of the Province of Upper Canada.

"I regret equally with yourself the Inconvenience which His Majesty's subjects in Upper Canada experience from the Desertion of their slaves into the Territory of the United States, and of Persons bound to them for a term of years, as also of his Majesty's soldiers and sailors; but I fear no Representation to the Government of the United States will at present avail in checking the evils complained of, as I have frequently of late had occasion to apply to them for the Surrender of various Deserters under different circumstances and always without success.

"The answer that has been usually given, has been, 'That the Treaty between Great Britain & the United States which alone gave them the Power to surrender Deserters having expired, it was impossible for them to exercise such an authority without the Sanction of the Laws.'

"I will however forward to His Majesty's Minister for Foreign Affairs the Memorial above mentioned in the Hope that some arrangements may be entered into to obviate in future the great Losses which are therein described."

In the *Life and Adventures of Wilson Benson, written by himself* (Toronto, 1876), is found the following, pp. 34-36:

"In 1849 I shipped on the schooner Rose of Milton, Capt. Hamilton, cruising on Lakes Ontario and Erie. In one trip to the town of Erie, Pennsylvania, for a cargo of coal, while lying at the dock, a diminutive negro man, with a white beard, came on board the vessel, and inquired of me if this was a British vessel. On being informed that it was, he desired to be secreted, stating that he was a runaway slave, and that his pursuers were on his track. I at once secreted him in a closet which served as a store-room for vegetables, &c., and as we were almost ready to set sail, I did not discover his presence to either Captain or crew until we were some distance out on the lake. When he appeared, Capt. Hamilton inquired of me where I had obtained 'that child,' and on being informed, expressed some anxiety, as we were liable to be captured had we been followed by a steamer. As it was, he merely looked up at the rigging, and exclaimed, 'Blow, breezes, blow!' The negro, who knew no other name than 'Sambo' we brought to Toronto. On one occasion, when I offered him some molasses, he shook his head and made grimaces expressive of disgust. He informed me that the slaves employed on the sugar plantations, when beaten by their masters, in order to obtain an indirect revenge, spat in the syrup, and committed other filthy things as an imaginary punishment upon the whites. I frequently saw Sambo in Toronto, and many times he expressed thankfulness to me for his deliverance. I may here mention that shortly after the arrival of Sambo on board the Rose of Milton at Erie, two suspicious-looking men, dressed in plain clothes, came aboard and paced up and down the deck several times, and as all the crew were absent at the time, I felt some apprehension for the safety of the poor fugitive; but seeing nothing of a suspicious appearance, and the almost entire absence of the crew, they sauntered away. I made several other trips up and down the lakes during that summer on the same vessel."

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## CHAPTER VII

### SLAVERY IN THE MARITIME PROVINCES

The French population of the territory by the sea, the Acadians, are described by the poet as:

Men whose lives glided on like rivers that water the woodlands,  
Darkened by shadows of earth, but reflecting an image of heaven.

History does not bear out this idyll; but whatever their faults, at least the Acadians had the negative virtue of possessing no slaves,<sup>[1]</sup> Panis or Negro: nor was it until the coming of the people whose native air was too pure for a slave that the curse came upon the land.

The permanent settlement by the English of Acadia may fairly be considered as beginning when in 1749 Cornwallis founded Halifax.<sup>[2]</sup> Negro slaves were among the population of Halifax from the beginning or very shortly after. Where they came from is uncertain and it has been suggested that they came with the original settlers across the ocean. In the absence of any other explanation more plausible, this might be accepted. Lord Mansfield's decision in the Somerset case was a quarter of a century in the future. But it seems more probable that they were brought from the English Colonies, and some almost certainly were.

The official records of the country exhibit much evidence to this effect. In September, 1751, the *Boston Evening Post* advertised "Just arrived from Halifax and to be sold, ten strong hearty, Negro men mostly tradesman, such as caulkers, carpenters, sailmakers and ropemakers.<sup>[3]</sup> Any person wishing to purchase may enquire of Benjamin Halliwell of Boston." Such an advertisement indicates that shipbuilding was slack at Halifax and more brisk at Boston. A conjecture may be hazarded that these slaves had been taken by their master to Halifax to build ships and then returned to the colony when required no longer in Acadia.

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Some such conjecture receives a little assistance from a will still on record in Halifax. It was made February 28, 1752, by Thomas Thomas "late of New York but now of Halifax" and disposed of his "goods, chattels and negros" including one bequest to this effect: "all my plate and my negro servant Orange that now lives with me at Halifax, I leave and bequeath to my son."

In the same year, *The Halifax Gazette* of May 15 contains the advertisement "Just imported and to be sold by Joshua Mauger at Major Lockman's store in Halifax, several Negro slaves as follows: A woman aged 35, two boys aged 12 and 13 respectively, two of 18 and a man aged 30." In the *Halifax Gazette* of Saturday, May 30, 1752, sale is advertised thus: "Just imported and to be sold by Joshua Mauger, at Major Lockman's store in Halifax, several negro slaves, viz., a very likely negro wench, of about thirty-five years of age, a Creole born, has been brought up in a

gentleman's family, and capable of doing all sorts of work belonging thereto, as needle-work of all sorts and in the best manner; also washing, ironing, cooking, and every other thing that can be expected from such a slave: also two negro boys of about 12 or 13 years old, likely, healthy, and well-shaped, and understand some English. Likewise two healthy negro slaves of about 18 years of age, of agreeable tempers and fit for any kind of business: And also a healthy negro man of about 30 years of age." In September 1759, a Halifax merchant, Malachy Salter wrote to his wife then visiting relatives in Boston informing her of the state of the family, saying that "Jack is Jack still but rather worse. I am obliged to exercise the cat or stick almost every day. I believe Halifax don't afford another such idle, deceitful villain"—"Pray purchase a Negro boy if possible."

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In the year of the surrender of Montreal, the *Halifax Gazette*, November 1, 1760, advertised "To be sold at public auction on Monday the 3rd of November, at the house of Mr. John Rider, two slaves, viz., a boy and a girl, about 11 years old; likewise a puncheon of choice cherry brandy with sundry other articles."

Some legal sanction, moreover, was given slavery. A General Assembly the first Elective Legislature in what is now Canada, met at Halifax in 1757. In 1762 the second session of the third General Assembly passed an act<sup>[4]</sup> which seems not to have received very much attention from legists<sup>[5]</sup> and writers. It contains a recognition of slavery. The act provides by section 2 that "in case any soldier, sailor, servant, apprentice, bound servant or negro slave or any other person whatsoever shall leave any pawn or pledge with a vendor of liquor for the payment of any sum exceeding five shillings for liquor such soldier, sailor, servant, apprentice bound servant or negro slave ... or the master or mistress of such servant, apprentice, bound servant or negro slave" might by proceedings before a Justice of the Peace obtain an order for the restoration of the pawn or pledge—and the vendor might be fined 20 shillings "for the use of the poor."<sup>[6]</sup>

For this reason slavery could easily continue as subsequent records prove. In July, 1767, Charles Proctor of Halifax sold Louisa, a "Mulotta" girl, to Mary Wood of Annapolis for £15 currency<sup>[7]</sup> and next year Mary Wood assigned the girl to her daughter Mrs. Mary Day. In June, 1767, James Simonds of the St. John River wrote to Hazen and Jarvis at Newburyport, Massachusetts, a letter in which he complains of "that rascal negro, West" who cannot be got to do a quarter of a man's work. In an advertisement in a Halifax paper in 1769 are offered for sale to the highest bidder "two hogsheads of rum, three of sugar and two well-grown negro girls aged 14 and 12." Those were clearly a consignment from the West Indies. The executors of John Margerum of Halifax deceased, in their accounts give credit for £29.9.4.½ "net proceeds of a negro boy sold at Carolina." In 1770 the executors of Joseph Gerrish of Halifax lost £30 on the sale of three Negroes for £150 to Richard Williams and Abraham Constable, the Negroes having been appraised at £180: and a Negro boy named John Fame was not then sold. In April 1770, Mrs. Martha Prichard of Halifax, widow, bequeathed to her daughter, wife of Moses Delesdernier a Negro slave woman named Jessie. If Mrs. Delesdernier did not wish to retain the slave, she was to be sold and the proceeds of the sale given to Mrs. Delesdernier. If she kept her, the slave at the death of Mrs. Delesdernier was to be the property of her son Ferdinand. By the same instrument the testatrix bequeathed to her granddaughter a mulatto slave John Patten two and a half years old.

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By the census of the year 1771 the Rev. James Lyon, the first Presbyterian Minister in Nova Scotia, is shown to have owned a colored boy, the only Negro in the township of Onslow and John Young in the township of Amherst also a Negro boy, the only one in the township. In Annapolis, Magdalen Winnett owned a man, woman and girl; Joseph Winnett owned a woman and a boy; Ebenezer Messenger and Ann Williams each a man, and John Stork of Granville owned a man the only Negro in the township; and Henry Evans of Annapolis had the previous year owned a colored girl.

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Jacob Hurd of Halifax offered in 1773 a reward of £5 for the apprehension of his runaway Negro, Cromwell, a "short thick set strong fellow," strongly pock marked "especially on the nose" and wearing a green cloth jacket and a cocked hat. In July 1773, in the *Nova Scotia Gazette and Weekly Chronicle* the executor and executrix of Joseph Pierpont of Halifax advertised "a Negro named Prince to be sold at private sale." This perhaps indicated a repugnance to offering human beings for sale by auction. In the *Nova Scotia Gazette and Weekly Chronicle*, March 27, 1775 is an advertisement for the sale of a "likely well-made negro boy about 16 year old."

In the inventory of the estate of the late John Rock appeared in 1776 a Negro woman named Thursday. She was inventoried at £25 but sold for £20. In this year also a Windsor farmer, Joseph Wilson left by will two Negro women Byna and Sylla to his wife. In January 1779 the *Nova Scotia Gazette and Weekly Chronicle* advertised for sale an able Negro woman, about 21 year old, "capable of performing both town and country work and an exceedingly good cook." In the same year Daniel Stratford of Halifax left to his wife a Negro man slave Adam for life, after her death to become the property of his daughter Sarah Lawson. Matthew Harris of Picton sold for £50 to Matthew Archibald of Truro, tanner, a "Negro boy named Abram, about 12 years of age" born of Harris' Negro slave in Harris' house in Maryland.

In 1780 rewards were offered, one of 3 guineas, for the apprehension and delivery at the office of the Commanding Officer of Engineers at Halifax of two runaway Negro men; another "a handsome reward to be paid for securing in any gaol a Negro boy Mungo about 14 years old and well built"—the owner Benjamin De Wolfe of Windsor to be notified. That year the executors of Colonel Henry Denny Denson of West Falmouth debit themselves with £75 received for "Spruce," £60 for "John" and £30 for "Juba" and credit themselves with £2.11.6 paid for taking two of these to Halifax

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probably for sale there.

Abel Michener of Falmouth advertised in 1781 a reward of £5 for the capture of a Negro named James; and Samuel Mack of Port Medway wanted a Negro named "Chance" returned.

Richard Wenman of Halifax in September of that year agreed to give his Negro, Cato, his liberty "if he will faithfully serve my said daughter, Elizabeth Susannah Pringle two years." Captain Wilson of the transport *Friends* requested in 1782 that masters of vessels will not ship as a seaman his runaway Negro lad Ben, saying: "He is my own property."

There is no need for further particularization; for we now come to the year of the definitive peace between the mother country and the new republic. As in the upper country so by the sea there was a great influx of Loyalists, accompanied in many instances by their slaves. Thereafter sales, advertisements for auctions, rewards for runaway slaves, bequests of slaves, &c., are very common and there were some manumissions. That, however, was not the cause of the great increase in the Negro population of the Maritime Province. The Island of St. John, afterwards Prince Edward Island had been set off as a separate province in 1769 but the Province of Nova Scotia included what became the Province of New Brunswick until 1786.

During the Revolutionary War, the British commanders, Sir Henry Clinton in particular, had made it a point to invite the slaves to the British line and many had accepted the invitation. No few of these refugees were of material service to the British troops in various ways both menial and otherwise. At the peace Washington demanded the return of these quondam slaves.<sup>[8]</sup> Sir Guy Carleton refused but made a careful inventory of them with full description, name, former master, etc., so that Washington might claim compensation from the British Government, if he saw fit.<sup>[9]</sup> In addition to these slaves somewhere about 3,000 freed Negroes accompanied the British troops on their withdrawal from New York, nearly all coming to Nova Scotia. Many of these after suffering great hardships were sent to Sierra Leone on the West Coast of Africa in 1792. Some remained in the province where their descendants are found until this day; but not in any very great numbers. The Loyalists, however, retained their property in their own slaves; and immigration was encouraged by the Act of 1790.<sup>[10]</sup>

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The trade in Negroes was very brisk for some years. For example, on June 24, 1783, the *Nova Scotia Gazette and Weekly Chronicle* advertised for sale a Negro woman, "25 years of age, a good house servant." On December 11, 1783, Captain Alexander Campbell late of the South Carolina Loyalists sold to Captain Thomas Green late of the Royal Nova Scotia Foot a Negro woman named Nancy for £40. Nancy two years later was sold by Green to Abraham Forst of Halifax and a year later still with her child Tom to Gregory Townsend.

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A shipment was made by John Wentworth from Halifax to Surinam, Dutch Guiana, of nineteen Negro slaves, "all American born or well seasoned ... perfectly stout, healthy, sober, orderly, industrious and obedient." These, said he, "I have had christened and would rather have liberated them than send them to any estate that I am not sure of their being treated with care and humanity which I shall consider as the only favour that can be done to me on this occasion" by his correspondent.<sup>[11]</sup>

On October 29, 1787, John Rapalje, a Royalist, sent from Brooklign (Brookland or Brooklyn Ferry) to George Leonard by desire of his (R's) father a Negro woman named Eve about 35 years and her child named Suke about 15 to sell as he himself cannot go to Nova Scotia. Eve was one of the best servants "perfectly sober, honest" and the only fault she had was her near sight.

The records show occasional manumission also. In 1784 the inventory of the estate of John Porter late of Cornwallis, a Negro man is valued at £80. That same year Charles Montague of Halifax says: "I have only one Negro, named Francis; he is to have his freedom." In May 1787, Margaret Murray, widow of Halifax by her will manumitted her two Negro women Marianne and Flora; and (when he was 21) her Negro boy Brutus. From the records of a trial at Shelburne, in a magistrate's court in 1788 it appears that one Jesse Gray of Argyle had sold a Negro woman for 100 bushels of potatoes. At a trial the ownership by Gray was proved and the sale confirmed.

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We now come to the times of a Chief Justice whose heart was set on destroying slavery in the province of Nova Scotia, therein wholly differing from the Chief Justice of New Brunswick, George Duncan Ludlow, who had received his appointment on the separation of that province in 1784. The forward-looking jurist was Thomas Andrew Strange who became Chief Justice of the Supreme Court in 1791.<sup>[12]</sup> The same impulse for liberty which about this time was noted in the upper country manifested itself from time to time by the sea. Slaves ran away from their masters; the masters pursued and imprisoned them. Some blacks claimed freedom without fleeing. When a writ of habeas corpus came up in the Supreme Court, Chief Justice Strange did his best to avoid giving a decision. He knew that slavery was lawful but he knew it was detestable and he pursued a course which did not require him to stultify himself but which would nevertheless confer substantial benefits upon the black claiming liberty.

He endeavored in every case to bring the parties to an agreement to sign articles whereby the master would have the services of the Negro for a stated time, after the expiration of which the Negro received his freedom. When the master refused this, as sometimes there was a refusal, the Chief Justice required the matter to be tried by a jury, which usually found for the Negro.<sup>[13]</sup>



The practice adopted was like the practice in cases of alleged villenage in England. It was recognized that slavery might exist in Nova Scotia, but it was made as difficult as possible for the master to succeed on the facts. Except the act already mentioned there was no statute recognizing slavery and an attempt in 1787 to incorporate such a recognition in the statute law failed of success by a large majority. The existing act, too, was given what seems a very forced and unnatural interpretation so as to emasculate it of any authority in that regard.

Salter Sampson Blowers, the Attorney General, fully agreed with the Chief Justice's plan. On one occasion he threatened to prosecute a person for sending a Negro out of the province against his will.<sup>[14]</sup> The Negro managed to get back and the master acknowledged his right, so that no proceedings were necessary. After a number of verdicts for the alleged slaves, masters were generally very willing to enter into articles whereby the slave after serving faithfully for a fixed number of years was given his freedom.

After Blowers became Chief Justice, 1797,<sup>[15]</sup> he continued Chief Justice Strange's practice with marked results. In one case of which he tells where he had discharged a black woman from the Annapolis gaol on habeas corpus and an action had been brought, the plaintiff proved that he had bought her in New York; but the Chief Justice held that he had not proved the right of the seller so to dispose of her and directed the jury to find for the defendant which they promptly did.

Slavery continued, however. Almost every year we find records of sales, advertisements for runaway slaves, bequests of slaves, &c., till almost the end of the first decade of the 19th century, the latest known bill of sale is dated March 21, 1807 and transfers a "Negro Woman named Nelly of the age of twenty five or thereabout." It was, however, decadent and from about the beginning of the 19th century was quite as much to the advantage of the Negro in many cases as that of the master.

A final effort to legalize slavery in Nova Scotia was made in 1808. Mr. Warwick, member for Digby Township, presented a petition from John Taylor and other slave owners setting up that the doubts entertained by the courts rendered their property useless and that the slaves were deserting and defying their masters. They asked for an act securing them their property or indemnifying them for their loss. Thomas Ritchie member for Annapolis introduced a bill to regulate Negro servants within the province. The bill passed its second reading January 11, 1808, but failed to become law; and the attempt was never renewed.

New Brunswick was separated from Nova Scotia in 1784. The Chief Justice of that province was not as averse from slavery as his brother of Nova Scotia. One of the most interesting and celebrated cases came before the Supreme Court of New Brunswick in Hilary Term, February 1800. Captain Stair Agnew who had been an officer in the Queen's Rangers settled opposite Fredericton. He was a man much thought of as is shown by his being chosen for thirty years to represent York County in the Legislature. He owned a slave Nancy Morton<sup>[16]</sup> who claimed her freedom and whom apparently he had put in charge of one Caleb Jones. A writ of habeas corpus was obtained directed to Jones and the matter was arranged to be argued before the full court of four judges. For the applicant appeared Ward Chipman<sup>[17]</sup> and Samuel Denny Street for the master, Jonathan Bliss, Attorney General of the province, Thomas Wetmore, John Murray Bliss, Charles J. Peters and Witham Botsford, all men of ability and eminence. On the Bench were Chief Justice Ludlow and Puisne Justices Allen, Upham and Saunders.

The addresses of the Attorney-General and Mr. Chipman are extant. The former divided his speech into thirty-two heads; the latter took eighty pages of foolscap for his. The arguments were extremely able and exhaustive,<sup>[18]</sup> everything in history, morals and decided cases being brought to bear. The case took two full days to argue and after careful consideration the court divided equally, the Chief Justice and Mr. Justice Upham affirming the right of the master and Mr. Justice Allan and Mr. Justice Saunders held for the alleged slave.

The return of Jones to the writ was that Nancy "was at the time of her birth and ever since hath been a female Negro slave or servant for life born of an African Negro slave and before the removal of the said Caleb Jones from Mary Land to New Brunswick was and became by purchase the lawful and proper Negro slave or servant for life of him the said Caleb Jones ..., that the said Caleb Jones in the year of our Lord 1785 brought and imported the said ... Nancy his Negro slave or servant for life into the Province of New Brunswick ... and has always hitherto held the said ... Nancy as his proper Negro slave or servant for life ... or by laws he has good right and authority to do...."<sup>[19]</sup>

The Chief Justice based his opinion on what he called the "Common Law of the Colonies"—and although that expression was ridiculed at the time and has been since, there is no difficulty in understanding it. He meant custom recognized as law not contained in an express legislative enactment. In that sense a modern lawyer will agree that he was right. Practically all the English colonies had slavery thoroughly recognized and often without or before legislation; and all the well known legal maxims asserted the cogency of such custom.<sup>[20]</sup> Mr. Justice Allen considered that no human power could justify slavery—and his brother Saunders agreed with him. It would seem that these judges were concerned with what the law should be, the others with what it actually was.<sup>[21]</sup>

In the result the return was held sufficient and the master had his slave. But the decision of the divided court had its effect. Agnew reconveyed Nancy to William Bailey from whom he had bought her and she bound herself to serve for fifteen years, then to receive her freedom.<sup>[22]</sup> The result of

this case was that while slavery was not formally abolished, it before many years practically ceased to exist.<sup>[23]</sup>

Prince Edward Island was called Isle St. Jean until 1798. In this island slavery had the same history as in the other maritime provinces. Shortly after the peace Negro slaves were brought into the Island by their United Empire Loyalist masters. As late as 1802 we find recorded the sale of "a Mulatto boy three years old called Simon" for £20, Halifax currency, then £18 sterling, and a gift of "one Mulatto girl about five years of age named Catherine." We also find Governor Fanning (1786-1804), freeing his two slaves and giving one of them, Shepherd, a farm.

In Cape Breton which was separate from 1784 to 1820, Negro slaves were found as early as the former date: "Cesar Augustus, a slave and Darius Snider, black folks, married 4th September 1788," "Diana Bestian a Negro girl belonging to Abraham Cuyler Esq" was buried September 15, 1792 and a Negro slave was killed in 1791 by a blow from a spade when trying to force his way into a public ball in Sydney.<sup>[24]</sup> In this province, too, slavery met the same fate.

There is now to be mentioned an interesting series of circumstances.<sup>[25]</sup> During the War of 1812-15 the British navy occupied many bays and rivers in United States territory and in some cases troops were landed where there was a slave population. These forces came into possession of many slaves, mostly voluntary fugitives, some seduced and some taken by violence from their masters. Admiral Cochrane in April 1814 issued a proclamation inviting all those who might be disposed to emigrate from the United States for the purpose of becoming free settlers in some of "His Majesty's Colonies" to come with their families on board of the British men of war and offering them the choice of joining the British forces or being sent as free settlers to a British possession. He did not say "slaves" but no one could mistake the meaning.<sup>[26]</sup> Negroes came in droves. Some were taken to the Bahamas and the Bermudas where their descendants are to be found until this day; many were taken to Nova Scotia and New Brunswick.<sup>[27]</sup>

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When the Treaty of Peace was concluded at Ghent, December 24, 1814 the United States did not forget the slaves who had got away from the home of liberty. Article 1 provided for the delivery up of all places taken by either party without carrying away any property captured "or any slaves or other private property." The United States demanded the restoration of "all slaves and other private property which may now be in possession of the forces of His Britannic Majesty." The British officers refused to surrender the slaves contending that the real meaning of the treaty did not cover the case. At length in 1818 a convention was entered into that it should be left to the Emperor of Russia<sup>[28]</sup> to decide whether the United States by the true intent of Article 1 was entitled to the restitution or full compensation for the slaves.

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In 1822 the Emperor decided in favor of the United States. Thereupon the next year (1824) a mixed commission of two commissioners and two arbitrators determined the average value to be allowed as compensation;<sup>[29]</sup> for slaves taken from Louisiana \$580; from Alabama Georgia and South Carolina, \$390; from Virginia, Maryland and all other States \$280.

The commissioners adjourned for the purpose of enabling evidence to be obtained as to the numbers. Clay submitted to the British Government that 3601 slaves had been taken away but was willing for a settlement to accept the price of 1650. Britain declined, but the commissioners failed to agree and finally by diplomacy in 1827 Britain agreed to pay £250,000 or \$1,204,960 in full for slaves and other property. Thus Britain assured the freedom of more than 3,000 slaves and paid for them, a fitting prelude to the great Act of 1833 whereby she freed 800,000 slaves and paid £20,000,000 for the privilege.<sup>[30]</sup>

## FOOTNOTES:

- [1] So far at all events as appears from any records that I have seen it is just possible however that "La Liberté, le neigre" mentioned in de Meulles' Census of Acadia in 1696 was a black slave, notwithstanding his name.
- [2] From 1720 on, Annapolis Royal had a fairly firm government and settlement but it was not until Halifax was founded that it became certain that the country would remain English.
- [3] This and most of the facts, dates, etc., in this chapter are taken from the Rev. Dr. T. Watson Smith's fascinating article *The Slave in Canada* in the *Nova Scotia Historical Society's Collections*, Vol. X, Halifax, 1899.
- [4] (1762) 2 George III, c. 1 (N. S.), *Statutes at Large, Nova Scotia*, Halifax, 1805, p. 77.
- [5] It is referred to in a letter from Ward Chipman to Chief Justice Blowers to be mentioned later. See post, p.
- [6] This Act was continued in 1784 by (1784) 24 George III, c. 14 (N. S.). *Statutes at Large, Nova Scotia*, p. 238.
- [7] "Halifax currency" was at this time nine-tenths of Sterling £10 currency = £9 sterling and the 5/ dollar being 4/6 sterling.
- [8] It will be remembered that in the Treaty of Peace it was agreed by Article VII "His Britanic Majesty shall with all convenient speed and without causing any destruction or carrying away any negroes or other property of the American inhabitants withdraw his armies, garrisons and fleets from the said United States...."

Sir Guy Carleton claimed that the Negroes who had taken refuge in the British lines at once lost their status of slavery and became free. They were "not Negroes or other property of the American," a rather technical not to say finely drawn distinction but *in favorem libertatis*; and in any event Britain would not betray the helpless who had put their faith in her.

- [9] Washington did make a claim; but the United States had not carried out its part of the contract and Britain would not and never did pay. Jones' *Loyalist History of New York*, Vol. 2. p. 256, says that the number of Negroes who found shelter in the British lines was 2000 at least; probably this is an underestimate. Hay's *Historical Reading* at p. 249 gives the number of Negroes who came into Nova Scotia with their Masters at least 3000—and of free Negroes 1522 at Shelburne, 182 at St. John River. 270 at Guysborough, 211 in Annapolis County, and a smaller number at other places. 1200 were sent to Sierre Leone in 1792.
- [10] See ante, p. —. The Negro population in 1784 estimated at about 3000 was included in the 28,347 of *Disbanded Troops and Loyalists called New Inhabitants*, *Can. Arch.*, Report for 1885, p. 10. There were some free Negroes in various companies of the British forces in one capacity or another.
- [11] The Negroes sent were Abraham, James, Lymas, Cyrus, John, Isaac, Quako, January, Priscella, Rachel, Venus, Daphne, Ann, Dorothy and four children Celia, William, Venus, Eleanora—reserving Matthew and Susannah at home. All these had been christened, February 11, 1784. "Isaac is a thorough good carpenter and master sawyer, perfectly capable of overseeing and conducting the rest and strictly honest; Lymas is a rough carpenter and sawyer; Quako is a field negro has met with an accident in his arm which will require some indulgence. The other men are sawyers and John also a good axeman. Abraham has been used to cattle and to attend in the house, &c. All the men are expert in boats. The women are stout and able and promise well to increase their numbers. Venus is useful in the hospital, poultry yard, gardens, etc. Upon the whole they are a most useful lot of Negroes."

John Wentworth, last Royalist Governor of New Hampshire and afterwards Sir John Wentworth, Lieutenant Governor of Nova Scotia, doubtless believed himself to be a good man and a good Christian.

The story of Eve and Suke *infra* is told by Archdeacon Raymond, 3 N. B. Mag., 1899, p. 221.

- [12] He went to England in 1796 (it was said, for a visit) resigned his position in Nova Scotia, was Knighted and appointed Recorder of Fort St. George, Bombay, India.
- [13] A collateral ancestor of my own, the Reverend Archibald Riddell, had the advantage of a similar proceeding a century before. Being apprehended for taking part in the uprising of the Covenanters in Scotland he was given (or sold) with others to a Scottish Laird who chartered a vessel and proceeded to take his human chattels to America for sale. The plague broke out on the ship, the Laird and his wife died of it as did some of the crew. When the ship reached New Jersey, there being no master, the "slaves" escaped up country. The Laird's son-in-law and personal representative came to America and claimed Riddell and others. The governor called a jury to determine whether they were slaves and the jury promptly found in their favor. Riddell preached in New Jersey until the Revolution of 1688 made it safe for him to return to Scotland. Juries in such cases are liable to what Blackstone calls "pious perjury." All this practice was based upon the common law proceedings when a claim was made of villenage. When a person claimed to be the lord of a villein who had run away and remained outside the manor unto which he was regardant, he sued out a writ of neif, that is, de nativo habendo. The sheriff took the writ and if the nativus admitted that he was villein to the lord who claimed him, he was delivered by the sheriff to the lord of the manor; but if he claimed to be free, the sheriff should not seize him but the Lord was compelled to take out a *Pone* to have the matter tried before the Court of Common Pleas or the Justices in Eyre, that is, the assizes. Or the alleged villein might himself sue out a writ of libertate probanda: and until trial of the case the lord could not seize the alleged villein. The curious will find the whole subject dealt with in Fitzherbert's *Natura Brevium*, pp. 77 sqq.
- [14] This is very much like the Chloe Cooley case in Upper Canada. I do not know what form the prosecution could possibly take if the Negro was in fact a slave. See Chapter V, note 5 ante.
- [15] It is said that August 1797 was the date of the last public slave sale at Montreal, that of Emmanuel Allen for £36.

The last advertisement for sale by auction of a slave in the Maritime Provinces seems to be that in *The Royal Gazette and Nova Scotia Advertiser* of September 7, 1790, where William Millet of Halifax offers for sale by auction September 9 "A stout likely negro man and sundry other articles."

In 1802 the census showed that there were 451 Blacks in Halifax; in 1791 there were 422.

Dr. T. Watson Smith says in a paper "Slavery in Canada" republished in "Canadian History," No. 12, December, 1900, at p. 321.

"About 1806, so Judge Marshall has stated, a master and his slave were taken before Chief Justice Blowers on a writ of habeas corpus. When the case and the question of slavery in general had been pretty well argued on each side, the Chief Justice decided that slavery had no legal place in Nova Scotia."

I have not been able to trace such a decision and cannot think that it has been correctly reported. Dr. Smith is wholly justified in his statement "there is good ground for the opinion that this baneful system was never actually abolished in the present Canadian Provinces until the vote of the British Parliament and the signature of King William IV in 1833 rendered it illegal throughout the British Empire."

[16] J. Allen Jack, Q. C., D. C., L., of St. John, New Brunswick, gives a full account of this case from which (and similar sources) most of the facts are taken. In a paper read before the Royal Society of Canada May 26, 1898, *Trans. R. S. Can.*, 1898, pp. 137 sqq., Dr. Jack conjectures that Nancy Morton is the Negro female slave conveyed by bill of sale registered in the office of the Register of Deeds, St. John's, N. B. Slaves were treated as realty as regards fieri facias under the Act of 1732 (see ante, p. —) and at least "savoured of the realty." The bill of sale registered January 31, 1791, was dated November 13, 1778, and was executed by John Johnson of the Township of Brooklyn in King's County, Long Island, Province of New York. It conveyed with a covenant to warrant and defend title to Samuel Duffy, Innkeeper for £40 currency (say \$100) "a certain negro female about fourteen years of age and goes by the name of Nancy," pp. 141, 142. However that may be, Stair Agnew bought Nancy from William Bailey of the County of York in the Province of New Brunswick for £40 with full warranty of title as a slave.

[17] He was born in Boston in 1753, the son of John Chipman, a member of the Bar. Graduating at Harvard, he joined the Boston Bar and practised in that City until 1776. After the Peace he went to England and in 1784 sailed for New Brunswick of which he was appointed Solicitor General. After a quarter of a century of successful practice he was appointed 1808 a puisne judge of the Supreme Court. He died in February, 1826.

His services to Nancy Morton were given without fee or hope of reward.

[18] That of Mr. Chipman is given in *Trans. R. Soc. Can.*, 1898, pp. 155-184.

[19] It will be seen that the return sets up that Jones bought and owned the slave and the case was argued on that hypothesis, but the historians say that Captain Stair Agnew was the owner. The point is not of importance.

[20] *Mos regit legem, Mos pro lege, Leges moribus servient, Consuetudo est optimus interpret legum*, custom is the life of the law, custom becomes law, &c., &c. That slavery was necessary and therefore legal in the American Colonies was admitted in the Somerset case.

[21] The modern lawyer, in my opinion, would find no difficulty in coming to the same conclusion as the Chief Justice.

Mr. Chipman in his interesting correspondence with Chief Justice Blowers (*Trans. R. Soc. Can.*, 1898, pp. 148 sqq.) admits that if his opponents had hit upon the Nova Scotia Statute of 1762 as revised in 1783 "the conclusiveness of their reasoning on their principles would have been considered as demonstrated." He adds: "In searching your laws upon this occasion I found this clause but carefully avoided mentioning it," which raises a curious question in legal ethics.

[22] The reconveyance to Bailey, a quit claim deed, is witnessed by George Leonard and Thomas Wetmore and is dated February 22, 1800. The indenture by which Nancy bound herself for fifteen years is dated February 23, 1800.

If Dr. Jack is right in his conjecture the argument took place when she was 36 and she would receive her freedom when she was 51. Agnew challenged Judge Allen for some reflection upon him by the Judge; the challenge was declined and Agnew then challenged Street who accepted—and they fought a bloodless duel. Street later in 1821 fought a duel with George Ludlow Wetmore over words which passed on leaving the Court. Wetmore was struck in the head and died in a few hours. Street was tried and acquitted. One result of this case was that Mr. Justice Upham freed his slaves. His wife had six inherited from her father and he himself had some, one a girl born in the East Indies whom he had bought from her master in New York, the master of a ship, afterwards married a soldier in Colonel Allen's regiment.

[23] What is believed to be the last advertisement for the sale of a slave in any maritime province is in the New Brunswick *Royal Gazette* of October 16, 1809 when Daniel Brown offered for sale Nancy a Negro woman, guaranteeing a good title. The latest offer of a reward for the apprehension of a runaway slave is said to be in the same paper for July 10, 1816.

[24] For this act the perpetrator was excluded by his masonic lodge; being brought to trial before the Supreme Court in August 1792 he was "honourably acquitted" and afterwards he was reinstated by his lodge.

[25] Seldom mentioned and never much boasted of in the United States.

[26] The word *Camouflage* may be new. The practice antedated humanity.

[27] There is a record of 371 arriving at St. John from Halifax on May 25, 1815, by the *Romulus*, who had taken refuge on board the British Men of War in the Chesapeake. The Negro settlement at Loch Lomond was founded by them.

At the Census of 1824, 1421 "persons of color" were found in New Brunswick. The Very Rev. Archdeacon Raymond, an excellent authority, thinks most of these "were at one time slaves or the children of slaves," but many were not slaves in New Brunswick.

Those that were brought by Admiral Cochrane to Halifax became a great burden to the community. It was proposed in 1815 by the British Government to remove them to a warmer climate, but this scheme does not seem to have been carried out. By a census taken in 1816 there was found to be 684 in Halifax and elsewhere in Nova Scotia. In the winter of 1814-15 they had suffered rather severely from small pox and were vaccinated to prevent its spread. Some were placed on Melville Island.

- [28] Presumably because he had the greatest number of serfs in the world and was, therefore, the best judge of slaves.
- [29] Of course, Britain refused to give up a single fugitive. She could not betray a trust even of the humblest. She knew that in "the land of the free and the home of the brave" for the Negro returned to his master, to be brave was to incur torture and death and death alone could make him free.
- [30] The Act (1833) 3, 4 William III, c. 73 (Imp.), passed the House of Commons August 7 and received the Royal Assent August 28, 1833; and there were no slaves in all the British world after August, 1838.

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## CHAPTER VIII

### GENERAL OBSERVATIONS

The curse of Negro slavery affected the whole English speaking world; and that part of the world where it was commercially profitable resisted its abolition. The British part of this world does not need to assert any higher sense of justice and right than had those who lived in the Northern States; and it may well be that had Negro slave service been as profitable in Canada as in the Cotton States, the heinousness of the sin might not have been more manifest here than there. Nevertheless we must not too much minimize the real merit of those who sought the destruction of slavery. Slaves did not pay so well in Canada as in Georgia, but they *paid*.

It is interesting to note the various ways in which slavery was met and finally destroyed. In Upper Canada, the existing slaves, 1793, remained slaves but all those born thereafter were free, subject to certain conditions of service. There was a statutory recognition of the existing status and provision for its destruction in the afterborn. This continued slavery though it much mitigated its severity and secured its downfall in time. But there were slaves in Upper Canada when the Imperial Act of 1833 came in force. The Act of 1793 was admittedly but a compromise measure; and beneficial as it was it was a paltering with sin.

In Lower Canada, there was no legislation, and slavery was never formally abolished until the Imperial Act of 1833; but the courts decided in effect if not in form that a master had no rights over his slave, and that is tantamount to saying that where there is no master there is no slave. The reasoning in these cases as in the Somerset case may not recommend itself to the lawyer but the effect is undoubtedly, "Slaves cannot live in Lower Canada."

In Nova Scotia, there was no decision that slavery did not exist. Indeed the course of procedure presupposed that it did exist, but the courts were astute to find means of making it all but impossible for the alleged master to succeed; and slavery disappeared accordingly.

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In New Brunswick the decision by a divided court was in favor of the master; but juries were of the same calibre and sentiments in New Brunswick as in Nova Scotia and the same results were to be anticipated, if Nova Scotian means were used; and the slave owners gave way.

In the old land, judicial decision destroyed slavery on the British domain; but conscience and sense of justice and right impelled its destruction elsewhere by statute; and the same sense of justice and right impelled the Parliament of Great Britain to recompense the owners for their property thus destroyed. If there be any more altruistic act of any people in any age of the world's history I have failed to hear or read of it.

In the United States, slavery was abolished as a war measure. Lincoln hating slavery as he did would never have abolished it, had he not considered it a useful war measure. No compensation was paid, of course.<sup>[1]</sup> Everywhere slavery was doomed and in one way or another it has met a deserved fate.

WILLIAM RENWICK RIDDELL

JUSTICE OF THE SUPREME COURT OF ONTARIO,  
OSGOOD HALL, TORONTO,  
February 5, 1920

### FOOTNOTE:

- [1] I had with the late Hon. Warwick Hough of St. Louis, Missouri, who had been an officer in the Southern Army, several conversations on the subject of slavery. He gave it as his firm conviction that, had the South succeeded in the Civil War, it would shortly have itself

abolished slavery and sought readmission to the Union. His proposition was that the power and influence of the planter class was waning, while the manufacturers, merchants and the like were increasing in number and influence and they would have for their own protection abolished slavery. I have not met a Northerner or a Canadian who agreed with this view; but a few Southerners have expressed to me their general concurrence with my friend's proposition.

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## BOOK REVIEWS

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*Africa and the Discovery of America*. Volume I. By LEO WIENER, Professor of Slavic Languages and Literatures at Harvard University. Innes & Sons, Philadelphia, Pa., 1920. Pp. i-xix, 1-290.

The present volume is the first of a series in which Professor Wiener will show that Arabised Negroes, chiefly Mandingoes, brought to America as slaves, profoundly influenced the culture of the Indians, and were an important, if not always direct factor in establishing the *modus vivendi* between the Indians and the Europeans, which made practicable the colonization of the New World.

The book is packed with valuable data, newly discovered, and brought together for the first time. It should be read slowly, and read through at least twice before judgment is passed on it. With the first reading comes a shock. One learns that the *Journal of the First Voyage*, and the *First Letter of Columbus* are literary frauds, though containing material which came from Columbus's own pen, and that tobacco, manioc, yams, sweet potatoes and peanuts are not gifts of the Indian to the European. Yet with a more intimate study of the subject matter, the conviction increases that the author has built upon the bed-rock of fact, and that his position is unassailable.

It is impossible, within the limits of a review, to do more than to emphasise the most important of his discoveries. In his studies of the *First Letter*, and of the *Journals* giving account of the first and the second voyages of Columbus, Professor Wiener seeks to determine how much testimony they give pertaining to Indian names and things, after the elimination of all that is not Indian. The non-Indian elements are of two sorts; the names of the Islands, and the words for "gold," etc. Columbus, dominated by the fixed idea, that, sailing westward, he would find a short cut to India, China and Japan, began with the first sight of land, to be engrossed with the task of identifying each newly discovered country with some island or district of the Far East, named on his maps. He was an ignorant man, though he knew Ptolemy and Marco Polo by heart, credulous, uncritical, not consciously dishonest, but unready to correct false impressions caused by his ignorance and gullibility. His notes, as may be seen from a reproduction of a page of his manuscripts (facing p. 38), were in an execrable hand. The forger of the *Journal of the First Voyage* was no puzzle expert, and made mistakes in deciphering scrawls. Thus, for example, the note *Giaua min.*, i.e., Java minor, was read *Guanahin*, the same destined to masquerade as *Guanahani*, the Indian name of the first island sighted on October 12, 1492.

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Perhaps the best specimen of such ghost-words in the *Journal* is the name *Carib*. This is nothing but Marco Polo's *Cambalu*, the capital of the Grand Khan, successively misread as Canibal, Caniba, Cariba. So also, "canoe" is a ghost-word, traced to a misreading of *scaphas* as *canoas* in the manuscript, or the Gothic text of the Latin version of the First Letter. It is interesting to learn that *maize*, in the forms *masa*, *maza*, ultimately from Portuguese *mararoca*, is the African name for Guinea corn. The transference of the name from Guinea corn to Indian corn, "rests on a misunderstanding of a passage in Peter Martyr's *First Decade*" (p. 123).

The question arises whether or not there had been a colony of Europeans, with African slaves in America, before the arrival of Columbus.

Fray Ramon Pane, Oviedo, and Las Casas give *conico* as the Indian word for "farm, plantation." This is clearly the Mandingo *kunke* "farm." The Indian word for "gold," according to the Journal entry for January 13, 1493, is *caona*. It is found also in the name of *Cacique Caonabo*, called in the *Journal of the Second Voyage* "master of mines,"—the name being explained in the Libretto as "lord of the house of gold." Now the words for "gold" in the Negro languages are mostly derived from Arabic *dinār*, which, through Hausa *zina*, and Pul *kanyera*, reaches Vei as *kani*. Evidently *canoas*, written also *gani*, is nothing but this Vei word. In "Cacique Caonabo," we have three Mande words in juxtaposition. *Cacique* is not far removed from *kuntigi*, Soso *kundzi*, "chief,"—*caona*, that is *kani*, is "gold," and *boi*, from Arabic *beii*, *bai*, is "house." The chance that three such words should be identical in the dissimilar languages of Africa and America, is *nil*. The words are African, though represented as belonging to the spoken language of the New World. Moreover, Ramon Pane, in the account he wrote for Columbus of the Indian religion, gives as Indian words, the Mande *toto*, "frog," and the Malinke *kobo*, "bug." What is more important, he imputes to the Indians, a knowledge of the terrible West African itch, or *craworaw*, which he calls by the supposed Indian name *caracaracol*. The critic faces a dilemma. Either Ramon Pane lied, or he told the truth. Either he fabricated stories of Indians, which he drew from books or manuscript relations by Spanish and Portuguese traders, who were writing about Negroes in Africa, or there had been in Hispaniola, a pre-Columbian colony of European adventurers, with their African slaves, who taught the Indians the Negro words for "farm, gold, frog, bug, itch," etc., and also African folklore. No other hypothesis is possible.

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The documentary and philological history of tobacco smoking and the cultivation of edible roots, shows additional convincing evidence of the influence of Africa on the culture of America in the colonial period. Columbus never saw the Indians smoking tobacco. According to the *Journal of the First Voyage*, on October 15, 1492, an Indian brought him a ball of earth and certain precious dried leaves. On November 16, two Spaniards reported that the Indians, carrying firebrands and leaves, used them to "take incense." In the *Journal of the Second Voyage*, Columbus (this part of the Journal is definitely ascribed to him by his son) writes of Indians spreading powder on a table, and sniffing it through a forked reed, thereby becoming intoxicated. Now the first account is suspiciously like a book-story of Oriental hashish-taking.—the second has no implication of smoking at all, while the third describes nothing but the process of taking a sternutatory. Indeed this last account is clearly based on a book account, in which there was a play on the Arabic words *tubbāq* "styptic" and *tabaq* "table." Ramon Pane, when he tells of Indians sniffing the powder, calls it *caboba*, a mere Italianisation of the Arabic *qasabah* "reed," transferring the name of the inhaler to the drug. Smoking tobacco through a forked reed of the sort described, has been proved by trial, to be impossible. As late as 1535, Oviedo is unable to tell a straightforward story of Indians smoking tobacco, but he adds the significant fact that the Negroes in the West Indies smoked and cultivated tobacco. Negroes, by the way were first allowed to come to America in 1501,—two years later, Ovando, the governor of Hispaniola complained that they joined with the Indians to make trouble. By 1545, "smoking had become fairly universal in America" (p. 127). It cannot be argued that half a century is too short a time for a new vice to become so widespread. Consider the case of banana culture. Oviedo says that the first bananas were introduced into America in 1516. Within twenty years, the fruit was universally cultivated, while the Spanish name *platano* has survived in a large number of derivatives in the Indian languages.

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As far as the linguistic history of the tobacco-words in the Indian languages is concerned, it leads back to an eastern origin. In Arabic, *tubbāq* means "styptic." Tobacco leaves were used as a styptic by the Indians of Brazil in the sixteenth century. The Low Latin equivalent of the Arabic *tubbāq* "styptic," is *bitumen*, whence Portuguese *betume*, and French *betun*, *petun*. "The French traders," says Professor Wiener, "at the end of the sixteenth century, carried the word and the Brazilian brand of tobacco to Canada, and *petun* became imbedded in several Indian languages. The older Huron word for "tobacco" is derived from the Carib *yuli*, which itself is from a Mandingo word. Thus, while the Carib and Arawak influence is apparent in the direction from Florida, to the Huron country, the Brazilian influence proceeds up the St. Lawrence. The whole Atlantic triangle between these two converging lines was left uninfluenced by these two streams, and here, neither Carib nor Brazilian words for "tobacco," nor the moundbuilders' craft have been found. Here the "tobacco" words proceeded northward from Virginia, where the oldest form of the words is an abbreviated Span. *tabaco*, or Fr. *tabao* (p. 191). The Carib *yuli* "smoke," is found in Carib and Arawak, side by side with derivatives of Mande *tama*, *tawa*, which are also in the Algonkian languages. The fact that the Hurons, apparently the first Indians to plant tobacco, have no native word for the plant is significant. It shows that the Hurons learned to smoke from the Arawaks or Caribs, then already under Negro influence, and at a time prior to the introduction of the tobacco-plant into Canada by the French. When we consider, then, that tobacco is native to Africa, that *tubbāq* and *petun* are the ancestors of the Indian names for the weed, that by 1503, Negroes in large numbers were living in America, deserting their masters to join the Indians, that the Negroes in America smoked and raised tobacco, the conclusion is inescapable that tobacco smoking was discovered and taught by them to the Indians and the Europeans.

"The tobacco-pipe in America," says Professor Wiener, "began its career as a Mandingo amulet" (p. 184). This statement will distress the American archæologists, but the arguments in support of it cannot be overcome. A counter-claim of pre-Columbian antiquity for pipes found in the mounds cannot be made, since it is so clearly shown that the mounds are not prehistoric, but were fortifications erected along the lines of communication from Florida to the Huron country, to protect the overland trade established in the beginning of the sixteenth century.

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In the *Journal of the First Voyage*, we find mention of *ajes* and *niames*, as name of edible roots, but the account hopelessly confuses reports of yams, sweet potatoes and manioc. Neither yams nor sweet potatoes are native to America, and both bear in America, only African names. Oviedo indeed, says distinctly, that the *name* is "a foreign fruit, and not native to these Indies,"—also, that "it came with that evil lot of Negroes, ... of whom there is a greater number than is necessary, on account of their rebellions" (pp. 203-4). Now in Africa the yam (*Dioscorea*), cultivated before the coming of the Europeans, is known by names derived from Arabic *arum* and *gambah*, e.g., Ewe *adé*, *adže*, Mandingo *nyambe*, Malinke *nyeme ku*,—whence the supposed Indian names, *aje*, *age*, *niame*, *igname*, used indiscriminately of any edible roots. The African names of the manioc have come from Arabic *'uruq* "roots," notably in the Congo languages, *yōka*, *yēke*, *edioko*, plural *madioka*, whence, as the plant was introduced into America, it was known there as *vuca*, *mandioca*. As to sweet potatoes and peanuts, the former were cultivated in Asia before the discovery of America, while the latter, mentioned by Ibn Batutah as an article of food in Africa, took to the New World, their African names *mandube*, *goober* and *pinder* (compare Mozambique *manduwe*, Basunde *nguba*, Nyombo *pinda*). Professor Wiener's conclusion is that manioc culture was taught to the Brazilian Indians before 1492 by Portuguese castaways, who knew of the economic importance of the plant in Africa, while the peanut, spreading north and south from the Antilles, may also have reached America a few years before Columbus.

The numerous full-page illustrations are extremely helpful in aiding the reader to a clear understanding of difficult points in the discussion.

The book is epoch-making. To all seekers of the truth, the coming of the second volume, in which Professor Wiener will deal exhaustively with the Negro element in Indian culture, will be an eagerly anticipated event.

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PHILLIPS BARRY, A.M., S.T.B.

CAMBRIDGE MASSACHUSETTS

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*A Comparative Study of the Bantu and Semi-Bantu Languages.* By SIR HARRY H. JOHNSTON, G.C.M.G., K.C.B., D.Sc. (Cambs). Oxford: at the Clarendon Press, 1919, pp. 815, 2 sketch maps.

The author of this monumental work, in the opinion of the reviewer, is in himself a composite of many of the capacities, which, combined or singly in her subjects have made the greatness of Britain. He has been a great colonial administrator, a distinguished African explorer; he is a talented artist, and has recently astonished the literary world by producing what H. G. Wells declares to be one of the best first novels he has ever read. The contributions of Sir Harry Johnston to the sciences of botany, zoology, and anthropology are truly prodigious. It is in the last named field that his major interests have lain, and a succession of important works have established him as the foremost authority upon the ethnology of Africa and upon the anthropology of the Negro race.

This ponderous volume on the Bantu and Semi-Bantu languages is the first part of a work which represents the fruit of many years of study of multitudinous African languages and dialects. The major portion of the book consists of illustrative vocabularies of 366 Bantu and 87 Semi-Bantu languages and dialects with an extensive bibliography. A competent criticism of this portion of the work can be made by no one but a philologist with a special knowledge of African languages. The present reviewer does not possess these qualifications. Nevertheless it is obvious to any student of Africa that the publication of this work places a mine of useful information at the disposal of the linguist, the grammarian, and the missionary, and will also be invaluable to the student of African ethnology and to the physical anthropologist.

The first chapter sketches the history of research into the Bantu languages. The contributions of various philologists are appraised.

The second chapter on the distribution and character of the Bantu languages is of greatest interest to the layman and to the general anthropologist. We are informed that the Bantu languages "constitute a very distinct type of speech which, as contrasted with others amongst the group of Negro tongues, is remarkable as a rule for Italian melodiousness, simplicity and frequency of its vowel sounds, and the comparative ease with which its exemplars can be acquired and spoken by Europeans" (p. 15). "This one Negro language family now covers the whole of the southern third of Africa, with the exception of very small areas in the southwest (still inhabited sparsely by Hottentot and Bushman tribes) and a few patches of the inner Congo basin" (p. 15). Throughout Africa, north of the Bantu border line, the traveller meets with numerous languages widely different and mutually incomprehensible whereas with a knowledge of one Bantu language it is not difficult to understand the structure and even the vocabulary of others. The importance of this language family in Africa is therefore obvious. The author defines clearly the special and peculiar characteristics of Bantu languages. There follows an interesting discussion of the origin and spread of these languages. Probably the parent speech was spoken originally in the very heart of Africa, somewhere between the basins of the Upper Nile, the Bahr-al-ghazal, the Mubangi, and the Upper Benue. The archaic Bantu seem first to have moved eastward, toward the Mountain Nile and the Great Lakes. Probably they remained in the Nile Valley north of the Albert Nyanza "till at least as late as three or four hundred years before Christ—late enough to have been in full possession of goats and oxen and to have received the domestic fowl from Egypt or Abyssinia. They then embarked upon their great career of conquering and colonizing the southern third of Africa" (p. 22).

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The original Bantu invaders found before them in Central and South Africa other peoples—Negroes of different types, pygmies, Bushmen, and Hottentots. "The first great Bantu migrations undoubtedly emanated from the vicinity of the Victoria Nyanza and the north Tanganyika, and were directed round and not through the Congo forests" (p. 24). On the basis of linguistic, ethnological and anthropological evidence Sir Harry is led to deduce that at a critical period in their career the Negro speakers of the early Bantu languages were brought under the influence of a semi-Caucasian race from the north or northeast. This contact gave rise to the many handsome-featured pale-skinned castes and ruling clans in so many of the Bantu peoples.

The following statement is of great anthropological importance: "The Bantu-speaking peoples of Africa, ... do *not* constitute a race apart from the other negroes or offer any homogeneity of physical type. But on the whole they represent so much the average negro type that 'Bantu' is still in favor as a physical definition among craniologists. In reality, they are just fifty millions of Negroes whose speech belongs to one of the many language families of 'Negro type'; only in this case the language family instead of being confined in its range to a hundred villages or two hundred square miles, is spread over the southern third of Africa—say over 3,500,000 square miles—from the Cameroons, the Northern Congo, the Nyanzas, and the Mombasa coast to Cape

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Colony and Natal" (p. 25), Bantu languages are spoken by peoples of diverse physical types.

"Yet about the Bantu speech and the culture which accompanies it (ordinarily) there is a suggestion, strengthened by the association of these languages with metal working (iron more especially), with agriculture, cultivated plants, and cattle-keeping, that adds to the impression derived from their legends, their religious beliefs, games, and weapons. It is thought that the Bantu language family was finally moulded by some non-Negro incomers of possibly Hamitic affinities, akin at any rate in physique and culture, if not in language, to the dynastic Egyptians, the Galas, and perhaps most of all to those 'Ethiopians' of mixed Egyptian and Negro-Nubian stock that down to one thousand years ago inhabited the Nile basin south of Wadi Halfa and north of Kordofan." (Pp. 25-26.)

Sir Harry attributes most of the higher cultural elements associated with the Bantu languages to the non-Negro invaders. He believes that the Bantu invasions of southern and central Africa cannot be referred back much earlier than the second century B. C., and that the differentiation of the more than two hundred forms of Bantu speech occurred subsequently and rapidly.

To the student of African ethnography this volume is a great disappointment in one respect. The sketch map showing the distribution of Bantu and Semi-Bantu languages is absurdly inadequate. The writer of this review had confidently expected an authoritative large-scale map showing the distribution of linguistic families, dialects, and tribes. It is to be hoped that such a map will form a part of the completed work.

E. A. HOOTON.

HARVARD UNIVERSITY

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*History of the United States from Hayes to McKinley, 1877-1896.* By JAMES FORD RHODES, LL.D., D.Litt. Volume VIII, 1877-1896. The Macmillan Company, New York, 1919. Pp. 484.

This is supposed to be a continuation of Mr. Rhodes' *History of the United States from the Compromise of 1850 to the Final Restoration of Home Rule at the South in 1877*. As one, however, considers the treatment of the former work in comparison with this recent treatise, he must conclude that the author has not maintained the standard set in his earlier volumes which show deeper insight and a more scientific point of view. Persons who have looked forward to the continuation of Mr. Rhodes's comprehensive history from the transition period of Hayes' administration will certainly be disappointed in observing how he has failed in tracing the threads of history, which in our time, have become momentous. After reading the volume one is still at a loss as to what forces in our national life the author considers as being actually in the making during the period which the volume covers.

The work begins with a treatment of Hayes' administration setting forth facts which have appeared elsewhere in the author's studies in this particular period. As in other works, the author defends almost everything Hayes did and arraigns the Reconstruction Republicans who were opposed to him. He then presents in an unscientific way the brief discussion of economic questions bearing on railroad rates, wages, strikes, mobs and riots. Financial depression, the silver question and the valuable service of John Sherman are given considerable attention. Valuable facts are set forth in his discussion of civil service reform, the tariff commission and the Chinese question. Too much of the book, however, is devoted to merely political matter involving a detailed discussion of campaigns and elections at the expense of the economic, constitutional and diplomatic movements decidedly influencing the history of this country.

In this work the author pays very little attention to the Negro except as he leaves the impression that the race was justly deprived of the suffrage and of holding office. He makes reference to the complaint of the Republicans to show that in disfranchising the Negro in the South to make that section solidly Democratic that every white voter in the South thereafter possessed the political power of two white voters in the North. He mentions also the federal election laws and the Force Bill but finally concludes that the experiment of making the Negro a citizen was a failure. Here again Mr. Rhodes shows his lack of knowledge of human affairs in that he studies history only in the present tense. No man at present is wise enough to say whether we shall finally obtain more good than bad results from the Reconstruction, for we are too close to that part of our history to make a proper estimate of these events.

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*The Negro Year Book.* Edited by MONROE N. WORK, Director of Department of Records and Research, Tuskegee Normal and Industrial Institute. The Negro Year Book Publishing Company, Tuskegee Institute, Alabama, 1919. Pp. 523.

There has appeared for 1918-1919 a new edition of the *Negro Year Book* to which students of Negro Life and History have learned to look for information concerning the Negro. This volume appears with a table of contents and a useful index to the numerous facts compiled. The volume not only covers the field of former editions but includes also much up to date material throwing

light on Negro current history. The very first portion of the work is entitled *Fifty-three Years of Progress, 1866-1919*. This is a statistical study of Negro schools, Negro ownership of property, and Negro enterprise. The reader will be interested in such information as illiteracy, music, painters, actors, occupations, agriculture, business, and the study of crime.

The Negro Year Book is a desirable step in the right direction. Mr. Work and his coworkers deserve unusual praise for this undertaking in a field where for a number of years yet to come the returns must necessarily be meagre. The work meets a long felt want of statistical information as to exactly what the Negro people are doing. These facts will serve not only as an inspiration to the race itself but to refute so much misinformation often circulated to do Negroes injury. It is earnestly hoped that the managers of this work will find it possible in the near future to publish an annual volume and to this end the public should give the movement unstinted support to make such an undertaking financially profitable.

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## NOTES

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The Carnegie Endowment for International Peace has published a monograph entitled *Negro Migration during the War* by Mr. Emmett J. Scott, Secretary-Treasurer of Howard University. This is the first effort at a detailed treatment of the movement of the Negroes from the South to the North. It has such interesting chapters as the causes of the migration, stimulation of the movement, the call of the self-sufficient North, the draining of the black belt, efforts to check the movement, the effect of the migration on the South, the situation in the congested districts in the North and West, and remedies for relief. Persons who have an interest in this conspicuous event of our internal history will find it profitable to read this volume.

The Illinois Centennial Commission has published Volume V of the *Modern Commonwealth*, a history of that State. On page 21 appears this paragraph:

"Half way between the native stock and the foreign born stands the Negro population, practically all of whom have drifted into the state since the Civil War. In 1870 there were only 28,762 Negroes in Illinois, but since that time they have been increasing steadily and, with the exception of the decade 1880-1890, at a more rapid rate than the white population. Especially rapid was the growth in the decade ending with 1870, when it was 277 per cent or almost four times the rate of increase of the white population. As a result of this influx of Negroes the proportion which they constitute of the total population has increased very steadily from 1.1 per cent in 1870 to 1.9 per cent in 1910. But the absolute number is still small, amounting only to 109,049 at the last census."

The American Negro Academy has published Number 20 of its *Occasional Papers* containing a study of *Alexander Crummell, an Apostle of Negro Culture* by William H. Ferris. This dissertation sets forth not only the main facts of the life of the subject of the sketch but gives also some interesting history in connection with the founding of the American Negro Academy.

Major John R. Lynch, one of the most conspicuous figures of the Reconstruction period now living, has discovered certain errors in the Reconstruction records published in the January number of the *Journal of Negro History*, and has written the editor the following letter to make the necessary corrections:

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4352 FORESTVILLE AVENUE,  
CHICAGO, May 17th, 1920.

*Editor, Journal of Negro History.*

In compliance with your request I write this to point out a few errors which appeared in the January 1920 issue of the *Journal* covering the Reconstruction period.

Page 67 the name of Benjamin F. Turner appears as a member of the 43d Congress, and Jeremiah Haralson as a member of the 44th Congress. Turner was a member of the 42d but not of the 43d Congress.

Haralson and Rapier were members of the 43d Congress, both having been elected in 1872.

On page 73, Rubert Gleed should be Robert Gleed. A.R. Davis should be A. K. Davis, Dr. Stiles should be Dr. Stites, W.H. Fonte should be W. H. Foote.

On page 74, H. M. Faley should be H. M. Foley. To the list of Colored men elected to that Legislature should be added the name of J. M. Wilson, of Marion County.

On the same page is the statement: "John R. Lynch elected speaker of the House." This is incorrect. Lynch was elected speaker in January 1872, by the Legislature that was elected in November 1871. The man who was elected speaker in January 1870, by the Legislature that was elected in November 1869, was Judge Freeman E. Franklin, a white Republican from Yazoo County. Shortly after the adjournment of the first session of that Legislature speaker Franklin died. When the second session convened in January 1871 Hon. H. W. Warren, a white Republican from Leake County was elected speaker for the unexpired term.

Respectfully yours,

# THE JOURNAL OF NEGRO HISTORY

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## DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND GREAT BRITAIN BEARING ON THE RETURN OF NEGRO SLAVES, 1783-1828<sup>[1]</sup>

Diplomatic relations bearing on the Negro of the Revolutionary period constitute one of the mooted questions of American foreign policy. Yet although this question was then one of the disturbing factors in our relations with Great Britain, it has hitherto passed unnoticed.<sup>[2]</sup> As a large number of Negroes were taken from the United States by Great Britain during the Revolutionary War there followed so much effort to secure the return of these Negroes that the subject had to be dealt with in the Treaty of Paris which ended the war in 1783. So numerous were the infractions of the stipulation prohibiting the carrying off of the Negroes and so fruitless were the discussions resulting from the non-fulfillment of the articles in the treaty that several diplomatic representatives were sent on missions to Great Britain, the last of which ended with the Jay Treaty of 1794. Obviously, no satisfactory settlement as to the Negro could then be reached. An array of evidence from the sources<sup>[3]</sup> shows that the question was frequently discussed and that its significance lies in its absence from the stipulations of the Jay Treaty. It is evident, moreover, that the United States was not satisfied with this treaty and that between Great Britain and this country there was widening a breach which culminated in the War of 1812, during which Great Britain committed the same offence that she did during the war for independence.<sup>[4]</sup>

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How can one account then for the unfavorable attitude of Great Britain toward the return of the Negro fugitives? The humanitarian spirit of Great Britain which, by the celebrated decision of Lord Mansfield in the Somerset case in 1772 guaranteed to every man his freedom as soon as he set foot on British soil, extended beyond the limits of the empire. Although this decision of the judge evoked some unfavorable comment, for slavery was the "normal condition of the Negro," his ideas were disseminated by the military authorities defending the Crown in America. During the Revolutionary War many of the British commanders issued proclamations of freedom to the Negro slaves. Lord Dunmore, the dethroned Governor of Virginia, was among the first to issue a proclamation of freedom<sup>[5]</sup> to all Negroes who would fight for the King. Soon thereafter, Clinton,<sup>[6]</sup> the Commander-in-chief of the British forces in America, issued a proclamation to the same effect. Still later, Cornwallis issued a proclamation specifying the grant of "freedom and protection" to all Negroes who would seek his command. Whatever motive prompted the issuance of these orders, it is evident that the status of the Negro during this "emergency" as regarded by Great Britain was that of a freeman.

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To these proclamations many Negroes responded. For instance, General Greene learned on Long Island that a group of Negroes aggregating two hundred (200) had in July, 1776, sought freedom within the British lines and had been accepted as a regiment in that vicinity.<sup>[7]</sup> He reported, moreover, to General Washington in 1781 that enough Negroes in North Carolina to form two regiments had sought British freedom and protection and that they were being organized by the British.<sup>[8]</sup> Whether they came within the British lines as a result of these proclamations or in recognition of the laws of war "it has been computed by good judges" says Ramsay,<sup>[9]</sup> "that at the evacuation of one part, two hundred and forty-one Negroes and their families were taken off to St. Lucia in one transport, the *Scimitar*; and that between the years 1775 and 1783, 25,000 Negroes, that is, one-fifth of all the slaves, were taken from the State of South Carolina." In Georgia,<sup>[10]</sup> there was made a report that the loss was much greater, probably three-fourths or seven-eighths of all the Negroes in the State. Again, from an estimate made at the time, Jefferson observed that about thirty thousand Negroes were taken from Virginia.<sup>[11]</sup> From the other slave-holding States which were invaded by the British, many other Negroes were carried away from their masters. So effectively was the scheme carried out that fear was expressed throughout the South lest the economic position of that section would be threatened. In consequence of such actions on the part of Great Britain, General Washington receded from the position of excluding Negroes from the American Army and took drastic steps in preventing the carrying away of other Negroes by Great Britain.<sup>[12]</sup>

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Considered, therefore, as an American slave in time of peace and an American soldier in time of

danger, it is no anomaly that the status of the Negro complicated the negotiations between military representatives of Great Britain and the United States. Extended but fruitless negotiations ensued. A satisfactory settlement of the return of the Negroes seemed impossible. With independence assured through the representatives assembled, the Treaty of Paris was negotiated in 1783. Franklin urged in his communication with Oswald, 1779, that the question as to the return of Negroes taken away by Great Britain be adjusted immediately.<sup>[13]</sup> This suggestion was strengthened by the support given it by the American representative, Henry Laurens, who had been in confinement in London during the war and whose chance arrival on the closing day gave the subject increased importance. Thus credit for the incorporation of the article on the Negro into the Treaty of Paris is given to Henry Laurens.<sup>[14]</sup>

By the Seventh Article of the Treaty of Paris,<sup>[15]</sup> it was stipulated that the British troops should withdraw from the United States without carrying away or destroying any property belonging to the citizens of the United States. In spite of this agreement at the peace conference, this stipulation was not fulfilled by Great Britain. Convincing evidence of an infraction of this stipulation is seen in a letter written by General Washington to Sir Guy Carleton, May 6, 1783, in which the former expressed himself as being surprised to hear that embarkations of Negroes had taken place during the whole of that year.<sup>[16]</sup> He, moreover, expressed his private opinion to the effect that such an action "is totally different from the letter and spirit of the treaty." A few days thereafter the Virginia delegates in Congress wrote to the Governor of Virginia that they would make this the subject of a "pointed remonstrance from our minister in Europe to the British Court with a demand for reparation and in the meantime urge General Washington to insist on a more faithful observance of that stipulation at New York."<sup>[17]</sup>

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Notwithstanding further orders which were issued by Sir Guy Carleton, May 12, 1783, to prevent the carrying away of any Negroes or other property of the American inhabitants many other infractions of the provision were reported.<sup>[18]</sup> Even General Washington remarked<sup>[19]</sup> that "some of his own slaves and those of friends living with him were probably carried away to New York." "If by chance," continued he, "you should come at the knowledge of any of them, I will be much obliged by your securing them so that I can obtain them again." So numerous were the violations of this part of the treaty that Thomas Jefferson, Secretary of State, in a letter written to Vergennes, the Foreign Minister of France, asked for suggestions from France in regard to the infractions of this article of the Treaty of Paris. In it, he expressed the objection of the Crown, which was to the effect that Negroes had come within the British lines under the promise of freedom and protection and that this promise was fulfilled by Great Britain in preference to the stipulation in the treaty.<sup>[20]</sup>

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The situation became more aggravated. The breach between the two countries was gradually widening. Sensing this acute situation, Washington suggested that Carleton meet him in a conference at Orangetown, New Jersey, May, 1783. At one of their meetings Washington called the attention of Carleton to several resolutions passed by Congress relating to the return of all Negroes and other property of American inhabitants taken away by the British forces. Concerning these, Carleton replied that he wished to be considered as giving no construction of the treaty, but that he "conceived it could not have been the intention of the British Government by the treaty of peace to reduce themselves to the necessity of violating their faith to the Negroes who came within the British lines under the proclamation of the predecessors in command."<sup>[21]</sup> In point of fact, however, he said "delivering up the Negroes to their former masters would be delivering them up—some to execution and others to punishments which would in his own opinion be a dishonorable violation of the public faith." He concluded, nevertheless, that if the sending off of the Negroes should hereafter be declared an infraction of the treaty, "compensation ought to be made by Great Britain to the owners."<sup>[22]</sup>

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In regard to the last suggestion of Carleton, Washington observed that many difficulties would arise in compensating the proprietors for their Negroes. He also thought it impossible to ascertain the value of the Negroes, for the value of a slave, contended he, "consists chiefly in his industry and sobriety." Another difficulty Washington observed was that of identifying the slave. He was of the opinion that the slave would give the wrong name of his master. Washington considered this conduct on the part of General Carleton, moreover, a departure from both the letter and spirit of the Seventh Article of the Treaty of Paris.

In answer to these contentions Carleton said that as the Negroes were free and secured against their masters they could have no inducement to conceal their true name or that of their masters. In commending compensation Carleton was of the opinion that he was pursuing a course which would operate most for the security of the proprietors. "If the Negroes were left to themselves," he remarked, "numbers of them would very probably go off and not return to the parts of the country from whence they came or clandestinely would get on board the transports in such a manner as would not be in his power to prevent." "In either case," continued Carleton, "an inevitable loss would ensue to the proprietors."<sup>[23]</sup> But as the business was then conducted they had at least a chance for compensation.

In conformity with these views, Carleton suggested that commissioners be appointed by the two countries "to agree upon the mode of compensating as well as the amount and other points with respect to which there was no provision made in the treaty." This suggestion was approved by Congress, and in compliance with it Egbert Benson, William Smith, and Daniel Parker were appointed<sup>[24]</sup> with specific instructions from Washington to "assist representatives of Great Britain in inspecting and superintending the embarkation of persons and property in fulfillment of the

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These commissioners began their work immediately by examining the claim of one Phillip Lott to a Negro named Thomas Francis<sup>[26]</sup> on board a vessel called the *Fair American* in New York harbor and about to be carried to the island of Jamaica. Concerning this inquiry a pointed remonstrance was made to Sir Guy Carleton. After the details of the examination were presented to him, the commissioners requested Great Britain to prohibit its representatives from carrying away the Negro and to deliver Francis to Lott. Notifying Washington, June 14, 1783, of their progress, the commissioners reminded him that Sir Guy Carleton intimated an impropriety in the claim, as the property was not suggested to be in danger of being sent away. "This left room," said the commissioners, "for an idea that possibly property about to be sent away would be restored ... and we conceive it is now reduced to a certainty that all applications for the delivery of property will be fruitless and we therefore desist from them."<sup>[27]</sup>

A few days later the commissioners reported to Washington that in superintending an embarkation of fourteen transports bound for Nova Scotia "about 3000 souls, among whom were at least 130 Negroes who appeared to be property of the citizens of the United States," were carried away. They also indicated that these embarkations were made in spite of their presence and remonstrance and for this reason asked General Washington for "further directions on this subject."<sup>[28]</sup> Other reports of the commissioners to General Washington, June 17, 1783, show that on many other occasions Negroes not residing within the British lines were taken away. To the remonstrances of the commissioners, Sir Guy Carleton gave a deaf ear. They, in the meantime, wrote General Washington that they had interpreted Carleton's silence as a "determination that all future applications should remain equally unnoticed." That they realized that their efforts were fruitless goes without saying, for they confessed that their work was ineffective and that the British vessels were never subjected to any rigid inspections and it was, therefore, impossible to determine, from the register provided by Sir Guy Carleton, the exact number of Negroes carried away in those vessels.<sup>[29]</sup>

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The work of the commissioners, nevertheless, was noteworthy. They called Washington's attention to the fact that Sir Guy Carleton affected to distinguish between the cases of such Negroes as came within the British lines in consequence of the promise of freedom and protection promulgated by Carleton's predecessors and such as came in either previous to the proclamations or subsequent to the cessation of hostilities. "Negroes of the first description," insisted Carleton, "were not included in the treaty." The commissioners soon realized that even this limited construction given to the article was not intended to be fulfilled by Carleton's subordinate officers. They based their contention upon the fact that printed certificates granting Negroes the privilege of embarking<sup>[30]</sup> were distributed by the commandant of New York City, "as their convenience might require."<sup>[31]</sup> These certificates fell into the hands of many persons for whom they were not intended. So loosely were they distributed that one was picked up by the commissioners who transmitted the same to General Washington.

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On the other hand, the commissioners insisted that the treaty stipulated specifically that his Britannic Majesty should withdraw all his armies, garrisons and fleets from the United States and from every port, place and harbor within the same without causing any destruction or carrying away any Negroes or other property of the American inhabitants.<sup>[32]</sup> With these two interpretations of the Seventh Article invariably insisted upon by Carleton on the one hand and the commissioners on the other an agreement was less likely to be reached and, in spite of the efforts to the contrary, the deportation of Negroes took place steadily until all the British departed.<sup>[33]</sup>

In the meantime, Congress was discussing the ratification of the Treaty of Paris. The non-observance of the Seventh Article on the part of Great Britain and the destruction worked by Carleton evoked many resolutions opposing the ratification of the treaty for the expressed reason that it did not provide for the loss of Negroes. One of these resolutions was to the effect that it was "inexpedient to concur in passing laws necessary for carrying into effect the treaty."<sup>[34]</sup> These efforts of Congress, however, like those of the commissioners were of no avail. Complaints of American citizens of the loss of their property were expressed by the representatives in Congress. They, to be sure, had their effect, for soon thereafter, Congress transferred the question of the return of Negroes to the realm of actual diplomacy.<sup>[35]</sup>

John Adams, 1788, who, by the way, was one of the representatives of the United States who signed the Treaty of Paris, received an appointment as representative of this country to England to settle the alleged violations of the Treaty of Paris. He was instructed in 1785 to press for a fulfillment of the terms of the treaty of peace on the part of Great Britain.<sup>[36]</sup> He had little time, however, to press his claim before representatives of Great Britain were inquiring why the United States did not perform her part in this reciprocal contract. To these inquiries, Adams replied that "America could not; that it was hardly a government at all." He, moreover, informed Congress that the reason assigned by Laurens for incorporating the Seventh Article was that the people of the United States would be unable to comply with the part of the treaty which respects debts unless the provision which respects Negroes was made. "This construction," he continued, "was never denied and that it seemed to be understood by the ministry that on a settlement with the United States compensation must be made."

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Obviously, then, both Great Britain and America understood that the Seventh Article would be fulfilled by Great Britain only when the Fourth, Fifth and Sixth Articles were fulfilled by the United

States.<sup>[37]</sup> This point, however, was discussed pro and con for many months and was seldom admitted by the American diplomatic representatives, Adams himself said that he could "get no comfort from his mission." The construction given the Seventh Article making its fulfillment by Great Britain contingent upon the execution of other provisions only complicated matters.

Another mission was planned in 1789,<sup>[38]</sup> but before another representative was appointed Washington urged upon Gouverneur Morris, who contemplated visiting London, "to find out the reasons why Great Britain had not complied with the Seventh Article." In a letter written to Morris, October 13, 1789, Washington desired Morris to converse with his Britannic Majesty's Ministers as to whether there was any objection to performing those articles remaining to be performed on his part. "Learn with precision," he concluded, "what they mean to do on this head." In compliance with this request, on April 7, 1790, Morris interviewed the British representative, the Duke of Leeds, who gave to him only "general assurances" for a faithful observance of the articles and, becoming a "little embarrassed," could not say how the matter in regard to the Negroes stood. After many days of silence, the Duke of Leeds, April 23, 1790, "lamented every circumstance" which delayed the fulfillment of engagements on the part of the United States.<sup>[39]</sup> He also indicated that, if circumstances rendered their final completion impracticable, he had no scruples in declaring the object of Great Britain would be to "retard the fulfillment of such subsequent parts of the treaty as depend entirely upon Great Britain until redress is granted to their subjects upon the specific points of the treaty itself or a fair and just compensation for the non-performance of those engagements on the part of the United States."<sup>[40]</sup>

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Informing Washington of his progress, May 29, 1790, Morris disclosed the fact that he was no longer contending for the return of the Negroes, for that would involve either "breaking faith" with those whom they had seduced by the offer of freedom or the violation of the stipulation which they had made with the United States in the Treaty of Paris. In presenting America's side, however, he insisted upon compensation in order that it would not be difficult for the planters to show that they had sustained a heavy loss from the want of men to cultivate their lands and thereby produce the means of paying their debts. To this the Duke of Leeds replied that he wished to "consider the treaty subject generally" and thought that some compensation could be mutually made. He declared, nevertheless, that he would rather "make a new treaty than perform the Seventh Article of the Treaty of Paris."<sup>[41]</sup>

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Subsequent diplomatic negotiations between Jefferson and Hammond, the Minister of Great Britain, indicate that Washington was not satisfied with the status of the case after Jefferson cited specific infractions of the Seventh Article of the treaty, enclosing documents supporting these claims. Hammond informed the United States, November 30, 1791, that the King had suspended the execution of the Seventh Article in consequence of the non-compliance on the part of the United States of the Fourth, Fifth and Sixth Articles. In short, he insisted that the stipulations should be performed in the order in which they stood. He stated, moreover, that the "two objects were so mutually connected with each other as not to admit of separation either in the mode of discussing them or in any subsequent engagements which might result from that discussion."<sup>[42]</sup>

It was soon evident then that such extended discussions were fruitless. This state of affairs, to be sure, could not exist very much longer. Citizens of the United States were pressing "more zealously" for the return of the Negroes. For almost a decade the subject had been discussed without an amicable adjustment. In a communication to the Congress, April 16, 1794, Washington showed that he had grasped the situation by informing that body of the fact that "despatches received from our minister in London contain a serious aspect of our affairs with Great Britain." He suggested, therefore, to the Senate that an envoy extraordinary be sent to England. To this end Washington appointed John Jay to settle the infractions of the Treaty of Paris.<sup>[43]</sup>

In Jay's instructions nothing was specifically said concerning the carrying away of the Negroes by the British, but, as it appeared from subsequent transactions, it is quite certain that the infractions of the Seventh Article as well as those of other articles were to be adjusted. In this wise, the "irrepressible question"—relating to the return of Negroes carried away by Great Britain during the Revolutionary War became one of the purposes of Jay's mission.<sup>[44]</sup>

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During the negotiation with Grenville there took place many heated debates, in which each party accused the other of the first aggression. Meanwhile Jay ascertained, September 13, 1794, that Grenville supported the contention held by his predecessors, that the article of the treaty was intended to prevent depredations at the departure of the army; that no alteration in the actual state of property was intended by the Seventh Article; that every Negro who strayed or escaped from the American lines and came into the lines of the British Army became by the laws of war British property; and that to extend the Seventh Article of the treaty to include Negroes who came within the British lines under the proclamation of freedom was to give it a "wider latitude than the terms of it would warrant."<sup>[45]</sup> In short, Grenville contended that in regard to those within the British lines before the signing of the treaty they were "left entirely without restrictions."<sup>[46]</sup>

In reply to Grenville's argument Jay divided the subject of the Negroes into three groups: first, the Negroes captured or disposed of during the course of the war; second, the Negroes who remained with and belonged to American citizens within the British lines; and third, the Negroes who, confiding in the promise of freedom, fled from their masters and took refuge with the British. Concerning the first two groups, no extended discussion followed. Grenville stated, however, in regard to the second group, that he was "not so sure." The last-named group on the other hand,

produced much pourparler, for Jay maintained that these Negroes were "clearly comprehended by the terms of the treaty." According to his argument, Negroes could not by "mere flight" alter their slave character. He soon appreciated the difficult position of England in trying to keep the pledges of freedom offered to the Negroes and at the same time fulfill, according to the American interpretation, the article of the treaty in regard to the return of Negroes.

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During the negotiation Jay admitted, moreover, that the carrying away of Negroes was justifiable in view of the promises of freedom and protection promulgated by British military representatives. [47] He concluded, however, with the thought that "Great Britain ought not to expect to escape the consequence of the folly of her Generals in America." For this reason he restated the idea expressed by other American representatives to Great Britain, that compensation should be obtained for the Negroes carried away. In spite of Jay's change of position Grenville persisted with unyielding opposition in the view that such slaves were no longer American property. "On this point" wrote Jay to Randolph, "we could not agree."

Concerning this question, Jay said, moreover, [48] that "various articles have been under consideration but did not meet with mutual approbation and consent." Sensing the situation Randolph declared to Jay, December 3, that he was extremely afraid that the reasoning of Grenville about the Negroes would not be satisfactory. "Indeed I own," said Randolph, "that I can not myself yield to its force." Randolph knew of the anti-British sentiment in the South and realized that the treaty would be opposed by the South because that section would feel that it had been neglected, [49] should it receive no compensation for the Negroes carried away by the British.

In a communication to Jay two weeks later it is obvious that there was no concerted opinion even in America in regard to the much mooted question. Jay and Randolph, for instance, differed as to whether the slaves concerned ever became the property of Great Britain. Jay held that the Negroes in question never became the property of Great Britain whereas, Randolph held that while property is acquired in movables as soon as they come within the power of the enemy, yet "property rights thus acquired in war may by the treaty of peace be removed." [50]

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To the contention of Great Britain that the Seventh Article meant merely an engagement against further depredations, Randolph declared the stipulation "superfluous"; for he maintained that the mere cessation of war meant that much. To this point, Grenville declared the treaty "odious," if the stipulation were interpreted to include Negroes who sought British lines under the promise of freedom and protection "on the basis of common morality." Great Britain was not to be expected to execute a stipulation with such an interpretation. Obviously, then, Great Britain would not recede from her position. Citizens of America, especially those deprived of their property, were beginning to think that our diplomatic relations were not properly taken care of by Jay. Expressions of disapproval of the treaty by resolutions in the Senate evinced the temper of the people. Jay, in the meantime was called "traitor"; his mission was declared a failure and the treaty was attacked from many sides.

At this juncture special mention must be made of the objections of the southerners on the ground that the treaty did not provide for the return of their property, while the objection of the North was not so pressing. In fact, northerners acquiesced in the opinion of Hamilton who had substantially the same view that Grenville had. [51] Thus we see the first glimpse of the North becoming estranged from the South because of the difference of opinion in regard to the Negro.

The leading source of dissatisfaction of the treaty of Jay seemed to be a failure to get compensation for the Negroes carried away by Great Britain. The stipulation, moreover, was not definite, for many constructions could be placed upon it. The words of the treaty, moreover, were too vague and uncertain to express accurately the intention of the signers. Whether Negroes whom the British carried away could any longer be considered American property, seemed to be the crux of the situation. Although no definite settlement could be reached by the two nations, authorities of international law [52] give the case to Great Britain. One rule which was recognized by the foremost nations of the world was to the effect that a slave escaping in war becomes free. Concerning this Halleck says that such slaves cannot be regained by their former masters. [53] Woolsey says that "a slave sojourning to a free land cannot be treated as his master's property—as destitute of jural capacity." To the same purport, Heffter says "in no case is a state bound to allow the slavery which subsists in others." Dana, in his edition of Wheaton's *International Law* supports this contention. [54]

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Dissatisfied with results but not discouraged, however, Washington appointed commissioners, December 7th, 1798, to work with commissioners from Great Britain and proceed with the infractions of the treaty. A short time thereafter President Adams in an address to Congress, November 23, 1797, reported that several decisions on the claims of citizens of the United States for losses and damages sustained by reason of irregular and illegal captures or condemnations of their vessels or other property had been made by the commissioners in London, conformably to the Seventh Article of the Treaty. "The sums awarded by the Commissioners," said he, "have been paid by the British Government; a considerable number of other claims where costs and damages and not captured property were the only objects in question have been decided by arbitration, and the sums awarded to the citizens of the United States have also been paid." [55] These decisions served to allay the discontent in America. Still later, Adams informed Congress that "such progress had been made in the examination and decision of cases ... which were the subject of the Seventh Article that it is supposed the Commissioners will be able to bring their business to a conclusion in

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August of the ensuing year."<sup>[56]</sup>

No account of the final settlement of these claims, however, is found in the sources. Dissatisfaction became more intense. Claimants were pressing on all sides for a fair compensation for the loss of their property. So serious was the situation that the House of Representatives went beyond its accustomed limitation and discussed in 1798 the treaty-making power of the United States. Pressure had been brought to bear upon the representatives of the people because the Jay Treaty had been ratified by the President and Senate and it did not contain a provision covering the return of the Negroes.

Further efforts, nevertheless, were made to adjust the differences between the two countries. They, however, were of little avail. The Republican policy of Jefferson which this country strictly followed from 1801 to 1809 had as its basic principle that governments ought to do as little as possible. Hence our army and navy were cut down to the extent that the American Government could not assert itself against foreign encroachment. Particularly in 1804 our relations with Great Britain became worse when the Jay Treaty of 1794 by agreement was allowed to expire. To compel Great Britain to come to terms Congress enacted a non-important act which never had the desired effect.

Soon thereafter the continental system and the paper blockade engaged the attention of the American Government. Negotiations had failed. Great Britain would not make a treaty. The accumulation of injuries called for action of some kind. To yield and say nothing meant to give up the rights of an independent nation. For this reason Jefferson introduced in 1807 the Embargo with which he hoped to force France as well as Great Britain to come to terms—to recognize the United States as a "free sovereign and independent nation." Meanwhile a spirit of nationality was developing in the country. Soon thereafter war was declared and waged against Great Britain to win the respect and honor which every nation deserves.

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In this state of war the provisions of the Treaty of Paris and the Jay Treaty were nullified. In response to an inquiry as to whether these treaties, so far as they were not fully executed, terminated by the War of 1812, the British Department of State in a communication replied that "with respect to the treaties you are informed that they were claimed by Great Britain at the conclusion of the Treaty of Ghent to have terminated by the War of 1812."

Against this view the United States protested. In the decision of the Supreme Court of the United States in the case of the Society for the Propagation of the Gospel v. the Town of New Haven, the view was expressed that provisions of a treaty remain in full force in spite of war.<sup>[57]</sup> The general rule of inter-national law, however, is that war terminates all subsisting treaties between the belligerent powers.<sup>[58]</sup> The United States, moreover, soon acquiesced in this view, for President Polk in his message to Congress, December 7, 1847, said, "a state of war abrogates treaties previously existing between the belligerents."<sup>[59]</sup> Great Britain then was legally excused by the best authorities of the world from executing fully the provisions of the Treaty of 1783 and the Jay Treaty of 1794.

As a result, the same policy in regard to the carrying away of Negroes was followed during the War of 1812.<sup>[60]</sup> While the British forces were occupying the forts and harbors of the United States, Negroes came within their possession. Many were induced to run away while others were captured in battles. From the Dauphin Islands—possessions claimed to be without the limits of the newly acquired Louisiana territory the British carried away slaves. In fact, from whatever places the British occupied they carried away Negroes. Many Negroes came also into the possession of the British by the proclamation of Admiral Cochrane of Great Britain, April 2, 1814, setting such loyal adherents free. In effect, this proclamation extended an invitation to all persons desiring to change their slave status. Although the proclamation<sup>[61]</sup> did not specify the Negroes, the meaning and object of Admiral Cochrane was evidently to bring Negroes within the British lines. Many, to be sure, responded to the proclamation. As many more, no doubt, were carried away from the United States by the British under the veil that they were captives in the war and, therefore, no longer the property of American inhabitants.

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With victory assured and the representatives of Great Britain and America assembled in Ghent, July 11, 1814, one of the first questions for the commissioners to consider was evidently the return of the Negroes. This question had primary consideration in the final draft of the Treaty of Ghent. By the first article of the treaty it was provided that "all possessions whatsoever taken by either party during the war or which might have been taken after the signing of this treaty shall be restored without delay and that these possessions should not be destroyed." It specified, moreover, that artillery, public and private property, originally captured in the forts of the United States should not be carried away.<sup>[62]</sup>

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Negroes were carried away by the British forces after the treaty was signed as well as before. In Georgia many Negroes came into possession of the British at Cumberland Island fortified by Admiral Cockburn.<sup>[63]</sup> In a letter dated November 22, 1814, Joseph Cabell gave evidence to support the above-mentioned facts when he declared that he was on board a British squadron in Lynnhaven Bay at the time Major Thomas of York attempted to recover his Negroes, who had gone off to the British and that the destination of the Negroes on board the ships was a subject of curiosity and concern. Soon, however, he learned that they were to be sold in the Bahamas.<sup>[64]</sup> From another reliable source comes the information that a shameful traffic had been carried on in

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the West Indies.<sup>[65]</sup> Secretary Monroe presented to the Senate, moreover, an affidavit of a Captain Williams who had been a prisoner in the Bahamas for some time. In this he declared that he had been present at the sale of Negroes taken from the vicinity of Norfolk and Hampton. "This affidavit," said Monroe, "was voluntarily given and the facts have been corroborated by a variety of circumstances."

Such information was given in the Senate. In discussing the ratification of the treaty the Senate suggested that commissioners be appointed to carry into effect the first article. In line with this view John Quincy Adams, Henry Clay, and Albert Gallatin were authorized to supervise the execution of this article. In a communication to Secretary Monroe, Feb. 23, 1815, the commissioners reported that "all slaves and other private property are claimed to be delivered up."<sup>[66]</sup>

So much progress in so short a time was remarkable. To adjust all the claims in an amicable way would hardly occur. It was soon learned by the commissioners that "all slaves and other private property" were delivered up by the British using as their guide a different construction of Article I. "The construction," Monroe said, "ignored the distinction which existed between public and private property." Had it been intended he continued, "to put slaves and other private property on the same ground with artillery and other public property the terms "originally captured in the said forts or places which shall remain therein on the exchange of the ratification of the Treaty" would have followed at the end of the sentence after "slaves and other private property."<sup>[67]</sup> With their construction, he contended that both interests, the public and private would have been subject to the same limitation. Besides, Monroe held that the restrictive words immediately following "artillery and other public property" was not intended to include the words "slaves and other private property." If "the slaves and other private property" are placed on the same footing with artillery and other public property, "the consequences must be that all will be carried away."

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Monroe learned, furthermore, that Mr. Baker, Charge D'affaires of Great Britain, had placed another construction on Article I of the treaty. In this new construction he had made a distinction between slaves who were in British ships of war in American waters and those in the ports held by British forces at the time of the exchange of ratifications.<sup>[68]</sup> Monroe and the commissioners, on the other hand, were of the opinion that the United States was entitled to all slaves in possession of the British forces within the limits of the United States forts or British ships of war. Concerning this opinion Baker wrote April 3, 1815, that it could not be shown that Monroe's construction was sanctioned by the words of the Article. "If this construction had been known then," he remarked, "we would have decidedly objected to it and proposed others."<sup>[69]</sup>

Accessible reports indicate that the governments of Great Britain and the United States persisted in the constructions given by their respective representatives. Clavelle, the Commander-in-Chief of the British forces in the Chesapeake, claimed that the treaty meant only such slaves or other private property should be delivered up as were "originally captured in the forts or places to be restored." In conformity with their construction of the Article, Clavelle refused furthermore to restore the slaves taken from Tangier Islands, because they were not originally captured there. The United States, on the other hand, was of the opinion that the country was entitled to all slaves within its limits on the exchange of the ratifications of the treaty. The United States believed, finally, that the carrying away of Negroes applied to both kinds of property because the word was common to both descriptions.

By the usage of civilized nations in cases of invasion private property with the exception of maritime captures was respected. This meant, in effect, that none could be lawfully taken away. Influenced by this usage Great Britain receded from her position and declared that the claim of the United States to indemnification for her slaves—had never been resisted. In the meantime Great Britain declared April 10, 1816, that she could not consider any property which had been previous to ratification of the treaty removed on shipboard as "property forming a subject for a claim of restoration or indemnification." In spirit, these two declarations were contradictory. Besides they made the subject more difficult and puzzling.

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In the meanwhile the work of the commissioners continued. In their efforts to take an inventory of the slaves so that the claims might be adjusted, they encountered the opposition of Clavelle and Cockburn. It was clearly evident that the efforts of the commissioners would be of no avail. More coercive means were necessary to settle such an extended and controversial question. In a convention of commerce between Great Britain and the United States October 20, 1818, representatives realized that an agreement in regard to the Negroes was hardly possible. The representatives from the United States, therefore, offered to refer the differences to some friendly sovereign or State to be named for that purpose. They agreed further to consider the decision of such a friendly sovereign or State to be "final and conclusive."<sup>[70]</sup>

Very soon thereafter the Emperor of Russia offered to use his good offices as mediator and after a short discussion, his proposal was accepted. To this end there was concluded on June 30, 1822, a convention in which the adjustment of the claims for indemnity was left to a mixed commission. This action was followed by desultory and extended discussions which terminated, nevertheless, in the final disposition of the controversy. The point of difference was decided in favor of the United States. In handing down his decision the Emperor held that the limitations as to the restitution of public property bore no relation to private property. In effect, he said that the treaty prohibited the carrying away of any private property whatever from the places and territories stipulated in Article

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I of the Treaty of Ghent. He contended that "the United States was entitled to consider as having been carried away all slaves who had been transported from those territories on board of English vessels within the waters of American territories and who for that reason had not been restored."  
[71]

In compliance with the decision of the Emperor of Russia a mixed commission, one commissioner and one arbitrator from Great Britain as well as the United States met July 30, 1822, at Washington, D.C., under the Emperor's mediation.<sup>[72]</sup> For the United States Langdon Cheves was the commissioner and Henry Sewell the arbitrator; for Great Britain George Jackson was the commissioner and John McTavish the arbitrator. George Hay was appointed, also, by the President of the United States to give such information and support that might be needed since individual claimants could not be present. The purpose of the commission was to prove the average value of the Negroes at the time of the ratification of the treaty and to determine the validity of individual claims. In the event no agreement could be reached recourse was had to the Emperor of Russia whose decision would be "final and conclusive." This action was insisted upon by America, whereas Great Britain persisted in refusing to submit such matters to the Emperor. Their progress, as a result, was not very marked. In considering the "definitive lists"<sup>[73]</sup> of claims these commissioners encountered many more doubtful and intricate problems. Claims not contained in this list were not to be taken cognizance of; nor was the British government required to make compensation for them. With respect to compensation, Great Britain promised to produce all evidence which was in the possession of her naval and military officers concerning the number of slaves carried away. It was provided by the commission that no payment was to be made within twelve months. September 11, 1822, the board unanimously agreed on the average value of slaves as follows:

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Each slave from Louisiana	\$580
Each slave from Georgia, South Carolina, Alabama	390
Each slave from Maryland, Virginia and other States	280

The next difficulty of the board occurred in regard to the allowance of interest on claims. Concerning this point, Cheves held that a reasonable compensation for the injury sustained should have been granted. "A just compensation," said Cheves, "is the reestablishment of the thing taken away with an equivalent for the use of it during the period of detention." In reply to this Jackson held that the convention of 1822 did not grant the commissioners the power to fix interests and, besides, that interests not being a part of the debt could not be allowed. Realizing the futility of his claims Cheves offered to submit the difference to arbitration, but Jackson declined.

Equally difficult questions arose in regard to the slaves taken away from Dauphin Island in Mobile Bay.<sup>[74]</sup> This island, controlled by the British during the war, was later surrendered to the United States. Concerning this Jackson held that it was not legally at the time of the ratifications of the treaty a part of the United States, that is, it was not a part of Louisiana but belonged to West Florida, which was not ceded to the United States until 1819.<sup>[75]</sup> In regard to this Cheves offered to refer these claims to arbitration, but in this view Jackson refused to acquiesce. The situation did not become any better even when Rufus King was sent as our minister to England to succeed Henry Clay who became John Quincy Adams's Secretary of State.

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Continued disagreement of the representatives of Great Britain and the United States resulted. Their failure to agree upon the provisions of the Convention of 1822—that matters under dispute be referred to arbitration made the work of this convention of little avail. Clay's offer of settlement was not favorably received in Great Britain. As to a basis of compromise, Clay said that the "total number of slaves on the definitive list was 3,601; that the entire value of all the property for which the indemnity was claimed including interest might be stated at \$2,693,120." Realizing that this large sum would never be secured, Clay suggested that \$1,151,800 might be used as the minimum in the negotiation. He used as a guide the fact that Parliament had appropriated 250,000 pounds to cover the awards of the commission. This sum, Mr. King observed also, was nearly the sum mentioned as a minimum by Clay in his instructions to him. Even with this information, the commissioners made little progress.

On the other hand, Mr. Vaughan, the British Envoy at Washington, said April 12, 1826, "that His Majesty's Government regretted to find themselves under the absolute impossibility of accepting the terms of compromise offered by the envoy from the United States in London." He did not admit, moreover, that the question of interest should be referred to arbitration, but maintained that the demand was unwarranted by the convention and unfounded by the Law Officers of the Crown.<sup>[76]</sup> In reply to his observation, Clay informed Vaughan of the fact that Great Britain's representatives had refused to refer many questions to arbitration and that if this refusal to cooperate in this regard should be upheld it would virtually be making him the final judge of every question of difference that arose in the joint commission.<sup>[77]</sup> This disagreement continued until 1825, when the commissioners met to collect and weigh evidence.

Soon thereafter, Albert Gallatin, who had been appointed Envoy of the United States to London, was authorized to treat with Canning on the oft-discussed question. During the first interview he discovered that, while there was a great reluctance to recede from the ground already taken by Jackson, there was also a disposition to settle that controversy.<sup>[78]</sup> Following the instructions given to King, Gallatin used the 250,000 pounds as the basis of settlement. This sum he was authorized to accept. He, however, did not make this offer known immediately but waited for the formal offer

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of \$1,200,000 from the British Government; and in conformity with his instruction of a later date, Gallatin offered as an ultimatum an acceptance of \$1,204,960, which the British Government reluctantly agreed to pay.<sup>[79]</sup>

On November 13, 1826, a convention to carry out this agreement was concluded. The amount specified above was to cover all claims under the award of the Emperor of Russia. It provided, moreover, that the money was to be paid in Washington, in the current money of the United States, in two installments; the first twenty days after the British Minister in the United States should have been officially notified of the ratifications of the convention, and the second August 1, 1827. In this way the convention of 1822 was annulled, save as to the two articles relating to the average value of slaves which had been carried into effect, and as to the third article as related to the definitive list which had also been carried out.<sup>[80]</sup> This ended the work of the board. After ratification had been exchanged the board adjourned, March 26, 1827.

This left one more matter to be disposed of, that of executing the provisions of the commission of 1826. In compliance with this Congress passed an act, March 2, 1827, to carry out this agreement.<sup>[81]</sup> A convention was thereby called to meet in Washington July 10th and proceed with the consideration of claims, "allowing such further time for the production of evidence as they should think just." As soon as the claims were validated and the principal amounts ascertained seventy-five per cent of the principal was paid with the explanation that when all claims were settled, the other twenty-five per cent would be paid, if the fund permitted it. If it did not, then the remainder would be distributed in proportion to the sums awarded. In these negotiations, Langdon Cheves and Henry Sewell, who had only recently represented the United States in London, together with James Pleasants of Virginia, were appointed commissioners. They considered not only the claims on the definitive list but also those deposited in the Department of State and which had not been previously adjusted.

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The conflicting interests of payments and the inconclusive evidence which were presented made the work of this convention more difficult. The records were very poor and contained little of the information desired. For this reason many claims were denied; especially was this true in Maryland and Virginia.<sup>[82]</sup> Many of the claimants of other States nevertheless were compensated. Seventy-five per cent was granted them, the sum totalling \$600,000 being paid. This condition of affairs caused a clash among the 1,100 claimants, 700 of whose petitions on the definitive list were examined. Many other claimants were seeking evidence to secure compensation. They were not successful, however, for Cheves opposed the admission of hearsay testimony as well as the testimony of slaves. Well informed as to the progress of the commission, Congress passed an act May 15, 1828,<sup>[83]</sup> specifying August 31st as the last day on which the commission would meet. Of that entire amount awarded \$1,197,422.18 had been paid to the claimants. The remaining sum was "distributed and paid ratably," to all the claimants to whom compensation had been made. The work of the Convention of 1827 thus ended.

ARNETT G. LINDSAY

## FOOTNOTES:

- [1] This dissertation is the result of the researches of Mr. A. G. Lindsay under Dr. C. G. Woodson at Howard University during the academic year 1919-1920 and was submitted to the Committee on Graduate Studies in candidacy for the degree of Master of Arts. Dr. C. G. Woodson was the chairman of this committee.

The following sources were used in the preparation of this manuscript: *American State Papers, Foreign Relations*; *American State Papers, Confidential Documents*; *American State Papers*, Wait's Edition; *Annals of Congress*; *Diary of John Quincy Adams*, in his *Memoirs*; *Diplomatic Correspondence*; Force, *American Archives*; *Journals of Congress*; *Journals of Continental Congress*; McDonald's *Source Book of American History*; *Niles Register*; *Treaties and Conventions*, Edition 1889; *United States Statutes at Large*.

The following works were also consulted: John Adams, *Works*; Van Tyne, *The American Revolution*; *American Historical Association Reports*; Babcock, *Rise of American Nationality*; Benton, *Naval History of England*; Channing, *History of the United States*; Ford, *Washington's Writings*; Ford, *Jefferson's Writings*; Fiske, *Critical Period*; Gibb, *Administrations of Washington and Adams*; *The Journal of Negro History*; Morse, *John Adams*; *Naval Chronicle of England*; Ramsay, *History of South Carolina*, Edition, 1809; Sparks, *Washington*; Moore, *International Arbitration*; Moore, *Digest of International Law*; Wharton, *Digest of International Law*, Edition, 1887; Halleck, *Elements of Law*; Wheaton, *Elements of Law*, Edition, by Dana.

- [2] Ramsay, *History of South Carolina*, Edition, 1809, Vol. I, pp. 474-475.
- [3] *American Historical Association*, Vol. I, p. 273. F. A. Ogg, *American State Papers*, Vol. IV, p. 304.
- [4] Moore, *International Arbitrations*, p. 350.
- [5] Van Tyne, *American Revolution*, p. 61; Force, *American Archives*, 4th Series, III, 1385.
- [6] Proclamation—"Whereas the enemy have adopted a practice of enrolling Negroes among their troops, I do hereby give Notice that all Negroes taken in Arms or upon any military Duty shall be purchased for the public service at a stated price; the money to be paid to

the captors. But I do most strictly forbid any Person to sell or claim right over any Negroes the property of a Rebel who may take refuge with any part of this Army. And I do promise to every Negro who shall desert the Rebel Standard full Security to follow within the Lines any occupation which he may think proper." Given under my Hand at Headquarters, Phillipsburg, the 30th day of June, 1799.

H. CLINTON.

By his Excellency's Commander  
JOHN SMITH, Sec.

Journal of Continental Congress, II, 26; Van Tyne, *American Revolution*.

- [7] Force, *American Archives*, I, 486, Fifth Series.
- [8] *Journal of Continental Congress*, II, 26.
- [9] Ramsay, *History of South Carolina*, Edition, 1809, I, 474.
- [10] Moore's *Historical Notes*, 14; *Journal of Negro History*, Vol. I, p. 117.
- [11] *Jefferson's Works*, Vol. II, p. 426.
- [12] Sparks, *Washington's Works*, III, 218.
- [13] Channing's *History of the United States*, Vol. III, pp. 348-369.
- [14] *American Historical Association Report*, Vol. I, p. 273.
- [15] Article 7, Treaty of Paris.—"There shall be a firm and perpetual peace between his Brittanic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall from henceforth cease: All prisoners on both sides shall be set at liberty, and his Brittanic Majesty shall with all convenient speed, and without causing any destruction or carrying away any Negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every port, place and harbour within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds and papers belonging to any of the said states or their citizens which in the course of the war may have fallen into the hands of his officers to be forthwith restored and delivered to the proper states and persons to whom they belong."  
  
McDonald, *Documentary Source Book of American History*, p. 208.
- [16] *American Historical Association Report, 1874*, p. 421. Waits, *American State Papers*, Vol. I, p. 279.
- [17] *Journal of Negro History*, Vol. II, pp. 411-422.
- [18] Sparks, *Washington*, Vol. VIII, Appendix, p. 544.
- [19] Washington to Daniel Parker in Ford's *Washington's Writing*, X, 246-247.
- [20] Ford's Edition of *Jefferson's Writings*, p. 127.
- [21] *Journal of Negro History*, Vol. II, p. 417.
- [22] Ford, *Washington's Writings*, X, 241-243.
- [23] *Journal of Negro History*, II, 418.
- [24] *Diplomatic Correspondence*, Vol. XI, p. 335.
- [25] Ford, *Washington's Writings*, X, 241-243.
- [26] *American State Papers—Foreign Relations*, I, p. 190.
- [27] *Ibid.*, I, p. 191.
- [28] *Ibid.*, I, pp. 188-192.
- [29] *American State Papers, Foreign Relations*, Vol. I, pp. 188-192.
- [30] *Blank certificate*—New York, April 23, 1783.

This is to certify to whomsoever it may concern that the bearer hereof ..... a Negro restored to the British Lines in consequence of the proclamation of Sir William Howe and Sir Henry Clinton, late Commanders-in-chief in America; and that the said Negro has hereby his excellency's Sir Guy Carleton's permission to go to Nova Scotia or wherever else ..... may think proper.

By order of

BRIGADIER GEN. BUCK.

E. WILLIAMS,  
Major of Brigade.

- [31] *American State Papers*, Vol. I, pp. 190-192.

- [32] McDonald's *Source Book of American History*, p. 208.
- [33] *American Historical Association Report*, Vol. I, p. 276.
- [34] *Annals of Congress*, 4th Congress, p. 970.
- [35] *Report of the American Historical Association*, pp. 413-444; *Diplomatic Correspondence 1783-1789* (3 Vol. ed.), II, 340.
- [36] Morse, *John Adams*, p. 235.
- [37] *Adams' Works*, Vol. VIII, p. 303.
- [38] *American Historical Association Report, 1894*, p. 422. McLaughlin. *American State Papers, Foreign Relations*, Vol. I, p. 122.
- [39] *American Historical Association Report, 1894*, p. 422.
- [40] *American State Papers, Confidential Documents*, Vol. X, p. 80.
- [41] *American State Papers, Confidential Documents*, Vol. X, p. 85.
- [42] McLaughlin, *Western Posts and British Debts*, p. 423 in *American Historical Association Report, 1894*.
- [43] *American State Papers, Foreign Relations*, Vol. I, pp. 470-472.
- [44] Jay to Randolph, *American State Papers*, Vol. I, p. 485.
- [45] *American State Papers*, Vol. I, p. 485.
- [46] *Ibid.*, p. 486.
- [47] *American Historical Association Report*, Vol. I, pp. 273-298.
- [48] *American State Papers*, Vol. I, p. 501.
- [49] *Ibid.*, p. 509.
- [50] *American Historical Association Report*, Vol. I, pp. 273-298.
- [51] *Annals of Congress—4th Session, 1795-96*, p. 1006.
- [52] Halleck, *Elements of Law*, p. 358.
- [53] *Ibid.*, p. 359.
- [54] Wheaton's *Edition by Dana*, page 441.
- [55] *American State Papers—Foreign Relations*, Vol. II, p. 46.
- [56] *American State Papers—Foreign Relations*, Vol. II, p. 48.
- [57] Moore, *Digest of International Law*, Vol. V, page 372.
- [58] *Ibid.*, page 375.
- [59] *Ibid.*, pp. 375-376.
- [60] *American State Papers—Foreign Relations*, Vol. IV., p. 106.
- [61] This proclamation was:

"Whereas it has been represented to me that many persons now resident in the United States have expressed a desire to withdraw therefrom, with a view of entering his Majesty's service, or of being received as Free Settlers in some of his Majesty's colonies

"This is therefore to give notice

"That all those who may be disposed to emigrate from the United States will with their families be received on board his Majesty's ships or vessels of war or at the military ports that may be established upon or near the coast of the U.S. where they will have their choice of either entering his Majesty's sea or land forces, or of being sent as Free Settlers to the British possessions in North America or the West Indies where they will meet all due encouragement.

"Given under my hand at Bermuda this 2nd day of April, 1814.

"By Command of VICE ADMIRAL WILLIAM BALHETCHET

"ALEX. COCHRANE."

*Niles Register*, Vol. VI, p. 242.

- [62] Article I, Treaty of Ghent:

"There shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land,

shall cease as soon as this treaty shall have been ratified by both parties as hereinafter mentioned. All territory, places, and possessions whatsoever taken by either party from the other during the war or which may be taken after the signing of this treaty excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature, or belonging to private persons which in the course of the war may have fallen into the hands of the officers of either party, shall be as far as may be practicable forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands on the Bay of Passama-Quoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty as to such possession of the islands and territories claimed by both parties, shall in any manner whatever be construed to effect the right of either...."

- [63] *American State Papers, Foreign Relations*, Vol. III, p. 750.
- [64] *Ibid.*, Vol. III, page 751.
- [65] *Moore's International Arbitration*, page 350.
- [66] *Naval Chronicle*, Vol. XXIV, page 213.
- [67] *Moore's International Arbitration*, p. 352.
- [68] *American State Papers*, Vol. IV, p. 105.
- [69] *Ibid.*, p. 108.
- [70] *American State Papers*, Vol. IV, p. 126.
- [71] *Moore's International Arbitration*, p. 363.
- [72] *American State Papers, Foreign Relations*, Vol. V, p. 214.
- [73] Maryland, 714; Va., 1721; S.C., 10; Ga., 833; La., 259; Miss., 22; Del., 2; Ala., 18; D. C., 3—page 801, Vol. V, *American State Papers*.
- [74] *Moore, International Arbitration*, p. 377.
- [75] *Ibid.*, p. 377.
- [76] *American State Papers, Foreign Relations*, Volume VI, page 344; 746.
- [77] *Ibid.*, Vol. VI, p. 746.
- [78] *American State Papers, Foreign Relations*, Vol. VI, p. 348.
- [79] *Ibid.*, Vol. VI, p. 352.
- [80] *Ibid.*, Vol. VI, p. 372.
- [81] *Ibid.*, Vol. VI, p. 339
- [82] *American State Papers, Foreign Relations*, Vol. VI, page 855.
- [83] *Four Statutes at Large*, page 269.

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## THE NEGRO IN POLITICS<sup>[1]</sup>

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A treatise on the Negro in politics since the emancipation of the race may be divided into three periods; that of the Reconstruction, when the Negroes in connection with the interlopers and sympathetic whites controlled the Southern States, the one of repression following the restoration of the radical whites to power, and the new day when the Negro counts as a figure in politics as a result of his worth in the community and his ability to render the parties and the government valuable service.

While the echoes of the Civil War were dying away, the South attempted to reduce the Negro to a position of peonage by the passage of the black codes. Many northern men led by Sumner and Stevens, who at first tried to secure the cooperation of the best whites, became indignant because of this attitude of the South and were reduced to the necessity of forcing Negro suffrage upon the South at the point of the bayonet, believing that the only way to insure the future welfare of the Negro was to safeguard it by giving him the ballot. Under the protection of these military governments, the Negroes and certain more or less fortunate whites gained political control. The southern white men, weary and disgusted because of the outcome of their attempts at secession, maintained an attitude of sullenness and indifference toward the new regime and accordingly offered at first very little opposition to the Negro control of politics. The Negroes, upon their securing the right of suffrage, however, turned at once to their former masters for political

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leadership,<sup>[2]</sup> but the majority of these southern gentlemen refused to "lower their dignity" by political association with the Negroes. The few southern gentlemen who did affiliate with the Negroes were dubbed "scalawags" by their former friends and cast out of southern society.

The Negroes were then forced, because of the lack of cooperation on the part of the southern whites, to accept the leadership of certain northern men who came South for the sole purpose of personal gain and exploitation. These men were in some cases of an extremely low order and were in a large measure responsible for the corruption of Reconstruction days. They were contemptuously called "carpetbaggers" by the southern whites because they were so poor that they could carry all of their possessions in a carpet bag. Some of these white men were conscientious, however, and served these States honorably. Most Negroes, therefore, were under the leadership of these three elements: southern men who were regarded by their neighbors as men of the lowest possible order, unscrupulous adventurers from the North, and some intelligent members of their own race like B. K. Bruce, John R. Lynch, R. B. Elliot, and John M. Langston. This ill-assorted group of politicians reconstructed the Southern States.

The wisdom of this policy has been widely questioned. From the point of view of most white men studying Reconstruction history this effort to make the Negro a factor in politics was a failure, the elimination of the Negro from politics was just, and the rise of the Negro to political power even today is viewed with alarm. The opinions of the biased historians in this field will be interesting. Several writers refer to the Negro carpet bag movement as an effort to found commonwealths upon the votes of an ignorant Negro electorate, as working an injustice both to the whites and the blacks in that it made the South solidly democratic.<sup>[3]</sup> J. G. de R. Hamilton, exaggerating the actual basis of Reconstruction in the southern commonwealths, which were never fully controlled by the Negroes, speaks of the work as having left as a legacy "a protest against anything that might threaten a repetition of the past, when selfish politicians, backed up by the Federal Government, for party purposes, attempted to Africanize the State and deprive the people through misrule and oppression of most that life held dear."<sup>[4]</sup> John W. Burgess calls the effort an "extravagant humanitarianism which had developed in the minds of the Reconstruction leaders to the point of justifying, not only the political equality of the races but the political superiority at least in loyalty to the Union, the constitution and republican government, of the uncivilized Negroes of the South."<sup>[5]</sup> Burgess sees justice in subjecting the inferior to the superior class but none in subjecting the superior to the inferior.

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Of these radical utterances historians need take but little notice. They are of value here for the reason that they show the lack of scientific Reconstruction history. No intelligent man who lived through this stormy period or who has read documents bearing on its history will contend that these commonwealths were Africanized merely because the Negroes along with the formerly disfranchised and ignorant poor whites were given the right of suffrage. It will be difficult to prove that the majority of poor whites in the South were at this time sufficiently intelligent and experienced in statecraft to give those commonwealths a much better government than that administered by the Negroes and "Carpet baggers"; for the South had been ruled by few aristocratic families, most of whom because of participation in the Civil War, could not on the cessation of hostilities be given the reins of government. A few who had not had any such connection with the Confederacy haughtily refused to cooperate with the Negroes in the reconstruction of these governments, although they were persistently invited by the Negroes who were thus advised by Thaddeus Stevens and Charles Sumner, who showed foresight in trying to secure the cooperation of the best white element in the South.<sup>[6]</sup> These statesmen, however, are generally slandered by uninformed writers who contend that Sumner and Stevens did not thus proceed. The Negroes not only sought the leadership of the whites but showed unusual humaneness toward their poverty-stricken former masters by passing, as they did in South Carolina, stay laws to postpone the payment of their many war debts secured by mortgages on their property.

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Statistics show, moreover, that with the exception of South Carolina and Mississippi, no State and not even any department of a State government was ever dominated altogether by Negroes. The Negroes never wanted and never had complete control in the Southern States.<sup>[7]</sup> The most important offices were generally held by white men. Only two Negroes ever served in the United States Senate, Hiram R. Revels and B. K. Bruce; and only twenty ever became Representatives in the House: and all of these did not serve at the same time, although some of them were elected for more than one term.

The charge that the men who were elected to office by the Negroes were always of the most debased and degenerate type is untrue. Because of the refusal of the southern aristocracy to cooperate with them, however, the Negroes were forced to elect such men as they were able to secure. Numerous promising and respectable whites who were elected to office by the Negroes, became corrupt and unprincipled on account of the treatment tendered them by the aristocratic whites. From among the Negroes themselves, the very best men available were chosen to hold offices. Among these were former slaves who had been made trustworthy servants of their masters and free Negroes who had received some education. Some of these Negroes served in their official capacity with honor and credit. A number of them were also respected by certain fairminded southern whites.<sup>[8]</sup>

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Numerous examples of the high regard which the whites of certain communities had for the Negro leaders can be cited. Samuel J. Lee, of Charleston, South Carolina, was considered by his white

contemporaries as one of the best criminal lawyers which the State had produced. At his death all local courts were declared adjourned and the entire city paid him homage. The late Bishop Isaac Clinton served, as Treasurer of Orangeburg, South Carolina, for eight years. Like Mr. Lee, he was held in high esteem by his white neighbors and upon the occasion of his funeral, the business of the community was suspended as a mark of respect to his memory. In certain communities, as in South Carolina, some Negroes were retained as office holders for a number of years after the supremacy of the Democratic party was assured. In Georgetown, South Carolina, Mr. George Harriot was Superintendent of Education for the county for years under the Democratic party. Beaufort, South Carolina, retained Negroes as sheriffs and school officials until a few years ago.<sup>[9]</sup>

J. T. White, Commissioner of Public Works and Internal Improvements in the State of Arkansas; M. W. Gibbs, Municipal judge in Little Rock, and J. C. Corbin, State Superintendent of Schools in the same State, had records equally as creditable. The same may be said of F. L. Cardoza, State Treasurer of South Carolina, Richard T. Greener, a professor in the University of that commonwealth, Oscar Dunn, Lieutenant-Governor of Louisiana and P.B.S. Pinchback, Acting Governor of that State.<sup>[10]</sup> The record of Dubuclet, according to Dr. Woodson, should receive special mention. In contradistinction to the rule of stealing from the public treasury, this man who served as Treasurer of the State of Louisiana even after the other departments of the government had been taken from the Negroes, in as much as the term of service of the Treasurer was six years rather than four, was investigated with a view to finding out some act of misuse of the public funds that he might be impeached and thrown out of office. The committee, of which E.D. White, now Chief Justice of the United States Supreme Court, was chairman, reported after much deliberation that Dubuclet's funds had been honestly handled and that there were no grounds on which proceedings against him could be instituted.<sup>[11]</sup>

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Despite the above mentioned instances of commendable Negro officials, however, the majority of the Negro functionaries were incompetent and as a result these governments could but collapse. The charge of corruption laid at the door of the Negro carpetbagger governments is to a large extent true. The corruption resulted largely from the work of the interlopers from the North and the "scalawags," using the Negroes to reach their own personal ends. In some of this corruption, however, the Negro was an apt scholar and freely participated. The Negroes were not as a whole prepared for the political privileges which were vouchsafed to them and they were to a large extent under the wrong sort of leadership. It is equally true, however, that governments were corrupt throughout the United States at this period. The Reconstruction period was one of corruption and if the Negro governments were of a lower order than a few others, they were not far out of accord with the times. The white people, who assumed control of the government on overthrowing the Reconstruction regime, instituted in several States a rule of corruption surpassing even that of their predecessors. Coming back into office like hungry persons who had been exposed to the cold atmosphere of an exile, the radical whites filled their purses from the coffers of the public treasury and defaulted to the amount of thousands of dollars which the tax payers have had to replace in the years thereafter.<sup>[12]</sup> The disgraces of Reconstruction, therefore, have been exaggeratingly flaunted by the South for the same purpose that it proclaims the widespread false charge of rape of the present day to justify the persecution of the Negro for being "unusually criminal."

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The Negro was finally driven from southern politics through violence and fraud. The chief agent of the southern whites in accomplishing this was a secret organization known as the Ku Klux Klan. This organized mob killed off or drove the leading "Carpetbaggers" out of the South and intimidated the Negroes into submission by perpetrating numerous outrages upon them. After the whites regained control of the government, through their agents of terror the political ascendancy of the Negro was at end. The unscrupulous northern friends of the Negro having discovered that they could no longer successfully exploit them, therefore, abandoned them in the midst of their calamity. The whites proceeded to solidify the Democratic party and to eliminate the Negro entirely from politics in the South.

Politically, however, Reconstruction was in several respects a success. In the first place, the reconstructed governments were democratic, lifting a standard that the backward commonwealths of the South must still struggle for years to reach. In this social upheaval the poor white man was politically emancipated by receiving the boon of suffrage theretofore restricted to persons owning property and given a free and open door to office holding, which, under the old regime had been restricted to the few aristocrats dominating the country and State governments. These Negroes gave the South its improved judicial system and did their work so well in framing some of the constitutions that many of them with the exception of the clauses antagonistic to the Negro remained about as they were for many years. Although the Democrats got control of the State in 1877, the constitution of South Carolina of 1868 was not changed materially until 1893.

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The Negro as a factor in reconstruction, moreover, instituted education at the expense of the public. Through the establishment of public schools with well equipped buildings and prepared teachers they removed from that system the stigma formerly attached to persons<sup>[13]</sup> educating their children at public expense. They, therefore, made of education a foundation upon which real democracy must build. It is only short sightedness on the part of writers to infer that because the Negro was in a few years thereafter deprived of the ballot that the good work which was done during the years that they were permitted to participate in the affairs of these States could be so easily overthrown, especially so when this progressive part of the program of the reconstructed governments which the restored whites at first abandoned has later been taken up and carried



out.

Although weakened by the reaction of the North against the methods employed by politicians in maintaining the reconstructed governments at the South, which moved President Hayes to withdraw the troops from that area, the Negroes were still of some concern to the Republicans. To retain their support the Republicans often spoke of foisting upon the South the Force Bill to guarantee fair elections but rather abandoned the Negro to the fate of working out his own salvation with his oppressors. In all of the campaigns up to 1888 there was the usual waving of the "bloody shirt" to array the Negro against the South and of urging the Negro to vote the Republican ticket to pay the debt he owed the party for his freedom, hypocritically threatening also to undo many of the things which had been done to the Negro since Reconstruction. There was no sincerity in these vote-getting declarations, however, and the Negro in the South remained politically doomed.

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Nothing will better bring out this treatment of the Negro by the Republican party than a study of the consideration given the race in the various platforms of that party following the Civil war. The Republicans in the convention of 1868 declared themselves in sympathy with all oppressed peoples struggling for their rights and recognized the principles laid down in the Declaration of Independence as a true foundation of democratic government. That same year, however, the Democratic party recognized the question of slavery and secession as having been settled but denounced Negro supremacy.<sup>[14]</sup>

In 1872 the platform of the Republican party was somewhat more outspoken. It carried a reference to the suppression of the rebellion, the emancipation of four million slaves, the grant of equal citizenship and the establishment of universal suffrage. It said, moreover, that "neither law nor its administration should attempt any discrimination in respect to citizens by reason of race, creed, color, or previous condition of servitude."<sup>[15]</sup> The Liberal Republicans, rallying in a different quarter that year, declared in their platform their belief in the equality of all men before the law and the duty of the government in all its dealings with the people to mete out equal and exact justice to all of whatever nativity, race, color or persuasion, religious or political. The Liberal Republicans pledged themselves to maintain the union of States, emancipation, and enfranchisement and to oppose any reopening of the questions settled by the Thirteenth, Fourteenth and Fifteenth Amendments of the Constitution. They advocated the removal of the disabilities of Confederates, the establishment of civil government at the South, universal amnesty, and impartial suffrage.<sup>[16]</sup>

In 1876 the Negro was given further mention by the various parties. The Prohibitionists took the lead in the declaration for equal suffrage and eligibility to office without distinction of race, religious creed, property or sex.<sup>[17]</sup> The Republicans referred in their platform to the permanent restoration of the southern section to the Union and the complete protection of all citizens in the free enjoyment of all their rights as an issue to which the Republican party stood sacredly pledged. "The power to provide for the enforcement of the principles embodied by the recent constitutional amendments," continues the platform, "is vested by those amendments in the Congress of the United States, and we declare it to be a solemn obligation of the legislative and executive departments of government to put into immediate and vigorous exercise all their constitutional powers for removing any just cause of discontent on the part of any class, and for securing to every American citizen complete liberty and exact equality in the exercise of all civil, political, and public rights. To this end we imperatively demand a congress and a chief executive whose courage and fidelity to these duties are placed beyond dispute or recall."<sup>[18]</sup>

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The National Democratic platform of that year, however, spoke for the democracy of the whole country and declared its faith in the permanence of the Federal Union, and devotion to the Constitution of the United States with its amendments universally accepted as a final settlement of the controversies that engendered the Civil War; but took a bold stand for reform as necessary to rebuild and establish in the hearts of the whole people of the Union eleven years ago happily rescued from the danger of a secession of States but now to be severed from a corrupt centralism which after inflicting upon ten States the rapacity of carpet bag tyrannies, had "honey-combed the offices of the Federal government itself with the contagion of misrule and locked fast the prosperity of an industrious people in the paralysis of hard times."<sup>[19]</sup>

In 1880 The Republican party made no particular mention of the grievances of the Negroes but recited its record in suppressing the rebellion, reconstructing the Union with freedom instead of slavery as its corner stone, the transformation of four million human beings from the likeness of things to the rank of citizens and removing Congress from the infamous work of hunting fugitive slaves and charging it to see that slavery shall not exist. It declared, moreover, that the South must be divided by the peaceful agencies of the ballot that all opinions might there find free expression and to this end the honest voter must be protected against terrorism, violence or fraud.<sup>[20]</sup>

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In 1884 there was no specific reference to the Negro unless it be found in the statement that the Republican party had gained its strength by "quick and faithful response to the demands of the people for the freedom and equality of all men; for a united nation, assuring the rights of all citizens."<sup>[21]</sup> The platform of the Democratic party carried a declaration equally as emphatic in that it said, "the preservation of personal rights; the equality of all citizens before the law; the reserved rights of the States and the supremacy of the Federal government within the limits of the

constitution will ever form the true basis of our liberties." It further said; "Asserting the equality of all men before the law, we hold that it is the duty of the government, in its dealings with the people, to mete out equal and exact justice to all citizens, of whatever nativity, race, color, or persuasion, religious or political."<sup>[22]</sup>

Giving some impetus to the movement for woman suffrage which the Republicans had by various platforms theretofore encouraged, the Prohibitionists carried in their platform in 1888 the declaration that the right of suffrage rests on no mere circumstance of race, color, sex or nationality and that "where, from any cause, it has been held from citizens who are of suitable age and mentally and morally qualified for the exercise of an intelligent ballot, it should be restored by the people through the legislature of the several States, on such basis as they may deem wise."<sup>[23]</sup>

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To protect the Negroes in their political rights, however, the Federal Government as administered by the Republican party during these years furnished little encouragement, through its much talked of enforcement of the Fourteenth and Fifteenth Amendments. Bills providing for adequate military protection of the Negroes at the polls were enacted but the Supreme Court of the United States declared that the Federal Government did not possess the authority to restrain mobs from interfering with elections. The Supreme Court conceded that the Fifteenth Amendment forbade the denial of the right to vote by any State on account of race, color, or previous condition of servitude, but easily conceded that no violation of this amendment could occur when a hostile mob excluded Negroes from the polls. Yet although the mob thus quickly triumphed in undoing the democratic reforms of Reconstruction, the South hoped thereafter to reach the same end by imposing on the Negroes a legal disability; for the Fifteenth Amendment did not assert the right of the Negro to vote. It merely said that suffrage could not be denied on account of race, color, or previous condition of servitude. As the Negro was generally poor and in the midst of the economic depression of the South too often had to wander from place to place to seek a livelihood, he could be easily eliminated by the poll tax, the resident requirement, and educational tests.

Thus it happened. Mississippi under its new constitution in 1890 eliminated the Negro and in the next twenty years all of the cotton States except Florida and Texas followed its example. Arkansas based the franchise on a one year poll tax in 1893; South Carolina required residence, enrollment, and poll tax in 1895; Delaware adopted an educational test in 1897, Louisiana resorted to the same test and poll tax in 1898 and North Carolina fell in line in 1900. Alabama established the residence, registry and poll tax requirement in 1901; and Virginia, Georgia and Oklahoma based suffrage on property, literacy or poll tax in 1902, 1908, and 1910 respectively. As these measures bore heavily also upon certain ignorant whites they were relieved of this disability by the "Grandfather Clause" specifying that the persons deprived by these regulations of the right to vote might be placed upon the roll of voters if they had exercised this privilege before the year 1867 or were descended from such voters. This was essentially the clause adopted in North Carolina, Alabama, Virginia, and Georgia.<sup>[24]</sup> The Supreme Court, however, has declared the "Grandfather Clause" a violation of the Fifteenth Amendment.

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During the campaigns after 1888 the Republican party made no special mention of the Negro as it had formerly and did not show any inclination to shoulder the grievances of the race. At this time the Republicans were face to face with a large element of political reformers led by the Democrats who, prior to the campaign of 1884 had carried Pennsylvania and New York and made such other inroads in northern strongholds as to convince the leaders of the Republican party that the Negro issue and the "bloody shirt" would no longer suffice to hold those voters who had been won by the intelligent appeal for deliverance from the corrupt practices in the local and national governments. This movement culminated in the election of Grover Cleveland in 1884 and in his election the second time in 1892.

To attach Negroes to their cause, to be sure, the Republicans were very deferential to them in the national conventions, where they were of much service in naming candidates for the national ticket although they could not vote in the South and were not sufficiently numerous in the North to be a large factor at the polls. At the convention in 1884, the national committee had named ex-Senator Powell Clayton of Arkansas as temporary chairman of the convention, an arrangement which was supposed to be in the interest of Mr. Blaine. The young men of the party led by Henry Cabot Lodge and Theodore Roosevelt effected the nomination from the floor of John R. Lynch, a distinguished man of color of Mississippi, and the vote by delegates elected him to the position by 431 to 387 given to Mr. Clayton.<sup>[25]</sup> Frederick Douglass received one vote for the nomination for President in 1888.<sup>[26]</sup>

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After the complete undoing of the Reconstruction the Negroes were at a loss politically. A number of the foremost Negro politicians, among whom were Frederick Douglass, John R. Lynch, B. K. Bruce, John M. Langston, John C. Dancy, and a few others, were given positions in the service of the Federal Government of high sounding titles and little importance, such as Registrar of the Treasury, Recorder of Deeds, Auditor of the Navy and diplomatic posts in Negro countries. A greater number of Negroes found an outlet in the civil service. Even up until the present day it is an ardent desire of the Negro to obtain a civil service appointment. In these positions the Negroes were able to earn a comparatively easy living but were not able to do anything constructive for the uplift of their people.

The Negroes, however, had continued to support the Republican party to the full extent of their strength. But it soon became clear that the support of Negro leaders was little more than an effort

directed toward obtaining a few unimportant offices. The Republicans, having long since discovered that the Negro vote of most communities can be changed neither to harm nor to help them, have consequently ceased to consider the danger of losing their support of great import. The Democratic party, moreover, has continued almost unswervingly its attitude of aloofness from the Negro. The on-sidedness of the Negro vote has been declared by some Negroes to be the cause of its non-importance. With this political view some few of them have allied themselves with the Democratic party, feeling that the division of the Negro's vote may work an improvement in his political status. Because of ex-President Taft's attitude of indifference toward the Negroes a number of the Negro politicians supported Roosevelt's party in 1912 and many voted for Wilson in 1916.

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With the Negro in this weak position, however, there developed in the South a movement to remove from the Republican party the stigma of its connection with the Negro by eliminating the members of that race from the circles of control in the South. This movement has been generally known as a "Lily-Whiteism." For the last twenty-five years, therefore, there have come to the National Republican Conventions from the various Southern States contesting delegations, one white and the other black, each one claiming to be the properly accredited representative of the Republican party in the State concerned. In some States the "Lily-Whites" have actually held conventions from which the Negroes were excluded or which they were not permitted to attend. Because of the difficulty of making good their claim as properly accredited delegates they have abandoned this method for the subterfuge of holding their conventions in hotels or other exclusive places which Negroes, because of the social proscription of the race, are prohibited from entering by an already well established unwritten law.

As a matter of fact the Republican party in such commonwealths no longer exists and these delegates whether white or black represent merely rotten boroughs. As they are of use, however, in selecting the candidate to be nominated for president, the administration has been very reluctant to interfere with the proposed reform in these quarters for the reason that such delegates are usually made up of persons appointed by the President of the United States to Federal positions in the South. As the President usually desires to be reelected and can control such a coterie, it has been very difficult to find one with the courage to give his influence in the direction of reform.

Early in the winter of the year when the president is to be nominated, persons supporting the administration usually visit the South laying plans for lining up these prospective delegates. Politicians interested in other candidates make similar tours through the South sometimes lavishly handling funds to the extent of buying up delegates. As the whites are in a much better position to secure the few Federal appointments allotted in the South, after the election, since the abandonment of the policy of appointing Negroes to these positions, the Negroes have usually exacted a much larger compensation for their services in the pre-convention struggle than whites have required, thus shamelessly disgracing themselves in the eyes of those who would expect the leaders of the race to play a more honorable rôle.

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There are in certain sections of the South a number of men who devote all of their time to electing these delegates for service in these conventions and secure therefore adequate remuneration for a livelihood from administration to administration. The pliant Negro delegates at the convention in Chicago in 1908 and 1912 were unequal to the task of nominating a progressive candidate because of their machine like attachment to the candidacy of William Howard Taft, whom the American people would not accept. The Negro delegates, however, did much better in the convention of 1916 and still further improved by the time of the conventions of 1920, when it was impossible for any pre-convention arrangement or plan to be so carried out that any candidate could come to the convention saying that he had the Negroes to vote in any particular way. It is encouraging, moreover, to add that numbers of these delegates had received no funds from any quarter whatever, but along with white men promoting their party had contributed to the campaign funds and had paid their own expenses to the convention. They were, therefore, given a more dignified position in the management of the party affairs and were in many respects shown the same consideration as that given the white delegates, serving on various important committees and placed in strategic positions in the management of the campaign without regard to color.

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In drawing to a close this discussion of the Negro in politics I wish to accentuate the fact that while the Negro is at present practically a political nonentity, he is yet potent, as is illustrated in various parts of the country. For example, at present there are two Negro councilmen in Chicago, two aldermen in New York, one assemblyman in New York, two councilmen in Baltimore, three Negro members in the West Virginia legislature, one in the California legislature, and one in the Indiana legislature. In several of the cities of the North there is such a large Negro population and so much appreciation among the Negroes of their political power that they are now launching a movement to nominate and elect members of their race to represent them in Congress. It is likely that this may soon be effected in Chicago, New York, and Philadelphia.

NORMAN P. ANDREWS

## FOOTNOTES:

- [1] This article was written under the direction of Dr. C. G. Woodson, under whom the writer prosecuted various courses in history during the year 1919-1920 at Howard University.

The writer is indebted to him for valuable suggestions and many important facts which Dr. Woodson incorporated into the dissertation before publishing it. The writer was aided too by suggestions and facts obtained from Mr. W.T. Andrews, the editor of the *Baltimore Herald*, Professor Kelly Miller, and Mr. A. Phillips Randolph, of New York City.

- [2] *The Journal of Negro History*, Vol. V, pp. 110-111.
- [3] Eckenrode, *Political History of Virginia during Reconstruction*, pp. 127, 128, and Thompson, *Reconstruction in Georgia*, p. 400.
- [4] Hamilton, *Reconstruction in North Carolina*, p. 607.
- [5] Burgess, *Reconstruction and the Constitution*, p. 218.
- [6] *The Journal of Negro History*, Vol. V, pp. 110-111.
- [7] This statement is based on information obtained from numerous participants in the Reconstruction of the Southern States. Among these are John R. Lynch, Thomas E. Miller, T. T. Allain, and P. B. S. Pinchback.
- [8] This is the testimony of white persons obtained by the writer.
- [9] These facts were obtained through Mr. W. T. Andrews who lived in South Carolina.
- [10] Simmons, *Men of Mark*, pp. 113, 829, 948, 1023; Woodson, *A Century of Negro Migration*, pp. 124-125.
- [11] *Report of Joint Committee to Investigate the Treasurer's Office, State of Louisiana, to the General Assembly, 1877*, pp. 7-12. *Majority Report; Journal of Negro History*, Vol. II, pp. 77-78.
- [12] Lynch, *Facts of Reconstruction*, ch. III. *Journal of Negro History*, Vol. II, p. 30.
- [13] Garner, *Reconstruction in Mississippi*; Woodson, *The Education of the Negro Prior to 1861*, p. 17.
- [14] Stanwood, *A History of Presidential Elections*, 260.
- [15] *Ibid.*, 291.
- [16] *Ibid.*, 287.
- [17] Stanwood, *A History of Presidential Elections*, 310.
- [18] *Ibid.*, 316, 317, 318.
- [19] *Ibid.*, 322.
- [20] Stanwood, *A History of Presidential Elections*, 356, 359.
- [21] *Ibid.*, 387.
- [22] *Ibid.*, 393, 396.
- [23] Stanwood, *A History of Presidential Elections*, 432.
- [24] Thorpe, *Federal and State Constitutions*; Paxson, *The New Nation*, p. 199.
- [25] Stanwood, *A History of Presidential Elections*, pp. 385-386; Paxson, *The New Nation*, p. 128.
- [26] Stanwood, *A History of Presidential Elections*, p. 447.

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## HENRY BIBB, A COLONIZER

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The underground railroad has been characterized by one historian of the Negro race as a "safety valve to the institution of slavery" since it tended to remove from the slave States those Negroes whose special abilities and leadership might have involved them in insurrections.<sup>[1]</sup> Their abilities frequently found an outlet in another land, under different conditions and in an entirely orderly way. Negroes who fled to Canada were given considerable material aid by the government of Canada and treated with sympathy by its people. Their own leaders, however, played no small part in the progress that they made in the British provinces and the names of Josiah Henson, Martin R. Delany and Henry Bibb stand for intelligence, energy and high qualities of service on behalf of the race in Canada.

Henry Bibb, born in slavery and without more than the barest rudiments of education, became prominent in the anti-slavery crusade, was actively associated with the Liberty Party in the State of Michigan during the forties and when the Fugitive Slave Bill of 1850 drove thousands of his people out of the North and into Canada he set himself vigorously to the task of settling them on the land, providing schools and churches, and through his paper, *The Voice of the Fugitive*, exercised a good influence upon them at a time when their minds might be expected to be unsettled. Garrison and others who were active in the anti-slavery movement paid tribute to his

services in that cause.

Bibb's career in slavery is told in his narrative published in New York in 1849.<sup>[2]</sup> He was born in Shelby county, Kentucky, in May, 1815, the son of a slave mother and a white father, and his childhood he sums up by saying that he was "educated in the school of adversity, whips and chains." Of his early life he writes:

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"I was a wretched slave, compelled to work under the lash without wages and often without clothes enough to hide my nakedness. I have often worked without half enough to eat, both late and early, by day and by night. I have often laid my wearied limbs down at night to rest upon a dirt floor, or a bench without any covering at all, because I had nowhere else to rest my wearied body, after having worked hard all the day. I have been compelled in early life to go at the bidding of a tyrant through all kinds of weather, hot and cold, wet or dry, and without shoes frequently until the month of December, with my bare feet on the cold frosty ground, cracked open and bleeding as I walked."

From the slaveholder's standpoint he was a most unsatisfactory servant, being an incorrigible runaway, a blemish on his moral character which probably accounted for the frequency with which he changed owners, six separate sales being recorded at prices ranging from \$850 to \$1200. The plantation punishments had no effect upon him save to increase his desire for freedom.

As with many another slave the very evils of the system served a purpose in Bibb's life. Denied education of a normal kind he became observant and his mind was enlightened by what he saw and heard. "Among other good trades," he says, "I learned the art of running away to perfection. I made a regular business of it and never gave it up until I had broken the bonds of slavery and landed myself in Canada where I was regarded as a man and not a thing."

Ill treatment was the incentive to the first attempt of Bibb to secure his freedom. This was in 1835 and the next few years were occupied with repeated unsuccessful efforts to get away and to take his wife and child with him. He had heard of Canada and his thoughts ever turned in that direction. On several occasions his flights led him as far as the Ohio River, the boundary of freedom, but some force seemed always at hand to drag him back. At the end of 1837 he managed to reach Cincinnati and spent that winter at Perrysburg with a community of Negroes settled there. The next summer he risked his freedom in attempting to bring his wife North, was captured, lodged in jail at Louisville, and managed to escape within a few hours after being locked up. A year later he renewed the attempt, was again captured, and this time was sold, together with his wife, to a trader who dealt in the New Orleans market. It was in the fall of 1839 that the man and wife were exposed for sale in a slave yard on St. Joseph Street and in the narrative there is an interesting account of the trade in this southern city. Newly arrived blacks were taken before a city official who inspected their backs to see if they were scarred and also examined their limbs to see if they were sound. To determine their age the teeth were examined and the skin pinched on the back of the hand. In the case of old slaves the pucker would remain for some seconds. There was also rigorous examination as to mental capacity. Slaves who displayed unusual intelligence, who could read or write or who had been to Canada were not wanted. Bibb notes that practically every buyer asked him if he could read or write and if he had ever run away. Of the slave yard itself he writes:

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"All classes of slaves were kept there for sale, to be sold in private or public—young or old, males or females, children or parents, husbands or wives. Every day, at ten o'clock, they were exposed for sale. They had to be in trim for showing themselves to the public for sale. Everyone's head had to be combed and their faces washed, and those who were inclined to look dark and rough were compelled to wash in greasy dish water in order to make them look slick and lively. When spectators would come in the yard the slaves were ordered out to form a line. They were made to stand up straight and look as sprightly as they could; and when they were asked a question they had to answer it as promptly as they could, and try to induce the spectator to buy them. If they failed to do this they were severely paddled after the spectators were gone. The object for using the paddle in the place of a lash was to conceal the marks which would be made by a flogging. And the object for flogging under such circumstances is to make the slave anxious to be sold."<sup>[3]</sup>

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The Bibbs were eventually sold to a Red River planter with whom they had a most miserable existence. For attending without leave a religious meeting on a neighboring plantation Bibb was ordered to receive five hundred lashes. To avoid this he took his wife and child and they hid in a swamp. Dogs tracked them down and every slave on the plantation witnessed the punishment that was given. Shortly afterwards the planter sold Bibb to a party of southern sportsmen but refused to sell the wife whom Bibb never saw again. The new owners quickly resold him to an Indian from whom he managed to escape and successfully made his way through the Indian Territory, Missouri and Ohio to Michigan and Detroit.<sup>[4]</sup> He was never in the South again.

Bibb's arrival in Detroit came at what proved for him a most opportune time, since it gave scope for his abilities to be utilized in the anti-slavery cause, particularly in the State of Michigan. The Detroit Anti-Slavery Society had been formed in 1837 and by the end of 1840 there were similar societies all over the State. Michigan, at this time, was probably better organized and more united in sentiment than any other of the Northwestern States. It was the era of the Liberty Party whose platform "asserted the overmastering importance of the one question of the existence of slavery, and the necessity of bringing about a separation of the national government from all connection with the institution." This third party was facing in 1844 a crisis over the question of the annexation of Texas for which the South was a unit and on which the political organizations of the North were divided. Bibb had attended a convention of free colored people held in Detroit in 1843 and the next year he began to give addresses throughout the State in the interests of Liberty Party candidates, a full ticket for both Congress and the State legislature having been nominated. It was

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a bitter contest in which he engaged. The Whigs pointed out that they were standing out against the annexation of Texas, a slave empire in itself, and that votes for a third party would but pave the way for a Democratic victory. This is exactly what happened. In Michigan the Liberty Party polled six and a half per cent of the votes, but even this added to the Whig vote would not have brought victory.<sup>[5]</sup> Bibb continued to work for the Liberty Party during 1844 and 1845, going also into Ohio with Samuel Brooks and Amos Dresser. They were more than once mobbed and their meetings broken up by rowdies. Of their work Bibb writes:

"Our meetings were generally appointed in small log cabins, schoolhouses, among the farmers, which were sometimes crowded full; and where they had no horse teams it was often the case that there would be four or five ox teams come, loaded down with men, women and children to attend our meetings. The people were generally poor and in many places not able to give us a decent night's lodgings. We generally carried with us a few pounds of candles to light up the houses wherein we held our meetings after night; for in many places they had neither candles nor candlesticks. After meeting was out we have frequently gone three to eight miles to get lodgings, through the dark forest where there was scarcely any road for a wagon to run on. I have travelled for miles over swamps where the roads were covered with logs without any dirt over them, which has sometimes shook and jostled the wagon to pieces where we could find no shop or place to mend it. We would have to tie it up with bark, or take the lines to tie it with and lead the horse by the bridle. At other times we were in mud up to the hubs of the wheels."

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Bibb found his real work when, with the passing of the Fugitive Slave Law in 1850, there began a trek of colored people out of the Northern States into Canada.<sup>[6]</sup> Before the end of 1850 several thousand of these people had crossed the border and the situation was one that called not only for the aid of generous Canadians but for all that leaders among their own people could do for them. It was Henry Bibb's belief that the future of the people of color in Canada depended upon getting them settled on the land and his mind turned to the possibilities of establishing a distinctly Negro colony on land that might be secured as a grant from the Canadian government or, if necessary, purchased from the government as had been done in the case of the Buxton settlement established by Rev. William King in what is now Southwestern Ontario. Bibb succeeded in organizing his colonization society, its object being "to assist the refugees from American slavery to obtain permanent homes and to promote their social, moral, physical and intellectual development." It was proposed that 50,000 acres of land should be purchased from the government at an estimated cost of about two dollars an acre, the purchase money to be derived partly from contributions and partly from the sale of the land. Each family settling was to receive 25 acres, five acres to be free of cost provided they cleared and cultivated it within three years from the time of occupation. The remaining twenty acres was to be paid for in nine annual installments. Only landless refugees were to receive grants, transfer except after fifteen years occupation was forbidden and all lands vacated by removal or extinction of families were to revert to the parent society. Money returned to the society was to be spent on schools, for payment of teachers and for the purchase of new land. The whole business of the organization was to be in the hands of a board of trustees.<sup>[7]</sup>

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At the beginning of 1851 Bibb had established a little newspaper, published bi-monthly and known as *The Voice of the Fugitive*. In the issue of March 12, 1851, he raises the question as to what the fugitives stand most in need of and holds that charity is but a handicap to their progress and that they must work for their own support, preferably on the land. The recommendation of a recent convention at Sandwich is quoted to the effect that the refugees should go into agriculture, and that to this end an effort should be made to secure a grant of land from the Canadian government, this land to be disposed of in 25-acre plots. Bibb suggested that there should be at least 20,000 acres secured at once.

To aid in forwarding the plans Bibb enlisted the support of a number of Michigan people and at a meeting held in Detroit on May 21, 1851, the Refugee's Home Society was organized with the following officers: president, Deacon E. Fish, Birmingham; vice-president, Robert Garner; secretary, Rev. E. E. Kirkland, Colchester; assistant secretary, William Newman. It was decided that an effort should be made to secure 50,000 acres of land. New officers appear to have been elected almost immediately after the society had started operations, the new executives being as follows: president: J. Stone, Detroit; vice-president, A. L. Power, Farmington; secretary, E. P. Benham, Farmington; treasurer, Horace Hallock, Detroit.<sup>[8]</sup> The whole movement was heartily approved at a convention of colored people held at Sandwich on May 26, 1851. The Canada Land Company offered to sell large blocks of land to the Society at from two to four dollars an acre but no large purchases were immediately made. Instead, the society began a canvass for funds, sending out Charles C. Foote of Commerce and E. P. Benham of Farmington for this purpose. A letter from Foote in *The Voice of the Fugitive* of July 30, 1851, says "The plan seems popular and he looks forward to the day when the colored people will nestle in the mane of the British lion." In the latter part of 1851 a purchase of land was made from the Canada Company and a contract was entered into for further purchases as soon as the funds should be available.

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At the meeting of the Society held in Farmington on January 29, 1852, the following officers were elected: president, Nathan Stone, Detroit; vice-president, A. L. Power, Farmington; treasurer, Horace Hallock, Detroit; recording secretary, E. P. Benham, Livonia; corresponding secretary, Mrs. Mary Bibb, Windsor; Executive William Lolason, Detroit; Colman Freeman, Windsor; Elisha Vanzant, Detroit; David Hotchkiss, Amherstburg; and Henry Bibb, Windsor, Vanzant and Bibb were appointed trustees, the latter reporting the purchase of 200 acres of land at three dollars an acre. It was decided to reserve ten acres for school purposes, to send out J. F. Dolbeare as agent to

collect funds and to make Bibb's newspaper the official organ of the society.<sup>[10]</sup>

The second annual report of the Anti-Slavery Society of Canada (1853) reported that at that time the Refugee's Home Society had purchased 1328 acres of land of which 600 acres had been taken up by settlers. The scheme was considered a good one but it was emphasized that good management would be needed. The progress of the Elgin or Buxton settlement showed that success was possible.

When Benjamin Drew visited Canada in 1854 he found that the Society had purchased nearly 2,000 acres of land, that forty of the 25-acre plots had been taken up and that there were 20 families located. A school was being maintained during three-fourths of the year, intoxicating liquors had been completely banned and a society known as the True Band had been organized to look after the best moral and educational interests of the colony.<sup>[11]</sup> The colony was fortunate in the first teacher that was engaged for the school. This was Mrs. Laura S. Haviland, who came in the fall of 1852 and began her work in the frame building which had been erected for general meeting purposes. So great was the interest in her Bible classes that even aged people would come many miles to attend. Similar success attended her experiment of an unsectarian church. In her autobiography she tells something of the conditions in the colony while she was there. In their clearings the settlers raised corn, potatoes and other vegetables while a few had put in two or three acres of wheat. Mrs. Haviland's account of the colony is much more favorable than some of the adverse stories that were sent abroad regarding it.<sup>[12]</sup>

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Rev. W. M. Mitchell, who was a Negro missionary among his own people in Toronto, makes the following reference to the colony in his "Underground Railroad":

"About ten miles from Windsor there is a settlement of 5000 acres which extends over a large part of Essex county. It is called the Fugitives' Home. Several years ago a very enterprising and intelligent fugitive slave ... bought land from the government, divided it into 20-acre plots and sold it to other fugitives, giving them five to ten years for payments. Emigrants settled here in such large numbers that it is called the Fugitives' Home. The larger portion of the land is still uncultivated, a great deal is highly cultivated and many are doing well."

The writer goes on to point out the evidences of the material advancement of the colony. There were two schools, the government paying half the salary of the teacher and the other half being collected from the parents. The school he found was also used for the church services, though the spirituality of the people seemed low.<sup>[13]</sup>

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The record of Henry Bibb's activities in Canada show that he took a broad view of the refugee question. He associated himself actively with the Anti-Slavery Society of Canada at its formation in 1851 and at the first annual meeting held in Toronto in 1852 was elected one of the vice-presidents. In the reports of this organization will be found several references to his work. He was also the first president of the Windsor branch of the Anti-Slavery Society and made several tours through the western end of Upper Canada visiting the Negro communities and speaking on the slavery issue. In his newspaper, *The Voice of the Fugitive*, he chronicled every movement that would aid in the uplift of his people and set forth their needs in an admirable way. Its columns give a large amount of information concerning the fugitives in Canada after 1850.

Bibb's colonization plan was a well-meant effort to improve the status of the Negro in Canada. While it lacked the permanence of the Elgin settlement, which even today preserves its character, it opened the way for a certain number of the refugees to provide for their own needs and it lessened to some extent the congestion of refugees in border towns like Windsor and Sandwich. It is a debatable question whether segregation of these people was wise or not. At that time it seemed almost the only solution of the very pressing problem. After the Civil war many of the Negroes in Canada returned to the United States and those who remained found conditions easier. There was usually work for any man who was willing to labor and it is a well-recorded fact that many of the fugitives, entering the country under the most adverse of circumstances, succeeded in getting ahead and gathering together property. Benjamin Drew's picture of the Canadian Negroes as he found them in the middle of the fifties is favorable and when Dr. Samuel G. Howe investigated the Canadian situation on behalf of the Freedmen's Inquiry Commission in 1863<sup>[14]</sup> he was able to report:

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"The refugees in Canada earn a living, and gather property; they marry and respect women; they build churches and send their children to schools; they improve in manners and morals—not because they are picked men but simply because they are free men. Each of them may say, as millions will soon say, 'When I was a slave, I spake as a slave, I understood as a slave, I thought as a slave; but when I became a free man I put away slavish things.'"

FRED LONDON

## FOOTNOTES:

- [1] Williams, G. W., *History of the Negro Race in America*, N. Y., 1883, Vol. II, p. 58.
- [2] See *The Narrative of the Life and Adventures of Henry Bibb, an American Slave, written by himself, with an introduction by Lucius Matlack*, New York, 1849. I am indebted to the Brooklyn Public Library for the loan of this book.
- [3] Compare with this description of a New Orleans slave pen the descriptions of Richmond

auctions by W. H. Russell, *My Diary North and South*, N. Y., 1863, page 68, and William Chambers, *Things as they are in America*, London, 1854, pages 273-286.

- [4] He says that his object in going to Detroit was to get some schooling. He was unable to meet the expense, however, and as he puts it: "I graduated in three weeks and this was all the schooling I ever had in my life." His teacher for this brief period was W. C. Monroe who afterwards presided at John Brown's Chatham Convention in May, 1858.
- [5] See Smith, *Liberty and Free Soil Parties in the Northwest*, New York, 1897.
- [6] See *The Journal of Negro History*, Vol. V, No. 1, January, 1920, pp. 22-36.
- [7] This plan was recommended by a convention of colored people held at Sandwich, C. W., early in 1851. See *The Voice of the Fugitive*, March 12, 1851. A file of this paper for 1851-2 is in the library of the University of Michigan at Ann Arbor.
- [8] *The Voice of the Fugitive*, June 4, 1851.
- [9] *The Voice of the Fugitive*, Nov. 19, 1851.
- [10] *Ibid.*, Jan. 29, 1852. See also *The Liberator*, June 11, 1852.
- [11] *Ibid.*, *The Refugee, or the Narratives of Fugitive Slaves in Canada related by themselves*, Boston. 1856, pp. 323-326.
- [12] Hairland, *A Woman's Life Work*, Grand Rapids, 1881, p. 192.
- [13] Mitchell, *Underground Railroad*, London, 1860, pp. 142-149.
- [14] Howe, *The Refugees from Slavery in Canada West, Report to the Freedmen's Inquiry Commission*, Boston, 1864. The Freedmen's Inquiry Commission was instituted by Stanton in 1863 to consider what should be done for slaves already freed. The members of the Commission were Dr. Samuel G. Howe, Robert Dale Owen and James Mackay.

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## MYRTILLA MINER

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A century ago it was generally conceded that a person unfitted for any other occupation either public or private could at least be a teacher, for many teachers of the colonies were felons and convicts brought to America to serve as indentured servants. This egregious error, however, was discovered by the pioneers of the new era in education, who saw clearly enough that the strength of the nation depended upon the *professional* as well as the academic equipment of its teachers and thus the training school for teachers had its birth. Its influence has been most significant in raising the standards of efficiency in the elementary schools and equally significant is its need in the high schools and colleges of this country.

No one in the District of Columbia can think of the benefits derived from the professional teacher training without immediate recollection and sacred memory of its pioneer and benefactress, Myrtilla Miner. For her noble character, her high ideals, her progressive methods in education, her struggles against opposition in the pursuit of her Godgiven task, her lasting contribution of an organized institution for the training of teachers in the spirit of the Master to serve all humanity, the citizens of the District of Columbia and especially the people of color must ever revere her memory.<sup>[1]</sup>

On the 4th of March, 1815, in Brookfield, Madison County, New York, Myrtilla Miner, of poor and humble, yet of industrious parentage, was born. As a child, though frail of physique and deprived of opportunity, her indomitable will enabled her to overcome the obstacles of poverty and superstition as well as poor health. Wading through them all she earned enough by arduous labor in the hopfields near her home to purchase books for her further enlightenment. These struggles against fate, however, were the rocks upon which her noble character was built. Here were sown the seed of sympathy for the weak, appreciation for the struggling, and respect for the ambitious.

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After a year's training at Clinton, Oneida County, New York, where she obtained the elements of education under the most adverse circumstances of ill health and lack of funds, Miss Miner accepted a call to teach in Mississippi in order to pay the debts incurred for the training she had already received. Her experience in Mississippi was indeed invaluable, for there she learned through horrible experiences the evils of the institution of slavery. She boldly protested against the cruelties of the slaveholders and the institution in general. She innocently requested permission to teach the slaves of the planter whose daughters she was then instructing. When told that such was a criminal offense against the laws of Mississippi and that she should "go North and teach the 'Niggers,'" Miss Miner with an intrepid spirit resolved then and there that she *would* go North and teach them. Out of this unpleasant experience developed the determination to found a Normal School for girls of color in the city of Washington.

Returning North, Miss Miner found other difficulties than poor health confronting her in her efforts to establish a school for the Negro youth in the District of Columbia. Funds had to be raised, pro-slavery opposition had to be overcome, and public sentiment had to be changed at least to indifference. Each of these in itself was sufficiently colossal to try the strength, physical and moral,



of the ablest anti-slavery agitators of that day. It was at the time of the passage of that infamous Fugitive Slave Law, when freedmen and runaways like William Parker, Jerry McHenry and Joshua Glover were knocked down, beaten, bound and cast into prison; when abolitionists were incarcerated for their anti-slavery propaganda and giving aid to the fugitives; when even our valiant Frederick Douglass admitted himself too timid to support any such project as that undertaken by Miss Miner in the city of Washington.<sup>[2]</sup> It was in times such as these that this fearless and resolute little woman, with an enthusiasm that seemingly glistened in her penetrating eyes, determined to give her life to the cause of alleviating suffering, dispelling ignorance, and liberating the oppressed Americans in body and mind.

With the small sum of one hundred dollars that she had secured from Mrs. Ednah Thomas,<sup>[3]</sup> of Philadelphia, a member of the Society of Friends, Miss Miner started out upon her great work in behalf of the Negro children of the District of Columbia. Her thrift prompted her to solicit funds of various and peculiar sorts. Donations of old papers, books, weights, measures and other castaway material were transformed by this real teacher into valuable material for the instruction of her undeveloped pupils.

Funds of the material sort were not the only difficulties that beset her road of progress, for pro-slavery opposition assailed Miss Miner from every side.<sup>[4]</sup> Such propaganda as the following appeared in the *National Intelligencer*, a Washington newspaper of pro-slavery sentiments and was spread far and wide. (1) The school would attract free colored people from the adjoining States, (2) it was proposed to give them an education far beyond what their political and social condition would justify, (3) the school would be a center of influence directed against the existence of slavery in the District of Columbia, and (4) it might endanger the institution of slavery and even rend asunder the Union itself.<sup>[5]</sup>

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The truth of some parts of this declaration was quite evident and irrefutable, for education, as Miss Miner understood it, was destined to make every slave a man and every man free. This, of course, increased the difficulty of Miss Miner's task but her faith was abiding and her courage unabated. Miss Miner realized fully that the lot of the eight thousand free people of color of the District of Columbia was but little better than that of the 3,000 slaves, for the former, though free according to the letter of the law, in actual life had no rights that a white man was compelled to respect. They were not admitted to public institutions, could not attend the city schools, could not testify against a white man in court, and could not travel without a pass without running the risk of being cast into prison.

Amidst it all, on the 6th day of December 1851, in a rented room about fourteen feet square, in the frame house on Eleventh Street near New York Avenue then owned and occupied as a dwelling by Edward C. Younger,<sup>[6]</sup> a Negro, Myrtilla Miner with six pupils established as a private institution for the education of girls of color the first Normal School in the District of Columbia and the fourth one in the United States. Increase of enrollment soon forced her to secure accommodations and within two months she had moved into a house on the north side of F Street between Eighteenth and Nineteenth, near the house then occupied by William T. Carroll and Charles H. Winder. This house furnished her a very comfortable room for her growing school of well-behaved girls, from the best Negro families of the District of Columbia. Threats on the part of white neighbors to set fire to the house forced her to leave the home of the Negro family with whom she had stayed but one month and to seek quarters elsewhere. Miss Miner then succeeded in getting accommodations in the dwelling-house of a German family on K Street, near the K Street market. After tarrying a few months there, she moved to L Street into a room in the building known as the "The Two Sisters," then occupied by a white family. But the inconvenience of holding school in rented quarters of private dwellings proved a very unpleasant one indeed; for not only did she suffer the lack of comfort which such quarters naturally could not offer, but found herself constantly harassed by the necessity of moving to escape the enmity and persecution of her white neighbors.

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A new day, however, was to dawn. With the aid of Harriet Beecher Stowe, Dr. Gamaliel Bailey and a few such faithful Philadelphia friends as Thomas Williamson, Samuel Rhoads, Benjamin Tatham, Jasper Cope and Catherine Morris, enough funds were raised to purchase a site of three acres or more for a permanent home on a lot near N Street and New Hampshire Avenue, between Nineteenth and Twentieth Streets, Northwest. Though the environment of this new home was most pleasing and beautiful, being surrounded with flowers and fruit trees, the enmity of the white hoodlums still followed her. She and her pupils were frequently assailed with torrents of stones and other missiles. Once threatened by mob violence, Miss Miner bravely and defiantly exclaimed, "Mob my school! You dare not! If you tear it down over my head I shall get another house. There is no law to prevent my teaching these people and I shall teach them even unto death!" Testimony of some of Miss Miner's former pupils upholds such a defiance as truly descriptive of her fearless nature.

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In its earlier days the Miner Normal School was supported by private funds and directed by a board of trustees consisting of Benjamin Tatham and H. W. Bellows of New York; Samuel M. Janney of Virginia; Johns Hopkins of Baltimore; Samuel Rhoads and Thomas Williamson of Philadelphia; G. Bailey and L. D. Gale of Washington; C. E. Stowe of Andover; H. W. Beecher of Brooklyn, together with an executive committee consisting of S. J. Bowen, J. M. Wilson and L. D. Gale of Washington; Miss Miner, principal and William H. Beecher, secretary.

The curriculum of the school then embraced boarding, domestic economy, teachers' training

course and the primary departments. It is interesting to note that some of the advanced ideas in education today, such as student self-government, vitalized teaching, socialized recitation, and civic as well as personal hygiene, were taught and practiced by Miss Miner during the fifties of the last century.

As an illustration of pupil self-government, I quote the following from the *Memoir of M. Miner* by Mrs. Ellen M. O'Connor, concerning a visit made by Miss Margaret Robinson of Philadelphia to Miss Miner's school: "In the winter of 1853 accompanied by a friend, I visited the school of Myrtilla Miner, under circumstances of peculiar interest. Arriving about ten A. M., we learned from a pupil at the door that the teacher was absent on business of importance to the school. We were not a little disappointed, supposing all recitations would await her coming. What was our surprise on entering to find every girl in her place, closely occupied with her studies. We seated ourselves by polite invitation; soon a class read; then one in mental arithmetic exercised itself, the more advanced pupils acting as monitors; all was done without confusion. When the teacher entered she expressed no surprise, but took up the business where she found it and went on." On one occasion, being obliged to leave for several days, Miss Miner propounded to the pupils the question, whether the school should be closed, or they should continue their exercises without her? They chose the latter. On her return she found all doing well, not the least disorder having occurred.

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As to vitalized teaching, Matilda Jones Madden, one of Miss Miner's pupils, wrote the following: "She gave special attention to the proper writing of letters and induced a varied correspondence between many prominent persons and her pupils, thus in a practical way bringing her school into larger notice with many of its patrons and friends and vastly increasing the experience of her pupils."

Mrs. John F. N. Wilkinson, a former pupil of Miss Miner, of Washington, D. C., states that Miss Miner held classes in astronomy with the larger girls who were required to meet at the school in the evenings to study their lessons from nature. Mrs. Amelia E. Wormley, the mother of the writer, residing in Washington, also a pupil of Miss Miner, recalls vividly the emphasis which Miss Miner placed upon the teaching of physical culture and the tenderness with which she handled the younger children of her school.<sup>[7]</sup>

The school increased in usefulness and importance. As a result of this, on March 3, 1863, the Senate and House of Representatives passed an act to incorporate this institution for the education of girls of color in the District of Columbia. By the act William H. Channing, George J. Abbot, Miss Miner, and others, their associate and successors were constituted and declared a body politic and corporate by the name and title of "The Institution for the Education of Colored Youth," to be located in the District of Columbia. Though this act of Congress legalized the institution, the school appears to have lapsed into inactivity from 1863 to 1871 because of the absence of its guiding spirit, Miss Miner. On account of ill health she was compelled to give up the work, and the strain and stress of civil affairs reduced national interest and support to a minimum. After a sojourn of three years in California in search of renewed energy and more funds for the fulfillment of her plans and the consummation of her ideals, Miss Miner departed from this life at the home of Mrs. Nancy M. Johnson of Washington, D. C., on the 17th of December 1864.

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In 1871 the work of the school was resumed in connection with Howard University. A preparatory and Normal Department was opened and controlled by this institution but supported by the Miner Funds. The school existed in this connection until September 13, 1876, when it began a separate and independent existence which lasted until 1879 when it was taken over by the school system of the District of Columbia. From 1879 to 1887 the Miner Normal School was jointly controlled by the Board<sup>[8]</sup> of Trustees of the Public Schools of the District and the Miner Board of Trustees, the principal's salary being paid by the Miner Board to which she made her reports while the obligation of keeping up the enrollment of the school was assumed by the Trustees representing the District Government.

In 1887 the Trustees of the District assumed full charge of the school thus centralizing authority and management. The unification of the dual management under District authority added keener interest on the part of the citizenship of the community and a deeper feeling of responsibility on the part of the faculty. Fortunately for the institution, moreover, the women who succeeded Miss Miner as the heads of this institution caught the great spirit of their predecessor and in their efforts to continue the useful work which she had done, followed so closely in the path which she had trodden as to assure success and preclude any necessity for general reorganization.

The first of these women to take up the work of Miss Miner, was Miss Mary B. Smith, of Beverly, Massachusetts, who was assisted by her sister Miss Sarah R. Smith. These two worthy ladies were succeeded by Miss Martha Briggs who is characterized by Dr. W. S. Montgomery in his *Historical Sketch on Education for the Colored Race in the District of Columbia, 1807-1905*, "as a born teacher whose work showed those qualities of head and heart that have made her name famous in the annals of education in the character of the graduates. The student teachers caught her missionary spirit and went forth from her presence stronger souls, full of sympathy to magnify the teacher's vocation and to inspire the learner. Many of the women who sat at her feet are laboring in the schools here now, filling the highest positions and in beauty and richness of character running like a thread of gold through the teaching corps."

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Miss Briggs was succeeded in 1883 by Dr. Lucy E. Moten, who after faithful and successful service

for thirty-seven years, retired June 20, 1920. As principal of the Miner Normal School, Dr. Moten graduated the majority of the teachers now employed in the public schools of the District. She saw the Normal course lengthened from a one year course to that of a two year course, offering greater opportunity for broader professional equipment of the student teachers, the results of which are manifest in the Washington Public Schools today. This school, however, is destined in the near future to undergo other changes in the line of progress. It may be the extension of the course to three years or the development of a Teacher's college of four years which will offer courses leading to a degree. With an enthusiastic whole-hearted response of the teaching corps of Washington, D. C., to the slogan of the new Superintendent, Dr. Frank Washington Ballou—"Hats off to the past and coats off to the future," The Miner Normal School will reach higher in its aim to serve and realize the ideals of its noble founder and benefactress, whose struggles and sacrifices are sacred in the memory of every teacher of color in the District of Columbia.

G. SMITH WORMLEY.

## FOOTNOTES:

- [1] The facts set forth in this sketch were obtained largely from Ellen M. O'Connor's *Myrtilla Miner, A Memoir*; W. S. Montgomery's *Historical Sketch of the Education for the Colored Race in the District of Columbia, 1807-1905*; and *The Special Report of the Commissioner of Education* on the condition and improvement of the Public Schools in the District of Columbia, submitted to the Senate June 1868 and the House, with additions, June 17, 1870-1871. Some valuable facts were also obtained from former pupils of Miss Myrtilla Miner now residing in the District of Columbia and from public spirited citizens who cooperated with her.
- [2] O'Connor, *Memoir of Myrtilla Miner, Letter of Frederick Douglass*, p. 23.
- [3] *Special Report of Commissioner of Education*, Washington, D.C., Henry Barnard, 1868, p. 207.
- [4] She had some friends, however, as the following shows:

"There are in the United States 500,000 free people of color. They are generally, although subject to taxation, excluded by law or prejudice from schools of every grade. Their case becomes at once an object of charity which rises infinitely above all party or sectional lines. This charity we are gratified in being able to state has already been inaugurated, through the devoted labors of an excellent young lady from Western New York by the name of Miss Myrtilla Miner who has established and maintained for the past four years in the city of Washington a school for the education of free colored youth. This school is placed there because it is national ground, and the nation is responsible for the well-being of its population; because there are there 11,000 of this suffering people excluded by law from schools and destitute of instruction; because there are in the adjoining States of Maryland and Virginia 130,000 equally destitute, who can be reached in no other way; and because it is hoped through this means to reach a class of girls of peculiar interest, often the most beautiful and intelligent, and yet the most hopelessly wretched, and who are often objects of strong paternal affection. The slaveholder would gladly educate and save these children, but domestic peace drives them from his hearth; he cannot emancipate them to be victims of violence or lust; he cannot send them to Northern schools, where prejudice would brand them, and it is proposed to open an asylum near them, where they may be brought, emancipated, educated and taught housewifery as well as science, and thus be prepared to become teachers among their own mixed race.

"In its present condition this school embraces boarding, domestic economy, normal teachers and primary departments, and is placed under the care of an association consisting of the following trustees: Benjamin Tatham, New York; Samuel M. Janney, Loudoun County, Virginia; Johns Hopkins, Baltimore; Samuel Rhoads and Thomas Williamson, Philadelphia; G. Bailey and L. D. Gale, Washington; H. W. Bellows, New York; C. E. Stowe, Andover; H. W. Beecher, Brooklyn, together with an executive committee consisting of S. J. Bowen, J. M. Wilson and L. D. Gale, of Washington; and M. Miner, Principal, and William H. Beecher, of Reading, Secretary.

"The trustees state that a very eligible site of three acres, within the city limits of Washington, of the northwest, has already been purchased, paid for and secured to the trustees, and that all which is now wanted is \$20,000 wherewith to erect a larger and more suitable edifice for the reception of the applicants pressing upon it from the numerous free colored blacks in the District and adjacent States. The proposed edifice is designed to accommodate 150 scholars and to furnish homes for the teachers and pupils from a distance. The enlarged school will include the higher branches in its system of instruction.

"There was a meeting yesterday afternoon, in an ante-room of Tremont Temple, of gentlemen called together to listen to the statements of the Secretary of the Association regarding this school. The meeting was small, but embraced such gentlemen as Hon. George S. Hillard, Rev. Dr. Lathrop, Rev. C. E. Hale, and Deacon Greele, all of whom are deeply interested in the project.

"The meeting decided to draw up and circulate a subscription paper, and counted upon receiving \$10,000 for the purpose in this city. The pastors of several churches in New York had pledged their churches in the sum of a thousand dollars each. Mr. Beecher will solicit subscriptions in most of the principal towns of Massachusetts. The

designs and benefits of the project will be fully set forth at a public meeting in this city in the course of a fortnight."—*The Boston Journal*, April 18, 1857.

[5] An extract from Walter Lenox's article opposing Miss Miner's School, follows:

"With justice we can say to the advocate of this measure, you are not competent to decide this question: your habits of thought, your ignorance of our true relations to the colored population, prevent you from making a full and candid examination of its merits, and, above all, the temper of the public mind is inauspicious, even for its consideration. If your humanity demands this particular sphere for its action, and if, to use your own language, prejudice would brand them at your northern schools, establish institutions in the free States, dispense your money there abundantly as your charity will supply, draw to them the unfortunate at your own door, or from abroad, and in all respects gratify the largest impulses of your philanthropy; but do not seek to impose upon us a system contrary to our wishes and interests, and for the further reason that by so doing you injure the cause of those whom you express a wish to serve."—*National Intelligencer*, May 6, 1857.

[6] *Special Report*, Commissioner of Education, Washington, D. C., 1868, p. 207.

[7] This statement is based on information obtained from Mrs. John F. N. Wilkinson and Mrs. Amelia E. Wormley, who were pupils of Myrtilla Miner.

[8] *Report of Board of Education*, Dr. John Smith, Statistician.

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## COMMUNICATIONS

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During the last five years a number of valuable facts have come to the office of the editor in various communications from persons interested in the work which the Association has been promoting. While these communications do not as a whole bear upon any particular phase of Negro history, they will certainly be valuable to one making researches in the general field. Some of these follow.

### A SUGGESTION

WASHINGTON, D. C., Dec. 23, 1916.

CARTER G. WOODSON,

*My Dear Sir:* I notice by the press your Connection with the "Douglass" celebration. It might interest you to receive the enclosed from a rank abolitionist of the John Brown School. After service in Kansas with the Brown element, then in open rebellion against the United States, as typified in men like Judge Taney, who decided that the black man had no rights the white man was bound to respect, I entered the Union army and served in it as a private in the 5th Wis. Infy and as Adj. of the 7th Eastern Shore Md. Infy—3 years and 6 mos.... I wish some of your influential men would start a movement to erect a monument here for old John Brown, who gave his life to free the country from the great curse of slavery.

Cordially,

(Signed) JOHN E. RASTALL.

### SOME INTERESTING FACTS

MARION, ALABAMA  
July 7th 1916

DR. C. G. WOODSON

*Dear Sir:*

Absence from home has prevented my replying to your request sooner.

The majority of masters in this section of the country were kind to their slaves. They gave them plenty of good wholesome food, good clothes, (warm ones in winter) comfortable homes and attention from Doctors when sick. There were churches on nearly every plantation and ministers provided to preach to them. The *only very cruel* masters were *Northern men* who treated their slaves like *beasts*. For many years it was against the law to teach negroes to read or write because some of them would read things from the North that made them dissatisfied but our family owned such good negroes, who had principle like white people we did not think it could hurt them, and we taught them to read and write. There has always been a kind feeling between the whites and slaves in this country. The young ones were our playmates in childhood. The older ones our nurses and cooks who petted us and loved us as their own color. They were faithful during the War when our protectors were in the Army, and now altho' it is fifty years since they were freed, many of them are our best friends.—I do not know of anything else you wanted to know or I would gladly write you. In some sections of the South there may have been cruel treatment but it was generally from the overseers who were ignorant men and took advantage of their position to give license to their cruel natures.

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James Childs and all of his family and many of his relatives belonged to my mother, and there still exists a kind feeling between us that will only be severed by Death. I would like to hear from him. I am nearly 75 years old and cannot be here much longer but want to do all the good I can before I am called.

Respectfully

(Signed) MRS. JAS. A. SMITH,  
Marion  
Alabama

23 DRYADS GREEN,  
Nov. 7, 1916.

*My dear Mr. Woodson:*

Your letter in the interest of THE JOURNAL OF NEGRO HISTORY is welcome. I will try to send you a subscriber or two.

Allow me to suggest a point. It may have been well covered already without my knowing of it. In Louisiana and, I think, in some other states, in Reconstruction days, the lieutenant-governorship was conceded by the Republican party, regularly, to a man of color. These men were sometimes, to say no more, of high character and ability. Such a one in Louisiana was Oscar J. Dunn, the first of them. He was of unmixed African origin. His signal ability and high integrity were acknowledged by his political enemies in the most rancorous days of his career, and his funeral was attended by Confederate generals.

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I wish your enterprise the fullest measure of success.

Yours truly,

(Signed) GEO. W. CABLE.

WASHINGTON, D.C.  
1443 R ST., N. W.,  
Nov. 1 —17.

MR. CARTER G. WOODSON,  
1216 You St., N.W.,  
Washington, D. C.

*Dear Sir:*

I recently received from you a letter followed soon by a volume of THE JOURNAL OF NEGRO HISTORY edited by yourself which I have scanned and am much impressed with its merits and consider a valuable contribution to our historical literature.

It is somewhat unusual to find colored men in America of American birth who are individually conversant with all of the West Indies a part of South America and the western part of Europe.

My advent in life began at an epoch in the early history of Baltimore when incidents occurred that seem to have escaped the notice of the numerous writers of the history of our race which I shall briefly relate.

Owing to the rapid decadence of the sugar industries of the British West Indies on the Abolition of Slavery and the gravity anent the threatened ruin of the peasantry, some philanthropists and business men from England were sent to Baltimore to try to get free colored people to go to Trinidad. They spoke in many colored churches and succeeded in interesting them so that several shiploads were sent. My father and mother and three children were of the number. I was an infant in arms.

I received an education there and after I grew up was variously employed as bookkeeper, clerking in dry goods stores, in the City Hall, overseer on sugar estate, coach and sign painter, was afterwards sent for by my father who was at the gold mines of Caratal in Venezuela and on my return to Trinidad visited several other islands of the West Indies.

I next returned to America my natal home the second year of Andrew Johnson's term.

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I have not since led an idle life. For nearly 25 years I have been engaged as an itinerant private tutor teaching adult folks and I flatter myself that I was very successful among the hundreds of my pupils.

I found on my arrival in America that education was at a very low ebb amongst the members of my race perhaps not more than 15% of adult folks one would encounter in the streets could read and write.

When the Amendments were passed by Congress conferring citizenship upon colored people I threw myself into the political current and was the first vice president of the 11th ward of Baltimore city which a few years subsequently chose a colored councilman, Harry Cummins.

I became a merchant meanwhile experimenting in groceries, but after a year relinquished this for dry goods for which my early acquaintance therewith amply fitted me. I kept a dry goods store in

Baltimore for seven years then went to Jacksonville, Fla. where I successfully continued the business for eighteen years.

While I was in Baltimore I twice passed the Civil Service examination with a handsome percentage this I did simply from curiosity. I kept strictly to merchandise and have never earned a dollar of Uncle Sam's money.

In 1909 and again in 1912 myself and wife, both of us having a knowledge of French and Spanish and I a little Italian made a tour of Western Europe viz, Gibraltar Italy Switzerland France Germany Holland Belgium and England plodding on foot amongst the common people studying sociological conditions and comparing with our own people. I find the contrast of the humbler class of Europe also the colored races of the West Indies and South America with less opportunities possessed of more enterprise and ambition than the colored people of America.

It is a lamentable fact that the principal attraction of those who should be our strong men and leaders in enterprise those of high school and college training consists of Uncle Sam's bounty and in the absence of this to cling to some white man in private life.

I have for many years been an ardent advocate of business amongst our people and to this end I have written contributions to the *Commonwealth* of Baltimore a paper once edited by John E. Bruce (Bruce Grit) the Colored American of Washington, and to other papers edited by our race.

My attitude towards other enterprises is that we are sufficiently and disproportionately represented in other branches, especially teaching preaching politics governmental patronage &c. which require no financial responsibility; consequently the results place us in the attitude of a Castillian gentleman who is facetiously described thus—*Caballero sin caballo, Mucho piojo, poco dinero*, that is, a knight without a horse, Plenty of lice, little money.

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As a race we are the poorest numerically of any race in America. We have so little ambition and so envious and void of race pride. We don't mind a white man climbing over our heads but a colored man never and if you doubt me keep a store.

I have grown weary of the struggle and am leaving the fight to the younger men who I hope may prove vigorous champions.

I have done my part, I am

Yours very truly

(Signed) STANSBURY BOYCE.

LONDON, ONT. October 25/1918

DR. CARTER G. WOODSON,  
*Journal of Negro History*,  
Washington, D. C.

Dear Dr. Woodson,

I have been reading your "Century of Negro Migration" with interest. On page 36 you speak of a change of attitude on the part of Canadians towards the refugees. I do not know to what this refers. The attitude of the Canadian government never changed—it granted asylum and protection right up to the Civil War and afterwards. From the very earliest days there was an occasional show of prejudice but I doubt if this was greater in 1855 than in 1845 or 1835. The laws were administered fairly, the Negro exercised his vote, could get land cheaply if he desired to farm. The chief prejudice was shown in the schools though this only in some places, this city for instance. But this was only occasional, not general, and you are quite correct in saying that "these British Americans never made the life of the Negro there so intolerable as was the case in some of the free States."

On the same page there is a slight error in the use of the word "towns" in connection with the settlements of refugees in Southern Ontario.

"Dawn" was not a town but a farming community, "The Dawn Settlement" "Colchester" was the same, it is the name now given to a township in Essex county.

"Elgin" was not the name of a Settlement but of the association which managed the settlement. Buxton was the settlement founded by the Elgin association.

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"Bush", *i.e.* "The Bush" is the term applied to a great tract of country north of Toronto, bushland, in which there were some Negro farmers.

"Wilberforce" was also a tract of land divided into farms and termed the Wilberforce settlement. It is in Middlesex county, near London.

"Riley" should be "Raleigh," it is the township in which the Elgin association's settlement was located. It is in Kent County.

"Anderton" is also the name of a township in Essex county.

"Gonfield" should be "Gosfield." It is also a township in Essex county.

These are only minor matters but you might desire to make the change in another edition.

I think I shall write something dealing with the Canadian end of your subject, from the economic

standpoint. The *Journal* is a publication of which as Editor you can be proud. It maintains a high standard. I intend to have it added to the Western University's list of periodicals this year.

Sincerely yours,

(Signed) FRED LANDON.

BIRD-IN-HAND, PA., Aug. 21, 1918.  
CARTER G. WOODSON, ESQ.,

*Dear Mr. Woodson:*

I have read most of the articles in the JOURNAL with deep interest and think it a valuable periodical. One or two mistakes I noticed; one writer says that President Lincoln thought that "the war should be over in ninety days." It was Seward, *not* Lincoln that cherished this almost insane idea.—Please do not set me down as a carping critic when I say that I am very sorry that the long article on "Slavery in Kentucky" was printed without comment or correction. To speak of Henry Clay as an anti-slavery man seems absurd to people like myself, born into *real* anti-slavery families and familiar almost from infancy with the anti-slavery struggle. The interview with Mr. Mendenhall, a Friend (Quaker) is told somewhat differently from what I heard it in my childhood. I always understood that a delegation of Friends called upon him and he told them to go home, that his "Negroes were sleek and fat." The comparison between Friends and his negroes, as given in Mr. McDougale's article is even more insulting than is anything in the story as I heard it. One of my earliest recollections is seeing in my grandmother's kitchen in Phila., "Clary" a little octoroon woman, who was, I was told, either once the mistress or else the daughter of Henry Clay. From this you may judge what his moral reputation must have been.

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Very truly yours,

(Signed) (MRS.) MARIANNA G. BRUBAKER.

SOME CORRECTIONS

BIRD-IN-HAND, PA., April 21, 1920.

MR. CARTER G. WOODSON,

*My dear Mr. Woodson:*

On the next page will be found a correction of the article "The Negro Migration to Canada after 1850," which you may print or not, as you choose. In a historical periodical, accuracy is important, is it not?

Very truly yours,

Signed (MRS.) MARIANNA G. BRUBAKER.

On page 30 of the *Journal of Negro History* for January reference is made to the famous Christiana Riot of Sept. 11, 1851. Christiana is about nineteen—not two—miles from Lancaster. Parker, the hero of this event, was a wonderful man. He returned to Christiana in the summer of 1872, spoke at a political meeting there and spent some time visiting friends, by whom he was greatly admired and respected. The exact distance from Lancaster is important because of the very different character of the two communities.

(Signed) MARIANNA G. BRUBAKER.

BIRD-IN-HAND, PA., April 21.

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## DOCUMENTS

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The following letter was addressed to the City Council of Washington, D.C., July 15, 1833, by Joseph Jefferson, Sr., and Mr. Mackenzie, managers of the Washington Theatre.<sup>[1]</sup>

*Dear Sir:*

"Permit us to take the liberty of representing to you a burden that oppresses us most heavily, and of requesting your kind endeavors so to represent the case before the mayor and council that we may obtain all the relief that it is in their power to grant.

"You must be aware that we pay nightly to the city a tax of \$6 for permission to perform in the theater; in the year 1832 this amounted to nearly \$1,400 in the aggregate; we pay this tax cheerfully, and all we ask in return is a liberal protection and support from the city authorities.

"There is at present a law in force which authorizes the constables of the city to arrest the colored people if on the street after 9 o'clock without a pass. A great proportion of our audience consists of persons of this caste, and they are consequently deterred from giving us that support that they would otherwise do.

"Can there be any modification of that law suggested, or will the mayor and council authorize us to give passes to those colored persons who leave the theatre for the purpose of proceeding directly to their homes?"

"In the city of Baltimore, where we have a theatre, and pay a smaller license than we do here, the law, as regards the colored people, is not acted upon when they are coming or going to the theatre.

"In a pecuniary point of view, we look upon this law as a detriment to us of \$10 nightly, and we have great reason to hope that a law that rests so heavily upon us alone may meet with the kind consideration of the mayor and council, and be so modified as to relieve us from the heavy loss that it causes us at present to incur.

"We have the honor to be, dear sir, your obedient servants,

"JEFFERSON & MACKENZIE,  
"Managers of the Washington Theater."

**FOOTNOTE:**

[1] Submitted by Professor Walter Dyson.

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Lee, Mass. April 23, 1917.

CARTER G. WOODSON,  
Editor, *Journal of Negro History*,  
Washington, D. C.

*Dear Sir:*

The enclosed tracing of a manuscript in my possession may, or may not be of interest enough to publish in your magazine. The Ms. came into my hands in the autumn of 1863 while I was serving in the ranks of the 10th Mass. Inf. At that time the regiment was stationed at Bristoe Station, on the R. R. between Alexandria and Fredericksburg. A detail which had been sent to Prince William Court House at Brentsville for some purpose brought to our camp some manuscripts, among them that from which the tracing has been made, and which I thought of interest enough to preserve.

Yours very truly,

(Signed) D. M. WILCOX.

A Marriage Contract made this 12th day of January in the Year of our Lord one thousand seven hundred and Fifty six Between John Brunskill of the Parish of Hamilton and County of Prince Willm Clerk, and Edward Humston of the above said Parish and County Witnesseth that the sd John—Brunskill doth Contract & agree with the said Humston, that he the said John Brunskill will have to his wife Ann Humston, daughter to the said Edward Humston and in Consideration of which the said Humston doth agree to & with the said Brunskill that he the said Humston will at the day of Marriage Lend unto the sd Ann Humston as a Maintenance during her life The Following Negroes, To wit, Jude, Lucy & three children John, Mary and Betty, and also one Negroe man named Tom, Jun. on proviso yt the said Brunskill doth pay unto ye said Humston ten pounds P Ann for four years in Consideration of the hire of the said Negroes, And at her ye said Ann Humstons death ye sd Negroes to fall to her Eldest son by the ye sd Brunskill but if she shou'd not have a son by the said Brunskill they are to fall Heir by the sd Brunskill they are to fall to her Eldest Daughter by the said Brunskill, but if she should die without Heir by the sd Brunskill they are at the Death of her and the said Brunskill to fall to the Heir at Law. And for the Performance of the above Contract. We do bind ourselves our heirs &c. Either to other in the Penal sum Of five hundred Pounds Sterlg. In witness whereof We have set our hands & seals the day and Year above Written—

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Signed sealed and Deliver'd  
in the Presence of— }

EDWARD HUMSTON (L.S.)  
JOHN BRUNSKILL JUNR (L.S.)

THO. MARSHALL  
his  
JOHN X WARRING  
Mark

At a Court held for prince William County the 22. of March 1756 This Marriage Contract was proved by the oaths of the witnesses hereto & ordered to be recorded.

Test JOHN GRAHAM *Clerk.*



July 3, 1920.

DR. C. G. WOODSON,  
1216 U Street, N. W.,  
Washington, D. C.

*My Dear Dr. Woodson:*

Attached are names of additional Negro members of the North and South Carolina legislatures and a letter from Mrs. M.E. Richardson about an additional member of the Alabama legislature. Attached also is a letter by Mr. John W. Cromwell. These should be published in the *Journal*. Kindly publish the same in the *Journal*, under documents and oblige,

Yours very truly,

(Signed) MONROE N. WORK.  
Monroe N. Work,  
Editor, Negro Year Book.

MNW/FEH  
Three enclosures.

To the Editor of *The Planet*:

Will you for the sake of history allow this communication in your columns? It has been repeatedly charged that we have no racial history. If we are challenged with respect to certain events we admit the imputation by our silence. A different course would correct much error. *The Journal of Negro History* for January has rendered a very great service by publishing the names and number of Negroes who have been members of their respective State Legislatures since the Civil War reconstruction. It was interesting and informative to note the names and numbers of members of our race from these different States.

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When it came to Virginia the contrast was most painful. To behold the absence of detailed information similar to that supplied the other States, from North Carolina to Florida, from the Atlantic to the Rio Grande. For a time I felt like disowning that Virginia was my native State. Finally the obligation incumbent on all those who have lived in Virginia during the last fifty years or familiar with its history asserted itself, hence I begin but I must acknowledge my sense of gratitude to Rev. G. F. Bragg, Jr., who in the current number of *The Journal of Negro History* has contributed from his recollection and given names of members whom he knew.

Peter J. Carter,	Northampton
George Teamoh,	Norfolk County
John Brown,	Southampton
Peter G. Morgan,	Petersburg
John Watson,	Mecklenburg
Resa Hamilton,	
Jas. W. D. Bland,	Prince Edward
Frank Moss,	Buckingham
Caesar Perkins,	Buckingham
Willis A. Hodges,	Princess Anne
John Q. Hodges,	Princess Anne
Littleton Owens,	Princess Anne
John M. Dawson,	James City
John B. Syphax,	Alexandria, Co.
Robert D. Ruffin,	Alexandria, Co.
Miles Connor,	Norfolk, Co.
William H. Andrews,	Surry
Henry Cox,	Powhatan
Peter K. Jones,	Greenville
William P. Mosely,	Goochland
Rufus S. Jones,	Hampton
Daniel M. Norton,	Yorktown

Most of these are recollected by Professor Cromwell and those with the asterisk are furnished by others.

Robert Norton,	Yorktown
David Canady,	Halifax
John Freeman,	Halifax
Henry Clay Harris,	Halifax
John Robinson	Cumberland
John W. Poindexter,	Louisa
Alfred W. Harris,	
Robert G. L. Paige,	Norfolk, Co.
*Alexander Lee,	Elizabeth City.
*Robert M. Smith,	Elizabeth City.
*John H. Robinson,	Elizabeth City.
*James Fields,	Warwick
— Lipscomb,	Cumberland

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— Matthews, Petersburg  
B. F. Jones, Charles City  
— Lyons, Elizabeth City

Rev. Mr. Bragg mentions those whom I do not recall:

Armstead Green, Petersburg  
Neverson Lewis, Powhatan  
Guy Powell, Brunswick  
Shed Dungee, Cumberland  
Batt Greggs, Prince Edward  
Archie Scott, Amelia and Nottoway  
J. R. Jones, Mecklenburg

A. A. Dodson was another from Mecklenburg, a senator as I remember. I have a vague recollection that Tazewell Branch was at one time a member, also that Nansemond county sent a representative.

I make no claim to accuracy in every case, but unless there is specific contradiction I will claim these named as men who played an honorable though an humble part in framing the laws of the commonwealth which has given eight Presidents to our Republic. I will be glad to hear from any one who can give further information on this subject.

Respectfully yours

(Signed) J. W. Cromwell  
1429 Swann St., N. W.  
May 13, 1920.

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WASHINGTON, D. C.  
July 6, 1920.

DR. C. G. WOODSON  
*Journal of Negro History.*

Sir:

In addition to the Negro members in the Virginia legislature mentioned in my letter published in the Richmond (Va.) Planet of June. There should be included,—

Rev. Ceasar Perkins, Buckingham  
" Fountaine M. Perkins, Louisa  
William P. Lucas, "  
Samuel P. Bolling, Cumberland.

This makes the number forty-nine (49)

Respectfully yours,

(Signed) J. W. CROMWELL.

Tuskegee Institute Alabama  
May 13, 1920.

MR. M. N. WORK,  
Department Records and Research,  
Tuskegee Institute, Alabama.

*Dear Mr. Work:*

In looking through the last number of *The Journal of Negro History*, I note that you are asking for information concerning those Negroes who were members of the State Legislatures during reconstruction days, just following the Civil War.

I do not know if it has already been called to your attention or not, but my grandfather, Shandy Jones, was at that time a member of the Alabama Legislature. I do not know the year, but think I can get the dates for you if it is of interest to you.

His early life was spent in Tuscaloosa, Alabama. He was a very successful business man, barber by trade. His later life was actively spent in church work. He was presiding elder in the A. M. E. Z. church and was nominated for bishop, but his age was an obstacle.

He lived in Mobile, Alabama at the time of his death at 70 years. He was still in the ministry at this time.

Very truly,

(Signed) MRS. M. E. RICHARDSON.

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245 WEST 139TH ST.,  
NEW YORK CITY,  
July 22, 1920.

CARTER G. WOODSON, Ph.D.,  
Editor *The Journal of Negro History*,  
1216 You St., N. W.,  
Washington, D. C.

*Dear Sir:*

You have presented the matter of the Reconstruction Period in splendid shape and no doubt it will be read with much interest especially by the few "old timers" who can recall those halcyon days.

There are some errors I would like to correct and a few additions I would like to make as it was not my intention to slight any person engaged in that laudable work of making Negro history, and I would like to know at your earliest convenience if there will be time before the July number goes to press. There is just one error I want to correct now and that is relative to myself. In the foot notes it is stated that I was a page in the House of Representatives in the Reconstruction Period. I do not know how Mr. Work made the error as there is nothing in my retained carbon copies to show that I gave him that information. It was my brother, Dr. J. E. Wallace, now with the Standard Insurance Company of Atlanta who occupied that position. I certainly would have preferred that job as it was more remunerative than the one I held. I was employed in the post office at Columbia, S. C., from March 1, 1871 to August 15, 1886, when I resigned under the democratic postmaster, Major W. H. Gibbes, notwithstanding the fact that he requested me to continue in the position. It was owing to my position that I came in contact with the prominent people from all over the State and was thus enabled to get much information that has helped me greatly in compiling the data. Handling the mail for several years of these Reconstructionists made me quite familiar with their names and as the impressions of youth are lasting they remained with me.

As I understand it the Reconstruction Period is from the close of the civil war to April 20, 1877, when the United States troops were withdrawn from the New Orleans, La., state house, the troops having been withdrawn from the state house in Columbia, S.C., April 10, 1877. Therefore data since then would not be considered as belonging to the Reconstruction Period.

Very Respectfully,

(Signed) HENRY A. WALLACE.

245 WEST 139TH ST.,  
NEW YORK CITY,  
August 6, 1920.

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DR. CARTER G. WOODSON  
1216 You St., N. W.,  
Washington, D. C.

*Dear Sir:*

In looking over the data published in the January number of *The Journal of Negro History* relative to the Reconstruction period in South Carolina I find several errors which I would be glad to have you correct in the next number:

Page 81—The christian name of Senator Bird is Israel.

Page 83—The initials of Fraser, representative from Colleton County are W. H.

Page 84—Aaron Logan was from Charleston county and Samuel P. Coker from Barnwell county.

Page 89—Opposite name of Joseph H. Rainey, strike out 46th, 47th and 48th and insert 43rd. See sketch on page 95.

Page 90—F. B. Perry should be B. F. Perry.

Page 97—under Robert C. DeLarge, should be 1868-1870 as a member of the House of Representatives.

Page 98—Under Francis L. Cardozo—four years as State Treasurer instead of two. See page 89.

Pages 103 and 104—A. Q. Jones should be A. O. Jones.

Page 104—countries should be counties.

Page 85—Jervay, Page 107—Jervay and Jarvey—should be Jervey.

Page 100—Under Thomas E. Miller—1866 should be 1886 as member of the S. C. House of Representatives.

Additional members of the Senate:

Jared Warley—Clarendon County Dublin I. Walker—Chester County J. L. Duncan—Orangeburg County  
Additional Members of the House of Representatives: Abbeville Co.—Everett Cain, H. A. Wideman,  
Aiken Co.—Gloster H. Holland, W. B. Jones Barnwell Co.—B. W. Middleton, E. M. Sumpter Charleston  
Co.—R. B. Artson, P. P. Hedges, J. J. Hardy, J. J. Grant, J. W. Lloyd, C. F. North, Lewis Simmons Chester

Co.—Ceasar Simmons Colleton Co.—Sherman Smalls, R. S. Tarlton Edgefield Co.—David Graham, Augustus Simpkins Georgetown Co.—Charles H. Sperry Kershaw Co.—Frank Adamson Laurens Co.—James Young Marion Co.—William A. Hayne Marlboro Co.—Jacob Allman Newberry Co.—Isham Greenwood Orangeburg Co.—John Dix, Abram Dannerly, H. Reilly Sumter Co.—W. W. Ramsey, J. C. Wilson Williamsburg Co.—Fortune Giles, E. H. Gourdin, Thomas Pressley

Relative to Hon. J. H. Rainey I would state that he was the only Negro Congressman who presided over the U. S. House of Representatives. That courtesy was extended to him by Speaker James G. Blaine.

The following may be interesting in connection with Senator W. B. Nash:

"It is not too much to say that the leading man of the Republican party in the Senate is Beverly Nash, a man wholly black. He is apparently consulted more and appealed to more, in the business of the body, than any man in it. It is admitted by his white opposition colleagues that he has more native ability than half the white men in the State"

*The Prostrate State*—J. S. Pike.

"Beverley Nash of Columbia is probably the foremost Negro in the State. He has made many speeches, which, homely in manner, have, nevertheless, a subsoil of strong common sense. He has been employed by the Military authorities from time to time in aiding, by "moral suasion" to preserve peace; is about 45 years of age; was formerly a hotel servant in Columbia where he still resides. Some months ago, on the same platform with Gen. Wade Hampton and other distinguished citizens he made a speech to the colored people recommending qualified suffrage; but subsequently was obliged by high-pressure to recant, and to set himself right has since become intensely radical. His idea now is that the Negro is entitled to everything the white man enjoys—an opinion which has been encouraged by his appointment as magistrate, General Sickles having conferred the office upon him to punish the citizens of Columbia for an assault made by two intoxicated young men on a itinerant radical speaker and his traveling companion while in that town"

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"Q" in *New York Times*—March 23, 1868.

The above would indicate that Senator W. Beverly Nash was the first Negro to exercise judicial power in the United States.

Concerning Associate Justice J. J. Wright I would add that he graduated from the Lancaster, Pa., High School—studied law at Montrose, Pa.,—admitted to the Bar in Susquehanna county, being the first Negro to practice law in Pennsylvania—four years before going to South Carolina.

Very respectfully,

HENRY A. WALLACE.

WASHINGTON, D. C., May 9, 1920.

*Dear Mr. Woodson:*

*The Journal of Negro History* is among the most valuable periodicals that it is my privilege to receive. I make it a rule to read all the articles of a *purely historical* nature.

Your recent effort to gather and print a list of the Negro officeholders of the reconstructive period is highly commendable, and should be aided by all persons possessing accurate or approximate facts on the subjects. There were numerous such holders of small offices, national, state, county and municipal, in the Southern states in that period. As a boy, I knew two such in the town and county in which I lived. Doubtless many other persons of 50 years or less know of several.

Mr. John W. Cromwell's articles in the April number, "The Aftermath of Nat Turner's Insurrection," is not only scholarly and interesting but a very valuable contribution to history.

There is a vast amount of *fact* reposing only in the memories of elderly people now living that should be rescued and recorded while they live, lest it is lost forever. Perhaps the record of it will not be *history* proper but only *annals*, or a record of events. It is none the less important to secure it. It is of minor importance whether it be written in polished literary form. It will constitute source matter for the future historian. For some time to come we shall be in less need of dissertations that are philosophy of Negro history than of accurate records of events—facts, facts, facts!

I have conversed with a number of elderly colored men and women in this city who have a wonderful fund of recollection of interesting and valuable historical data never in print. There are such people everywhere. Some cannot write, others will not write. If discriminating chroniclers are encouraged to write down the stories of such people for publication in your Journal, the result should be fruitful.

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I congratulate you on the average excellence of the subjects covered by the Journal and the scholarly editing thereof.

Yours very sincerely,

(Signed) R. C. EDMONSON.

DR. CARTER G. WOODSON,  
Editor, *Journal of Negro History*.

## FRED FOWLER

Fred Fowler was born about 1832 in Frederick County, Maryland. His first master, Michael Reel, had a farm and a flour mill about four miles from Frederick City. Reel owned sixteen slaves, among whom were Fred's mother and her eight children. Fred's father belonged to a man named Doyle, who had an adjoining farm. Doyle sold the father to a man named Fisher, who subsequently put up the first gas factory in Frederick.

On the death of Michael Reel, in 1847, his estate had to be divided. Some of the slaves were disposed of according to appraisal, others at auction. Fred, then about fifteen years old, was taken at the appraised value of \$400 by a son of the deceased Reel. If auctioned off, he thought he might have brought somewhat more.

At this sale his mother and one child were bought for \$500 by a man named Todd, who subsequently sold her to Dr. Shipley. Four children were purchased by men supposed to be traders, who presumably took them to Georgia, which, according to the sentiment of "Nellie Gray," was the slave's notion of some far-away place where the speculators found a market. No one of these four was ever seen or heard from after they were put on the train for Baltimore. The other children, two sisters, were taken away by a man named Roach, but that was all that was then known. The almost invariable rule in the inter-state slave-trade was that separation ended all communication with those left behind. In 1887—forty years after the sale—these sisters wrote a letter to a colored church in Frederick asking for information about the slaves that belonged to the Reel family. Someone in the church knew that Fred Fowler was living in Washington, D.C. The letter was forwarded to him and from it he learned that these sisters had been taken to Columbia, Tennessee and were still living. A meeting soon followed.

When Fred was twenty years old, young Reel, who was about to move to Springfield, Illinois, sold him privately for \$1,000 to Dr. Willis who lived in New Market, Frederick County, Maryland. That was a high price for the time and place. Fowler was with Dr. Willis for three or four years as a farmhand. The Doctor was the physician for the notorious inter-state slave traders B. M. and W. L. Campbell. They had a large jail in Baltimore for their purchases in Maryland. In New Orleans they had another, where most of their sales were made. The Doctor went to Baltimore once or twice a week to examine and prescribe for the Campbell slaves. In the farming season, when there was need of extra labor, he would bring some of them out to work for him.

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Mrs. Salmon, a Quaker, told Fowler that Dr. Willis contemplated selling him the following winter, probably because some less valuable slave could do the work. All slaves dreaded being sold, for, if young and strong, it usually meant being "sold South." So in the spring of 1858 Fowler made up his mind to run away. He and another slave started one Saturday night and safely walked to Gettysburg, Pennsylvania by the early morning.

Promptly on Monday Dr. Willis issued a handbill offering \$200 reward for the recovery of his runaway. Fowler knew no details of this until perhaps thirty or forty years later, when a son of Dr. Willis gave him one of the handbills. It was shown about 1905 to the present writer who had it carefully typewritten as to the lines and capitalization, but the size of the letters could not be reproduced. The original was duly returned to Fowler, but unfortunately he subsequently lost or mislaid it. It was tiny for a handbill—only about six inches long and four inches wide and was worded and lined thus:—

"\$200 REWARD!

Ranaway from the subscriber, living at New Market, Frederick Co., Md., ON SATURDAY NIGHT, THE 8TH. OF MAY inst., a Negro Man, named FRED FOWLER, aged about 26 years, five feet ten or eleven inches high, stout made, dark copper color, round full eye, upper teeth full and even, has a down look when spoken to, lisps slightly in his speech, and has small hands; no other marks recollected. Had on when he left, dark pants and coat and light-made shoes.

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The above reward will be given for the arrest of said Negro, if taken out of the State of Maryland, and his delivery to the subscriber; or one hundred dollars, if taken in the State, and secured in jail.

Dr. W. L. Willis.

New Market, Md., May 10, 1858."

The same wording long appeared as an advertisement in the Baltimore *Sun*. Both were all in vain.

A free Negro, associated with the underground railroad in Pennsylvania and working as a mason for a company of men who built large barns in Maryland, had told Fowler to report in Gettysburg to a man by the name of Mathers. The runaways did so and were concealed until the next night. They then walked to Carlisle, Pennsylvania. There they remained that day. During the night they went on to Harrisburg. Some Abolitionists took charge of them and put them on a farm about eight miles from town. In August, they proceeded to Bradford, Canada West. There Fowler found an aunt who had run away with a party of twelve, many years before. He worked on a farm until May, 1862, when he went to the American Hotel in Lockport, New York to become a waiter. In August, 1863 he left for Hartford, Connecticut, to enlist in the 29th Regiment of Connecticut Colored Volunteers. The regiment was turned over to the Government in March, 1864, and was then taken

by boat from Hartford to Annapolis Maryland, and there transhipped to Beaufort, South Carolina.

At Beaufort they had a few little skirmishes. Once they were about surrounded by the Confederates for five days, and were without food a part of the time. The Confederates were between Beaufort and Hilton Head, but did not know to what disadvantage they had the colored regiment.

In the summer of 1864 the regiment was moved to Bermuda Hundred, Virginia. On the day of landing they took part in an engagement at Malvern Hill. They were in several skirmishes and were finally attacked at Strawberry Plains. From there they were taken to the Weldon railway, for the purpose of cutting off the southern connection with Richmond. They fought there three days and tore up the track. To make the rails useless they were heated red-hot and twisted around trees. Later, the regiment was taken back to the neighborhood of Fort Harrison, on which they made an attack. After a few weeks they took the Fort and remained there all winter and until a few days before the fall of Richmond.

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Early in April, 1865, on a Sunday afternoon the troops in Fort Harrison saw a large mass of Confederates marching in plain view in front of them. "We thought there must be a million of them marching there!" It was supposed that the Confederates intended soon to attack Fort Harrison. The occupants of the Fort sent out videttes so as to give the earliest possible notice of it. Those in the Fort made every preparation for resistance. But there was no attack. That night three unarmed Confederates came to the videttes and reported that there were no troops in front; that the Confederate lines had long been very thin and that the Federals could march right into Richmond.

This was found to be true, for on the following day the Union troops started for the Confederate capitol. Fowler's regiment reached there on the morning of the fall and went to State House Hill, but camped close to Libby prison, down near the river. A few days later—a day or two before Lincoln was shot—they left Richmond for City Point, where they first heard of his death. From there they were taken to Point Lookout, Maryland, to aid in the search for Booth. After Booth was captured, the regiment returned to City Point, and a week later was ordered to Brownsville, Texas, for the special purpose of getting the supplies,—a great collection of cotton, wagons and all sorts of munitions—that General Kirby Smith had tried to take to Mexico. The regiment remained there until the 15th day of October, when Fowler and the others were mustered out of the United States service.

In the spring of 1876 he was appointed a messenger in the Library of Congress, which was then and until about 1900 in the Capitol just west of the great dome. He was a strong willing worker. Doctor Spofford relied on him to find and bring forth from dark and dusty storerooms the files of old newspapers when needed for historical purposes. By the time that the magnificent Library of Congress building was completed and things were in shipshape, Fowler had reached an age when he was entitled to and given less heavy work.

For nearly twenty years he was daily at the door of the Reading Room to admit readers and to refer sightseers to the gallery for the best view of the grand and beautiful rotunda. He was always so cheerful and polite that it gave one pleasure to see and exchange greetings with him. His remarkable and most honorable career caused him to be regarded with much wonder by persons of the young generation, especially if from the North. By the whole staff of the Library and by the many research workers that daily came there, he was regarded with a fondness such as was felt toward no one else.

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He died October 9, 1919, at the advanced age of about 87 and was buried in the great National Cemetery in Arlington, Virginia. There his grave and name can be seen among those of men who fought to preserve the Union, and in doing so destroyed slavery—the "sacred institution" of the old South and "the corner-stone" of the short-lived Confederacy. Fred Fowler served his race and his country well and he was well rewarded.

F. B.

### **SOME OBSERVATIONS ON THE DEATH OF RACHEL PARKER.**

On the 21st of February 1918 the *Oxford Press* carried the following:

The death on Monday in Oxford of Rachel Parker Wesley, an aged colored woman, recalls an incident of the slavery times previous to the War of the Rebellion, in which Rachel was a principal figure. The question of slavery was paramount then, and later became one of the burning issues of the war. Maryland was a slave State, and an able-bodied negro man was worth in the slave market as much as \$1400, while a girl often brought \$1000. Frequently negroes were taken from the free State of Pennsylvania across into Maryland, where they might be sold.

Rachel Parker lived at the time with the family of Joseph Miller, on the farm in West Nottingham now owned by S. S. Boyd.

It was on the last day of December, 1850, that she was kidnapped from this home by three men, Thomas McCrery, John Merritt and George Alexander, the latter figuring as the driver of the wagon. It was about 11 o'clock in the morning.

The team took a road, now vacated, that led to old Pine Grove school house. They found the road blocked by the wagon of James Pollock, and his son Samuel, who were loading wood. On demand that the wagon be removed so that they could pass at once, James Pollock refused, and when McCrery drew a sword he brandished his axe.

The kidnappers then turned and made their way to Nottingham, and by way of Stubbs' Mill, Chrome and Calvert, proceeded to Perryville, from which point they entrained for Baltimore.

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When the capture of Rachel Parker became known there was considerable excitement in the community. Rachel was born of free parents and that she had been carried away into possible slavery was too much for the sturdy abolitionists of that day.

A party of eight was organized to go in pursuit. They were Joseph Miller, William Morris, Samuel Pollock, Lewis Melrath, Jesse B. Kirk, Abner B. Richardson, Benjamin Furniss, H. G. Coates.

These men went to Perryville and that night took a train for Baltimore. They went to a house of detention or slave pen in that city where runaway slaves were kept. While they were there McCrery appeared with Rachel Parker in a wagon.

The Pennsylvanians protested that the girl was not a slave, but was free, and the authorities ordered that she be held and given a trial.

The Pennsylvanians met an acquaintance named Francis Cochran, who resided in Baltimore. When he learned their errand he told them they were in mortal danger, and advised them to get at once on a train and not leave it until they arrived at Perryville.

Joseph Miller left the car, or the train, and was not seen again by his friends, although search was made for him. His body was found some hours afterwards, hanging in a woods near Stemmer's Run. Just how he met his death is a mystery that never was made clear. It was claimed at the time that investigation proved that Miller was dead before his body was hanged to the tree, and that he had been poisoned.

Rachel Parker was gone more than 14 months, most of that time locked up in Baltimore. Her trial was postponed from time to time.

It was claimed in Baltimore that Rachel Parker was a member of a family named Crocus, and that they were runaway slaves. In an effort to prove this, people were sent to this neighborhood to try to identify other members of the Parker family as in reality belonging to the Crocus family. The attorney who ably defended Rachel Parker was Lloyd Norris. She was acquitted, and she is said to have been the only person so freed in a slave State.

For more than 40 years Rachel lived with the Coates family, near Glenroy. To Granville Coates, Sr., *The Press* is indebted for the details of the affair, which are from records which he has faithfully preserved.

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On the 28th of February, 1918 the *Oxford Press* carried the following:

The account of the death in Oxford of Rachel Parker Wesley, an aged colored woman, in last week's *Oxford Press*, has been closely read. Some older citizens, in town and country, recall the circumstances and the high excitement that prevailed at the time Rachel Parker, then a girl, was kidnapped.

Of all the men who desired that justice be done Rachel Parker, who was kidnapped by Thomas McCrery and others on the last day of 1851, from the home of Joseph C. Miller, West Nottingham, township, not one took deeper and more determined interest in the matter than the late Dr. John Miller Dickey of Oxford. He became a leader in the affair and repeatedly went to Baltimore, where Rachel was in jail, and got a number of the most influential citizens of Baltimore interested to have justice brought about. The late Levi K. Brown of Lancaster county was also active in the matter and rendered much valuable assistance.

The matter had now become so generally known that effectual help was received from the late Senator Henry S. Evans, West Chester, who brought the circumstances to the attention of our Legislature, by which means the case became a State affair.

Dr. Dickey and others attended the trial in January, 1853. The proceedings lasted eight days, during which, as one of the claimant's attorneys expressed it, "an entire neighborhood" appeared and "an avalanche of testimony" was borne to the girl's free birth. Evidence was produced from Baltimore that she was not the girl who had been lost. Forty-nine witnesses were heard and many more were ready when a compromise was proposed and agreed to. Notwithstanding this overwhelming evidence, there was still some fear that a Baltimore jury would decide against the girl, and it was thought wise to give way. The chief end was gained: Rachel Parker was declared free born; the same jury gave a verdict also for her sister Elizabeth who had been found in New Orleans and brought North, and the two were restored to their mother.

The costs of the trial were divided, these amounting to \$1000, besides \$3000 expended by the State of Pennsylvania and heavy outlays by friendly citizens of Baltimore and Chester County.

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Judge Bell of West Chester, one of the Pennsylvania counsel, wrote thus after all was over to the *West Chester Republican and Democrat*:

"Too much praise cannot be accorded to the host of witnesses from Chester County and the neighboring districts, who promptly on the call of justice and humanity, exchanged the comforts of home for the inconvenience and supposed dangers of sojourn in a strange city, under circumstances well calculated to deter a merely selfish person from obeying the summons. This praise is peculiarly due to the numerous ladies of our county whose sense of right overcame every merely personal consideration."

The "supposed dangers" referred to, of which the murder of Joseph C. Miller was a sign, were realized by Dr. Dickey, who his son, the late J. M. C. Dickey, Esq., told, "would go to trial in Baltimore, not knowing how he would come back. Once he was very near death at their hands."

The concluding local action of this case of wide agitation was as follows:

West Nottingham, Jan. 17, 1853.

At a meeting of the witnesses and others who attended the Court of Baltimore county, in the case of the girls, Rachel and Elizabeth Parker, the following was passed:

"Whereas, By the blessings of Divine Providence, the two girls Rachel and Elizabeth Parker, have been restored to the State of Pennsylvania, where they were threatened, by a lawless and unjust removal; and whereas, similar cases are likely to occur, and in the excited state of public opinion on the subject of Slavery, both in the Northern and Southern States, difficulties exist in the way of the administration of law and justice where colored persons are petitioning for their freedom, we regard it as a duty we owe to those who may be engaged in similar prosecutions, as well as to those who have mainly aided in obtaining success in this case to put upon record the following resolutions:

"That we regard with great satisfaction the conduct of the Executive of our State, who, at the suggestion of the Senator and Representatives of our county, assumed the control and responsibilities of the trial; and that we tender our sincere thanks to the distinguished counsel, Attorney-General Campbell and Judge Bell, who visited at different times this place to become familiar with and to give encouragement to the witnesses to about to testify in another State, thus accomplishing the object as well by their urbanity as well as by their professional skill.

"That we express our sincere acknowledgement of the courtesy shown us by the Court of Baltimore county, both by the bench and bar and especially to Wm. H. Norris, Esq., for his invaluable services, associated as counsel with those from our own State.

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"That we deplore the death of Joseph C. Miller, a witness in the first trial before the magistrate's court, and believing, as we most positively do, that he came to his death violently by other hands than his own, we implore the Executive to offer a suitable reward, in addition to that offered by his friends, for the discovery and apprehension of his murderers.

JOHN M. DICKEY,  
*Chairman.*  
HUGH ROWLAND, *Secretary.*

It may be added that the Grand Jury of Chester county brought in a true bill against Thomas McCrery and Merritt, his associate, for kidnapping. But Governor Lowe of Maryland refused the requisition for apprehension and delivery, going behind the record, contrary to the law, as Governor Bigler of Pennsylvania demonstrated clearly in the published correspondence.

### **SOME OHIO NEGRO PIONEERS**

In 1835 some of the earnest free colored people of Virginia were interested in reports of the great opportunities for colored folk in the State of Ohio, so often called the Buckeye State. At that time there were no railroads from the slave State Virginia to Ohio, a free State. But the determined freemen and their families undeterred by this drawback went forth in covered wagon trains.

One of the earlier groups of pioneers consisted of several families from and near Richmond Virginia; namely, Abraham Depp and his wife Mary Goode-Depp, Elias Litchford, James Poindexter, and Archer Goode, with their families, and Samuel Willis Whyte accompanied by his son bearing the same name, all of whom settled in central Ohio, not far from Columbus. Abraham Depp purchased five or six hundred acres, south of Delaware; Litchford about the same number of acres nearer Columbus; the elder Whyte, being a mechanic, purchased only about two hundred acres. Samuel W. Whyte Jr. later left his trade for the profession of medicine and became noted as a specialist of chronic diseases. Dr. Samuel Whyte married Miss Louisa Goode, daughter of Archer Goode. She was of a peculiar sweet disposition, a model companion, and a loving earnest mother. She as often called Saint Louisa by those who knew her best. She died in 1905.

The Doctor always kept in touch with the leading thoughts and achievements of his day. He was a brilliant scholar, a great logician, with a keen wit, having a dash of eccentricity throughout; in fact, he was a born philosopher, and a man of many parts. He was educated for missionary work to Liberia, but he remained at home and became one of the landmarks of Central Ohio in politics and medicine. He was born in 1815 and died in 1902, when, as it happened in the case of his wife whom he survived seven years, he was borne to his final resting place from the home where he had lived since 1835. Dr. Whyte and his wife had a large family of whom the writer, H. Georgiana

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Whyte, alone bears the family name. The old homestead is retained by the descendents.

All through Ohio settled many such high minded, thoroughgoing Christian Negro families that helped to build up Ohio and left large families, of worthy descendants. Of this pioneer group one of the most prominent characters was James Poindexter, who sold his farm of forty acres and went to Columbus, Ohio to live. He was a playmate and always an ardent friend of Dr. Samuel Willis Whyte, Jr. There James Poindexter became a Baptist minister and during later years became one of the foremost citizens of Columbus, having become a member of the city council and for over forty years served as pastor of the most prominent Baptist church in the city. He was in great demand as an orator before and after the Civil War. He lived to a ripe old age.

H. GEORGIANA WHYTE.

### THE ALEXANDERS

Henry Alexander a mulatto who lived at Mayslick, Kentucky, and who purchased his freedom when twenty-one years of age, sent his two oldest daughters to school in Philadelphia as early as 1846. He was a store-keeper and grain merchant. In the fifties he sent three younger ones to Oberlin, Ohio where Louisa Alexander was graduated in 1862. She and her older sister Rachel taught in the South during the Reconstruction period and had many thrilling experiences. In several instances their schools were closed and they were given so many hours to leave town. Maria Ann, who went to school in Philadelphia, taught a while in Covington, Kentucky, strange as it may seem, before the war. She was later married to the late Judge Mifflin W. Gibbs, an unflinching advocate of human rights.

Q. G. H.

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## BOOK REVIEWS

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*The Correspondence of Robert M. T. Hunter, 1826-1876, Volume II.* Edited by CHARLES HENRY AMBLER. Washington, 1918. Pp. 381.

This comprises the twelfth report of the Historical Manuscript Commission and is published as the Annual Report of the American Historical Association for the year 1916. The contents are a callendar of papers and addresses by Robert M. T. Hunter heretofore printed, a callendar of letters to and from him printed in this volume, and the correspondence of the statesman. The work of the author appears to be more of that of a collector than that of an editor, for the volume has very little annotation. In the short preface the author undertakes to give the place of Robert M. T. Hunter in the history of his State and of the nation and to evaluate his correspondence. The excuse for such a short sketch is that Robert M. T. Hunter did not stand out as a great statesman himself but owes his importance to following the leadership of John C. Calhoun, and the period in which he lived was one of declining influence for his State and later one of civil strife between the great sections of the nation. Although he served the public almost continuously during the period of thirty years he held only a few positions of trust, most of his service being in the United States Senate.

These letters, as a whole, are unusually valuable in that they throw light on various problems perplexing the country during this critical period of American history between the year 1826 and 1876. Students of Negro history will be primarily interested in the letters in which we find mention of the African trade with Brazil, his speeches on slavery, on the fight for Missouri and Kansas, and on the abolition movement. His correspondence shows, moreover, what he thought about the extension of slavery, the stealing of slaves, legislation regarding the institution, and the power of Congress in the territories. There are references to the Compromise of 1850, the execution of the Fugitive Slave Law, the struggle in Kansas, and the demands of the South in the great crisis. The space which he gives to the opinions and the doctrines advanced by Stephen A. Douglas, the rights of the slave States in the territories, the attitude of Seward, and the election of 1860 is considerable.

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As Robert M. T. Hunter lived to see the Reconstruction worked out, it is interesting to note his attitude on the part he felt that the Negro should play in it. He did not believe that the elevation of the Negro to the status of citizenship with the right to vote or hold office would be good for this country. He referred frequently to the experience of Negro governments in Haiti and Jamaica to support his theory. He felt that it would result in the formation of the black man's party which would persecute the white man and the Negro control of affairs would result in the destruction of all the elements of material prosperity and moral progress. He believed that, as it happened in these islands, the black man's party would so persecute the whites that they would be driven from the country, just as the Haitians had persecuted the whites and made it illegal for them to hold real estate in the island. Even if the Negroes did get control of the Southern States and persecute the whites in the way that he suspected that they would, it would only be a matter of time before the North would rise up against the blacks thus exalted and overthrow them. Hunter disclaimed any hostility toward the Negroes but insisted that their welfare was to be promoted in a way that was contrary to their own future plans.

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*Finding a Way Out.* By ROBERT RUSSA MOTON, An Autobiography. Doubleday, Page and Company, New York, 1920. Pp. 295.

This story, according to the author, was written because of the repeated and urgent solicitation of those of his friends believing that such a story would serve an essential purpose in helping to a clearer understanding of the hopes and aspirations of the Negro and the difficulties which they have had to overcome. The author has endeavored to record these events which have given character and color to his life and at the same time to reflect the impressions made upon his mind by experiences that he could not always reconcile with what he had learned of American ideals and standards.

The story begins with an interesting account of the coming of the ancestors of Dr. Moton out of Africa to serve in the new world. There is a short sketch of early life on the Virginia plantation where his parents first connected themselves with America, covering the boy-hood, early training and first impressions of the author of this work. The chapter treating of the Reconstruction period, when as a youth the author was seeking an education and had to withstand the temptation of being drawn into the inviting political world of these days of a seeming golden age, adds increasing interest. Following this there appears an account of his career at Hampton in the connection with General Armstrong as an outstanding figure of inspiration and love. How the author at the close of his student days solved the problem of the choice of a life work and became a leader among the black, the white, and the red, brings the reader to the consideration of actual achievement. Serving Hampton as a representative travelling through the North and the South, Dr. Moton found his way into larger fields of usefulness by touching the life of the Negro in all of its ramifications.

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The close connection between Dr. Moton and Dr. Booker T. Washington whom he succeeded, is made the important feature of the book. The comradeship of these two men and their cooperation in a common cause stand out as eloquent facts leading the way to the choice of Dr. Moton as the successor of his great friend at Tuskegee. In this he states how he has taken up this unusually hard task and solved the problems which have come his way. The calls upon him for service in other fields requiring his time in all matters touching the uplift of the Negro race show an enlarging usefulness of the man. Among these efforts may be mentioned the work in connection with the National Urban League, the Young Men's Christian Association, the war work movements, and his mission to the colored soldiers in France after the war. On the whole, this story of the direct descendant of an African brought to a tobacco plantation and finally rising to a position of usefulness and honor, is of much value. It not only throws light on the history of that group of which he formed a part in a State considered one of the most important in the Union, but served also as a striking example of the ability of the Negro in spite of all of the handicaps against which he must struggle.

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*Unwritten History.* By BISHOP L. J. COPPIN. The A. M. E. Book Concern, Philadelphia, Pennsylvania, 1920. Pp. 375.

Here we have under this peculiar caption the auto-biography of a man who for a number of years has figured very largely in the African Methodist Episcopal Church. In his preface he says that, intermingled with this unwritten history, is the story of his life. He frankly states that it is all from memory with the exception of a number of verifications. The effort toward a thorough biography has not been the objective of the author, for as he states he has merely written down those things that impressed him most and facts that seem to him the most significant among the things to be noted.

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The work begins with an account of his birth and boyhood in Frederick Town on the Eastern Shore of Maryland, where Frederick Douglas was born. There is much information about the life of Frederick Town referring to particular places along the rivers and bays and various persons who figured in the life of these people. Bishop Coppin directs attention to the social, moral and intellectual condition of the State at the time of his birth, giving full account of the religious atmosphere in which he lived and the particular strivings of his oppressed people.

Leaving this phase of the story one finds the book more interesting in that part discussing the events leading up to the Civil War and the rôle which the Negroes played in that drama. The sketch of the situation after the Civil War is equally well set forth because of the increasing power of the author during this period to appreciate and participate in the larger things which concerned the Negro people. His call to the ministry, service in various fields and the election to the bishopric add further interest to the story. How in his travels in this country and abroad men and things impressed him, constitute another value of the autobiography. The book closes with a chapter giving a view of the domestic life of Bishop Coppin, making honorable mention of his family.

For the popular reader this book may appear to be distinctly rough in style and certain details may prove to be tiresome in that the author omitted a good many things that some persons might want to learn and drifted into those things which, by the average reader, may not be considered worth while. On the whole, however, the scientific student will find this autobiography just what it is

entitled, *Unwritten History*. Here is an opportunity to learn of the struggles of a Negro during the period of great handicap and to understand his reaction to what was going on in the world about him. It will be from such biographies that some one in the future will have to write an actual history of the Negro race to set forth exactly what this group has thought and felt and done. A book of this sort, therefore, must have a value. It is to be hoped that other distinguished churchmen and Negroes who have thus touched the life of the race will emulate the example of Bishop Coppin in leaving a written record.

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*Negro Migration during the War*. By EMMETT J. SCOTT, Secretary-Treasurer of Howard University. Oxford University Press, New York, 1920. Pp. 189.

Under the imprint of the Carnegie Endowment for International Peace, and the Editorship of Professor Kinley, Mr. Emmett J. Scott has brought out a monograph study of Negro Migration during the War, based upon the careful and wisely distributed observation and records of several collaborative agents and agencies. The subject is of too great and too immediate economic and social importance to have waited for the final interpretation as to results or the finer analysis as to causes which must ultimately be given it. The entire series, in fact, modestly styles itself a series of preliminary economic studies; and as such, Volume XVI presents a sanely proportioned, clearly expounded, and systematic survey of the vital and outstanding facts of one of the most significant movements in the recent economic life of America.

Profounder consequences may ensue from this movement of the Negro population, which, though started by war conditions, has by no means halted with the war, than can be realized on superficial observation. In this light, Mr. Scott's diagnosis is as important as his chronicle of the facts. The reaction of the Negro masses away from untoward and repressing social conditions and their awakening to the simple but effective expedient of carrying their labor to better markets, are the significantly new features of the after-war aspects of the Negro problem. Economic adjustment, in most respects automatic—and fortunately so—would be the controlling factor were there not considerable evidence to show that the efficient causes of the movement are social. In which case, as the concluding chapter suggests, better living conditions, a more liberal social attitude, improved interracial feeling will prove to be the only stabilizing remedy. That the South has awakened to the realization of this, and is about to apply to the situation more constructive and well-intentioned effort than hitherto, is the confident belief and optimistic message of the writer.

Reactions and effects of the Exodus upon northern community conditions have not been gone into as thoroughly as the reactions upon conditions in the South; though there is evidence pointing on the whole to salutary effects in both sections. Certainly the study serves to call timely attention without undue alarmist effect to very momentous changes, and should be read by every alert, public-minded citizen.

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In such delicate issues, however, facts outweigh opinions. Mr. Scott has wisely struck the balance in favor of a dispassionate recital of facts. It is a positive gain and welcome change of tone in the recent discussion of racial issues to note in this study, as in Carl Sandburg's *Chicago Riots*, the growing tendency to be objective and to leave conclusions to the intelligence of one's readers. Indeed, since it is facts that are of paramount interest, it is regrettable that, with the great resources of the foundation, more explicit statistics concerning the movement could not have been compiled. It is this aspect of the subject which in consequence calls for further treatment. Without the scientific pretensions, therefore, of Mr. Epstein's intensive study of the Negro migrant or Dr. Woodson's historical survey, the book, as a capable popular treatment of the public questions and social issues involved in the recent migration of the Negro population, serves its own distinctive purpose, and achieves a measure of real public service.

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## NOTES

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On the 18th and 19th of November the Association for the Study of Negro Life and History will hold its annual meeting in Washington. This will be a convocation of teachers and scholars throughout the United States, now giving attention to research and instruction in this field. The management of the Association is endeavoring to make this meeting one of the most representative ever assembled.

The purpose of the meeting is to promote the collection of sociological and historical documents, to stimulate studies in this field through clubs and schools, and finally to bring about more harmony between the races by interpreting the one to the other.

The reports of the work accomplished by the Association during the past year will be made, further plans for the more successful prosecution of the work will be devised and a number of instructive addresses will be delivered by some of the most distinguished men of the country.

Among the speakers will be A. B. Hart, Professor of History at Harvard University, Franz Boas, Professor of Ethnology at Columbia University, L. Hollingsworth Wood, President of the Urban League, and Oswald Garrison Villard, the Editor of the *Nation*. These addresses will cover almost every phase of Negro life and history.

Three important works bearing on the Negro have recently come from the press. Among these are *The Voice of the Negro*, by Robert T. Kerlin, Professor of English, Virginia Military Institute, published by E. P. Dutton and Company, New York; *The Negro Faces America*, by Herbert J. Seligman, formerly a member of the editorial staff of the *New York Evening Times* and the *New Republic*, published by Harper and Brothers, New York; and the *Republic of Liberia*, being a general description of the Negro republic with its history, commerce, agriculture, flora and fauna, and present methods of administration, by R. C. F. Maugham, Consul General at Monrovia, published by Charles Scribner's Sons, New York. Reviews of these books will appear in the next number of the *Journal of Negro History*.

*The United States in Our Times, 1865-1920*, by Paul L. Haworth, is the title of a work recently brought out by Charles Scribner's Sons. Covering the period during which the Negroes have had a chance to play a part in freedom, it contains some information and comment which will be mentioned in this publication.

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During the academic year 1920-1921 Dr. C. G. Woodson will, in the capacity of Dean, reorganize the College Department of the West Virginia Collegiate Institute. He will endeavor to finish this work during one or two years, at the expiration of which he plans to devote all of his time to research and publication. This new task of the Director will not necessitate any change in the management of the *Journal of Negro History*. The editorial office will remain in Washington as formerly.

#### Transcriber's Notes:

Every effort has been made to replicate this text as faithfully as possible, including obsolete and variant spellings and other inconsistencies.

The transcriber noted the following issues and made changes as indicated to the text to correct obvious errors:

1. p. 6, Duplicate footnote markers for footnote #20
2. p. 30, beseiged --> besieged
3. p. 60, hereditary --> hereditary
4. p. 67, Duplicate footnote markers for footnote #6
5. p. 68, not the case. --> not the case."
6. p. 70, No footnote marker for footnote #9.
7. p. 71, Multiple footnote markers for footnote #10
8. p. 71,72, Multiple footnote markers for footnote #11
9. p. 72,73, Multiple footnote markers for footnote #12
10. p. 76, No footnote marker for footnote #14.
11. p. 82, No footnote marker for footnote #21.
12. p. 89, Convenion --> Convention
13. p. 104, Gleaves --> Gleaves,
14. p. 104, Thomas --> Thomas,
15. p. 115, Misissippi --> Mississippi
16. p. 121, goverenment --> government
17. p. 124, He said: There --> He said: "There
18. p. 184, chiefly --> chiefly
19. p. 187, esitmate --> estimate
20. p. 194, serivce --> service
21. p. 223, Footnote #30, Drewery -->Drewry
22. p. 243, Leglistature --> Legislature
23. p. 263, Signé) --> (Signé)
24. p. 273, Footnote #5, Lofitt --> Lofft
25. p. 273, Footnote #10, Holdworth's --> Holdsworth's
26. p. 276, Longueil --> Longueuil
27. p. 277, Two footnote markers #15 are found on page 277. As footnote #15 appears on the previous page, the ones on page 277 have been numbered #16 to match footnote text.
28. p. 280, Duplicate footnote markers for footnote #18
29. p. 280, Duplicate footnote markers for footnote #19
30. p. 285, Duplicate footnote markers for footnote #27
31. p. 286, Footnote #30, wha --> who
32. p. 289, attenton --> attention
33. p. 289,290 Page contains footnote #37 text only.
34. p. 295, Januaray --> January
35. p. 295, No footnote marker for footnote #9.
36. p. 302, behvaiour --> behaviour
37. p. 303, Gabette --> Gazette
38. p. 309, goal --> gaol
39. p. 318, No footnote marker for footnote #5.
40. p. 326, Footnote #16, Mich. Hist. Coll. 1 --> Mich. Hist. Coll. I
41. p. 330, No footnote marker for footnote #28.

- 42. p. 332, Footnote #34 has missing page number.
- 43. p. 332, Removed reference to itself in footnote #39.
- 44. p. 332, Signé --> (Signé)
- 45. p. 337, Footnote #40, Roght --> Right
- 46. p. 337, Removed reference to itself in footnote #46.
- 47. p. 338, Footnote text has no number or marker. Used #46a.
- 48. p. 343, Footnote #8 has missing page number.
- 49. p. 346, Executive Council --> Executive Council)
- 50. p. 352, crimes is --> crimes in
- 51. p. 358, Page contains footnote #31 text only.
- 52. p. 361, Footnote #4, George 111 --> George III
- 53. p. 361, Footnote #5 has missing page number.
- 54. p. 367, mainfested --> manifested
- 55. p. 368, Footnote #13, babendo --> habendo
- 56. p. 370, Footnote #16 has missing page number.
- 57. p. 382, Jouranl --> Journal
- 58. p. 409, acquiesed --> acquiesced
- 59. p. 410, Cockrane --> Cochrane
- 60. p. 411, Original says November 22, 1914.
- 61. p. 435, therefor --> therefore
- 62. p. 444, No footnote marker for footnote #9.
- 63. p. 456, de-departed --> departed
- 64. p. 459, lieutenant-governorship --> lieutenant-governorship
- 65. p. 464, it it not? --> is it not?
- 66. p. 469, (Signed --> (Signed)
- 67. p. 484, arces --> acres
- 68. p. 484, Secreary --> Secretary
- 69. p. 485, Philadlphia --> Philadelphia
- 70. p. 487, pupose --> purpose
- 71. p. 491, regrettable --> regrettable

Also, many occurrences of mismatched single and double quotes remain as published.

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\*\*\* END OF THE PROJECT GUTENBERG EBOOK THE JOURNAL OF NEGRO HISTORY, VOLUME 5, 1920  
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