

Report on Lord Dalhousie's History on Slavery and Race

SEPTEMBER, 2019

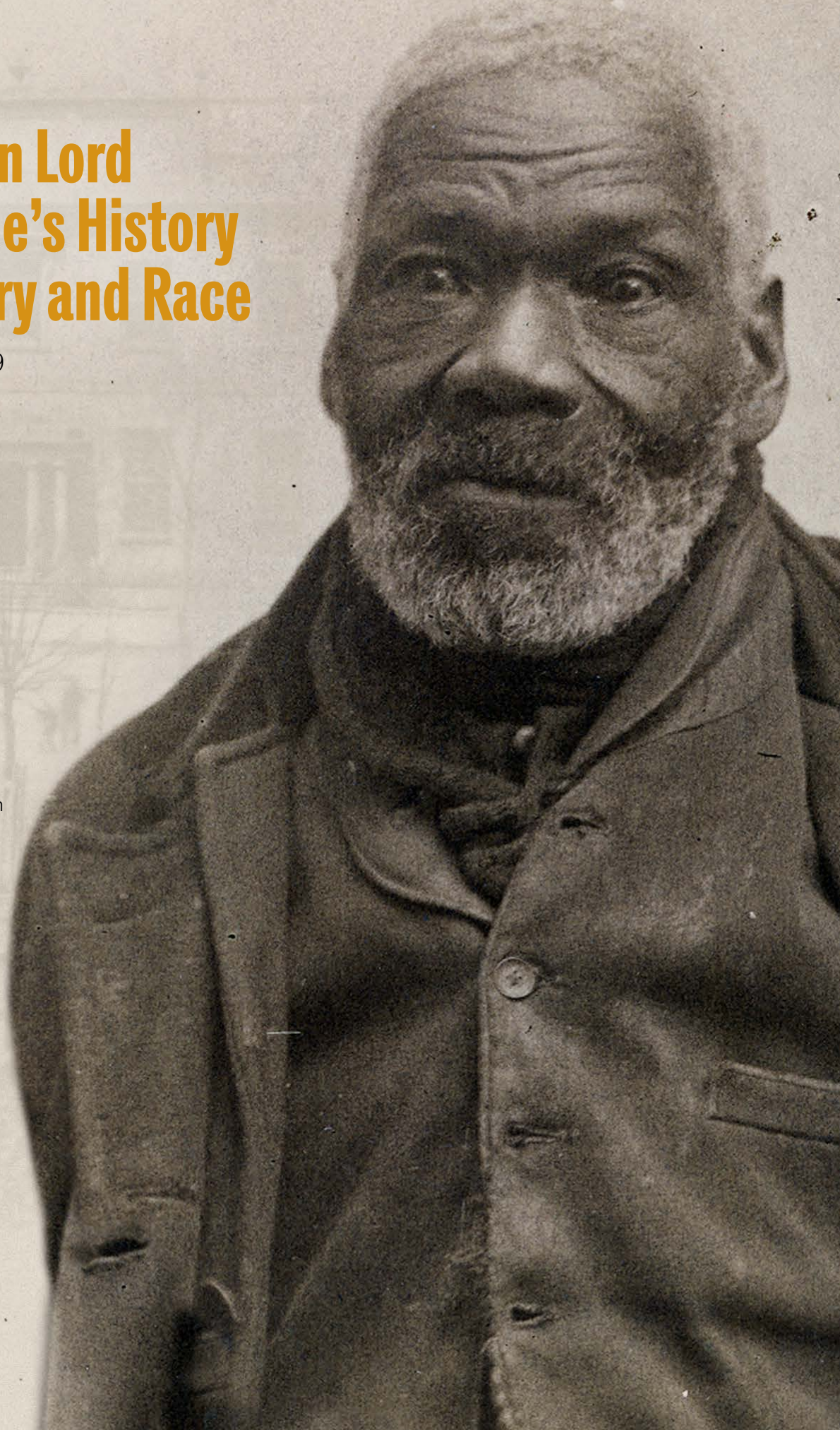
Scholarly panel

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**COVER: MEMORIAL OF GABRIEL HALL OF PRESTON,
A BLACK REFUGEE WHO EMIGRATED TO THE COLONY OF
NOVA SCOTIA DURING THE WAR OF 1812**
PHOTOGRAPHER GEORGE H. CRAIG, MARCH 1892
COURTESY: NOVA SCOTIA ARCHIVES

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BLACK REFUGEES LANDING IN HALIFAX, 1814

COURTESY OF THE PRESIDENT'S OFFICE, DALHOUSIE UNIVERSITY, WITH PERMISSION FROM THE ARTIST,
RICHARD RUDNICKI

Note from Dr. Teri Balsler, Interim President and Vice-Chancellor

The publication of this report marks the completion of the **Scholarly Panel to Examine Lord Dalhousie's History on Slavery and Race**, bringing to a close an impressive body of scholarly work and an important contribution to not only Dalhousie's history, but Nova Scotian history.

I came to this process as it was in its final year, invited by then-President Richard Florizone when he was transitioning out and I was beginning my time at Dalhousie University. It was his desire that the work be supported and that I provide a thread of continuity. I have been proud to fill that role, first as Provost and now as Interim President.

What I have seen is an outstanding example of what a university is and should be: a place where we engage in discourse and exploration that challenges us to rise and do and be better. This work is a critical window into our past, undertaken in scholarly inquiry, and inviting us to acknowledge and respond. It fills a gap in Nova Scotian history, and demonstrates our willingness to look backward and reconcile our past with our future. This takes courage, and I am proud to be part of a university that has this type of courage. Dalhousie is the first university in Canada to commission an accounting of its early intersections with the legacies of slavery, but it will certainly not be the last. This Scholarly Panel provides an exemplar for others to draw upon as they join us in reflecting on and confronting our shared history.

I would like to recognize and thank Dr. Cooper and the members of the Scholarly Panel: Dr. Françoise Baylis, Dean Camille Cameron, Mr. Ainsley Francis, Dr. Paul Lovejoy, Mr. David States, Dr. Shirley Tillotson, Dr. Harvey Amani Whitfield, and Ms. Norma Williams, with contributions from Dr. Isaac Saney and Dr. Karly Kehoe, and researchers Ms. Jalana Lewis, Ms. Kylie Peacock, and Mr. Wade Pfaff. These individuals have contributed their time, their insight and their energy to this initiative.

The work ahead will take time, as systemic change does not happen overnight. However, it is not work that is just beginning today. It builds on past efforts and actions, informed by response to calls from our community. The findings of this report are a renewed call to collaborate with our Dalhousie community, and broader communities, to build a more inclusive university.

We are committed to Dal being a place where everyone feels valued and respected. Where diversity, equity and inclusion are core values in our mission of teaching and learning, research, and service to our communities. Where we challenge racism and its systemic legacies within our own walls and in our broader community. And where we do the work required to meet our responsibilities to reconcile with our past and build a better future for individuals and communities of African descent and, indeed, all people.

This is what we want the name "Dalhousie" to be known for in our third century and beyond. This is the legacy we will build together.

Teri Balsler
Interim President and Vice-Chancellor

Note from Dr. Afua Cooper, Chair of the Panel and Lead Author of the Report

*African skeletons shake the dust from their bones
skulls with rattling teeth recite litanies of ancient woes
tongues spout where none existed before
and speak in funereal language
griots rise from their graves
and recount the stories of their journeys
hafiz tongues uncleave and recite
the surahs of the dawn
babalawos emerge from the storm
and divine with their shells and stones.¹*

As I put the finishing touches on the Report on Lord Dalhousie's History on Slavery and Race, the issue of Halifax's police street checks was roiling the city and the province at large, the Black community in particular. The Nova Scotia Human Rights Commission's "Halifax, Nova Scotia, Street Checks Report," written by criminologist Scot Wortley, informs us that Black people in Halifax, especially Black men, are six times more likely to be street checked by police than White people. Black people are therefore singled out by police officers in practices that are racist and discriminatory. This is particularly alarming given they make up only 3.59% of the city's population.

The Dalhousie Report gives resonance to the "Street Checks Report" in that it provides the historical basis for the current condition of Blacks in Halifax with respect to this particular discriminatory exercise. Many, if not most, of the Black Haligonians who are street checked are descendants of the Black Refugees of the War of 1812 and Caribbean and African immigrants. Two hundred years ago, Lord Dalhousie as governor of Nova Scotia, in his bid to keep the province White, wanted to return the Black Refugees to their former slave masters in the US or deport them to such places as Trinidad and Sierra Leone. Policies of Lord Dalhousie's government and of Nova Scotia's previous and successive administrations ensured that the Black Refugees were relegated to a caste-like environment that normalized social conscription and educational and political marginalization. One wonders what African Nova Scotians might have achieved over these past 200 years if these barriers were not in place. Another important question is how might Dalhousie University, Halifax, and Nova Scotia atone for the lost opportunities Blacks have incurred in attempting to realize their potential and to self-actualize.

Though Black Nova Scotians as a whole have overcome the great hardships put in place by Whites and White supremacy and have built lasting communities and institutions, more than 200 years after first Black Refugees landed here, their descendants still struggle for the human and civil rights that have been denied them for centuries.

I am honoured to have been asked to chair the panel and be the lead author of this report. This work brought together my expertise as an historian of Black or African Canada, the African Diaspora, and slavery, abolition, and freedom. It engages my thoughts about the philosophy of history, knowledge and education, and it brings to bear the realization that history, especially that of Black people, is oftentimes erased and deliberately so. Nova Scotia was a premier North American site in which a unique Black identity was shaped and established. Equally, the province ranks as an important epicentre of the Black Diaspora. Black people came here to seek safety and a better life. But many soon departed, oftentimes forcibly but also sometimes voluntarily. Slavery and its shadow marked their movements.

We panel members delved into history to uncover both the university and its founder's relationships to slavery and race and, concomitantly, to anti-Blackness. Once engaged in the

research, we fleshed out the imbrications between Dalhousie University, the Black Refugees of the War of 1812 and the carrying trade between the West Indies, Nova Scotia and the other Atlantic provinces, and how this was pivoted upon the enslavement of Black people in the Caribbean. We soon realized that half of this story has never been told.

This report follows the public presentation of the “Report of the Findings of the Scholarly Panel to Examine Lord Dalhousie’s History on Slavery and Race,” on December 10, 2018. The numerous stakeholders in attendance responded enthusiastically to its top findings. A power point presentation is posted on the university’s website.

Some extraordinary persons helped make this report possible. I acknowledge Drs. Kevin Hewitt and Richard Florizone for their vision, foresight, and commitment, the Dalhousie Black Faculty and Staff Caucus for its leadership on this issue, and the panel itself for its steadfast dedication to justice and equity. The panelists all lent their expertise and knowledge. Some wrote parts of the report, in particular I recognize Shirley Tillotson for her thorough historical research and analysis; Camille Cameron for bringing a legal lens to the project; and Harvey Amani Whitfield for his insightful work on slavery in Nova Scotia. Paul Lovejoy gave sage advice and shared his vast knowledge of African and African Diaspora history. Françoise Baylis provided important feedback on the inquiry. David States offered his insights on the history of Blacks in Nova Scotia and the Maritimes. Norma Williams provided wonderful intellectual and practical support. Jalana Lewis and Kylie Peacock provided invaluable work through their research in relevant archives. Ainsley Francis served as student representative on the panel, conducted research and provided administrative support. I also thank Wade Pfaff who assisted with research in the final stage of project. Karly Kehoe and Isaac Saney made important contributions to the report with their work on Scotland and slavery, and the Canadian dimensions of the Decade for People of African Descent, respectively. The work that went into researching the project and writing the report was hard labour, but it was a labour of love, underscored by a deep commitment to racial justice.

The holdings in the numerous and various institutes in which we researched provided the backbone for this report. In particular, the Nova Scotia Archives provided documents, including images, illustrations, and manuscripts. The Maritime Museum of the Atlantic, in particular, Roger Marsters willingly provided images for the project and knowledge on the West Indies trade and Halifax’s support for the Confederacy. Editor, Glenna Jenkins, added her precision skills and good humour. Proofreaders Valerie Mansour and Margo Grant made the document more elegant and readable. The staff of the president’s office and Paul Williams and the communications and marketing team at Dalhousie University also deserve recognition. I also thank Richard Rudnicki for giving permission to use his painting of the Black Refugees landing at Halifax harbor in 1814. Finally, I thank all those who have contributed to this project in one way or another. These include colleagues, family members, friends, and other supporters who gave of their time, talents, and energy so this report could be realized. You know who you are.

The challenge now is for the university to implement the recommendations we put forward here, based on the oppressions that have burdened Black Nova Scotians and others in the Black Atlantic. These past centuries, their hard work, struggles, vision, and commitment to justice and freedom have created positive changes for all peoples throughout the hemisphere.

Naa Afua Dadesen Cooper, Ph.D.
Panel chair and lead author of the report

¹From the poem “Negro Cemeteries” in *Copper Woman and Other Poems* by Afua Cooper.

Foreward to the Lord Dalhousie Report by Dr. Kevin Hewitt, Chair of the Senate

Black Lives Matter. Throughout 2015 this phrase echoed across North America, and propelled in no small measure by concerted student activism, several post secondary institutions finally assumed the mantle of leadership set by Brown University in 2003. In that year, President Ruth Simmons – the first African American president of an Ivy League institution and Brown's first female president – commissioned the report "Slavery and Justice".

Dalhousie's efforts to grapple with its connection to slavery, documented in the succeeding pages, were seeded in conversations between then-President Richard Florizone and myself in November 2015, and were cemented in December 2015 during a meeting of the Dalhousie Black Faculty and Staff Caucus hosted by Dr. Florizone. In agreeing to launch the Scholarly Panel to Examine Lord Dalhousie's History on Slavery and Race, Dr. Florizone demonstrated an openness to the idea of white privilege and a commitment to reconciling with our past to help us build a stronger future at Dalhousie. Most of us have heard Martin Luther King's famous phrase "The long arc of history bends toward justice." I would add that the inflection points occur when thought leaders, community activists and academicians act with integrity in pursuit of fairness and justice, exercise courage in the face of the privileged views of the time. How courageous can you be in whatever role you find yourself?

One perspective views history as an examination of how the same principle manifests itself across time. On this view, in order to understand how the legacy of slavery is expressed today, we must comprehend the systems of power and oppression as well as the agency of white supremacy that slavery was premised on. The pages that follow illuminate this past and will hopefully prompt the reader to reflect on how the experiences and ideas of the past resonate in the present. The New York Times Magazine 1619 Project and the associated 1619 Project Curriculum initiative of the Pulitzer Center is a contemporary example of that grappling with the past to tell our story truthfully.

My own ancestry connects my maternal great grandmother Daisy Louisa Forde (née Williams), born June 1885, to her father, Joseph Williams, born a couple decades earlier in St. Vincent and the Grenadines. Joseph was the son of parents from Grenada enslaved by the British. Imagine the exploitation of these human beings, the goods produced by their unpaid and coerced labour and how it enriched others both near and far. How did this legacy of enslavement affect not only this family, but the wider Black population in the Atlantic littoral? How has this enslavement and marginalization affected how we and others are perceived? What of their socio-economic life trajectories and that of their children and their children's children? What is owed to these individuals and their descendants for a systemic oppression that denied them their humanity? What could possibly compensate them for their treatment as moveable chattel – property listed in wills, sale ads, and estate records alongside furniture and farm animals?

When Dr. Florizone and I discussed who should lead the panel, it was immediately evident that we needed an historian — not just any historian, however. It had to be a historian with impeccable credentials and experience, able to both understand and elucidate the complex histories of Slavery in Canada and its connections to the trans-Atlantic slave trade. We were fortunate to already have, at this institution, one of the preeminent historians of Slavery in Canada. Through her scholarly contributions, Professor (Naa) Afua Dadesen Cooper has demonstrated an unyielding commitment to unearthing silenced voices. In contemplating the members of the panel, we similarly sought experts in, inter alia, history, law and ethics.

This outstanding group of scholars and specialists, during three years of painstaking work, unearthed primary sources and adhered to unassailable scholarly rigor to produce an historic document – a body of work that will inform the work of scholars and activists for generations to come.

And now the time is upon us to begin the difficult but important conversations and work that will tell us what kind of people we are, what reconciliation looks like, and what world we want to live in. In a word – Sankofa – we look back in order to move forward, so that we can create a more welcoming, just and equitable place for us all.

Kevin Hewitt
Chair of the Senate

Executive Summary for the Lord Dalhousie Report

In 2015, the racial climate for Black people at Dalhousie University was stressful. Anti-Black racist graffiti had been spray-painted in diverse campus locations, several Black students had experienced racism in classrooms and other sites on campus, some Black faculty and staff members were insecure about tenure and retention, and there were concerns about the whiteness of university curricula. The Black Faculty and Staff Caucus met with President Richard Florizone and Chair of the Senate Kevin Hewitt, to discuss the anti-Black racism that seemed to have become a hallmark of university life.

The general feeling that emanated from the meeting was that, for Black people as a whole, Dalhousie University was an unwelcoming place. Those who attended the meeting referenced the negative attitudes and perspectives of George Ramsay, the 9th Earl of Dalhousie and founder of the institution, toward Black people and especially the Black Refugees of the War of 1812. There is evidence provided elsewhere in this report that the man who founded the university was racist toward Africans and their descendants. This racism has persisted since the university's beginning and continues to cast its shadow over the campus today.

It was also realized that the incidents that occurred at Dalhousie were but a microcosm of what was happening in the larger world. Anti-Blackness was (and still is) an ideological mainstay of Western societies. Black people throughout the West continue to confront this headlong. Students and faculty at numerous and diverse North American universities are protesting their institutions' failures to recognize their engagement with and accommodation of a racism that especially targets Black people. A central demand of these students and faculty members is that their respective institutions examine and acknowledge their connections to slavery, the slave trade, and anti-Blackness. The strength of the #blacklivesmatter movement, in both Canada and the United States, in their protests against police brutality against Black people was also making the news headlines.

In 2016, the then president and senate chair of Dalhousie University established a scholarly panel to inquire into Lord Dalhousie's relationship to slavery, race, and anti-Black racism within Dalhousie University, the province of Nova Scotia and the wider Canadian Atlantic region. The panel received a mandate to conduct historical research on Dalhousie's links to slavery, his anti-Black attitude and the impact this continues to have on contemporary Black life, and further to propose recommendations that would lead to action in countering the insidious legacy left by the earl. This report is the result of the panel's investigation.

The panel combed through the relevant archives in Canada and the United Kingdom for primary documents and secondary-source material. Five distinct areas of Lord Dalhousie and the University's entanglement with race, slavery, and anti-Black racism were discerned. The following discussion details these areas of entanglement.

Lord Dalhousie became lieutenant-governor of Nova Scotia in 1816, replacing Sir John Coape Sherbrooke, who had become governor general of British North America. Dalhousie arrived in October that year and governed the colony until June 1820. Dalhousie's arrival coincided with the recent migration to and settlement in Nova Scotia of the Black Refugees of the War of 1812. They had come from the southern United States, namely the Chesapeake region and parts of coastal Georgia. As former enslaved persons, the Black Refugees had supported the British Crown in its fight against the United States in the newly ended war. In April 1814, Vice-admiral Alexander Cochrane, commander of the North American station of the Royal Navy during the war, realizing that Blacks were escaping to British lines, issued

a proclamation inviting enslaved African-Americans to desert the plantations of their enslavement, serve in the British armed forces and, thereby, gain their freedom. Thousands of enslaved persons responded to the proclamation. But even before Cochrane had taken that step, many enslaved men, women, and children had already escaped their bondage and supported and sought refuge with the British. During and after the war, thousands of these so-called Black Refugees were transported to British domains, including Nova Scotia. The Crown had also promised to support them to begin new lives in freedom as British subjects. Upon arrival in Nova Scotia, the Black Refugees soon realized that the Crown was breaking its promise. Dalhousie was not enthusiastic to support a group of Black people whom he felt were not the kind of settlers Nova Scotia needed, and, thus, were not deserving of British largesse. Sherbrooke, his predecessor, and the Nova Scotia Assembly also held the same opinions, as did many members of the colony's citizenry. Thus, the Black Refugees had entered an unfriendly and often hostile environment.

In December 1816, in a letter to his superior Lord Bathurst, Dalhousie wrote that the Black Refugees were: "Slaves by habit & education...their idea of freedom is idleness and they are therefore quite incapable of industry."¹

Why did Dalhousie write so disparagingly about this Black collectivity? Where did he get his ideas about Black people and their characteristics? This report lays out the reasons for Dalhousie's anti-Blackness and for his damaging policies in regard to the Black Refugees and their attempts to settle in Nova Scotia and make it their home. Simply put, Dalhousie employed a policy of punishment and reward in his meagre food distributions to the Refugees, which sometimes left them at the point of starvation, where even he felt they would perish. He also failed to accord them sufficient farmland; instead leaving them to subsist on small plots of what one commentator refers to as "some of the worst land": 8 to 10 acre lots, compared to the 100 acres of arable land the White settlers received.² Dalhousie's other anti-Black-Refugee strategy was the offer to deport these people to former slave masters in the United States, to slave colonies in the West Indies, or to Sierra Leone.

In calling them "slaves by habit & education," Dalhousie did not see the Black Refugees as free people and worthy settlers, or agential individuals who had earned their freedom; rather, he saw them as servile persons who had to be whipped into submission. Dalhousie's attitudes and policies marginalized African Nova Scotians in almost every aspect of their lives. At the same time, his policies toward White settlers and White soldiers of disbanded regiments, who were also would-be settlers, substantially differed. These attitudes and discriminatory policies continue to affect Nova Scotia's Black community today.

Dalhousie's second tie to slavery had to do with the British government's involvement in the Franco-British wars, which arose out of the French Revolution. In June 1793, French Royalists on Martinique invited the British to help them oust the island's recent Revolutionary government. Though that invasion failed, Martinique was too strategically important to be ignored. In a second attempt early in 1794, British forces wrested control from Martinique's Revolutionary government. That government had freed enslaved men who served in the Revolutionary national guard, and some enslaved people had taken their own liberty, encouraged by the revolutionaries' rhetoric. In the terms of the surrender imposed by the British, all enslaved people were ordered to return to their masters. As an officer in the occupying forces, Dalhousie helped the British enforce that order, robbing some Black former enslaved persons of the short freedom they had obtained under French revolutionary rule. The panel posits that Dalhousie's Martinique experience was his first concrete encounter with

a Black community. This experience of conquest and re-enslavement helped influence his subsequent views and perceptions about African peoples.³

The West India trade is another example of Dalhousie's entanglement with slavery and the slave trade. During the period of Caribbean slavery, the Nova Scotian economy was heavily dependent on a trade system that was an offshoot of the triangular slave trade. Halifax was a major port in the British Atlantic and, thus, part of a commodity exchange system that linked the Caribbean, other parts of the Maritimes, the Eastern Seaboard of the United States, Upper and Lower Canada, Britain, Europe, West Africa, and beyond. Slave labour was the *raison d'être* of the West India trade. Halifax and other provincial merchants traded salt fish, beef, pork, timber, flour, staves, and other goods to West Indian slave plantations in exchange for slave-made rum, sugar, molasses, cocoa, coffee, and other products. Once these slave-made products arrived in Nova Scotia, usually on ships built in the Maritimes, Newfoundland, or Europe, they were sold within the colony or re-exported to other parts of British North America, New England, Europe, and the Mediterranean. The West India trade was, thus, a mainstay of the economies of Nova Scotia, the broader Atlantic Region, and Upper and Lower Canada. This trade also fostered such industries as shipbuilding, banking, and insurance.

A coterie of Halifax merchants, some with connections to Dalhousie College/University, grew wealthy from this trade.⁴ Three cogent examples of this trade are the revenues that flowed into the provincial treasury from customs duties on the slave-grown products that travelled on inbound West Indian ships. These revenues not only funded provincial infrastructure, but they also funded the construction of Dalhousie College and provided an endowment that contributed to the salaries of its teaching staff. The Castine Fund was also a source of monies that provided the original endowment for Dalhousie College. Thirty percent of the income earned from customs duties collected during Britain's occupation of Castine, Maine, came from the West India trade. The official residence of Dalhousie's president was also connected to this trade: its original owner, Levi Hart, was a West Indian merchant.

The fourth web of Dalhousie University's involvement with slavery has to do with the compensation money the British government awarded to former West Indian slave owners at the end of slavery in the Caribbean. At least two important Halifax families—the Almons and the Johnstons, who were connected by marriage—received upward of £500 pounds as compensation for relinquishing their ownership of enslaved Black Caribbeans. One influential family member was Mather Byles Almon, a leading Halifax figure in banking, commerce insurance, and politics and a governor of both Dalhousie and King's Colleges. Another family member, James William Johnston, was brother-in-law to Almon. Johnston was a lawyer, politician, judge, and nominally provincial premier. He was also Jamaican by origin and held slave-holding interests there.

The first head of Dalhousie University's Faculty of Medicine and founder of the Medical Association of Nova Scotia, Dr. William Johnston Almon, descended from the Almon-Johnston family that had received slave-compensation money. Dr. Almon served three terms as head of the medical school. He was also a politician and "one of British North America's most rabid supporters of the Confederacy," raising, with his wife's help, large sums of money to the cause and assisting blockade runners and Confederates who took refuge in Halifax.⁵ Dr. Almon was implicated in helping Confederate pirates hijack the American steamer the *Chesapeake*. He also assisted the Confederate blockade runner officer John Taylor Wood escape through Halifax on his ship the *Tallahassee*.⁶ He could break the law, with impunity, because the Halifax circle in which he moved was solidly pro-Confederate. In the late 1850s,

the elder Dr. Almon instituted a prize at King's College "for the best Latin composition" on the subject of military martyrdom. The winning entry for 1863 was a poem by Newman Wright Hoyles (son of a Newfoundland premier and future leader of Osgoode Hall Law School in Toronto). The poem titled "In Memoriam Jacsoni Ducis" was a tribute to Stonewall Jackson,⁷ a leading Confederate general. Almon's son Dr. William Bruce Almon II had also demonstrated Confederate support by joining the Confederate Army, where he served as a surgeon. It is instructive to note that these two Almon men were pro-slavery and were descended from the Almon-Johnston family who had received West Indian slave-compensation money. Thus, it would appear that the visible and leading members of the Almon-Johnston clan were pro-slavery through and through.

The final connection to slavery and anti-Blackness was the expression of racist ideas by both of Dalhousie's first two presidents: The first president, Reverend Thomas McCulloch, though an ally of abolitionists, used racist ideas for humour in his popular satirical writing. The second president, Hugo Reid, whose official title was Principal of Dalhousie College School,⁸ wrote a tract against abolitionism, justifying his position with racist ideas. He gave ideological support to southern slaveowners on the eve of the American Civil War. He argued that abolition would be injurious to both the southern slave society and Black people as a whole.

Many of early-eighteenth century Halifax's leading families and social and political leaders were pro-slavery, Confederacy supporters and, in effect, anti-Black. What did it mean for Black people who were living in Halifax during the time of the Civil War to witness persons in high positions in society or within important institutions (to which Black people had almost no access) that showed such active support of the Confederacy? They no doubt saw and felt their political, social, and economic marginalization, and the psychic distance between themselves and Nova Scotia's White population. So, where does this all bring us to today?

Dalhousie is the first university in Canada to engage in this kind of self-examination. This is appropriate given the historic nature of Nova Scotia's Black community, which traces its beginnings to 1604 when the presence of Mathieu De Costa, a Black man at Port Royal in service of Sieur Dugua de Mons, is recorded. In the following centuries, diverse streams of Black people from the United States, Africa, the Caribbean, and other parts of the world arrived in Nova Scotia as enslaved persons, free people, Maroon exiles, Black Refugees, sailors, workers, and immigrants. They settled, intermarried, and formed a distinct North American Nova Scotian Black community. They all faced an anti-Black racism that still runs deep within Nova Scotian society.

What was our objective in writing this report? In addition to laying out the facts of Lord Dalhousie and Dalhousie University's entanglement with race, slavery, and anti-Blackness, it is important to show how today's legacy of racism and discrimination affects current race relations in Nova Scotia and, more particularly, at Dalhousie University. Over the years, the university has introduced equity measures designed to improve the quality of Black life on campus, including the Black Students Advising Centre and the Transition Year Program. These measures have been important in shifting institutional change for Black people and in making the campus environment more welcoming. However, more needs to be done to transform what has been called "the culture of whiteness"⁹ at Dalhousie.

The panel's recommendations are meant to start the process of changing the anti-Black sentiments and dismantling the anti-Black practices that are legacies of slavery and the slave trade and to bring about an equitable distribution of resources for the Black community.

This report draws inspiration from the United Nations Human Rights Council Report on

People of African Descent on its mission to Canada.¹⁰ The UN report acknowledges slavery and anti-Black discrimination in Canada and calls on the federal government to provide reparations to African Canadians and to mainstream Black history in textbooks and curricula. Further inspiration was drawn from the UN Declaration of the International Decade for People of African Descent (IDPAD 2015-2024), the Truth and Reconciliation Commission Report (of the government of Canada), and the numerous reports produced by American and British universities in their examinations of their institutions' historical connections to transatlantic slavery, the slave trade, and racial injustice.

The panel's findings are as follows:

A. What we have learned from the past:

1. The British obligation to the Black Refugees was based in the Black Refugees' contribution to British military success in the War of 1812.
2. The small plots of land and the reduced rations allocated to the Black Refugees were intended to push them into a mix of subsistence production and low-wage labour, rather than to support their eventual independence as farmers. "Dependence" as employees was part of the racist belief that a former slave's "addiction to idleness" meant that former enslaved persons would only work under a White person's command.
3. Lord Dalhousie's education exposed him to justifications for race-based chattel slavery and slavery as an economic system. His military role in Martinique showed his commitment to slavery.
4. Lord Dalhousie shared the widespread (though not universal) belief in the "idleness" and lack of "industriousness" of former enslaved persons. This belief was a key underpinning of the opposition to emancipation. He reported this belief as fact to Bathurst. And although Dalhousie qualified this assertion, Bathurst responded with only the negative view of the Black Refugees.
5. Lords Dalhousie and Bathurst shared the false belief that enslavement was a mild and benevolent condition and that some refugees would voluntarily return to it. They also shared the false belief that the refugees from the Chesapeake region were unable to flourish in a northern climate because of their biology. These false beliefs helped justify the British policy that would have relocated the Black Refugees to Trinidad, where slavery was still institutionally established.
6. Lords Dalhousie and Bathurst accepted that Britain had an obligation to the Black Refugees that was distinct from their obligation to disbanded soldiers or to settlers, generally. However, following Lord Bathurst's advice, Dalhousie sought to reduce the expense of that obligation by distributing supplies that were less in both quantity and quality than the standard rations that were distributed to soldier-settlers. Even this minimum was withheld from individuals who were judged to be undeserving.
7. Neither Lord Bathurst via Dalhousie nor Dalhousie on his own pressured the provincial government to provide aid in a regular way to the Black Refugees. Small emergency expenditures on relief to "distressed" settlers (sometimes including the Black Refugees) were made to preserve order or in case of emergency. One large general expenditure, in the spring of 1817, was in response to the colony-wide crop failures of 1816.

8. From 1815 to 1824 (the first decade of Black Refugee settlement) economic opportunities in Nova Scotia were poor. Many recent White settlers left the colony. The Black Refugees were less free to move on than others were, however, because of the very real risk of kidnapping and re-enslavement in the Atlantic world.
9. The business model of major merchants in Nova Scotia (mostly Halifax) required low commodity prices on West Indian produce. The model changed with British emancipation in 1834; the supply of goods was reduced and their prices raised. In response, Nova Scotian merchants shifted to doing business with the slave-owning producers of the “foreign” West Indies.
10. This business model only worked when British naval power and foreign policy successfully excluded American traders from operating in the West Indies. This was not a rational economic arrangement but rather part of the colonial system by which British wealth was built. When fully in place, the impact sometimes included food shortages and the starvation of enslaved persons on some West Indian plantations.
11. When the import trade with the West Indies was at its peak, the taxes on that trade generated approximately 20 to 25 percent of Nova Scotia’s public revenue. Trade taxes generated through ordinary customs revenues in Nova Scotia, between 1814 and 1820, helped pay for the construction of Province House and the early road system. The revenue from the Castine customs house (exactly 30 percent from the West India trade) made possible the endowment of Dalhousie College. In this way, slave-produced goods are part of what built the province’s public goods.
12. Two early Dalhousie University leaders, McCulloch and Reid, contributed to the ideologies of “natural” slave laziness and the “natural inferiority of the negro” in popular and widely circulated publications. An early president of the medical college, Dr. William Johnston Almon, was openly a Confederate sympathizer during the American Civil War.

B. How Nova Scotia has been shaped by this history:

1. Dalhousie College and other provincial institutions and infrastructure were created, in part, with revenue from slavery-based economies.
2. Although Nova Scotian slave ownership was on the decline during Lord Dalhousie’s time, the colony’s economy was nonetheless slavery-based insofar as merchant wealth was largely based on trade with slavery-based economies.
3. False beliefs about the superiority of White people and the inferiority of Black people helped members of majority White societies that depended economically on slavery to see their wealth as legitimately earned rather than based on the unjust exploitation of other human beings.
4. Those same beliefs motivated policies (like the small land allocations and inadequate rations) that tended to be self-fulfilling. These beliefs also motivated practices among Nova Scotian employers and neighbours to actively discourage Black settlers, again producing results (limited economic success) that seemed to justify these false beliefs and inhibit the possibilities for the Black Refugees (would-be settlers) to prosper.
5. These aspects of Nova Scotia’s economic and social history help explain how anti-Black racism has contributed to the persistent economic and social disadvantages experienced by people of African descent living in this province (whether descendants of the Black Refugees or not).

University Response to the Scholarly Panel to Examine Lord Dalhousie's History on Slavery and Race

September 5, 2019

Today, we mark the completion of the Scholarly Panel to Examine Lord Dalhousie's History on Slavery and Race, bringing to a close an impressive body of scholarly work and an important contribution to Nova Scotian history. We are pleased to formally accept the report today from Dr. Afua Cooper, on behalf of the Panel.

Sankofa – Looking back in order to move forward

Over the past 200 years, Dalhousie University has become known around the world for teaching excellence, groundbreaking research and community engagement. We have forged new frontiers of knowledge and understanding, and through education we have shaped the history of our region and our country for the better. Dalhousie University's legacy is one that generations of alumni, faculty, staff and supporters celebrate with pride.

For this proud legacy to enter its third century, we must confront the complicated history of our namesake, George Ramsay, the ninth Earl of Dalhousie.

Lord Dalhousie established this university in 1818 while serving as Lieutenant Governor of Nova Scotia, envisioning a university open to all regardless of class or creed. Yet the historical record shows another side of Ramsay: troubling views on Nova Scotia's Black settlers and slavery, which stand in stark contrast to his progressive views on education.

Discussions of race and racism can be fraught, and when it comes to past transgressions it can be all too tempting to dismiss them, treating by-gones as by-gones, history as ancient history. But we cannot extricate the wrongs of the past from the issues of the present, and in 2019 no institution — let alone one of higher learning — can sit in silence or denial when it comes to racism and its continuing legacies in our society. In the Twi language of Ghana, the word Sankofa is derived from the phrases “to return;” “to go;” “and “to fetch, seek and take.” It emphasizes the importance of moving forward while reaching back to learn lessons from the past and to get what has been taken or lost through exclusion, oppression, or neglect. It is our place and responsibility as a university, with all the tools of scholarship and discourse available to us, to have this important conversation about our past and commit to action going forward.

Applying our tools of scholarship

It is in that spirit that then-President Dr. Richard Florizone and Chair of Senate Dr. Kevin Hewitt commissioned the Scholarly Panel to Examine Lord Dalhousie's History on Slavery and Race, which was endorsed by the Dalhousie Board of Governors and Senate. Stemming out of discussions with the Black Faculty and Staff Caucus, the Panel was established to examine and help us better understand the complicated and controversial questions surrounding Lord Dalhousie's historic links to the institution of slavery and racial injustice. The Panel was tasked with gathering the historical facts on Lord Dalhousie's statements and actions with regards to slavery and race; to interpret those facts in both their historical and modern context; and to

recommend actions Dalhousie University could take to respond to this legacy, with the goal of building a stronger, more inclusive university that fully reflects our history, our values and our aspirations.

What the Scholarly Panel — chaired by Dr. Afua Cooper — has uncovered over the past three years tells a story that is much larger than one person or one university. It is a window into the history of Halifax, Nova Scotia and indeed the broader Atlantic region. It bears witness to views and practices that should feel profoundly wrong to all of us. But it also places those words and actions in their context, providing us with a deeper understanding of not just George Ramsay, but anti-Black racism more broadly in the early 19th century.

On behalf of Dalhousie University: I want to say thank you to Dr. Cooper, and the members of the Panel: Dr. Françoise Baylis, Dean Camille Cameron, Mr. Ainsley Francis, Dr. Paul Lovejoy, Mr. David States, Dr. Shirley Tillotson, Dr. Harvey Amani Whitfield, and Ms. Norma Williams, with assistance from Dr. Isaac Saney and Dr. Karly Kehoe, and researchers Ms. Jalana Lewis, Ms. Kylie Peacock, and Mr. Wade Pfaff. These individuals have contributed their time, their insight and their energy to this work.

Dalhousie is the first university in Canada to commission an accounting of its early intersections with the legacies of slavery, but it will certainly not be the last. This Scholarly Panel provides an exemplar for others to draw upon as they join us in reflecting on and reconciling with our shared history. Dr. Cooper and the Panel are to be commended for their detail, their scholarship and their thoughtful reflection on ways for Dalhousie University to address the legacy of our namesake and his intersections with the enslavement of People of African Descent.

Our commitment

Today, on behalf of Dalhousie University, I apologize to the People of African Descent in our community. We regret the actions and views of George Ramsay, the ninth Earl of Dalhousie, and the consequences and impact they have had in our collective history as a university, as a province, and as a region. Further, we acknowledge our dual responsibility to address the legacies of anti-Black racism and slavery, while continuing to stand against anti-Black racism today.

The recommendations from the Scholarly Panel are important and they, along with our upcoming African Nova Scotian strategy, will be critical in informing our path forward. They will be embedded into our forthcoming strategic plan under the leadership and direction of our new Vice-Provost of Equity and Inclusion, Dr. Theresa Rajack-Talley. With her extensive scholarly background in Pan-Africanism and studies of racism, she is ideally suited and fully committed to ensuring the Scholarly Panel's recommendations inform and shape our efforts moving forward.

The work ahead will take time, as systemic change does not happen overnight. Nor, though, is it work that is just beginning today. It builds on past efforts and actions, informed by response to calls from our community. Our Transition Year Program, the Indigenous Blacks & Mi'kmaq Initiative in our law school, the James R. Johnston Chair in Black Canadian Studies, and the Imhotep's Legacy Academy outreach program are all examples of how individuals and groups within our university have worked to live up to our obligations to our African Nova Scotian communities. Aligned with Dalhousie University having proclaimed the UN International Decade for People of African Descent last year, we are now expanding our

academic offerings in Black and African Diaspora Studies, increasing the recruitment and retention of Black faculty and staff, developing new supports for students of African descent – including creating a new Sankofa scholarship for the 2020/2021 academic year in recognition of the Panel’s efforts – and working to better celebrate and recognize the many contributions People of African Descent have made to our university and our region.

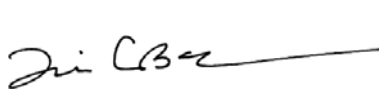
There are many people and groups across our campuses who have worked tirelessly — and continue to work — to support People of African Descent in our community. These include, but are not limited to: the Black Faculty and Staff Caucus; the University *Strategic Direction* priority 5.2 Steering and Advisory Committees, as well as Senator Wanda Thomas Bernard, who has been an ongoing resource to me, and to past presidents.

The path forward

The responsibility for the work to come is shared between the university governing bodies we represent here today; with the staff, faculty, alumni and students that make up our university community; and with our partners in government, in industry, and in our communities. That said, Dalhousie University should and must take a leadership role in this responsibility. We cannot change the history detailed by this Scholarly Panel, nor change how it has informed our present — but we do get to decide how it shapes our future.

We affirm, without qualification, that Dalhousie University must be a place where everyone feels valued and respected. Where diversity, equity and inclusion are core values in our mission of teaching and learning, research, and service to our communities. Where we challenge racism and its systemic legacies within our own walls and in our broader community. And where we do the work required to meet our responsibilities to reconcile with our past and build a better future for individuals and communities of African descent and, indeed, all people.

This is what we want the name “Dalhousie” to be known for in our third century and beyond. This is the legacy we will build together.



Dr. Teri Balsler
Interim President,
Dalhousie University



Dr. Kevin Hewitt
Chair, Dalhousie University
Senate



Candace Thomas
Chair, Dalhousie University
Board of Governors

The Petition of the Coloured People Settlers at
Beach Hill near Halifax Respectfully Sheweth

That your Petitioners for some time past
have by their Industry endeavored to Cultivate the Lands
located by them at Beach Hill distant about eight Miles
from the Town of Halifax, and to raise therefrom Vegetables
and other articles, by the sale of which they might be
enabled to procure for themselves and families the ne-
cessaries of life. **1.0** **Dalhousie University's Historic**
Links to Slavery and its Impact
on the Black Community:
Rationale for the Report
The Road between Beach Hill and
the Head of the stream which your Petitioners suffer
great inconvenience in their intercourse with the Town, and
the conveyance of articles intended for Market, attended
with great labor. Your Petitioners therefore most humbly
pray that your Honorable Body will take their case
into consideration and by the Grant of a sum of Money
to be expended on the Road commencing at Roman's Farm
and continuing to the extremity of the Beach Hill Settlement
facilitate the means of their intercourse with the Town

This report came out of a context of anti-Black racism at Dalhousie University, and the active response of Black faculty, staff, and students to this issue. At the beginning of 2013, the Dalhousie Black Faculty and Staff Caucus (DBFSC) met with Dr. Richard Florizone, the university's sitting president, and human resources personnel to address some of these issues, to rectify them, and to come up with recommendations. Central to these realities was the fact that the university's founder, George Ramsay, the 9th Earl and later Baron Dalhousie, had a negative history with the Black Nova Scotian community. Further, the university itself was founded from an endowment, named the Castine Fund, which was garnered from monies raised in part from trade with the slave-based economy of the West Indies. Therefore, issues of race, slavery, and anti-Black racism are germane to the founding of Dalhousie University and its early history.

In December 2015, the DBFSC again met with President Florizone; this meeting also included Dr. Kevin Hewitt, chair of the university senate. Six months later, Florizone and Hewitt commissioned a scholarly panel to investigate Lord Dalhousie's relationship to slavery and race and to write a report based on their research and deliberations. Members were drawn from Dalhousie University, outside institutions, and the Nova Scotian community at large. Dr. Afua Cooper, James R. Johnston Chair in Black Canadian Studies, president of the Black Canadian Studies Association, and co-chair of the DBFSC, was asked to chair this panel.¹

1.1 Dalhousie College: A legacy of slavery and racism

Lord Dalhousie arrived in Nova Scotia in the fall of 1816 to take up a four-year post as lieutenant-governor. Two years later, he founded the institution now called Dalhousie University. During his tenure he had a troubling relationship with the Black Refugees of the War of 1812, three thousand of whom had arrived in the colony between 1813 and 1816, roughly around the same time as Dalhousie.

The legacy the earl left behind, as a colonial governor, is one we continue to live with today. Dalhousie viewed Black people through a racist lens—as people who were not worthy subjects of the Empire but whose *raison d'être* was to be perpetual enslaved persons. Additionally, Dalhousie conceptualized Nova Scotia as a space for White settlers and, thus, did not want Black people to settle en masse in the colony. For Dalhousie, Black people were suited to slavery; therefore, he could not conceive of them as members of a free society. Moreover, he founded a college that, throughout its early years and beyond, employed several



LORD DALHOUSIE
COURTESY OF THE PRESIDENT'S OFFICE, DALHOUSIE UNIVERSITY

pro-slavery administrators who articulated a notion of Black inferiority and supported the pro-slavery Confederacy.

1.2 The mandate of the scholarly panel on Lord Dalhousie's history on slavery and race

The mandate that Dalhousie University's president and senate chair gave to the panel was articulated in the terms of reference. The main instruction was "to gather the historical facts on Lord Dalhousie's statements and actions with regards to slavery and race; interpret those facts in both their historical and modern context; and recommend actions that Dalhousie [university] could take to respond to this legacy, in order to build a stronger, more inclusive university that reflects our history, our values and our aspirations."² (The complete terms of reference are included in the appendices.)

1.3 Racism in Halifax, Nova Scotia

Within Halifax and Nova Scotia, Black people have faced systemic and structural racism since the time of their arrival and settlement. This includes their history of enslavement from 1688 to 1834, and slavery's aftermath, which was manifested in residential by-laws, school and religious segregation, separate cemeteries, labour discrimination, racial profiling, disproportionate representation of African-Canadian children in child-welfare custody, and over-incarceration of African Nova Scotians. Additionally, the marginalization and final destruction of Africville, the legal lynching of Viola Desmond, the more recent racial harassment and abuse of Halifax Transit worker Randy Evan Symonds, and the blackface episode engaged in by a Nova Scotia MLA are all manifestations of anti-Black racism.³

1.4 The birth of the "Universities Studying Slavery" initiative

In the past 20 years, there has been a concerted effort led by university students, faculty, and other academic bodies within the United States to examine their respective universities' connections to race and slavery. As is known, numerous American institutions of higher learning were founded off profit garnered from the Atlantic slave trade and from slavery itself. Brown University was the first school to set up a commission to investigate its relationship to slavery, the slave trade, and race. Other schools followed. These efforts eventually led to the formation of "Universities Studying Slavery," a consortium of universities and colleges whose histories are braided with slavery, the slave trade, and anti-Black racism. Several United Kingdom universities are now part of this consortium. Dalhousie University joined the consortium in 2017, making it the first Canadian institution to do so.

The work of Dr. Craig Steven Wilder, a historian and professor at the Massachusetts Institute of Technology, gave added impetus to Dalhousie's initiative. In 2013, Professor Wilder published *Ebony and Ivy: Race, Slavery, and the Troubled History of America's Universities*.⁴ This book laid out, in detail after detail, how American universities, beginning with the eight Ivy League schools of the north and north-east, and the continental academies they spawned, were born and established out of a matrix of African chattel slavery. The back matter on Professor Wilder's book notes that it:

delivers an incendiary exploration of the intertwined histories of slavery, race, and higher education in America. Looking at many of America's most revered institutions, he shows how the slave economy and the university grew up together, each nurturing the other. Money from the purchase and sale of human beings built the campuses and stocked the libraries, while slaves waited on faculty and students. Indeed, our leading universities were not only dependent on enslavement, but became breeding grounds for the racist ideas that sustained it. Wilder's ground-breaking study reveals the little-known history of oppression behind the universities so often considered "cradles of enlightenment". Though Wilder's focus was on American universities, he also included some Canadian, Caribbean, and Latin American academies in his analysis.

Ebony and Ivy became an important guide for individuals, panels, commissions, and students investigating higher education, chattel slavery, and the role that academies played in maintaining racial hierarchies and embedded anti-Blackness.

To date, the response of other Canadian universities to the question of race and slavery has been somewhat muted. Perhaps the general belief among Canadian universities is that they have no links to African chattel slavery. But this is simply not true. The University of New Brunswick named its law school after pro-slavery judge George Ludlow. On two occasions, as supreme court judge, Ludlow returned two enslaved Black people to their owners whereas these Black people had sued for their freedom. McGill University was founded from an endowment from James McGill, a wealthy Scottish-born Montreal fur trader and entrepreneur. McGill bought and sold enslaved Africans and also kept enslaved persons in bondage.⁵ In Canada, Jesuit-supported schools, like Saint Mary's University, and Campion, Loyola, and Regis Colleges are linked to Jesuit institutions that were major slaveholders in the United States and Latin America. Laval University is also linked to enslavement through its missionizing activities among Indigenous peoples in Quebec and other parts of Canada. Additionally, Joseph Allison, the grandfather of Charles Frederick Allison, the founder of Mount Allison University, was a slaveowner.⁶ To this group can be added the University of Toronto, which was originally founded as King's College by High Church Anglicans. As is now known, the Anglican Church has had close imbrications with the transatlantic slave trade and colonial slavery itself.⁷

If Canadian universities do not believe they have ties to slavery, then they surely have ties to race and racism. This is evidenced in the numerous blackface incidents that occur on Canadian campuses, in the anti-Black graffiti, racial-profiling incidents, the under-representation of Black faculty, staff, and students on campus, and the continued whiteness of university curricula. Contrary to what one may otherwise believe, Canadian universities do not exist in a bubble. They exist in a society with an embedded racial hierarchy. Various Human Rights Commissions across Canada, student associations, trade unions, and civil society bodies have produced numerous reports that detail racial discrimination against people of African descent in Canada.⁸

1.5 The United Nations Human Rights Council report on Black Canada

At the international level, the Thirty-Sixth Session of the United Nations Human Rights Council recently conducted an inquiry into anti-Black racism in Canada. In 2016, the UN sent

a Working Group to visit several Canadian cities with sizeable Black populations, including Ottawa, Toronto, Halifax, and Montreal. In its inquiry, the Working Group met with student bodies, trade unions, women's, religious, community, and other groups. It examined the state of Black Canada under several rubrics: the criminal justice system, hate crimes, disparities in access to education, health care, housing, and employment. It further included an additional rubric, that of the multiple and intersecting forms of racial discrimination. In 2017, the UN issued its report on the state of Blackness in Canada with all-negative findings. The Working Group made several dozen recommendations, the first of which called on the government of Canada to "issue an apology [to the Black community] and consider providing reparations to African Canadians for enslavement and historical injustice."⁹

To date, not one governmental or quasi-governmental body in Canada, be it federal, provincial, local, academic, religious, political, economic, or civil, has acknowledged and responded to the UN Human Rights Council report on Black Canada. The silence is deafening. The silence lies at the heart of the systemic anti-Black racism that pervades Canadian society and society's default position which is to either ignore evident racism or deny that it exists.

As mentioned, Dalhousie is the first Canadian university to inquire into its relationship to slavery and race. Research does not indicate that Dalhousie or any of the early presidents were slaveholders in Nova Scotia or New Brunswick (though one member of the Board of Governors received Jamaican slavery compensation money). Nevertheless, slavery and anti-Blackness were woven into Dalhousie's history through personal or professional ties with leading merchants, in Halifax and throughout Nova Scotia, who were directly engaged in the slave-based West India trade, particularly in the shipping and sale of goods such as sugar, coffee, molasses, and rum.

In 1833, at the time of the passing of the Slave Emancipation Act, in the British West Indies the imperial government paid compensation to Planters and slave owners for the loss of their enslaved property; the enslaved received nothing. However, wealthy Nova Scotians who had invested in West Indian plantations could claim compensation. One such claimant with a connection to Dalhousie University was John Johnston. Money from his compensation flowed through his estate to his sister, Laleah. Her father-in-law and an executor of Johnston's estate was Mather Byles Almon, a member of the Dalhousie Board of Governors. The Johnstons were Loyalists from the American South who had migrated to Jamaica after the American Revolution. After leaving Jamaica, the family came to Nova Scotia where they became prominent in politics, law, and banking. Laleah and her husband, W. Bruce Almon, were keen supporters of the Confederacy during the American Civil War.¹⁰

When Dalhousie College was founded, it received its original endowment from the Castine Fund. This fund consisted of customs duties charged on the imports of goods entering Castine, Maine, during the time Britain occupied the territory. A substantial part—30 per cent—of these duties were charged on slave-made goods from the West Indies. The British government made these funds available to the lieutenant-governor of Nova Scotia to spend. Additionally, further funds for developing the future university were received from the provincial treasury, which had been receiving a substantial part of its revenue—20 to 25 per cent since 1808—from customs duties on the West India trade.

Another concrete example of Dalhousie College's connection to the West Indian trade is the president's residence. It was originally built by Halifax merchant Levi Hart who was involved in the West India trade. Donations from the alumnus and former Canadian prime

minister R.B. Bennett permitted the college to acquire the property in 1925. It has been the official residence to most of the university's presidents since then.

1.6 Dalhousie University's 200th anniversary and reflections on its founding

In 2016, when the panel was called, Dalhousie University was approaching the 200th anniversary of its founding. How then could the administration, faculty, students, and alumni celebrate 200 years of higher education without referencing the school's racist foundations? In addition to "positive" commemorative activities and events, Dalhousie University also had to face some of the ugliness of its past. The 200th anniversary, then, provided an excellent opportunity for the school to engage with its history on slavery and race and come to terms with that past. It is in light of this objective that this report was written.¹¹

1.7 How we went about our work

This work was driven by archival research. Such research—local, national, and international—was carried out at the Nova Scotia Archives, Dalhousie University Archives, Library and Archives Canada, National Records of Scotland, University of Edinburgh Library, and The National Archives (London, United Kingdom).

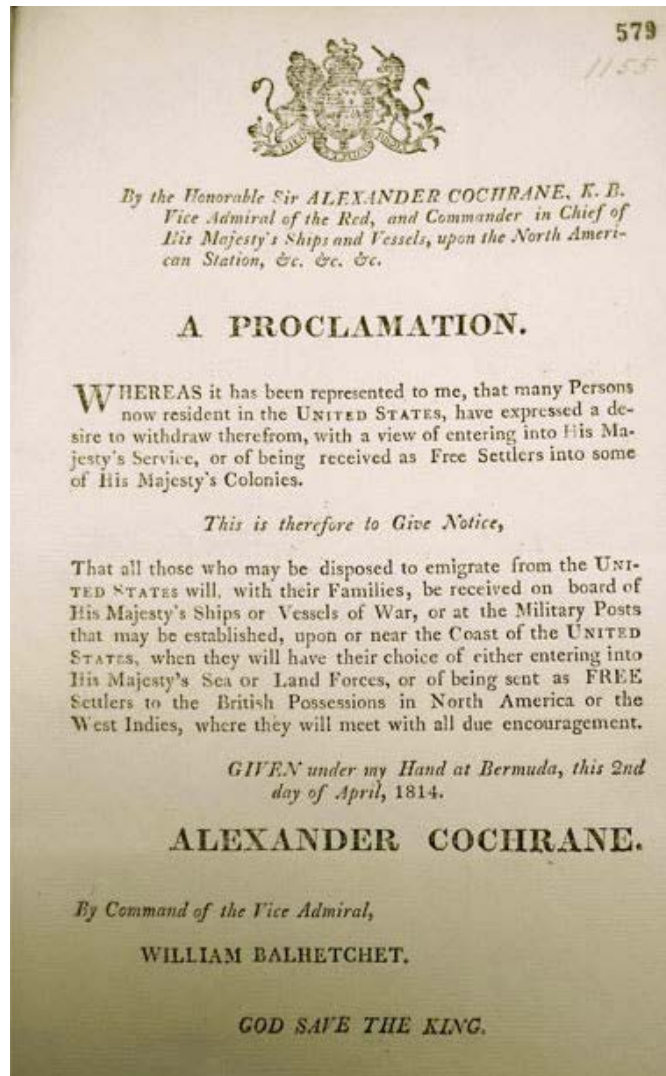
Additionally, Glasgow was visited. Here, historians Prof. Simon Newman and Dr. Stephen Mullen engaged in discussions with Afua Cooper and panel researcher Jalana Lewis on the University of Glasgow's role in slavery, the slave trade, and Scotland's involvement in Atlantic slavery. We also conducted semi-structured interviews with these historians. Our understanding of Scotland's role in the slave trade was expanded as a result of a guided tour given to us by Dr. Mullen, of Glasgow's merchant sector, an area that came into prominence because of slavery's money. Tobacco was one of the slave-grown products that made Scottish and British merchants wealthy. Glaswegian merchants were the beneficiaries of the African misery that went into tobacco production in the Americas. In Glasgow, the wealth of these merchants continues to be displayed in its important public buildings, palatial residences, and banking houses, academies, and other institutions.

1.8 Why are the Black Refugees of the War of 1812 important to this report?

The topic of the Black Refugees of the War of 1812 looms large in this initiative. Dalhousie is one of the main actors; the Black Refugees as a collective are the other. Many of the Black Refugees had sided with the British during this war and, thus, had sought refuge and freedom in return. Even so, in 1814, Alexander Cochrane, commander of the North American Station of the Royal Navy, issued a proclamation that encouraged Black slaves to leave the plantations and serve the British military in return for safe passage to British territories in North America.

The presence of the Black Refugees caused "unease" in a settler colony in which colonial officials and lay people felt that these people did not belong. Subsequent official practices and actions in regard to the Black Refugees, such as their settlement on barren land, and segregated communities, and later policies like the Separate Schools Act of 1833, only served to further marginalize the Black Refugees. Social and economic barriers were placed in the

path of these Black Refugees, barriers they and their descendants continued to face over the next 200 years. Although the descendants of the Black Refugees and other Black collectivities have persevered over the course of these centuries, and have indeed triumphed over numerous adversities, they have borne and continue to bear the brunt of colonial, provincial, and national neglect and marginalization.¹²



ALEXANDER COCHRANE'S PROCLAMATION OF 1814
COURTESY ADMIRALTY ARCHIVES, PUBLIC RECORD OFFICE, LONDON

The Petition of the Coloured People Settlers at
Beach Hill near Halifax. Respectfully Sheweth

That your Petitioners for some time past
have by their Industry endeavored to Cultivate the Lands
located by them at Beach Hill distant about eight Miles
from the Town of Halifax, and to raise therefrom Vegetables
and other articles, by the sale of which they might be
enabled to procure for themselves and families the ne-
cessaries of life - that owing to the very bad state of
the Road between the Settlement of Beach Hill and
the Head of the North West Arm your Petitioners suffer
great inconvenience in their intercourse with the Town, and
the conveyance of articles intended for Market, attended
with great labor. Your Petitioners therefore most humbly
pray that your Honorable Body will take their case
into consideration and by the Grant of a sum of Money
to be expended on the Road commencing at Roman's Farm
and continuing to the extremity of the Beach Hill Settlement
facilitate the means of their intercourse with the Town

2.0

The 9th Earl of Dalhousie: The Man from Midlothian

2.1 George Ramsay's early years

George Ramsay, 9th Earl of Dalhousie, was born at Dalhousie Castle on October 22, 1770, to George Ramsay, 8th Earl of Dalhousie, and Elizabeth Glene, Countess of Dalhousie. Each Earl Dalhousie, in succession, was the chieftain of the Clan Ramsay. The castle was the clan's seat

and was situated in Midlothian, about thirteen kilometres south of Edinburgh.¹ Generations of Dalhousies lived there until the turn of the twentieth century, when the family seat was moved to Brechin Castle, in Scotland's Angus area. Like most Lowland Scots, the Dalhousies were Presbyterians.

As a child, the younger Ramsay was educated at home by his mother. He later attended the Royal High School in Edinburgh, as befitted a member of the Scottish nobility. In 1785, he spent two terms at the University of Edinburgh, where he pursued literary and philosophical studies and read the ancient Greek and Latin canons. Like most aristocrats, when the young earl signed his matriculation roll, he only used his last name—Ramsay.²



DALHOUSIE CASTLE, BONNYRIGG, MIDLOTHIAN, SCOTLAND
OBTAINED FROM [HTTPS://EN.WIKIPEDIA.ORG/WIKI/DALHOUSIE_CASTLE](https://en.wikipedia.org/wiki/Dalhousie_Castle)

2.2 Scotland, socio-economic change, and the slave-based economy of the eighteenth century

The Scotland into which the 9th Earl of Dalhousie was born was in the throes of a profound and irreversible socio-economic change. By 1707, when it entered into a parliamentary union with England and Wales, Scotland and its people were beginning a new phase of growth and development, one driven by the aggressive exploitation of human and natural resources in Britain's expanding colonial world. By the 1740s, the Scots had become active in all aspects of Britain's imperial pursuits, from colonial administration, military service, trade and commerce, to migration, and the establishment of plantations and settlements.³ The world of the 9th Earl of Dalhousie was fast-moving, competitive, and precarious.

Scottish nobles were increasingly becoming entangled within a burgeoning culture of wealth and opulence. Mounting financial pressures pushed many of them to focus on generating the cash they needed to build, buy, or retain their sprawling estates and live their lavish lifestyles.⁴ The Ramsays were no different. Even though they were members of the nobility, mounting family debt meant they could no longer afford protection against the reality of a shifting and increasingly globalizing world economy.⁵ The death of the 8th Earl of Dalhousie deepened the family's misfortunes. The younger George Ramsay was seventeen years old at the time; this pushed him toward a career in the British Army.

The sons of other wealthy families also pursued military careers. At the same time, Scottish landowners were attempting to increase their earnings by moving tenants off their lands in order to implement widespread agricultural "improvements." They also turned to

the opportunities the colonial world offered in the dirty economies of slavery.⁶ The Empire was becoming increasingly tied to colonial pursuits. The New World was becoming integral to the social and economic survival of the upper classes, often through the efforts of their non-inheriting sons. Dalhousie's situation was similar to that of many members of the Scottish landed nobility who were struggling to secure their estates and sought a remedy in imperial careers.⁷ This was the world the younger George Ramsay entered.

2.3 Scottish networks within Britain's slave-based plantation colonies

The Scottish nobility was well-represented in the Caribbean. However, all levels of Scottish society had a presence there and their involvement dramatically expanded following Britain's acquisition of the islands ceded to it in the 1763 Treaty of Paris.⁸ The traumatic displacements of tenant farmers across the Scottish Highlands had a profound impact on the ways of life and the livelihoods of the more humble classes of Scots whose lives had been primarily rural and subsistence-focused. All of this internal upheaval meant that Scots were drawn to the Caribbean in proportionately higher numbers than their English, Irish, or Welsh neighbours.⁹ And people who were unable to gain a foothold in the historically older islands, such as Jamaica and Barbados, found opportunities in newly ceded islands like Grenada, Carriacou, St. Vincent, and Dominica.

As a group, the Scots were fiercely protective of the advantages they had secured through their concentrated colonial engagement. In the Caribbean, Scottish networks were notoriously exclusive, extensive, and linked, either directly or indirectly, to slave plantations.¹⁰ These links came with risks and many of those who went out to the Caribbean died during the "seasoning" year, due to illness, often fever. But this was not enough of a deterrent to stem the outflow from Scotland to Britain's slave-plantation colonies in the Caribbean. The possibility of striking it rich was far too appealing. Another factor that encouraged migration to the islands was the pressing financial responsibilities many had back home. So, while some of the money made in the Caribbean colonies was reinvested or spent abroad, significant amounts were remitted to relatives, friends, businesses, and charitable causes in Scotland.

The multiple layers of economic interests extended to every level of Scottish society, from the sons of the nobility and the minor landowners, to professionals, artisans, and unskilled labourers. The majority of Scots who travelled to the Caribbean colonies were young, single, and male. Few had any intention of remaining there. The overall goal was to make quick fortunes, return to Scotland, and resume living according to their former lifestyles. Few would have empathized with the enslaved men, women, and children upon whom they depended for their wealth. Some Scots owned one or two enslaved persons and rented them out to build up capital; others owned thousands, who were spread across multiple plantations on one or more Caribbean islands.¹¹

2.4 The slow rise of the anti-slavery lobby in Scotland

By the late eighteenth century, abolitionists were still a minority in Scotland, but a growing awareness of Britain's concentrated involvement in the Caribbean, coupled with the rise in the number of enslaved African people living in Scotland and their efforts to claim freedom by running away or using the courts, gave rise to a strong anti-slavery lobby.¹² The high-profile case of Joseph Knight, in 1778, which argued that Black slavery was incompatible with Scottish

Law, caused many Scots to reconsider their position on the issue. Enlightenment thinkers, such as Glasgow's Francis Hutcheson and Edinburgh's Adam Ferguson, played important roles in undermining slavery's moral legitimacy. And while Adam Smith was not an abolitionist, he nevertheless discredited slavery's economic value by arguing, in *The Wealth of Nations* (1776), that slaves had no incentive to increase profits for Planters.¹⁴ Although pressure from abolitionists mounted, this was a protracted battle because of how invested Scotland, specifically, and Britain, more broadly, were in slavery. Despite these moral intellectual currents, many Scots remained slave owners even as late as 1833 when the Slavery Abolition Act officially took effect throughout the British Empire and those who had "owned slaves" qualified for government compensation.¹⁵

2.5 Turning back the tide of abolition

While Scotland was undergoing dramatic changes, similar events were taking place in Europe and the colonies. During the last quarter of the eighteenth century, the Thirteen Colonies made a dramatic departure from the British Empire, following the American Revolution. This prompted Britain to consolidate its authority in its remaining colonies across the Atlantic. Added to this was another impending war with France. But this would be the last, and Britain would come out of it the victor and the dominant power in Europe and the colonial world.

At the time, France was in a state of upheaval. Revolutionaries were battling monarchist forces. Louis XVI and Marie Antoinette were guillotined in January and October 1793, respectively, and Britain was railing against what it saw as the excesses of Republican France and its revolution and declared war. Meanwhile, beginning in 1791, in the French-Caribbean colony of Saint Domingue, the enslaved Africans led by Toussaint L'Ouverture rose up against the French slaveholders and colonizers in what became known to history as the Haitian Revolution. It was at once a race war, and an anti-slavery and anti-colonial struggle. At that time, Saint Domingue was the richest colony in the world on account of the vast wealth produced for France by the enslaved Africans toiling on sugar, coffee, and cotton plantations. There were numerous twists and turns, including emancipation proclamations by French revolutionary commissioners sent to the island, invasions by Spain, Britain and France, a further emancipation proclamation by the French revolutionary government under Robespierre, attempts to re-instate slavery by Napoleon Bonaparte, and the final defeat of the French by the armies of former Black enslaved persons, in the Bataille de Vertières, in Saint Domingue, in November 1803. Finally, on January 1, 1804, after a protracted war, Saint Domingue freed itself from France, and proclaimed its freedom and independence.¹⁶

The momentum toward abolition evinced by the Saint Domingue revolutionaries terrified the Planter class in the Caribbean and Latin America, many of whom had remained loyal to monarchist France. On the islands of Martinique, Guadeloupe, and Saint Domingue, the Planters moved to counter the revolutionaries and the threat of abolition by inviting the British to invade the colonies in the hope that the old regime would eventually be re-instated. Louis-François Dubuc, a leading Planter on Martinique, even travelled to London in 1792 to convince the British government to invade the island and help royalist France save Martinique and Guadeloupe for the King and for the slave-owning Planters. It must be recalled that Lord Dalhousie had participated in the British invasion of Martinique. In Saint Domingue, with the slave armies in the ascendant, upon the request of Royalist Planters, the British, determined to re-introduce slavery and establish their hegemony, invaded the island.¹⁷ Ironically, Col. Sir John

Graves Simcoe, a former governor of Upper Canada, is known to Canadians as an anti-slavery activist. However, he had had an odd relationship with it, as previous to this he had led the British invasion of Saint Domingue in 1796, where he re-instated slavery.

2.6 Lord Dalhousie's relationship to race and slavery

Part of the war strategy of the European colonial and imperial rivals was to attack each other's colonies.¹⁸ In the Caribbean, these were plantation colonies, worked by enslaved Africans whose labour produced plantation export staples such as sugar, tobacco, cotton, indigo, coffee, and cocoa. The European colonial powers had all grown powerful from the wealth created by enslaved Black people. This is no doubt why Louis-François Dubuc was able to encourage Britain to attack the French revolutionaries that had threatened to change Martinique's status quo as monarchist and a slave colony.

It was on the island of Martinique where Dalhousie had his first direct encounters with slavery. Dalhousie joined the occupation of Martinique in the first half of 1795.¹⁹ His job as an occupier was to bolster the control of the White Planters and maintain Martinique's security against the revolutionaries. Ensuring the subjection of the enslaved Black community was essential to that job. Commanding a battalion of the 2nd Regiment of Foot, he saw active service. In a crucial engagement in December of that year, a detachment under his command (together with local militia) defeated an advance party of French revolutionary forces, preventing a massive invasion and keeping strategically important Martinique under British command. Injured in that battle, Lord Dalhousie returned to Britain in March 1796.²⁰

Dalhousie's brief tour of duty in Martinique was one of his main experiences with Black people. His time there was cut short because he had been wounded during a French revolutionary invasion of the island and had returned to the United Kingdom to recuperate. Even so, in Martinique, the earl's interaction with enslaved Black people would have had a profound impact on his consciousness. When Dalhousie arrived in Nova Scotia, he would have brought with him his experience of slavery, war, and military administration in both the Caribbean and Europe.

Dalhousie's relationship to race and slavery would have been strengthened during his time in Martinique. He witnessed formerly enslaved Africans losing their freedom under the British rule he had helped cement. He witnessed Black people at hard labour, being whipped by slave drivers as they worked on sugar plantations in "miserable slavery" from sun-up to after sundown. Dalhousie had become an instrument of Britain's imperial will and the White supremacist logic that subjugated and suppressed Black people, deprived them of their freedom, and solidified Britain's aspirations for the island. It was likely in Martinique where the idea that Black people were naturally created for slavery became set in Dalhousie's mind because, two decades later, in Nova Scotia, he would continually say things that reflected the "common-sense" belief that slavery was the natural condition of Black.²¹

The Petition of the Coloured People Settlers at
Buck Hill near Halifax Respectfully Sheweth

That your Petitioners for some time past
have by their Industry endeavored to Cultivate the Lands
located by them at Buck Hill distant about eight Miles
from the Town of Halifax, and to raise therefrom Vegetables
and other articles, by the sale of which they might be
enabled to procure for themselves and families the ne-
cessaries of life - that owing to the very bad state of
the Road between the Settlement of Buck Hill and
the Head of the North West upon your Petitioners suffer
great inconvenience in their intercourse with the Town, and
the conveyance of articles intended for Market, attended
with great labor. your Petitioners therefore most humbly
pray that your Honorable Body will take their case
into consideration and by the Grant of a sum of Money
to be expended on the Road commencing at Roman's Farm
and continuing to the extremity of the Buck Hill Settlement
facilitate the means of their intercourse with the Town

3.0

The Nova Scotia to Which Lord Dalhousie Came

3.1 Nova Scotia's economy in the world of the Atlantic Slave Trade

Understanding the Nova Scotia of 1816 requires some knowledge of its place in the British Empire, the broader world around it, and the society and economy of the time, particularly in regard to British rule and the transatlantic slave trade. The turn of the nineteenth century was a time of upheaval and uncertainty that followed conflicts in Europe and in the colonies of the New World. The War of 1812 had created an influx of former Black enslaved persons (now referred to as the Black Refugees) and White settlers.¹ The debts Britain incurred during this war added to the sea of debt Britain had incurred during the Napoleonic wars. By 1815, this amounted to more than twice its combined domestic and foreign economic production, and the payments required to service this debt amounted to over half of Britain's total revenue. The government also faced a public that was hostile to national taxation and a parliament that pushed back against borrowing for public expenditures that had become bloated, including the subsidies it continued to send to its colonies.² Added to this were its military men who were now idle, and an economy that had begun to restructure subsequent to the Slave Trade Abolition Act of 1807.

Britain's attempt to help the colony of Nova Scotia with the labour it needed to develop and prosper came in its promise to support the Loyalists, Black Refugees, and disbanded regiments of soldiers who had fought for their mother country during the American Revolutionary war. And even though this arrangement did not include trade in enslaved Black persons, this did not mean Nova Scotia was not part of the British slavery economy. On the contrary, it still participated in the slave trade by engaging in commercial activity that revolved around Caribbean slave-produced goods that circulated among Britain's Atlantic colonies.

Scholars have linked the rise of Britain as a colonial and imperial power to its dominant role in the transatlantic slave trade. Between 1713, when Britain assumed dominance in the Transatlantic slave trade, and 1807, when Britain abolished its own involvement in this heinous commerce, it had transported over three million Africans to work in bondage in its colonies in the New World. Not only did Britain transport captive Africans to its own colonies but its merchant ships also transported captive persons to Dutch, French, Spanish, and Portuguese territories in the New World. Here, they were pressed into permanent bondage on slave plantations, where they worked long hours, under brutal, oppressive conditions.³

The slave trade produced an interconnected system of industries that were crucial to the growth of Britain, continental Europe, the Thirteen Colonies, the Southern colonies, the West Indies and British North America. Nova Scotia was also part of this network. And even though Nova Scotia itself did not send ships to Africa, it still participated in the slave trade by engaging in commercial activity that revolved around Caribbean slave-produced goods that circulated among the Atlantic colonies.⁴

Halifax was Nova Scotia's main port. But merchants throughout the colony grew wealthy on the trade they plied in this lucrative network. As Nova Scotia produced few goods for export, Halifax merchants acted as distributors in what was known as the "carrying trade." They filled their ships with British manufactured goods, American wheat, New Brunswick timber, and Newfoundland fish, combined them with the colony's own products (fish, gypsum, barrel staves, shingles, and grindstones), and shipped these to the West Indies to sell at a profit. From there, they transported West Indian products, namely sugar, molasses, rum, cocoa, and coffee, to destinations in British North America, New England, and Britain.⁵

When the United States Congress under Thomas Jefferson passed the Embargo Act of

1807, America prohibited its own ships from trading in foreign ports; further restrictions followed, between 1812 and 1814, prohibiting them from trading in British ports in the West Indies. This proved advantageous for Halifax. During the war years, an unprecedented volume of trade moved in and out of Halifax Harbour: from the West Indies, cargoes of slave-made sugar, molasses, rum, and coffee flowed in and were reshipped to the rest of Nova Scotia and British North America.⁶ During Dalhousie's years in Nova Scotia, Halifax's profits in this carrying trade fluctuated as Britain negotiated with the United States over whether American vessels could have direct access to the West Indies. But for the time being, Halifax kept a strong position in the West India carrying trade.⁷

All of this meant profits for Halifax's West Indian merchants and tax revenue for the Nova Scotia government. Excise and customs revenues from West Indian imports contributed 20-25 per cent of total provincial tax revenues during the best years of this trade.⁸ While merchants made huge profits, the government financed public works, such as roads, bridges, the Shubenacadie Canal, the legislature, and Dalhousie College. This slavery-based money also helped develop coal mining and expand the colony's shipbuilding industry.⁹ All of this depended on the cheap slave-produced goods that came from the West Indies and its slave plantations. Without this source of trade and revenue, Nova Scotia's pace of development would have been much slower and the standard of living would have been much lower across the colony's White population. The coffee, tea, sugar, rum, and molasses that were grown and produced on West Indian slave plantations, by overworked and dying enslaved persons, filled the residences of the affluent, including those of the lieutenant-governor and the merchant class, and also of the more modest homes of farmers and fisher families throughout the colony.

The definition of slavery was tied up with the reproductive capacity of enslaved Black women. Slave status was passed down from one generation to the next through matrilineal identity. Slaveholders wrote into law a principle, *partus sequitur ventrem*, which meant that children inherited the status of their mothers (and not their fathers who could be slave or free, Black, White, or Native people). This cruel feature meant that Black women's wombs produced generations of slave children who were not considered part of these women's families but the property of slave owners. These children and their descendants would forever be enslaved persons.¹⁰ Then there was the racial dimension of slavery. In slave systems in the New World, Africans were the enslaved, and Europeans were the enslavers. As a result, a racial order based on White supremacy and Black inferiority obtained. For women, this sad fact reveals that slavery was as much a system of racial bondage as it was of sexual enslavement.

Enslaved people were considered chattel—the property of slave owners, similar to these owners' livestock, buildings, and equipment. Slavery was also a killer and the lifespan of an enslaved person tended to be short. The nature of plantation work was brutal, and many were literally worked to death, only to be replaced by other captured Africans. Before 1807 in the British Caribbean, for example, the enslaved persons population only increased as a result of new importations.¹¹

Comments made in 1803 by Brook Watson, a British parliamentarian and merchant with decades of experience in the North American and West India trade, underscore the importance of the West India slave trade to British and colonial commerce. There was a growing pushback against the discussions about abolition that were beginning to take place within Parliament and among the general population. Watson notes:

The abolition of the trade ... would ruin the West Indies, destroy our Newfoundland

fisheries, which the slaves in the West Indies support by consuming that part of the fish which is fit for no other consumption and, consequently, by cutting off the great source of seamen, annihilate our marine.¹²

Brook Watson had an intricate connection to Nova Scotia. His shipping firm was the head office for the Halifax-based merchant firm Foreman & Grassie.¹³ Watson's sentiments can be extended to the importance of the West India slave trade to private wealth and public revenues in colonies like Nova Scotia. In sounding the alarm against abolition, Watson alerts us to the fact that it is the worst part of the cod, (fit for no other consumption), that was sent to feed the Caribbean slaves.¹⁴ His voice added to those of other politicians and merchants who felt little sympathy for the plight of enslaved Africans and their descendants. They saw these people's *raison d'être* as producing goods to buy, sell, and ship in a trade that produced tremendous wealth and filled public coffers. Indeed, Nova Scotia merchants defended the trade. They almost certainly shared the anti-abolition views of Watson and others. Those who were slave owners surely did.¹⁵ After the abolition of the trade in captured Africans, these merchants and politicians continued to trade in goods that depended on slave labour.

3.2 Early slavery in Nova Scotia

By the beginning of the eighteenth century, people of African descent had been living in Nova Scotia for over one hundred years. The earliest recorded presence of Black inhabitants in Nova Scotia dates back to 1604. Sources reveal that during that year an anonymous Black man died of scurvy at Port Royal in the Annapolis Region.¹⁶ At the time, Port Royal was the seat of Acadia, and Sieur Dugua de Mons was governor.

Additional records indicate that in 1608, a Mathieu Da Costa, described as a Portuguese African, was in the employ of de Mons, as a linguist, interpreter, and cultural broker between the French and the tribes of the Abenaki Confederacy.¹⁷ Da Costa was not enslaved but was a free man. However, as the century unfolded and French colonialism took root, the majority of Africans who came into the colony (whether it was the mainland or the island of Île Royale) arrived as enslaved persons. In Île Royale between 1713 and 1758 there were 266 mainly Black enslaved people, who laboured in a variety of tasks including domestic work, nurse maid, farming, fishing, executioner, and rat catching.¹⁸

The enslaved persons in Île Royale lived under the French regime, which ended in North America between 1758 and 1760. In fact, within what came to be called Nova Scotia, the development of the cod trade began under the French in Île Royale. Fish products were exported to the West Indies as the main protein source for the enslaved Africans there. Kenneth Donovan notes that

By 1718, Île Royale had become a thriving French colony, producing and exporting 150,000 quintals of dried cod fish.... As the slave population of the French West Indies expanded, the French Caribbean demand for dried cod increased dramatically and Île Royale provided a portion of this trade. By the 1740s, Île Royale was selling up to 40,000 quintals of cod per year in the West Indies, particularly in Saint Domingue. The colony became a market for Caribbean products. Shiploads of sugar, molasses and rum were brought to Île Royale and immediately re-exported, primarily to the British American colonies. So extensive was the trade in rum and molasses that, by 1750, the



JOSHUA MAUGER, HALIFAX MERCHANT
OBTAINED FROM DICTIONARY OF CANADIAN BIOGRAPHY
[HTTP://BIOGRAPHI.CA/EN/BIO/MAUGER_JOSHUA_4E.HTML](http://biographi.ca/en/bio/mauger_joshua_4e.html)

value of Île Royale's sugar products rivalled the value of the colony's codfish production.¹⁹

Thus, from the very beginning of Canada's colonial enterprise, through its mercantile endeavours, Nova Scotia had been entangled with the transatlantic slave trade, through the cod, rum, sugar, and molasses link. Île Royale was yoked to the rest of the colonial world that had been using the Black African body and its labour to enrich and empower itself.²⁰

Slavery in mainland Nova Scotia became much more common after the founding of Halifax in 1749. In 1745, Louisbourg was invaded and captured by New Englanders and the British but was returned to the French in 1748. Halifax was founded as the "warden of the north" by the British as part of its defensive strategy in its perpetual war against the French in the Atlantic, this time in Louisbourg.²¹ In the years after Halifax's founding New Englanders, naval officers, merchants, immigrants, and others coming from the Caribbean brought their enslaved property with them to Halifax. One Captain Bloss, for example, arrived from Antigua with sixteen enslaved Africans.²² The example of Bloss and others, such as merchant trader Joshua Mauger, illustrates the coastal dimension of the slave trade where British colonists moved enslaved persons along the Atlantic littoral, from the Caribbean to Nova Scotia, and from Nova Scotia to the Caribbean. This point will be returned to later.

The enslavement of Black people in Nova Scotia expanded after the Expulsion of the Acadians in 1755.²³ The British government granted lands it had stolen from the French to English-speaking settlers who had arrived from New England between 1755 and 1774. Called "Planters," these New England settlers brought their enslaved property with them. The government gave an additional fifty acres of land to the Planters for each Black person these settlers brought. So, one can clearly state that slavery played a role in expanding the colony. During the years of Planter settlement, eight thousand New England Planters had resettled in Nova Scotia; the number of enslaved persons that arrived with them is unknown. But we do know that they carried out the same tasks as their counterparts on Île Royale: doing fieldwork, tending livestock, mending fences and equipment, and performing domestic tasks in a mixed economy. Slave labour subsidized colonial economies such as Nova Scotia's, in ways not accounted for. Enslaved people performed labour (for free) that their owners could or would not do, freeing their owners to perform other activities. The countless hours of unpaid labour also meant that enslaved people enormously enriched their owners.

Halifax, with its port and naval base, became an integral part of a system of trade in both humans and slave-made products that had been established between Europe, the West Indies, British North America and, later, the newly independent United States of America. Various ads in colonial newspapers and probate documents testify to this.

A "negro servant" named Orange was mentioned in a will; and in May an entrepreneur and victualler to the navy at Halifax, Joshua Mauger, advertised several Negro slaves for sale. A Halifax merchant and magistrate, Malachy Salter, asked his wife to buy a Negro boy for him while she was in Boston in 1759, confessing that he was "obliged

to exercise the car of stick [against one of his two slaves] almost every day." Negro slaves were introduced to Liverpool by 1760, to the New Glasgow region in 1767, and to Bridgeport, Amherst, Onslow, and Cornwallis by 1770. In that year, Henry Denny Denson of Falmouth held five and possibly as many as sixteen slaves at his Mount Denson home. "A boy and a girl, about eleven years old; likewise, a puncheon of choice cherry brandy," were offered for sale in 1760; and in 1769 an auction was held on the beach in Halifax to sell "two hogsheads of rum, three of sugar and two well-grown negro girls, aged fourteen and twelve."²⁴

The reference to the auction suggests that the two girls were brought up from the West Indies along with the barrels of rum and sugar, and reveals how blackness was fused with slavery and disposability.

3.3 Black Loyalists: Free and slave

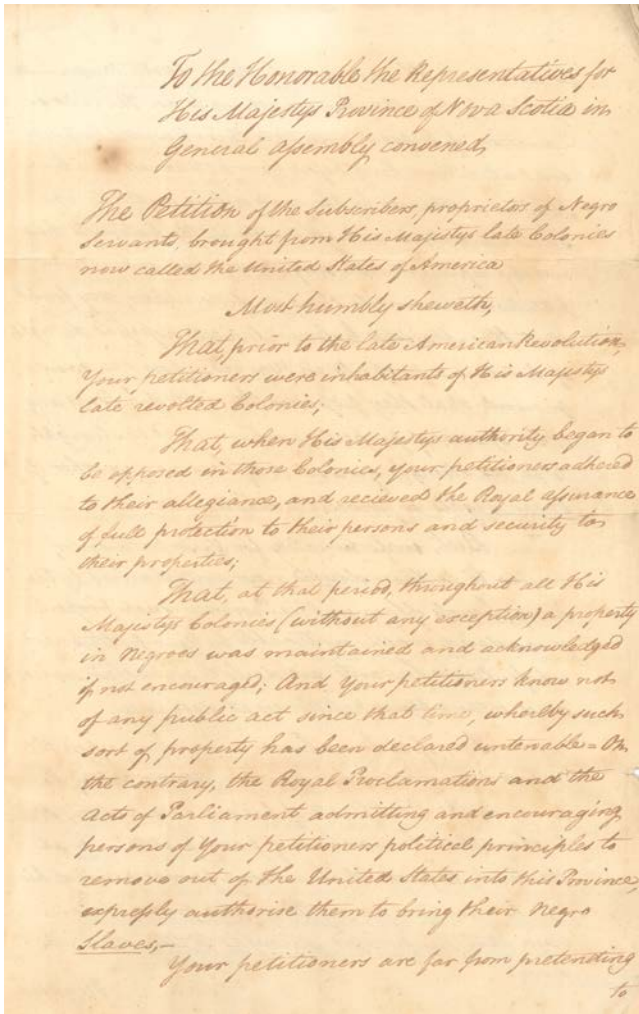
The Black population in Nova Scotia, and the Maritimes as a whole, expanded during and after 1783 with the arrival of close to 40,000 Loyalists from the American colonies to the south. The British were defeated in the American Revolution, and those who supported the Crown became known as "Loyalists." Either having refused to live in the revolted colonies, or having left because they had been chased out by the victorious Americans, these Loyalists were transported by the British to loyal colonies, including Nova Scotia. Of this number, 3,000 were freed Black people who had fought for the Crown during the war or had escaped behind the British lines. In return for their wartime duties, the British promised freedom, land, seeds, tools, provisions, and other supplies for three years to these Black Loyalists. Moreover, they were promised the same civil and human rights as White subjects.

However, upon arriving in Nova Scotia these Black Loyalists found that the land they had been promised was not forthcoming. In fact, many of them received no land at all and some only one acre, while heads of households for White families received one hundred acres or more. Provisions were also not forthcoming, and many Black Loyalists faced starvation. White people who held political, social, and economic power in Nova Scotia had re-inscribed a social order based on White supremacy and Black subordination. Even though these Black Loyalists were free, in the minds of many White people this did not qualify them for social equality. Landless, some Black people entered into peonage arrangements with White farmers and landholders. Even more sinister, some of them faced re-enslavement; some were actually kidnapped and sold into slavery in the West Indies or the American South.

White resentment of the Black presence in the colony boiled over into rage as a White mob descended on the Black Loyalist settlement of Birchtown in 1784 and destroyed it.



JOSHUA MAUGER: ADVERTISEMENT FOR THE SALE OF 'SEVERAL NEGRO SLAVES'
COURTESY OF THE NOVA SCOTIA ARCHIVES, HALIFAX GAZETTE 30 MAY 1752 P. 2 (MICROFILM NO. 8152)



PETITION FROM NOVA SCOTIAN SLAVE OWNERS FOR THE PROTECTION OF RIGHTS TO SLAVE PROPERTY,
ANNAPOLIS COUNTY, 9 DECEMBER 1807, PAGE 1 (SEE APPENDIX FOR PAGES 2 - 6)
COURTESY OF THE NOVA SCOTIA ARCHIVES, RG 5 SERIES A VOL. 14 NO. 49 (MICROFILM NO. 15591)

Though the settlement was demolished, no White people were arrested for the crime, and the Black people of Birchtown received almost no support or compensation from the colonial government. Disappointed, angry, and distraught, over 1,000 Black Loyalists left Nova Scotia in 1792 for Sierra Leone and what they hoped would be a better life.²⁶

The free Black Loyalists have been celebrated in historical texts and their stories form part of historical consciousness among Black people in Nova Scotia and Canada as a whole. However, the history of the enslaved Black people who were brought to Nova Scotia by their White Loyalist owners has not been written about in the same regard.²⁷ The enslaved came from northern, middle, and southern American colonies. In Nova Scotia, with its northern climate, they would have encountered a similar political economy that marked the northern and middle colonies, and not the tropical and sub-tropical plantation slavery of the American South. This new collectivity of Black people in bondage greatly augmented the number of Black people living in bondage in the colony, and made slavery even more entrenched.

The exact number of Black enslaved persons belonging to White Loyalist owners who entered Nova Scotia is unknown, although scholars have put the number between 1,500 and 2,000.²⁸ One reason for the lack of certainty is because of how they were defined and designated in official documents. Sometimes their White

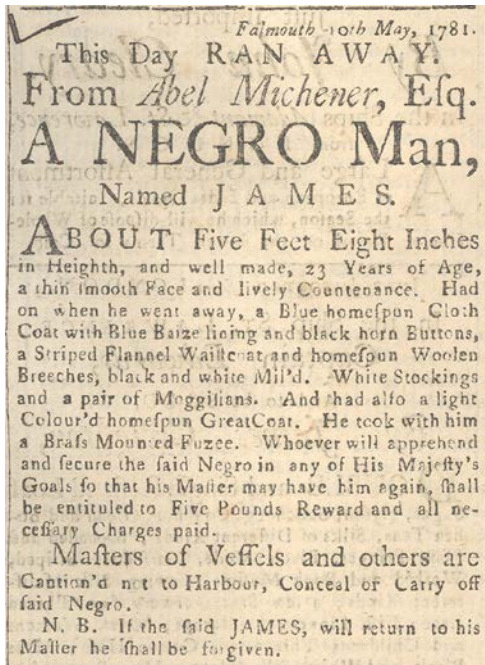
owners referred to them as “servants” and not slaves; therefore, masking the fact that they were indeed enslaved persons.²⁹

3.4 Conflicting legal regimes around slavery

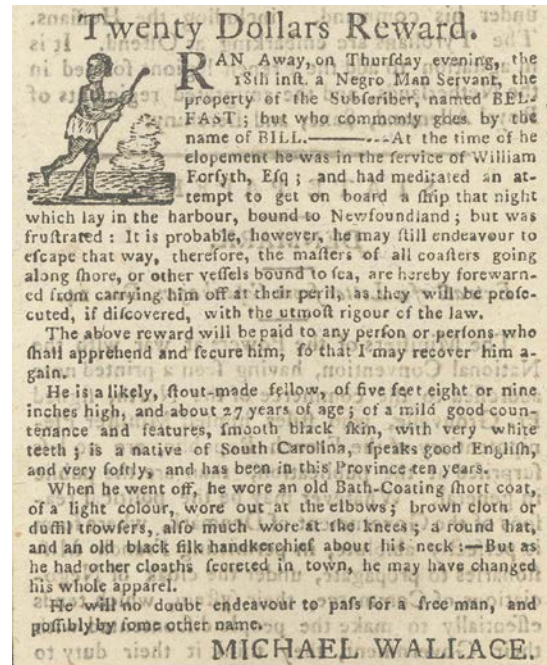
The influx of the White Loyalists and their enslaved persons led to continued widespread racism that soon became deeply entrenched within the colony’s society. At the same time, anti-slavery sentiment was beginning to be seen in the legislature, in the courts, and among religious groups. And even as the number of enslaved persons entering the colony increased, slavery’s legality in the colony remained tenuous. In Nova Scotia and New Brunswick, slavery was recognized under common law as a form of private property; in these colonies, it had no statutory basis. Only in Prince Edward Island was there statutory recognition of slavery.³⁰

Numerous attempts by owners to gain statute protection for the property they claimed to own (in 1787, 1789, 1801, and 1808) were defeated each time.³¹ Even so, slavery in Nova Scotia persisted into the 1820s.³²

Whitfield notes three aspects of Nova Scotian slavery that must be understood: First,



ADVERTISEMENT FOR RUNAWAY SLAVE "JAMES"
 PROPERTY OF ABEL MICHENER, OF FALMOUTH, NOVA SCOTIA, 22 MAY 1781
 COURTESY OF THE NOVA SCOTIA ARCHIVES, *NOVA SCOTIA GAZETTE* 22 MAY
 1781 P. 3 (MICROFILM NO. 8159)



ADVERTISEMENT FOR A TWENTY-DOLLAR REWARD FOR A RUNAWAY SLAVE
 15 MARCH 1794, COURTESY OF THE NOVA SCOTIA ARCHIVES, *WEEKLY CHRONICLE*
 15 MARCH 1794 P. 1 (MICROFILM NO. 8165)

slave-holding extended across most socio-economic classes of White society, from farmers, to tradesmen, to business owners and the merchant class. Second, enslaved persons worked and lived with slave owners in a type of bondage that existed within a mixed economy, similar to that of New England and the Middle Atlantic colonies.³³ Belonging to a family did not mean that slave conditions were benevolent or mild. Maritime slave owners regularly exploited Black labour and broke apart Black families by selling enslaved family members to slave owners in other regions, regardless of how long they had lived with and worked for them. Third, enslaved persons were not powerless. They negotiated the terms of their bondage, broke their bonds by fleeing, and resorted to the courts for their freedom. The latter two options were often pursued with the help of sympathetic White citizens.³⁴

In terms of the legal regime around slavery, the Maritimes stands out as an anomaly. By 1804, every New England state, and Pennsylvania, New York, and New Jersey had legally adopted emancipation. Upper Canada (east, central, and southwestern areas of present-day Ontario) had introduced legislation to abolish slavery but this was unsuccessful. It was successful, however, in banning the importation of new enslaved persons and in introducing legislation to free the children of enslaved mothers once they reached the age of twenty-five.³⁵ In Lower Canada (an area along the St. Lawrence river), Chief Justice James Monk "issued a series

of decisions that made 'slavery virtually untenable' in that colony.³⁶ At the same time, slavery still remained entrenched and Monk could not use the court to achieve emancipation. Gradually, slavery withered in Lower Canada. In the Maritimes, however, only Prince Edward Island had a law that addressed slavery. This law abolished the Slave Baptism Act of 1781.³⁷ As Nova Scotia and New Brunswick lacked statutes that made slavery legal, they did not see the need to bring in laws to abolish it.

[This left a space] for black and white people to negotiate and understand the perimeters of slavery. Slaveholders regularly went to court to retrieve runaway slaves or to re-enslave free blacks, while slaves went to court to challenge owners' rights to hold them in bondage. From the moment they stepped onto the shores of the Maritimes, [some] slaves took an active role in obtaining their own freedom by running away and finding sympathetic Whites willing to support their claims in court. Until the mid-1790s, Nova Scotian judges sometimes returned escaped slaves to their supposed owners.³⁸

Slavery eventually ended in Nova Scotia, mainly due to enslaved persons pushing back against their owners and winning their freedom with the help of abolitionist White people. Politicians and everyday people became unwilling to pursue a legal recognition of slavery. Sympathetic White people harboured runaways and willingly challenged slaveholders in court; still, this was not the norm. Even so, the supporters of slavery became an ever smaller and more isolated group. By the early 1800s, the majority opinion in the region did not support slave owners. Those inclined to own enslaved persons could leave for slave-owning territories in the West Indies or the United States. At the same time, slavery remained legal in Nova Scotia and other parts of British North America until the British Parliament passed the Slavery Abolition Act in 1833 with royal assent on August 1, 1834. Slavery may have officially ended almost two hundred years ago, but Nova Scotia's Black population continued to endure a deeply entrenched racism that persists today.

The Petition of the Coloured People Settlers at
Beach Hill near Halifax. Respectfully Sheweth

That your Petitioners for some time past
have by their Industry endeavored to Cultivate the Lands
located by them at Beach Hill distant about eight Miles
from the Town of Halifax, and to raise therefrom Vegetables
and other articles, by the sale of which they might be
enabled to procure for themselves and families the ne-
cessaries of life - that owing to the very bad state of
the Road between Beach Hill and
the Head of the North West upon your Petitioners suffer
great inconvenience in their intercourse with the Town, and
the conveyance of articles intended for Market, attended
with great labor. your Petitioners therefore most humbly
pray that your Honorable Body will take their case
into consideration and by the Grant of a sum of Money
to be expended on the Road commencing at Roman's Farm
and continuing to the extremity of the Beach Hill Settlement
facilitate the means of their intercourse with the Town

4.0

**Lord Dalhousie:
Lieutenant-Governor of
Nova Scotia, 1816 to 1820**

From 1796 to 1815, Dalhousie continued to participate in the French Revolutionary and Peninsular wars that pitted Britain against France, in Europe. And even though Britain had also entered into a conflict with the United States of America in the War of 1812, Dalhousie remained in Europe. In 1814, with the end of the Peninsular Wars, Dalhousie was a military man now entering a time of peace.

The end of the wars in continental Europe, the Caribbean, and North America saw talented military men looking for work. In return for their service, the British Crown awarded many of them with governorships of colonies. In 1816, Dalhousie received the governorship of Nova Scotia, replacing Sir John Sherbrooke, another military man and veteran of the Napoleonic wars and the War of 1812. When Dalhousie arrived in Nova Scotia, he would have brought with him his experience on Martinique and his observations of slavery there and the role it played in all aspects of colonial life.

4.1 Nova Scotia under Sir John Sherbrooke

To understand the Nova Scotia that Dalhousie came to in the context of slavery and racism, it is necessary to understand the colony's government and people, the challenges they faced, and their attitudes toward the Black Refugees of the War of 1812. Sherbrooke was lieutenant-governor of Nova Scotia from 1811 to 1816. As this was a period dominated by the War of 1812, Sherbrooke's main duty was colonial defence. He also had to deal with a constant influx of immigrants coming from the United States and Europe that included White settlers, regiments of disbanded soldiers, and Black Refugees. At the time, Britain focused most of its armed forces in Upper and Lower Canada, as most of the land-based conflicts of the war took place there. Sherbrooke fortified Nova Scotia's harbours, ensured the colony's militia was battle ready, and carried out various local colonial duties in relation to these Black Refugees and White settlers. (The British government was responsible for matters dealing with the regiments of disbanded soldiers.) In addition, Sherbrooke also carried on friendly relations with the New England states.¹ Despite the ongoing hostilities between Britain's northern colonies and the United States, Nova Scotia prospered due to the steady commerce it conducted with New England and Britain's colonies in the West Indies.

In the summer of 1814, Lord Bathurst, Secretary of State for the Colonies and War, ordered Sherbrooke to occupy present-day Maine.² At the time, Britain and the United States had long been in a border dispute at Passamaquoddy Bay and Penobscot River.³ They were also still at war. In August, that same year, Sherbrooke led British military and naval forces to Maine and landed at Castine, a town situated at the mouth of the Penobscot River. From there, he subdued the region and set up a civil administration that occupied the state for the remaining eight months of the war. In the process, the British administration collected over £11,000 in customs duties. Rather than spend these funds locally, Sherbrooke took them as a prize of war, credited to the British Crown and not to the colony of Nova Scotia. Thirty per cent of these funds came from duties on slave-produced commodities, which means that the money that came to be known as the Castine Fund came partly from the labour of enslaved people in the Caribbean.⁴

In April 1815, Sherbrooke returned to Nova Scotia and the business of dealing with the constant influx of regiments of disbanded soldiers, White settlers, and Black Refugees, the latter of whom had been promised land and freedom in return for their service to Britain in the recently ended war.

4.1.2 The arrival of the Black Refugees of the War of 1812

The first Black Refugees arrived from the Chesapeake area in 1813. Twelve hundred landed in Halifax between 1813 and 1814.⁵ A further surge of arrivals in 1815 compelled Sherbrooke to divert a shipload of 380 Black Refugees to New Brunswick as Nova Scotia lacked the resources to accommodate such a large influx.⁶ More Black Refugees—1,619—arrived in 1816, so that there were now almost 3,000 new arrivals.⁷ These people were penniless, many of them were also sick. And although the British government had promised to finance their resettlement in its northern colony, it was not until 1814 that Britain paid for their support, and then only for those who were unable to work. Even so, this assistance was meagre by any comparison, particularly when taking into account the assistance accorded to the (White) soldiers of the disbanded regiments. Before then, Sherbrooke had had to turn to the Nova Scotia Assembly (the lower house of the colony's government) for the funds he needed to provide rations, clothing, and medical care.⁸ In 1814, opportunities for labour were plentiful due to the economic stimulation that usually comes with a war and the inherent military demand for goods and services. A very different situation faced the Black Refugees who arrived in 1815 and 1816 when the war had ended, as the local job market had sharply declined.

Sherbrooke was well aware that the Assembly was opposed to Black settlement. In their 1815 session of the house, they delivered a policy speech to him, and through him to Britain, saying that they were “unwilling, by any aid of ours, to encourage the bringing of [“Negroe” and “Mulatto”] Settlers to this Province.” They believed that providing material support to encourage Black settlement would discourage White settlers from coming to Nova Scotia and that it would establish a “separate and marked class of people, unfitted by nature to this climate, or to an association with the rest of his Majesty’s subjects.”⁹

The Assembly had provided funding to the earliest Black Refugees through the poorhouse, albeit grudgingly. They clearly resented taking in and supporting these people, regardless of the service and loyalty they had provided to the British government during the war. The Assembly also worried about the competition this population would pose in the local job market.¹⁰

As the number of Black Refugees increased, the provincial government considered this to be an extra strain on the colony's resources, particularly because the British government had failed to follow through with the necessary resources to assist in the first stream of Black Refugees that settled in the colony. The Assembly's speech reflected the colonists' response to this new influx of Black Refugees. As historian Alan Taylor summarized, they saw the Black Refugees as “dirty, lazy and larcenous.”¹¹ Whenever one of them transgressed, the public and the press regarded the culprit as representing his or her entire race. A Halifax newspaper even warned White colonists against employing the Black Refugees: “[N]o kindness, comfort, or hospitality can insure their integrity, ... a race whose principles are so repugnant to the dictates of gratitude and morality.”¹²

Sherbrooke ordered that the Black Refugees be sent to the poorhouse, which soon filled to capacity. In 1814, he sent other Black Refugees—mainly the sick, disabled, and elderly—to the former military prison on Melville Island.¹³ This was a parsimonious means of providing for people who had loyally served Britain and in return had been promised “all due encouragement” from the locals, that they might prosper in this new-found liberty.¹⁴ Sherbrooke's attitude toward honouring Britain's commitment to the Black Refugees can be seen in his not proposing to Bathurst or the Nova Scotia Council a plan like the 1808 one

that Lord Castlereagh had devised to provide for enslaved persons who were captured from slave ships by British naval vessels after 1807 and who were relocated to British colonies. In Castlereagh's plan, each such "contraband" slave was to be provided with a per diem. Dalhousie later delivered only weekly rations to the Refugees, even less than had been mandated by Castlereagh to other former enslaved persons who had, like the Refugees, been caught up in British strategy.

Most of the Black Refugees who arrived in Nova Scotia had expected to become land-owning farmers, according to what they had understood by Cochrane's proclamation of providing "due encouragement" for those who had assisted.¹⁵ The poor quality of this land, its limited title, and the small lot sizes put the Black Refugees at a considerable disadvantage compared to White settlers. This constituted a major unfairness in terms of the assistance granted these two groups of would-be settlers. Another discriminatory practice can be seen in the locations of these land allotments.

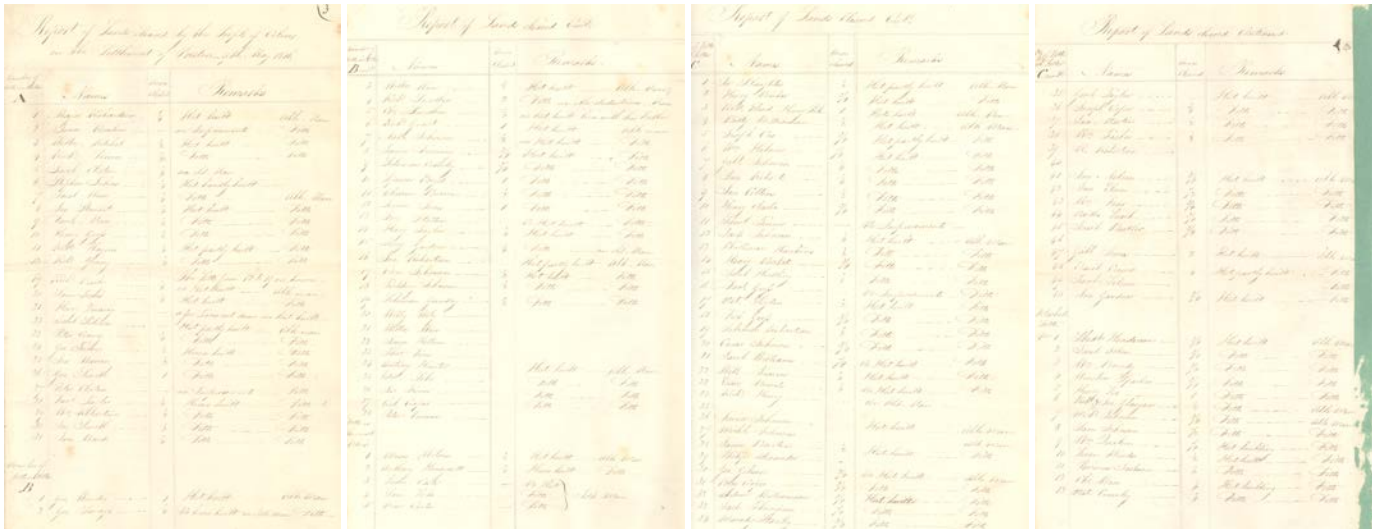
Sherbrooke placed most of the Black Refugees at Preston, ten miles from Halifax, or Hammonds Plains, twenty miles from the town. Both locations had previously been granted to British soldiers and Irish immigrants, who soon abandoned land they found unsuitable for farming. Smaller Black communities were established on Refugee Hill (now Beechville), Porters Lake and Fletcher Lake—also several miles from Halifax, and Three Mile Plains, St. Croix, and other locations along the Windsor Road, which would have placed the Black population close to larger, White farms.¹⁶

Sherbrooke's decision to situate the Black Refugees on the periphery of Halifax or close to White farms and granting them only licences of occupation for small lots of land not suited to agriculture is evidence that instead of welcoming them into Nova Scotian society, the lieutenant-governor isolated, socially marginalized, and deprived these Black people of the same economic opportunities White settlers were accorded. At the same time, the governor ensured the Black Refugees were kept close enough to provide a ready pool of cheap labour for White farmers, or for Halifax's businesses, on its docks, or in its households. All of this presented almost insurmountable barriers for the Black Refugees. The land they were accorded only produced enough for subsistence; and even if they had been able to develop it, not having freehold title limited both their economic prospects and their voting rights. Further, those who did find work were paid very low wages. Their low wages and proximity to White merchants' businesses and White settlers' farms meant the Black Refugees contributed to the success of these latter ventures. Some were even cheated out of portions of the low wages they had rightfully earned.¹⁷

Despite their hardships, the Black Refugees worked diligently. The Nova Scotians who knew them and saw first-hand their efforts to carve out an existence provided testimonials that substantially differed from those of Sherbrooke and, later, Dalhousie.¹⁸

Theophilus Chamberlain, the supervisor of Preston, characterized the Black Refugees as "able" and "industrious."¹⁹ "With mere hand tools, they built 'snug houses' and cleared garden plots to grow potatoes and vegetables between rocks." The supervisor at Porters Lake reported that "they raised upwards of three hundred Bushels of Potatoes beside other Vegetables upon Lands which the year before was covered with a Forest." Another supervisor "extolled two black farmers as 'very ingenious and industrious men'" who had "erected a very Comfortable House, cleared several acres of Land now in Cultivation... cut a road and Erected a very comfortable Bridge." Quaker doctor Seth Coleman often visited the Black Refugees; he noted "a disposition in them to labour, and to help themselves, but the fact is they have nothing

to do during the long winter when they could neither farm nor find paying work in Halifax.” Coleman found many of them subsisting on “what we should think literally nothing... often the men watched the children while the women walked several miles to the White-owned farms to seek a day’s work at washing and sewing. He deemed the Black Refugees a “Virtuous People.”²⁰



REPORT OF LANDS CLEARED BY THE PEOPLE OF COLOUR IN THE SETTLEMENT OF PRESTON
 COURTESY OF THE NOVA SCOTIA ARCHIVES, RG 1 VOL. 421 NO. 3 (MICROFILM NO. 15464)

4.2 Lord Dalhousie and the Black Refugees

Sherbrooke’s tenure in Nova Scotia ended in June 1816. When Dalhousie arrived to replace him, on October 24, 1816, most of the Black Refugees had already arrived and been settled into their communities. When Dalhousie became lieutenant-governor, he became the highest authority in Nova Scotia’s civil government and commander-in-chief of both the colony’s militia and of the British military in Halifax. However, even though his job was to preserve order and ensure the defence and further development of the colony, his authority was limited by British law and convention. He could influence the spending decisions of the provincial government, and some decisions of the British government depended on his personal recommendations.²¹ By 1816, Nova Scotia had been settled for almost two hundred years, mainly by Europeans, on land Britain and France had seized from the Mi’kmaq and which remained unceded. Its economy had been shaped around its military role, lumbering, mining, fishing, farming, and the coastal trade with West Indian slave colonies. It faced many challenges inherent in its relatively remote location, difficult climate, and more than two centuries of conflicts within the colony and from Maine to Martinique, including its involvement in the War of 1812. In Halifax, public buildings were crumbling, the roads were in disrepair, and smuggling activity along the coast challenged state control of trade and compromised public revenues. There was vagrancy and begging in Halifax streets, granted lands had been neglected, and land that had not yet been granted was being worked by squatters who held no title to it. New settlers and Black Refugees of the War of 1812 were

Return of the Black American Refugees Residing at Hammonds Plains

Children

Names	Age	Sex	Color	Religion	Profession	Remarks
James Brown	1	M	Black	Methodist		
John Brown	2	M	Black	Methodist		
William Brown	3	M	Black	Methodist		
Elizabeth Brown	4	F	Black	Methodist		
Thomas Brown	5	M	Black	Methodist		
Ann Brown	6	F	Black	Methodist		
John Brown	7	M	Black	Methodist		
Elizabeth Brown	8	F	Black	Methodist		
Thomas Brown	9	M	Black	Methodist		
Ann Brown	10	F	Black	Methodist		
John Brown	11	M	Black	Methodist		
Elizabeth Brown	12	F	Black	Methodist		
Thomas Brown	13	M	Black	Methodist		
Ann Brown	14	F	Black	Methodist		
John Brown	15	M	Black	Methodist		
Elizabeth Brown	16	F	Black	Methodist		
Thomas Brown	17	M	Black	Methodist		
Ann Brown	18	F	Black	Methodist		
John Brown	19	M	Black	Methodist		
Elizabeth Brown	20	F	Black	Methodist		
Thomas Brown	21	M	Black	Methodist		
Ann Brown	22	F	Black	Methodist		
John Brown	23	M	Black	Methodist		
Elizabeth Brown	24	F	Black	Methodist		
Thomas Brown	25	M	Black	Methodist		
Ann Brown	26	F	Black	Methodist		
John Brown	27	M	Black	Methodist		
Elizabeth Brown	28	F	Black	Methodist		
Thomas Brown	29	M	Black	Methodist		
Ann Brown	30	F	Black	Methodist		
John Brown	31	M	Black	Methodist		
Elizabeth Brown	32	F	Black	Methodist		
Thomas Brown	33	M	Black	Methodist		
Ann Brown	34	F	Black	Methodist		
John Brown	35	M	Black	Methodist		
Elizabeth Brown	36	F	Black	Methodist		
Thomas Brown	37	M	Black	Methodist		
Ann Brown	38	F	Black	Methodist		
John Brown	39	M	Black	Methodist		
Elizabeth Brown	40	F	Black	Methodist		
Thomas Brown	41	M	Black	Methodist		
Ann Brown	42	F	Black	Methodist		
John Brown	43	M	Black	Methodist		
Elizabeth Brown	44	F	Black	Methodist		
Thomas Brown	45	M	Black	Methodist		
Ann Brown	46	F	Black	Methodist		
John Brown	47	M	Black	Methodist		
Elizabeth Brown	48	F	Black	Methodist		
Thomas Brown	49	M	Black	Methodist		
Ann Brown	50	F	Black	Methodist		

RETURN OF BLACK AMERICAN REFUGEES RESIDING AT HAMMONDS PLAINS
 COURTESY OF THE NOVA SCOTIA ARCHIVES, RG 1 VOL. 422 NO. 19 (MICROFILM NO. 15463)

pouring into the colony, as were soldiers of several disbanded regiments. And after the failed harvest of 1816, there was hunger among the people. Dalhousie had much to do.²²

As lieutenant-governor, Dalhousie represented the British Crown and answered to Lord Bathurst, Britain's top minister in charge of the colonies. Time, distance, and the slow means of transport meant long periods between communications. Dalhousie was left to his own discretion when making rapid decisions, seeking authorization when he thought it necessary to go beyond Bathurst's instructions. His decisions were based on his understanding of local conditions. A two-chamber provincial government assisted him. The twenty-five members of the House of Assembly advised him on conditions throughout the colony and voted on how to spend the colony's own revenues, which came mainly from customs and excise duties. His Majesty's council—the Council of Twelve—acted as an upper chamber of the Assembly and an advisory body for the lieutenant-governor (similar to the Senate and the Cabinet in today's Parliament). They also read and approved the Assembly's bills before they became law. Lieutenant-Governor Dalhousie and his legislators largely shared a common interest—bringing labour and capital to the colony—though they would emphasize

different policies and methods of achieving this goal. Dalhousie could advise the Assembly on spending priorities but he did not have complete command and the Assembly could refuse specific requests. The Assembly made spending decisions on items such as the wages and salaries of lower-level public employees, expenditures on public works, the costs of the lower judiciary and the militia, subsidies to private and charity schools, the Halifax poorhouse, emergency relief and private charities, and borrowing money on provincial credit. They did not pay Dalhousie's salary; he was paid by the British Crown. Ultimately, this meant he answered to the British government and not to Nova Scotia's Assembly or Council.

While Dalhousie was in office, the Assembly normally spent between about £800 and £1,400 a year on poor relief.²³ After a colony-wide crop failure in 1816, they spent £8,000 on new seed grain for the colony's farmers in the spring of 1817 and a one-time emergency relief fund.²⁴ The Assembly refused to provide regular support to the Black Refugees, whom they saw as Britain's responsibility. In 1819, Dalhousie reported that the Assembly had "uniformly resisted any grant from the public purse to support these people."²⁵ That Dalhousie did

not push back against the Assembly's miserly stance toward the Black Refugees tells us something about his own attitudes toward the colony's Black population. (During Dalhousie's four years in the colony, the Assembly's only contribution to these people's needs was £272 in medical relief and £100 for emergency food.)²⁶

Unable to get significant support from the Assembly, Sherbrooke and Dalhousie drew on British resources to fulfil the commitment the Crown had made to the Black Refugees. Funds drawn from the British military budget and the Crown's civil list paid for the rations issued in the Halifax poorhouse, at Melville Island, and later at Black Refugee settlements.²⁷ As we document below, Dalhousie's correspondence with Bathurst shows that this funding was stingy, grudgingly given, and chronically questioned by a British government that was preoccupied with post-war austerity. Racist contempt for the Black Refugees permeates their correspondence and explains why the rations that went to them were inferior from the start and became progressively more inadequate. The disbanded soldiers—the only other settlers to receive rations—received cheese, butter, sugar, and rum in their rations, along with the meat, cereal, and biscuits that had been issued to the Black Refugees. The soldiers received more and better meat.²⁸ While Dalhousie was righteously slashing the Black Refugees' rations in 1817 and 1818, the only cut he made to the former Nova Scotia Fencibles' and Newfoundland Fencibles' food supplies was the termination of their rum ration in the summer of 1818.²⁹ He expected and hoped that the White settlers would succeed in their settlements, but his personal racism, born both of the broader culture and his personal experience in Martinique, shows how unwilling Dalhousie was to assist the Black Refugees and how he had discouraged and deprived them of what they needed to survive.

Most of what we know of Dalhousie and his relationship with and attitude toward the Black Refugees can be gleaned from his correspondence with Bathurst, during his four-year tenure as lieutenant-governor of Nova Scotia. Chapter 5 provides details and offers some interpretations of this correspondence.

The Petition of the Coloured People Settlers at
Buck Hill near Halifax Respectfully Sheweth

That your Petitioners for some time past
and by their Industry endeavored to Cultivate the Lands
located by them at Buck Hill distant about eight Miles
from the Town of Halifax, and to raise therefrom Vegetables
and other articles, by the sale of which they might be
enabled to procure for themselves and families the ne-
cessaries of life - that owing to the very bad state of
the Road between Buck Hill and
the Head of the North West upon your Petitioners suffer
great inconvenience in their intercourse with the Town, and
the conveyance of articles intended for Market, attended
with great labor. your Petitioners therefore most humbly
pray that your Honorable Body will take their case
into consideration and by the Grant of a sum of Money
to be expended on the Road commencing at Roman's Farm
and continuing to the extremity of the Buck Hill Settlement
facilitate the means of their intercourse with the Town

5.0

**Lord Dalhousie's
Correspondence with Lord
Bathurst: Seven Letters**

Soon after Dalhousie arrived in Nova Scotia, in a letter dated December 2, 1816, he reports to Bathurst that the colony was in disarray, its accounts “two Quarters in arrear” and “the Negroe [sic] families that had settled in a state of starvation, their Crops having totally failed ...”² He blames their suffering on the temporary administrator of the colony, in charge during the summer, whom he asserts “did not chuse [sic] to take any Charge of these matters...” Six months had passed since Sherbrooke’s departure. It seems that very little had been done in regard to the condition of the Black Refugees in that year of general crop failure.

In the letter, Dalhousie refers to Sherbrooke’s letter of June 5, 1816, where the latter had made enquiries to Bathurst on several points in relation to the colony. Presumably these enquiries would have been on the number of Black Refugees arriving in the colony and their condition, the number that had already arrived and been settled, the cost of providing for their needs, and when he could expect funds to arrive from Britain.

Dalhousie further notes that he had been unable to find answers to Sherbrooke’s questions and he finds himself “... placed in a very embarrassing position without guide or instructions...” Nonetheless, in this letter he reports that, “On Sir John Sherbrooke’s leaving this [place] the Depot at Melville Island had been broke up, the Negroe families dispersed in the new Settlements; or at Work. Rations had been ordered for those that settled on Land granted them & the Amounts to be continued as before by the Collector of H.M. Customs—in whose absence his appointed Deputy acted.” But he writes angrily about the fact the interim administrator left in charge during the summer and early fall had failed to continue rations after August: “The whole affairs have stood still for three Months & the Negroes left in a deplorable state.” He also shows some compassion when he refers to “the dreadful severity of the Winter here to People brought from hot Climates” and asserts that it is necessary to continue rations until the “1st June next” and to provide “to the most needy what supplies of Clothing sent out for them remain in store.” He informs Bathurst that he is carrying out what Sherbrooke had ordered but “had not provided for;” that is, merchants had not been paid for the food they had supplied during the summer (£700); Dalhousie had written cheques on the British Treasury and is now asking Bathurst to see that those cheques are covered.

In these early days, Dalhousie appears to be attempting to right a wrong. On the other hand, in closing the letter, he informs Bathurst that he considers the Black Refugees to pose a long-term burden “to the public. [M]any of them will prove industrious & valuable Settlers, yet there are many bad Subjects who never will do well under any Circumstances.”³ Dalhousie blames them for their misery and does not see them as worthy beneficiaries of public largesse. This, despite the fact the Black Refugees had arrived with few possessions, many in poor health, their neglect since Sherbrooke’s departure, the poor land they had been accorded, and their failed crops due to circumstances beyond their control.

Not only does this seem unreasonable given their circumstances but also the short amount of time since Dalhousie’s arrival would not have permitted him to survey the Black Refugees’ communities and the meagre resources they had been accorded, and make a proper first-hand assessment. This raises the question, who did Dalhousie consider to be “the public”? Obviously not the Black Refugees. One can only infer that Dalhousie’s brusque assessment was clearly based on racism. After all, given the global climatic change that year due to a volcanic eruption in Indonesia, every farmer would have experienced a crop failure and every settler would have been in dire straits. Dalhousie should have been well aware that poverty, upheaval, meagre resources, and a natural catastrophe played significant roles in the condition of this vulnerable population. He only had to observe the Black Refugees’ industry

and circumstances and put himself in their place before passing such hard judgement on this already marginalized group of people.

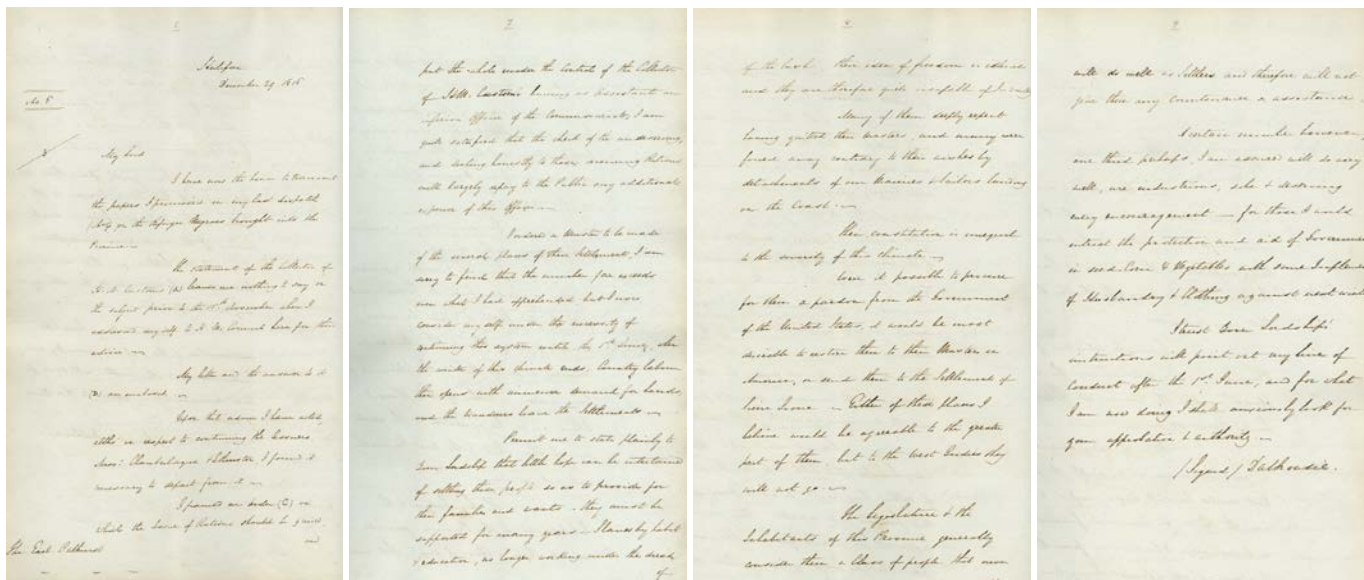
In his second letter to Bathurst, dated December 29, 1816,⁴ we can see Dalhousie's initial resolve to treat the Black Refugees humanely. He does so when he rejects a recommendation the provincial Council had made regarding the locations of the rations depots. However, also in this letter, his views on race and slavery become even more clear. He opens the letter by reporting that after having "ordered a Muster" (a census) he found that the number of Black Refugees far exceeded what he had expected. As a consequence, he was only allotting rations until "1st June when the Winter of this Climate ends [and] Country Labour opens up with immense demand for hands..." After May 31, he leaves their well-being to whatever labour demand there may be; nothing suggests he took into account the prejudice against Black workers. Nevertheless, Dalhousie shows compassion when he notes that he "found it necessary to depart" from the advice of the council and "...framed an order on which the issue of Rations should be guided." Here, he notes that he has reversed the council's order to move the rations depot to Dartmouth, which was between four and twelve miles from Preston and most other Black communities, obliging the Black Refugees "to carry their Rations further than many others ... have already done." Now there would be three main depots—one each in Halifax, Nine Mile River, and Preston—all of which were at shorter distances to each Black Refugee community. Dalhousie also replaced the two superintendents the Assembly had employed and hired one of his own officers to issue rations on a regular basis. In doing so, he showed some sympathy for the Black Refugees and a willingness to stand up to a council recommendation that had clearly been inhumane and might have caused extreme hardship during a severe winter.⁵

While he had rejected the council's advice on the locations of the rations depots, at the same time the manner in which the rations were to be supervised would put a "check of the undeserving...and largely repay to the Public any additional expense of this Officer." There would be no rations for the "idle" unless they are old or ill. But, whereas the council had ordered that families with absent heads of households would not receive rations, "as heads of families of Black people are too accustomed to go themselves to Halifax or elsewhere in search of employment or pleasure,"⁶ Dalhousie asserts that male heads of households might have good reasons to be absent and should receive rations as long as their absence is "casual" and does not "impede the cultivation of the ground allotted..."⁷ As well, elsewhere in this letter, and only months after a major crop failure, he expresses doubts about the prospect of the Black Refugees' success when he says

... little hope can be entertained of settling these people so as to provide for their families and wants—they must be supported for many years. Slaves by habit & education, no longer working under the dread of the lash, their idea of freedom is idleness and they are therefore quite incapable of industry.

Dalhousie also suggests that "they deeply regret quitting their masters...[and] their constitution is unequal to the Severity of this Climate." Further, he holds the same opinion as the Nova Scotia Assembly when he suggests "it would be most desirable to restore them to their Masters in America or send them to ... Sierra Leone..." He firmly believes that "either place would be agreeable to the greater part of them, but to the West Indies they will not go."

Here, during his early weeks in the colony, Dalhousie had already shown that he did not



LETTER FROM LORD DALHOUSIE TO LORD BATHURST, 29 DECEMBER 1816
 COURTESY OF THE NOVA SCOTIA ARCHIVES, RG 1 VOL. 112 PP. 6-9 (MICROFILM NO. 15262)

see the majority of Black immigrants as potentially providing any benefit to the colony. Yet, in his later letters to Bathurst, he expresses very different views of White settlers who were also arriving in large numbers from Scotland and Ireland, some via Newfoundland. As we shall see, Dalhousie urges Bathurst to provide assistance to these White would-be settlers.

Race and the meanings attached to it affected how Dalhousie viewed these future African Nova Scotians. No doubt his experience with Martinican slavery led him to view the Black Refugees through a racist lens. In his mind, “slaves they were and slaves they would remain.” He saw their slave status as primordial and as a result of “habit & education.” From Dalhousie’s point of view, the Black Refugees would only work and become industrious if they were coerced by the lash. It follows for Dalhousie that, given the perceived laziness and lack of industry of the Black Refugees, they were not deserving of assistance as British subjects. He could not conceive of them as having any kind of equality with the White population of the colony. The logic of Black inferiority, which had its origin in slavery, continued to inform and influence Dalhousie’s treatment of the Black Refugees. In addition to making those damning remarks about these people, Dalhousie reiterates that he would continue issuing rations to the Black Refugees until June 1 of the following year, weeks prior to the first harvest, but again he notes there would be a check on the “undeserving.” He once again remarks on the matter of the climate as a reason that the Black Refugees would not do well in the colony, when he notes “Their constitution is unequal to the severity of this climate.” Perhaps he does so to justify his misgivings about these new immigrants. That he only once referred to them as “settlers”⁸ in his letters to Bathurst points to the notion that he saw the Black Refugees as refugees who had fled a dangerous place and whose stay in the colony was only temporary. His later attempts to remove them from Nova Scotia, and Bathurst’s urging him to do so, confirms this view. It would not be the first or last time Dalhousie and other government officials would use the climate as a reason for not welcoming Black people to the colony.⁹

Two other points in this letter are worth noting. As in the first letter, Dalhousie once again notes that the legislature and the White inhabitants do not want the Black Refugees in the

colony. Both groups consider the Black people to be “a Class of Subjects that never will do well as Settlers & therefore will not give them any Countenance or Assistance.” In other words, the White population of Nova Scotia, from the government to the common folk, did not want the Black Refugees in the colony and refused to assist them. This and the inhabitants’ view of Nova Scotia as a “White man’s country” is no doubt why, upon his arrival, Dalhousie found the Black Refugees in a state of starvation. No one had been willing to help them during the four-month interval between Sherbrooke’s departure in June 1816 and Dalhousie’s arrival in October that year. And within a few short weeks, the new lieutenant-governor, himself, gave up on the majority of the Black Refugees.

If Dalhousie was not forthcoming with the necessary assistance, then the only future he saw for the Black Refugees was not in Nova Scotia. So, it seems that one plank of his administration’s policy toward the Black Refugees was to discipline and toughen them up by limiting and even denying food supplies to the point where they faced starvation. Another plank was to attempt to remove them from the colony.

Dalhousie’s third letter to Bathurst is dated January 2, 1817.¹⁰ Here, he informs the secretary of state about his discussion with the Assembly on “augmenting the population of Nova Scotia,” with White civilians and military veterans who are migrating from Britain and Newfoundland to Nova Scotia. He wants these immigrants to receive the same support he believes the immigrants to Upper and Lower Canada were receiving at the time.

He also remarks on the condition of the immigrant Scottish Highlanders in Pictou County—they had experienced crop failure and were in need of help. He expresses a desire to help the Chelsea Pensioners (veterans) who had been promised “Grants of Land”; and he is also supportive of “500 fine young men chiefly Irish.” Although these men were in need, Dalhousie is certain that with proper assistance they would do well. He notes that these men “have lately arrived totally destitute of Bread or Means of Subsistence... they are desirous to settle in this province, & if we can continue to feed them or find them work during this Winter, there is no doubt they will prove a valuable acquisition.” This is in complete contrast to his attitude toward the Black Refugees.

Dalhousie recommends, following the advice of the Assembly, that the fees new (White) immigrants were to pay to obtain land grants be “reduced, omitted, or defrayed,” noting that these fees were a hardship for these people and caused them “distress.” He then notes that “... these several descriptions of people require the aid of government to settle, otherwise they will proceed to the United States in search of bread.” He also itemizes the additional costs of settling and working the land, noting

I am aware that these Fees & Supplies would create very considerable expence [sic] to the Public, but I find that very many of the old Settlements ..., now rich and prosperous, were begun on such encouragement from the Government. They were brought here free of Expence, allowed materials for building, implements & Seed Corn for 3 years. The late settlement of the disbanded Corps of Newfoundland & Nova Scotia Fencibles, from the aids they receive, are doing very well & affords a satisfactory proof of the wisdom of such meansures.¹¹

Here, he recommends three years of assistance for a group of settlers who had not experienced the same hardships as the Black Refugees and offers an example of a successful outcome of such largesse. Yet he does not include the Black Refugees in this request (nor

at all in this letter), despite having the opinion that “many of them will prove industrious & valuable settlers.”¹²

It is important to note that the British Crown was responsible for the Black Refugees and the soldiers of the disbanded regiments at the end of the War of 1812. The colony itself could assist settlers out of its own revenues, and it sometimes did.¹³ But Dalhousie wanted Britain to do more. In this letter, Dalhousie attempts to convince the Crown to assist the White would-be settlers who wished to emigrate from Britain and Newfoundland to Nova Scotia. In separate dispatches, he discourages assistance to the Black Refugees when he disparages them and describes them as a burden to the colony. He is also eager to transport them from the colony and sees starvation as the only alternative for them. One can only conclude that Dalhousie saw the White settlers as the kind of people the colony wanted and needed. His enthusiastic support of them stands in severe contrast to his begrudging attitude toward the Black Refugees and his attempts to remove them from the colony.

Bathurst replied to the above letters on March 12, 1817.¹⁴ Therein, he expresses his regret about “the little prospect...of rendering [the Black Refugees] useful to the colony...” Nevertheless, he supports Dalhousie’s measure of assisting them through the winter as he asserts that “they are entitled...to the most humane consideration.” He also stresses the importance of “relieving the public as early as possible from the charge which is so little likely from the character and disposition of these persons to produce any corresponding advantage to the colony,” and suggests that Dalhousie assist those “expressing a wish...to return to their “Masters.”

It appears that officials at every level of government were determined to see the Black Refugees leave Nova Scotia. However, research shows that few wanted to go. Even if they had the resources to independently leave the colony to a place of their choosing, the lines of communication coming from former slave colonies would have warned them not to do so.¹⁵

On the subject of assisting the European settlers and the Chelsea Pensioners to the same extent as Dalhousie assumes was being provided to emigrants to Upper and Lower Canada, Bathurst stresses that he “cannot...authorize any expenditures...that...would...place[e] all Settlers on a footing with those of the Nova Scotia, New Brunswick and Newfoundland disbanded regiments.” He points out that the British government has been very careful to tell prospective emigrants to British North America that they cannot expect any help from the government. White settlers were a colonial responsibility and any assistance was to come out of colonial revenues and not subsidies from Britain.¹⁶ Even so, the White settlers were told that they could expect 100-acre land grants at least ten times the size of the grants of poor land given to the Black Refugees.

Even though Bathurst puts the responsibility for assisting the White settlers back on the colony, he nevertheless gives his approval for the use of a certain Crown fund for assisting these immigrants: “[I]f the funds which arose from the duties of the Castine during the occupation of that port...ha[ve] not been disposed of, I know of no manner in which they could be more usefully employed than in aiding the efforts of industrious settlers.”

We can read a lot from this letter, but mainly that either Bathurst trusts Dalhousie’s opinion of the Black Refugees or he holds the same prejudices as Dalhousie. Even under the British Crown’s constrained finances, Bathurst points to a source of Crown funds that may be used to assist the White settlers, a group that is not a Crown responsibility. Never once does he propose that these funds be used to assist the Black Refugees. This points to the relative importance Bathurst placed on the White settlers and his support for and encouragement of

Dalhousie's desire to rid the colony of the Black Refugees at a time when the colony wished to increase its population.

Dalhousie's fourth letter to Bathurst is dated January 3, 1817, and is brief, having followed a previous letter by one day.¹⁷ Here, he writes that he has spent £576.12.11 of Crown funds to provide support to the Black Refugees during the latter part of 1816. He also notes that Bathurst had authorized this expenditure in a letter dated October 25, 1814 (presumably to Sherbrooke), and asks Bathurst to communicate this sum to the Lords of His Majesty's Treasury.

A sense of urgency can be read into this communication. We can also discern that Dalhousie is receiving little support from the Lords of the British Treasury, at least in regard to expenditures to provide for the Black Refugees. He had found them in a "state of starvation," corrected a wrong and, understandably, did not want to be told that his cheques on the British account had been refused and that he would have to pay the bill from his own funds. Thus, he insisted that Bathurst clarify to the Lords of the Treasury that he had already sanctioned these funds for the purpose of the Black Refugees.

In Dalhousie's fifth letter to Bathurst, dated May 16, 1817,¹⁸ he reports the further steps he had taken to reduce the Black Refugees' expense to the public. Once again, he uses the language of industry as the rationale for continuing to provide little or no aid to the Black Refugees. We can also sense the pressure he is feeling to reduce the cost to the Crown of supplying aid to this marginalized population.

I have issued a note declaring that the issue of Provisions would cease on 31st May—after which new lists would be taken up, of such only as by their Industry had complied with the obligations expected, and of those who by age or infirmity be thought objects of compassion. I expect that this will reduce the number that will receive Rations one half, & the Ration itself I shall reduce a certain Proportion.

He then asserts, "I must of necessity continue to give these people Rations until they can raise their Crops, for without that support they must utterly starve."

In other words, Dalhousie is only worried about preventing starvation on the part of those whom he has identified as industrious farmers—they have to get rations, he notes, so that they can stay alive to raise those crops. Those whom he sees as idle, he is happy to let starve. And those he sees as "idle" amount to half the refugee population!

He also states that he has "caused lists to be taken of the Industrious & given them Seed potatoes with some Implements of Husbandry." But whom does he consider "industrious" and how is this measured? Perhaps this means building "snug houses" and "clearing garden plots to grow potatoes and vegetables between the rocks."¹⁹ On the subject of deporting the Black Refugees, he informs Bathurst that "none of them are inclined to return to their Masters nor to America. Many of them point to Tobago & Trinidad but I have no authority to assent to that." It is doubtful that the Black Refugees had made such a request, given that Trinidad was a slave colony and an unsafe place. As already mentioned, the communication networks at the time would no doubt have alerted them to the dangers of travelling there.²⁰

In this letter we can see that Dalhousie is feeling the pressure of the Crown authorities to both reduce costs and encourage White immigration and settlement. At the same time, he is faced with a Black Refugee community whose crops had failed and who had just survived another harsh Nova Scotia winter. They are in dire straits and he tries to be compassionate.

But this compassion appears feigned: The Black Refugees are caught between imperial stinginess and Dalhousie's frustration at their condition. He never mentions the small lots of poor land they had been accorded, the meagre rations, and the crop failure of the prior year. Instead, he accepts the advice of the council and cuts expenses by reducing the Black Refugees' rations, this time not going against the council, even though it is an action he himself estimates could cause half of them to starve. Like many White colonial administrators, he uses food to brutally impose his will on the non-White populations under his control.

Time after time, he returns to the subject of the climate: Black people cannot stand the winter and, therefore, they must desire to go to a warm climate. However, Black people had been living in the Canadian cold for over a century prior to 1817 and had withstood the cold very well.²¹ Furthermore, most of the Black Refugees came from the Chesapeake area, which is temperate and not tropical and they had no desire to go to the slave colonies of the West Indies.

Dalhousie also refers to Bathurst's letter of March 12, 1817,²² wherein the latter had recommended that Dalhousie seek additional funds from the House of Assembly or use the proceeds of the Castine duties to support struggling White settlers. Dalhousie notes "Considerable Sums have in consequence been appropriated for Roads...."—road building being the Assembly's preferred way to support settlers.²³ And he sees no chance of the colony spending more money on supporting White settlers of any description. Yet, he does not want to spend the Castine money on adding to or equalizing the ration roll and asks Bathurst to "not require me to appropriate the Sum of the Castine duties to this purpose, it would go little way & would soon be lost Sight of; whereas there are two or three objects of highest importance to the Province which that sum would cover & improve to lasting benefit to the Province." By "this purpose," he meant encouraging poor settlers along the lines of the expenditure program the Assembly had suggested would attract and retain settlers, something the colony had been failing to do.²⁴

Over a year later, Dalhousie received a letter from Bathurst, dated July 29, 1818,²⁵ wherein Bathurst refers to Dalhousie's request to appoint five superintendents to issue rations to a large number of "the disbanded soldiers in the Province of Nova Scotia and New Brunswick who...draw rations to a very considerable amount." He notes that he had transmitted Dalhousie's request for further assistance in this regard, and states, "I cannot flatter myself that the Lords Comm'ers will accede to it without some information as to the people what have thus accumulated round the Military Settlements, and who are receiving...Rations at the expense of the Government...I cannot avoid indulging a hope that those Privileges have not been extended further than the instructions authorized." Although there is no reference here to the Black Refugees, this is the letter Dalhousie later refers to as the "instructions" from Bathurst to cut off whatever rations are still being issued to Black Refugees on October 24, 1818.

In his sixth letter to Bathurst, dated August 14, 1817,²⁶ Dalhousie gives details of his measures to cut rations and reduce costs, even after having visited several settlements and witnessed the Black Refugees' "industry" in confronting the many odds these people faced.

In obedience to your Lordship's instructions & those of the Lords of the Treasury, I have adopted every means...to reduce the expences [sic] attendant on this Class of people... On 1st June I restricted...Rations to such only as had families and were settled on the waste lands allotted for their settlement. I also reduced the nature of the Ration...

by which the expence falls from -/10d to -/5½ each ration. [In very next paragraph he informs Bathurst that] “[he has] personally visited the several Settlements, and I have great pleasure in reporting to your Lordship an opinion...much more favourable than I before entertained... [A]lmost every man had one or more Acres cleared and ready for seed and working with an industry that astonished—against difficulties of a nature almost insurmountable and opposed, abused and cheated by the Old Settlers near whom they have been placed.

Here, we can see his policy of reward and punishment and his feelings of both aversion and sympathy. On one hand, he has further reduced the number of people eligible for rations and the amount and type of rations for each, again beginning well before the prospect of a first harvest. On the other hand, he notes their industry and the odds against which they persevere.

A few months earlier, he had expressed a belief that Black people were lazy and would only do well if disciplined by the whip. Now, he could not contain his surprise when he sees that they have actually cleared land and are ready to plant crops, despite their meagre rations, abusive White neighbours, and small lots of the worst kind of land. Only after having seen for himself the actual productive labour of these people had he “issued to them seed Potatoes, Turnip & Cabbage in proportion to each Man's cleared Land...and procured them some Nets for fishing.”²⁷

Even so, he continues to severely reduce rations to the general Black Refugee population. This seems contradictory to assisting these people's efforts. Indeed, one could assume that this was a calculated policy that posed a major barrier to their success. That is, if Dalhousie saw their industry even in the face of so many barriers, why would he not consider them to be a potential asset as settlers in a colony whose very success depended on increasing its population? Instead, he saw their stay as temporary [refugees], even though their alternatives were to either return to their former brief, brutal, and dangerous lives as enslaved persons in America or the West Indies, or to continue to struggle to settle in Nova Scotia and avoid starvation under Crown and colonial policies that were mainly overseen by governors, including Dalhousie.

It is important to note the weight of the term “industry” as Dalhousie uses it. As the eighteenth century drew to a close, the growth of industrial capitalism in England threw the rural economy into chaos, massively disrupted the urban labour market, and left people starving in the countryside and in the streets. As the poor became disenfranchised and marginalized, the governing classes, both the political and economic elite, intensified their moralizing about poverty, setting new standards of worthy poverty, deservedness, and work effort they termed “industry.” According to this ideology, the poor were slothful and lazy by nature, and only external discipline and the threat of hunger could whip them into industry.²⁸

Black people in the British Empire, the majority of whom were enslaved, were also ascribed the negative characteristics of laziness and sloth. This was despite the fact that, through their unpaid labour, they were creating much of the wealth the Empire enjoyed. The White population also saw the Refugees' blackness as rendering them biologically inferior. Thus, Dalhousie was drawing on a well-developed discourse and vocabulary when he described these people in such negative terms, despite their “industry.” He did not consider that the Black Refugees were not working under the lash, but rather according to their own determination to succeed, and that all they needed in the post-War of 1812 world of Nova

Scotia was a little assistance—the same assistance he urged for and afforded some White settlers.

Toward the end of the letter, Dalhousie stresses the need for the Black Refugees to be given rations during the upcoming winter because “without it they must perish.” Perhaps he did not want to be responsible for the possible mass starvation or death of the Black Refugees as a consequence of this policy.

Dalhousie closes the letter by informing Bathurst of another group of immigrants that required assistance—this time soldiers of the Nova Scotia, New Brunswick, and Newfoundland regiments that were disbanded at the end of the War of 1812. Like the Black Refugees, their crops had been insufficient to carry them through the winter. Dalhousie writes: “They are doing every thing that could possibly be expected, but their first Crop is totally insufficient...and if the Rations are stopt they must quit.”²⁹ It is instructive that Dalhousie feels that these White soldiers and their families would leave the settlement should they not receive sufficient rations, as opposed to them perishing like the Black Refugees. Without realizing it, Dalhousie points out the different choices the Black Refugees and White settlers had in the poverty-stricken economy. The White settlers could leave and seek their fortunes elsewhere, the Black Refugees could not. It is also instructive that Dalhousie approaches the Crown about the White settlers whereas this responsibility belonged to the colony. That is, he again makes the case for Bathurst to assist the White settlers; at the same time, he justifies reducing assistance to a Black Refugee population who are his and the Crown’s responsibility. The White group, who can leave, he hopes will stay; the Black group, for whom leaving is risky, he hopes will leave. Dalhousie cleaves to a policy of the out-migration of a group of people who have clearly proven their value in their potential to contribute to the colony.

In 1817, slavery was still legal and practiced in Britain, its Atlantic colonies, and in the United States. It would not have been safe for Black people to board ships and attempt to sail off to their former homes in the United States, the West Indies, or to places unknown to them. They could have been kidnapped and sold into slavery, or become indentured labourers, which is tantamount to being enslaved. They could not count on disembarking in a slave-plantation territory, such as Trinidad, and not being forced back into bondage. Yet the only two options Dalhousie saw for the Black community was to either perish or leave.

In the last letter we have from Dalhousie about the Black Refugees, dated June 10, 1819, he refers to Bathurst’s July 1818 letter, which instructs him to cut back rations to any settlers except specified regiments of disbanded soldiers. Accordingly, Dalhousie says that in October 1818 he “had put a stop to the issue of rations to the Black Refugees...leaving them to their industry & personal exertion to obtain subsistence.” Although Bathurst had instructed him in general terms, Dalhousie must be seen as being responsible for the interpretation he put on those instructions, which did not refer specifically to the Black Refugees. The consequences for these people were dire: “They persevered under great privation & want, until the month of March [1819] when their means totally failed, and most urgent representation was made to me of their alarming state.”

In the spring of 1819, the Black Refugees at Preston and other settlements were starving. In April 1819, the Assembly ended up paying £100 in assistance,³⁰ but not on Dalhousie’s request. Dalhousie refused to ask the Assembly to help, noting that it “has uniformly resisted any grant from the public purse to the support of these people.” Taking note of the crisis at hand, he then turns to his council, who authorize “an issue of one month’s rations to them, to

relieve their necessity until Spring....” The description of those rations in the council minutes is telling: They are to be the cheapest and nastiest kinds of food available in the colony—salted herring and corn meal.³¹ Also, at the beginning of May, instead of working on their own land, the Black Refugees are expected once again to offer up themselves as paid farm labourers to White farmers. It is clear that, according to Dalhousie and his council, if the Black Refugees are not to die from starvation in Nova Scotia, then they must become peons within the colony and not the landowners and farmers they had been led to believe they could become.

In the same letter, Dalhousie displays a callous and racist attitude toward the Black Refugees. Indeed, he reverts to the typical racist discourse of the time when he says, “I am sorry now to confess that tho’ they use their best exertions and have severely experienced the effect of idleness to prompt them to further industry & frugality—the habits of their life, & constitutional laziness will continue & these miserable creatures will be for years a burthen upon the Government.”

Here, Dalhousie blames the Black Refugees’ misfortunes on what he believes to be their innate biological inferiority. And even though he recognizes that some had been industrious, to him the majority were “constitutionally” lazy and would continue to pose a burden on the colony.

Dalhousie invokes Black inferiority as the cause of the Black Refugees’ plight, rather than assuming any blame for policies that were clearly inadequate, unbalanced, and discriminatory. As lieutenant-governor, he had the option to use the Castine Fund to assist the Black Refugees. And instead of recognizing that these funds came in substantial part from customs duties on slave-made goods and therefore should rightfully have gone to assisting these people, he blames them for their desperate situation and turns his back on them. Neither Dalhousie, Bathurst, nor the Assembly saw this group of immigrants as being part of the colony’s body politic or deserving of help. Any help that did come was merely intended to fend off starvation. Dalhousie only had to put himself in their place before passing such hard judgement on this vulnerable, marginalized group. Had he done so, he might have felt the same as Theophilus Chamberlain and Seth Coleman.

Coleman most aptly expresses the views of those who were close to the Black Refugees when he says, “My feelings have been hurt at the expressions of People who are ignorant of their situations, they say thievish Black Dogs, they deserve this or they deserve that... Place the same number of White People in the Same Situation under all the disadvantages that those have had to encounter, what would have been the report of them?”³²

Allan Taylor notes that Chamberlain urged the Black settlers to “laugh at the Squibs that ignorance or ill nature and contempt has induced some Silly Body to throw out against them.”³³

Unfortunately, those “Silly Bodies” included Sherbrooke and his successor, Dalhousie, both of whom accused the Black Refugees of being lazy and incapable, and both of whom the Black Refugees depended on to keep them from starving, when their best efforts at pioneer farming and wage labour were not enough to defeat the odds against them.

5.1 Ending at the beginning

The letters Dalhousie wrote to Bathurst paint a picture of a man whose biases and personal prejudices stood in the way of making just decisions in regards to the Black Refugees of the War of 1812. He shows these prejudices in so many ways: He does not correct a wrong and

ensure that the colony carries out the promises the British Crown had made to these people in return for their loyalty during the War; he fails to check his own prejudices in the extent of aid he accords to the regiments of disbanded soldiers, compared to what he offers to the Black Refugees; and his entreaties to Bathurst to assist the White settlers compared to his negative opinions of the Black Refugees speak to a bias based on racism. He finds excuses in their “lack of industry” and never once considers that these people had been weakened from a severe lack of food. In December 1816, when he finds the Refugees in a state of starvation due to their crops having “totally failed,” he does not attribute these crop failures to natural events, nor does he draw comparisons between the plight of the Black Refugees and that of the other groups of White migrants whom he also finds to be in dire need.

For the next four years, Dalhousie, the British government, and the government of Nova Scotia failed to implement a sustainable policy that would have provided meaningful structural support to a population that showed courage and industry despite the challenges that nature, politics, and the prejudices of the day put before them. Instead of integrating them as worthy settlers and British subjects, the governor pursued a plan of limited aid through insufficient rations. Dalhousie used “industry” as the “work test” for eligibility for rations. And when their industry proved insufficient, he cut off rations altogether, even as this vulnerable population faced starvation.

Dalhousie often wrote to Bathurst of his attempts to save money. He no doubt felt the pressure that came from the Lords Commissioners of the Treasury in London, and from Bathurst. It is true that Nova Scotia was in the throes of a post-war recession and that funds from both the imperial and colonial treasuries were insufficient to effectively run the business of the colony. When the approximately 3,000 Black Refugees who had supported the British during the War of 1812 arrived on the shores of Halifax, those in charge saw them as more mouths to feed and bodies to clothe, rather than the loyal British subjects they had proven themselves to be.

Sherbrooke began the practice of treating the Black Refugees as “unwanted” and “unsuited” to the colony when he diverted a boatload of 380 Black Refugees to New Brunswick. Members of Sherbrooke’s administration saw the Black Refugees as inferior and a burden on the colony. Dalhousie continued to frame the Black Refugees in the same way. Thus, he endorsed the idea of transporting them out of the colony in several dubious schemes that included returning them to their former slave masters in the American South, or to the West Indies, or to Sierra Leone, even though the overwhelming majority of these people had no desire to go. In the end, these plans all failed. As a result, at the end of four years of dealing with the “Refugee problem,” Dalhousie blamed the Black Refugees for their own misery and turned his frustration and disdain on them even as he also acknowledged that White people “opposed, abused and cheated” them.

In his last letter to Bathurst on the condition of the Black Refugees, his position had barely changed from that articulated in his first correspondence. That some of the Black Refugees succeeded is a testament to their tenacity in the face of inequitable policies that were clearly based on a racism that stemmed from a society whose economy continued to depend on cheap labour and trade in slave-made goods. Scholar Ikuko Asaka notes that what the Black Refugees encountered, as they sought to find a home in Nova Scotia, “was the popular and official expressions of the vision of a White Nova Scotia.”³⁴ This vision was rooted in a racialized understanding of geography. She continues: “the [white] colonists, feeling threatened by the black refugees’ arrival, defended their exclusivity in climatic terms.” Recall,

Sherbrooke's legislature of April 1815 had claimed that Black people were "unfitted by nature to this climate." Dalhousie also used Nova Scotia's cold climate as being the rationale for sending away the Black Refugees. Asaka tells us that this "assertion was rooted in the same logic invoked by the Scottish settlers who grounded their claim of colonial belonging in their physical compatibility with the province's coldness."³⁵

The desire to send Black people "back" to their true home in the tropics and to significantly reduce their rations formed important planks of Dalhousie's policy toward the Black Refugees, a policy based on paternalism, frustration, hostility, and racism.

The Petition of the Coloured People Settlers at
Beach Hill near Halifax. Respectfully Sheweth

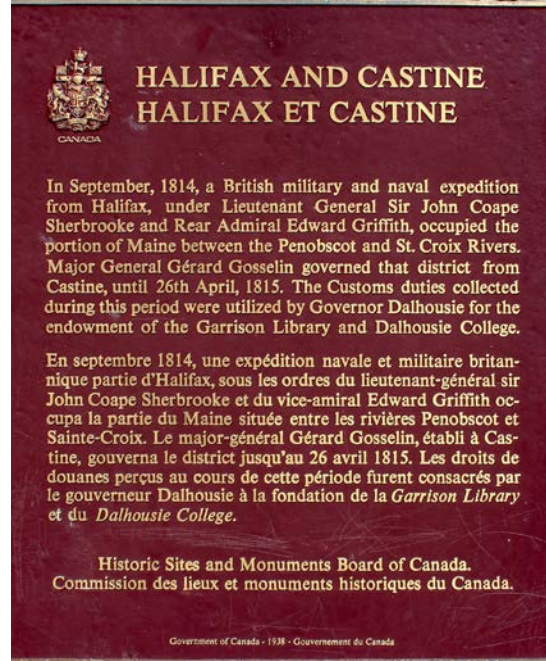
That your Petitioners for some time past
have by their Industry endeavored to Cultivate the Lands
located by them at Beach Hill distant about eight Miles
from the Town of Halifax, and to raise therefrom Vegetables
and other articles, by the sale of which they might be
enabled to procure for themselves and families the ne-
cessaries of life - but owing to the very bad state of
the Road between the Settlement of Beach Hill and
the Head of the North West Arm your Petitioners suffer
great inconvenience in their intercourse with the Town, and
the conveyance of articles intended for Market, attended
with great labor. Your Petitioners therefore most humbly
pray that your Honorable Body will take their case
into consideration and by the Grant of a sum of Money
to be expended on the Road commencing at Roman's Farm
and continuing to the extremity of the Beach Hill Settlement
facilitate the means of their intercourse with the Town

6.0

The Founding of Dalhousie College and University



**DALHOUSIE COLLEGE AT GRAND PARADE, 1875,
LOOKING NORTHWEST FROM BARRINGTON STREET.**
COURTESY OF THE PRESIDENT'S OFFICE, DALHOUSIE UNIVERSITY



**THE CASTINE PLAQUE SITS AT THE ENTRANCE TO
DALHOUSIE UNIVERSITY**
COURTESY OF THE DALHOUSIE UNIVERSITY DEPT OF CREATIVE SERVICES

Dalhousie College was launched with spoils of the War of 1812. A windfall gain from the capture and occupation of Castine, Maine, permitted Nova Scotia to invest in what became in 1863 Dalhousie University—today, the province's largest post-secondary institution.

When Lord Dalhousie arrived in Nova Scotia, in October 1816, there were only two institutions of higher learning in the colony: King's College, established in 1789, which was located in Windsor and limited enrollment to young Anglican men; and Pictou Academy, which had been newly established in March 1816. Reverend Thomas McCulloch, founder and first principal of the academy, had proposed that it be non-sectarian.¹ Halifax, the capital of Nova Scotia, lacked a college. Dalhousie was dismayed at the general state of higher education in the colony. He was particularly distressed at the Anglican monopoly at King's.² This and Pictou Academy's small enrollment and lack of the ability to confer degrees meant that talented and aspiring youths who were not of the Anglican faith either had to do without a college degree or leave the colony to earn one. At the same time, the Castine Fund had been languishing in the colony's coffers for a year and a half.

6.1 The Castine Fund

The Castine Fund was considered a prize of war. It belonged to the British Crown and not to the colony. This meant that as lieutenant-governor and Britain's representative in Nova Scotia, Dalhousie played a central role in deciding how the fund would be allocated. And as 30 per cent of that prize came from taxes on slave-produced commodities, Nova Scotia's Castine windfall come partly from the labour of enslaved people in the West Indies.³

Making a decision on how to spend the Castine Fund was a high priority for Dalhousie. In his first meeting with the provincial council, just a week after he arrived, Dalhousie sought details on the status of the fund. The council reported that the fund amounted to £11,596 (Can\$933,000 in today's dollars). On February 20, 1817, he asked the council for their suggestions on how to spend the fund. Among the four councillors who voiced a view that day, one supported a canal to Shubenacadie or shopping facilities at the Grand Parade, two supported an almshouse, and one suggested a new college.⁴ Before Dalhousie could decide, however, there was another question he needed an answer for. The home government wanted the colony to attract settlers. Bathurst had instructed Dalhousie to find solutions for the problems new settlers in Nova Scotia had been experiencing. "On February 18, the year 1817," Dalhousie made a formal enquiry to the House of Assembly asking them to advise him on how to encourage settlement with "the least expense to the public."⁵ The Assembly's advice was for the Crown to provide free grants of land with no fees attached to secure ownership; to provide some farm equipment and rations for eighteen months; and to take back land that had been granted to White settlers and not been used. These measures could only be implemented by the Crown, that is, by Dalhousie with approval from Bathurst. The colony itself could only do what it had already been doing: spending a large share of its revenues on building roads.⁶

By then, Dalhousie was convinced that the colony would not be extending further aid to the settlers.⁷ Also, Bathurst had affirmed that the British government would not be offering financial help. In a letter dated March 12, 1817, Bathurst wrote that if they wanted to assist settlers, then perhaps they should expend the Castine money for that purpose.⁸ This clearly indicated that Dalhousie could have used this fund for purposes other than for capital projects.

Imagine for a moment, that as lieutenant-governor, Dalhousie's first concern was to ensure that no one in the colony faced starvation. He might have seen the Castine money as an emergency relief fund for settlers (including the Black Refugees), or a means to institute fairness for the Black Refugees and raise their rations to the same standard as those of the White disbanded soldiers in the military settlements. Instead, Dalhousie begged Bathurst not to require him to spend the Castine money on settlers' needs. He decided that the colony needed a college and a better library. Perhaps he was right. The colony would acquire a valued institution and, at the time, some settlers would find employment in building the university and its classrooms. But for the Black Refugees, who had already learned that the British government did not keep its promises, the risk of starvation remained. They had nothing to hope for from a college that was not open to them while they faced the urgent challenge of surviving in a faltering economy and a racist society. Dalhousie's decision meant that the Castine Fund, raised in part from trade based in the exploitation of West Indian enslaved persons, would offer nothing to these former enslaved persons and, for a long time, nothing to their descendants.

6.2 Planning Dalhousie College

Dalhousie's first idea was to move King's College from Windsor to Halifax. But on further examination of King's, he decided against this strategy. What he had in mind for his college was quite different from the infighting that he had seen take place between the two professors at King's and the exclusivity of the institution's enrollment.⁹ He also considered Pictou Academy as a suitable centre of higher learning for the colony. Founder Rev. Thomas McCulloch had modelled his school on the University of Glasgow:

no restrictions on denomination and a curriculum based on the liberal sciences. However, when McCulloch approached the Nova Scotia legislature and asked for the right to exist as a non-denominational college, the council's Anglican majority saw this as potentially posing competition to King's. It therefore "amended the act of incorporation so that the trustees of Pictou Academy had to be either Anglicans or Presbyterians".¹⁰ As Anglicans would be unlikely to show interest in becoming trustees, this effectively made the institution Presbyterian. Further, it did not have the right to grant degrees. Dalhousie soon rejected the idea of encouraging further development of the academy. He had a low opinion of it as a college and he did not see the town of Pictou as having a sufficient population to sustain a centre of higher learning for the colony.¹¹ He then returned to the idea of building a new college in Halifax, one whose model was based on the University of Edinburgh, his alma mater.¹²

The University of Edinburgh was founded in 1583. As it was born out of the Counter-Reformation, it had adopted a non-sectarian position; however, the majority of its students and faculty were Presbyterian. It was open to youth, irrespective of religious affiliation, who had the means to acquire a university education.¹³ Scotland itself had an excellent system of parish school education, which provided scholars for institutions of higher learning, such as the University of Edinburgh. The belief was that everyone should have his chance to become educated. Even boys from impoverished families could attend their local parish schools to attain some level of education.¹⁴

There was a democratic air in Scotland with regards to education that was not present in England. At the time of the founding of the University of Edinburgh, there were five other universities, compared to England's two. The Scots supposedly opened their universities to all students. To fund positions for the poor, they required that all presbyteries with at least twelve parishes provide an annual scholarship to their universities. This did not cover all expenses, but poor students could supplement this with summer work, tutoring, or working on local farms.¹⁵

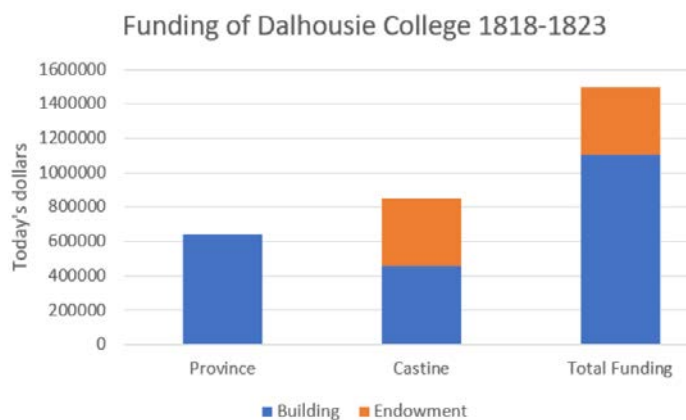
The fact that Dalhousie wanted his school to be "open to all" and to boys of "every class" points to a supposedly egalitarian feature of his character. One assumes that talented youth from the labouring class could attend the college if their families had the requisite funds, or that Dalhousie had planned to introduce a fund to accommodate them. At the same time, however, race and gender proved to be stumbling blocks. Though not explicitly stated, the college would not be open to women, or to anyone of a race or ethnicity other than White. Yet, given the temper of the time, Dalhousie's "open" policy was a progressive idea.

To get the project moving, Dalhousie sought the advice of George Husband Baird, principal of the University of Edinburgh, and Reverend Andrew Brown, professor of literature at the university. Brown also knew Halifax well. He composed a long letter, which he and Baird both signed. It gave the history of the university, noting that it began with one professor and grew as funds allowed. They also made it clear that "The Gates of the University are open to all persons indiscriminately..."¹⁶ (the meaning of "all persons" being very different from what it is today). Professors of law, medicine and religion taught as private voluntary lecturers, whereas professors of other disciplines taught full-time on modest salaries that were augmented by student fees. Also, professors were selected from outside the university. Baird noted that as Halifax could not be expected to draw as many students as could the city of Edinburgh, the new college's fees would have to be higher.

On November 12, 1818, Dalhousie presented most of Baird's correspondence to his proposed trustees. He also produced a set of plans for what he was then calling St. Paul's

College.¹⁷ In December that year, the council approved the plans and formally registered the Grand Parade as the site of the new college. Dalhousie chose not to apply for a royal charter, due to the cost.

On February 17, 1819, during the first sitting of the legislature in the newly constructed Province House, Dalhousie submitted his plan for the new college to the Assembly.¹⁸ In April, the Assembly thanked him for having “procured” for the province “a large sum of money” (the Castine Fund) and agreed to his request that the colonial government also contribute to the college. They hoped that “this institution may flourish and continue to the Inhabitants of Nova Scotia and lasting monument of the enlightened policy of Your Excellency’s administration.”¹⁹ Offering more than just fine words, they voted £2,000 out of the colony’s revenues, and would add a further £1,000 in 1821. A loan of £5,000 was voted in 1823. That this loan was never repaid put Nova Scotia’s total contribution to the building’s construction costs at £8,000, a bit over half of the final cost of the building, and roughly Can\$640,000 in today’s dollars.²⁰ The



COURTESY OF DR. SHIRLEY TILLOTSON

moneys from the Castine Fund supplied the remaining £5,707 of the building’s final £13,707 cost, which is just under \$1 million in today’s dollars. After £1,000 went to the garrison library, that left a tidy sum, somewhere around £5,000, to be invested in safe British government bonds as the college endowment. During the years the college operated, between 1838 and 1845 and from 1856 to 1860, revenue from the invested Castine Fund was paying for a bit less

than half of the cost of salaries. In 1863, the never-quite-successful Dalhousie College was reconstituted as Dalhousie University and the moneys from the Castine Fund were folded into the new institution’s endowment. They made up about 15 per cent of the total.²¹

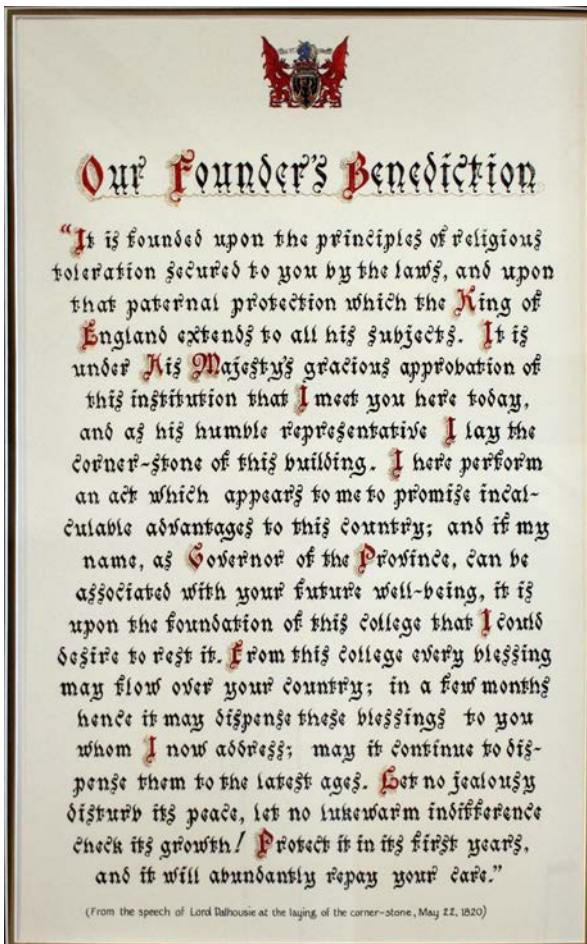
	Halifax currency 1818	Today's Canadian dollars
Dalhousie College building final cost	£13,707	\$1,102,969
Castine fund	£11,596	\$933,102
Amount from Castine fund spent on building Dalhousie College 1819-1823	£5,707	\$459,228
Amount from Castine fund spent on garrison library	£1,000	\$80,468
Amount from Castine fund remaining for Dalhousie college endowment	£4,889	\$393,406
Provincial Assembly grants & loan for building Dalhousie College 1819-1823	£8,000	\$643,740

COURTESY OF DR. SHIRLEY TILLOTSON

6.3 Laying the cornerstone

In Britain, both Lord Bathurst and the Prince Regent (who eventually became George IV) gave their approval for the founding of the college in a communication Bathurst dispatched to Dalhousie, dated February 6, 1818.²² The cornerstone was laid on May 22, 1820, at the north end of the Grand Parade in Halifax. Dalhousie University historian Peter B. Waite describes the ceremony as follows:

Lord Dalhousie had good reason to have the laying of the cornerstone of Halifax College done with every bit of ceremony, military and masonic, that the old town and his own energy and power could muster...Troops from the Garrison formed a lane from the Granville Street side of Province House [the seat of the legislature] to the Parade and to the railed enclosure at the northern end. There was already formed a square manned by the masons. In ceremonial procession from Province House came Lord Dalhousie, the admiral, the chief justice and all the Council...at a few minutes before two o'clock in the afternoon.²³



BENEDICTION OF DALHOUSIE COLLEGE, MAY 22, 1820
COURTESY OF THE DALHOUSIE UNIVERSITY DEPT OF CREATIVE SERVICES

Dalhousie then addressed the crowd, informing them that the emphasis on instruction would be on the “the higher Classics and philosophical studies.” He also stated that the school was “formed in imitation of the University of Edinburgh,” and that “its doors will be open to all who profess the Christian Religion; to the Youth of His Majesty’s North American Colonies, to strangers residing here, to Gentlemen of the Military as well as to the Learned Professions, to all in short who may be disposed to devote a small part of their time to study.”²³

Perhaps, at this ground-breaking ceremony, Dalhousie could not conceive of Hindus, Muslims, Jews, and Sikhs, or even non-believers studying at the college. The “all” who were welcome to study were to be Christian, White and male. At the same time, there was something decidedly inclusive: strangers could apply to study at the college, and there was also the possibility that one could pursue part-time or even temporary studies.²⁶ That Dalhousie did not mention the Black Refugees was perhaps because he did not consider this marginalized population to be part of “His Majesty’s North American colonies.”

Dalhousie continued his speech by addressing the denominational controversy that hung over the establishment of the college. Many of the city’s Anglican elite, which included Bishop John Inglis,

who also sat on Dalhousie's executive council, had opposed the establishment of the college. Inglis and others like him had wanted higher education in the colony to have the stamp of the established Church of England, the Anglican Church, and the governor's plan for a non-denominational school was anathema to them. Dalhousie used the occasion of the laying of the cornerstone to let them know that there was room in the colony for another school and other ideas. He stated:

It does not oppose the King's College at Windsor, because it is well known that College does not admit any student unless they subscribe to the tests required by the Established Church of England and these tests exclude the great proportion of the Youth of this Province...it is founded on the principles of Religious Toleration secured to you by the Law, and if my name as Governor of the Province can be associated with your future well-being it is upon the foundation of this college that I desire to rest it.²⁷

Dalhousie was then given the "corn, wine, and oil which were duly poured upon the newly laid stone... A royal salute was fired from the guns at Fort Charlotte, on George's Island; this was followed by three times three cheers from the crowd."²⁸ In spite of this auspicious beginning, a cloud was beginning to gather over the new college. Dalhousie, its main promoter, would soon be leaving Nova Scotia. In November 1819, he was appointed governor general of British North America and ten days later he left for Quebec, the seat of the British North American government.

6.4 Slow to progress and over budget

When he departed, Dalhousie was no doubt confident the college would succeed, even in his absence. He also no doubt felt pleased with what he had accomplished during his four-year tenure as lieutenant-governor of Nova Scotia. After learning of his appointment to become governor general of British North America, he wrote in his journal that Nova Scotia "was overflowing with the necessities of life and roused to a spirit of Industry that gives the fairest promise of happiness and prosperity." Or so he told himself. It is unlikely that this prospect of happiness and prosperity pertained to the Black Refugees. Ten days after he laid the cornerstone for the new building, Sir James Kempt took the oath of office for lieutenant-governor and Dalhousie sailed away.

The Nova Scotia legislature incorporated Dalhousie College in 1821. By 1824 the Dalhousie College building had been completed at the north end of the Grand Parade. It would take another fourteen years for classes to commence when the college opened in 1838. Dalhousie had also expected that the Assembly would provide an annual grant. It only granted £400 a year for two years, beginning on January 1, 1843. Nor did Nova Scotia's wealthy families flock to make private donations. A fundraising campaign in Halifax in 1842 failed utterly.²⁹

Three years later, in June 1845, the college closed after having lost funding it had received from the Assembly in 1843–1844. It reopened as Dalhousie Collegiate School in 1849, with Thomas McCulloch as headmaster, closed in 1854, and opened again in January 1856 as Dalhousie High School, under Hugo Reid as headmaster. The college section officially opened in October that year, with Reid as dean of faculty.³⁰ Reid resigned in 1860. There are no minutes of the Dalhousie Board of Governors covering the next two years.³¹ Three years later, it opened again as Dalhousie College. The first women were admitted in 1881. The first person



JAMES R. JOHNSTON, FIRST AFRICAN NOVA SCOTIAN TO BE ADMITTED TO DALHOUSIE COLLEGE
COURTESY OF THE NOVA SCOTIA ARCHIVES

of African descent from Nova Scotia to be admitted was James Robinson Johnston, who began his studies at Dalhousie in 1896 and graduated with a law degree in 1898.

Other Black students came from the Caribbean between 1863 and 1900. Among them was Henry Sylvester Williams from Trinidad, who entered Dalhousie in 1893 to study law. Because of racial harassment, he did not graduate. Williams fled to London, England, where he continued his study of the law and matriculated. He subsequently became heavily involved in the founding of the international Pan-African Movement. Since then, men and women of African descent have graduated and taught at Dalhousie University. They have helped give new meaning to the institution's name. People who have never heard of George Ramsay, the 9th Earl of Dalhousie, recognize the name today as that of a university from which many great Canadians have graduated. These graduates include ninety-one Rhodes scholars, twelve Canadian provincial premiers, three Canadian prime ministers, the first woman to be appointed to the Supreme Court of Canada, the first North American woman to walk in space, and a Nobel laureate. These and others like them give the name "Dalhousie" the meaning it carries today. The institution has been striving to enlarge the meaning of its name. However, there remains much to be done to ensure that "Dalhousie" comes to mean both scholarly excellence and a genuine standard of fairness and inclusiveness.

The Petition of the Coloured People Settlers at
Beach Hill near Halifax. Respectfully Sheweth

That your Petitioners for some time past
have by their Industry endeavored to Cultivate the Lands
located by them at Beach Hill distant about eight Miles
from the Town of Halifax, and to raise therefrom Vegetables
and other articles, by the sale of which they might be
enabled to procure for their lives and families the ne-
cessaries of life - that owing to the very bad state of
the Road between the Settlement of Beach Hill and
the Head of the North West upon your Petitioners suffer
great inconvenience in their intercourse with the Town, and
the conveyance of articles intended for Market, attended
with great labor. your Petitioners therefore most humbly
pray that your Honorable Body will take their case
into consideration and by the Grant of a sum of Money
to be expended on the Road commencing at Roman's Farm
and continuing to the extremity of the Beach Hill Settlement
facilitate the means of their intercourse with the Town

7.0

A Legacy of Mistrust

So much of success in life depends on trusting—and mistrusting—wisely. The more vulnerable you are, the more important it is to extend trust carefully. In a spirit of care, parents tell children and friends warn each other about when and who not to trust. Handed down through the generations, the lessons the formerly enslaved settlers almost certainly took from being cheated and insulted during Lord Dalhousie’s day have left a long legacy of reasonable mistrust.

Dalhousie might have known that the Black settlers had reasons to mistrust; for instance, he observed that they had been “cheated by the Old Settlers.”¹ How did he know this? In one instance, he learned the facts from the colony’s *Journal of the House of Assembly*, a document he read in preparation for serving as lieutenant-governor.² The *Journal* reports that, on February 28, 1816, the Provincial Assembly summoned to the House one William Smith, supervisor of road work on the Windsor Road, the first among the colony’s Great Roads. Smith was to answer charges that he had, among other offences, paid “Men of Colour employed under him” far less than he had subsequently claimed from the provincial treasury and probably about half what they were owed. Smith had also, contrary to the statute, supplied his road crew with £30/9/5 in liquor and had purchased provisions from colluding merchants at higher than market rates.³

On March 7, the House of Assembly requested that Lieutenant-Governor Sherbrooke fire William Smith and compel Smith to repay some of the overcharges (including the amount expended on booze). But there was no compensation ordered for what he should have paid in wages to the cheated “Men of Colour.”⁴ Having read the Assembly’s proceedings, Dalhousie knew of this exploitation of Black labour, and it is hard to imagine word did not get back to the Windsor Road crew, once Smith had been relieved of his duties. They would have understood that Smith had taken advantage of the fact that in Nova Scotia in 1815 paid work was scarce, and so the Refugees had little choice but to accept low wages when they were offered.

William Smith’s fraud helped lay a foundation of mistrust. Other events would build on that foundation and raise a structure of suspicion. For example, in 1824, Halifax’s Poor Man’s Friend Society proposed providing free saws to men who would be willing to cut firewood for a shilling a cord. But in doing so, this charity organization was proposing to undercut prices in a business that had become a key source of income for the Black Refugees: the firewood business was, according to the society, “a species of monopoly that has been too long enjoyed by the coloured men.” When they suggested a rate of one shilling a cord to one Black man, he reportedly “refused to lower the rate of wages, and said, that he would rather starve than accept of a shilling for cutting a cord.”⁵ By 1824, wage rates for common labour had dropped to three shillings a day, so to earn even the lower wages of the mid-1820s would have required him to saw three cords of wood a day. Only an exceptionally skilled and fit man, labouring at top speed, could achieve that much using the tools of the 1820s, even if working with seasoned logs already cut and limbed, under ideal conditions.⁶ No one could work to that capacity, day in and day out. When the Poor Man’s Friend Society went after a poor man’s ability to earn, it was reasonable not to trust them.

While all poor immigrants faced declining wages after 1814 and into the 1820s, formerly enslaved workers also faced racism as they sought to make a living.⁷ Dalhousie’s assertion of the Black Refugees’ “constitutional” laziness represents the assertion of Black inferiority that was central to the defence of White supremacy, a defence that became increasingly heated as the emancipation debate intensified during the 1820s. Challenges to White supremacy came from supporters of abolition. For example, a White Quaker such as Dartmouth’s Dr.

Seth Coleman spoke highly of the Black Refugees' qualities, calling them "a Virtuous People" after being closely involved in providing medical care in their settlements.⁸ He would have valued signs of their successes as evidence that emancipated enslaved persons would be productive workers. Opponents of emancipation, like former Charlottetown merchant John MacGregor, claimed that the Black Refugees, as former enslaved persons, lacked "steady well-directed industry, and judicious management."⁹ This was a standard and false claim made by opponents of emancipation. He and likeminded others wanted the Black Refugees to fail, thinking that if they did badly as free workers, he could use this as ammunition in the fight against emancipation.¹⁰ No one in this debate could be neutral about the condition of the refugee settlements in Nova Scotia. Preston and Hammonds Plains were important laboratories for ideas about how to discipline workers in the market for free labour after slavery. In this context, employers were motivated both by economics and ideology to pay the Black Refugees less than they paid other poor immigrants. Many voices encouraged them in this view during Dalhousie's residence and afterwards.¹¹

Another basis for reasonable mistrust, one in which Dalhousie was complicit though not original, was the notion that emancipated people of African descent could move as freely as could Europeans in the Atlantic world. The Black Refugees knew differently. Kidnapping and re-enslavement were risks of life in a port town.¹² When an agent of the American government came to Halifax in August 1815 to persuade the Chesapeake refugees to return to slavery, he met with failure. When his ship's captain tried to retrieve five Black sailors who had fled

his ship, it was a "Mob of white persons" who fought to protect the sailors' freedom. Halifax was a sailor town and crowd action to protect seafarers from sometimes-legal capture—naval impressment—was not unknown. As recently as 1813, a stone-throwing crowd had fought off a press gang in the city streets.¹³ If the people of the waterfront saw those Black sailors as having a right to flee the merchant ship, then they had the tools—crowd action—to protect fellow seafarers against a common threat. And those five Black sailors would have confirmed to recent refugees that the American agent was capable of kidnapping.¹⁴ White commentators in the 1830s, after slavery's abolition in the British Empire, spoke contemptuously of African Nova Scotians' fears of re-enslavement in British Trinidad.¹⁵ But with slavery very much still in practice in the United States, Brazil, and in the Dutch, Danish, Spanish, and other "foreign" colonies of the Caribbean, uncertainty about Black migrants' safety on the seas was surely reasonable. For people who might have worked alongside kidnap victims in the Chesapeake's slave labour force, trust that they could venture safely out of Nova Scotia to travel through the seaports of slave societies would have been hard to muster. That they were repeatedly urged to risk their safety cannot have inspired confidence that the colony's government had their best interests at heart.

Educated holders of public office in Nova Scotia often held the same disparaging views



GROUP WITH OX CART, PRESTON, N.S.
 COURTESY OF THE NOVA SCOTIA ARCHIVES, ATTRIBUTED TO FRANCES JONES BANNERMAN,
 AGC. NO. 1996-156/12

of the abilities of former enslaved persons, generalized to people of African descent, that Dalhousie took for granted. These views were utterly respectable among Halifax's prominent White citizens, some of whom were associated with Dalhousie College both before Lord Dalhousie's time and after. A casual disparagement of the "negro" can be seen, for example, in the most famous literary work of the university's first president, Thomas McCulloch, *The Letters of Mephibosheth Stepsure*. A work of gentle satire, the *Letters* poked fun at Bluenosers' idleness and made a model of its thrifty, hardworking letter-writer Stepsure. Among McCulloch's many mildly mocked characters was Mosey Slack, a White man whose laziness and improvidence destined him to fail. "Nature never intended Slack to be his own master," one of Stepsure's neighbours opines. If he'd had his face "blackballed" and been "put in the hands of some decent master...he would have been a very good negro." Whatever McCulloch believed, he could expect his White readers would recognize the "humour" in depicting a lazy White man as a "very good negro."¹⁶ Hugo Reid, Dalhousie High School's principal between 1856 and 1860, expressed this view more bluntly. In Reid's book on the United States slavery question in March 1861, he argued that "there can be little doubt of the great natural inferiority of the negro to the white race."¹⁷ Fearing a Civil War in the United States, Reid urged the North to allow the southern states to secede. He said he abhorred slavery, but he blamed the North for forcing the issue of emancipation and excused the South for defending their rights in human property. Arguments like Reid's were used to support the Confederacy during the Civil War. It was his belief that enslaved Black people were not ready for freedom.¹⁸

Reid's political treatise simply treated White repulsion toward "the negro" as a regrettable fact of life in Halifax, as elsewhere in North America.¹⁹ Though Reid anticipated that slavery would one day be ended and praised some of slavery's opponents, he had little respect for the "wild and incendiary proceedings of the Northern Abolitionists."²⁰ His sympathy for southern views would have been shared in elite Halifax circles. One of Dalhousie College's later leaders agreed with Reid that the slave states of the American South had been unfairly treated. Dr. W. Johnston Almon (whose mother had indirectly received slave-compensation monies) actively served the Confederate cause, both on his own and through two of his four sons' participation. From 1868 to 1875, Dr. Almon was the head of the Dalhousie College Faculty of Medicine. In 1872, he was elected the federal MP for Halifax and in 1875 he became a Canadian senator.²¹ Could the children and grandchildren of the Black Refugees reasonably trust that a society with leaders who held beliefs such as Almon's would serve them fairly?

All of these reasons for mistrust presented limits on the recent Black settlers' choices, whether in wage bargains, seeking charity's assistance, or choosing whether to stay or leave. Individual Black Refugees made a variety of choices, of course. After all, individuals vary in their luck, skills, and comfort with risk, even when they share a common adversity built on prejudice. Some of the Black Refugees and their children were able to surmount to some degree the exploitation they faced in Nova Scotia. Historian Harvey Amani Whitfield has described efforts, some demonstrably successful, on the part of individuals and families among the Black settlers to improve their economic lot. Some men went to sea, at considerable risk.²² Some sought and acquired more and better land for farming and related forestry production.²³ Some left Nova Scotia permanently, moving to London or Edinburgh, among other places.²⁴ Among those who stayed, some proudly prospered. In 1820, one Bartlet Shanklyn wrote to his former master in Virginia to inform him that he was thriving as a blacksmith in Preston:

“I have [a] Shop & Set of Tools of my own and am doing very well. When i was with you [you] treated me very ill and for that reason i take the liberty of informing you that I am doin as well as you if not beter. When I was with you I worked very hard and you neither g[ave] me money nor any satisfaction but sin[ce] I have been hear I am able to make Gold and Silver as well as you.”²⁵

But the heroic struggles of the formerly enslaved to survive and prosper were left out of the story that White Nova Scotia long told itself about the province’s history. In his foundational 1829 history of Nova Scotia, T.C. Haliburton described the Black Refugees as “imagining that liberty consisted in a total exemption of labour.”²⁶ This was not just an echo of a widely held White supremacist view: research has shown that Dalhousie’s letters to Bathurst were almost certainly among Haliburton’s research materials.²⁷ Like Dalhousie, too, Haliburton claimed as fact that slavery was congenial: “some [of the refugees] have sighed for the roof of their master.”²⁸ Noting that some Black men sought a living on the sea, Haliburton explained this initiative with one of the slaveholders’ fond ideas—that “negroes” had a “propensity to ramble” (later diagnosed as the imaginary disease, “drapetomania”).²⁹ In these and other comments, Haliburton sided with slavery, as George Elliott Clarke has shown in a detailed study.³⁰

The standard histories of Nova Scotia followed Haliburton. In fact, two of the most influential nineteenth-century historians of the province were his literary assistants in the 1820s, Beamish Murdoch and Thomas Beamish Akins.³¹ In 1857, Akins became the first provincial archivist. His “History of Halifax City,” first drafted in 1839, became source material for Thomas Raddall’s widely read 1948 *Halifax: Warden of the North*. To give just one example: Akins describes as “grotesque” and “most ridiculous” the appearance of Black men in Halifax wearing used uniforms they’d been given out of military supplies taken at Castine (clothing essential to their survival).³² Raddall ramps up the contempt. In his account, the efforts of the Black Refugees to farm are invisible. They are brought to Halifax, and simply stay there, “cavorting about the streets in the blue and buff of the United States Army and the green and scarlet of the York Rangers...”³³ The deep racism of Raddall’s book has been carefully analyzed by historians Ian McKay and Robin Bates.³⁴ Rooted in Lord Dalhousie’s day, the white Nova Scotian history they examine uses distorted images of formerly enslaved people as amusing local colour and recycles the ideological underpinnings of slavery. Only recently has this selective history begun to be corrected by thorough, empirical research.³⁵ Given the nature of these earlier histories of Nova Scotia, people of African descent have had every reason to mistrust what has passed for historical fact.

For Nova Scotia’s institutions, Dalhousie University among them, to merit the trust of the descendants of the province’s early Black settlers and the trust of other more recent immigrants of African descent, we must all understand that in Lord Dalhousie’s day, and since, mistrust has been often a reasonable stance for African Nova Scotians to take. Recognizing that perspective and appreciating both its wisdom and its cost is part of what all of us can do to make the university more trustworthy.

The Petitioners of the Coloured People Settlers at
Buck Hill near Halifax Respectfully Sheweth

That your Petitioners for some time past
have by their Industry endeavored to Cultivate the Lands
located by them at Buck Hill distant about eight Miles
from the Town of Halifax, and to raise therefrom Vegetables
and other articles, by the sale of which they might be
enabled to procure for themselves and families the ne-
cessaries of life. That owing to the very bad state of
the Road between the Settlement of Buck Hill and
the Head of the North West upon your Petitioners suffer
great inconvenience in their intercourse with the Town, and
the conveyance of articles intended for Market, attended
with great labor. Your Petitioners therefore most humbly
pray that your Honorable Body will take their case
into consideration and by the Grant of a sum of Money
to be expended on the Road commencing at Roman's Farm
and continuing to the extremity of the Buck Hill Settlement
facilitate the means of their intercourse with the Town

8.0

The Legacies of Slavery: A Justice System Case Study¹

We do not have to look far today in Canada to see the legacies of slavery in their full effect. One of these legacies is the way in which we have chosen to forget slavery, or perhaps to deny it, and to create a different narrative. “Slavery is Canada’s best-kept secret, locked within the national closet,” asserts Afua Cooper.² Ask many Canadians about the history of slavery in Canada and they will talk about the Underground Railroad. This is what many of us learned in school, that slavery existed in America, not in Canada, and that Canada’s heroic, romantic role in that slavery story was to welcome escaping “slaves” from America to freedom in Canada. While there was an “Underground Railroad,” and while it was used to help enslaved persons escape from the U.S. to Canada, that is only a part of our slavery story.³

Whitfield, writing about slavery in the Maritimes, identifies another legacy of that slavery in addition to our forgetting and denying. He concludes that slavery’s chief legacy “was to **make race**—that is, to define the place and status of black people.”⁴ And in explaining what this means and how it has unfolded, he relies on Ira Berlin’s statement that “if slavery made race, its larger purpose was to make class.”⁵ Cahill makes a similar observation, referring to the refusal of White Loyalist society “to regard the Blacks as anything but slaves” and that this was “the primary psychological-cum-ideological barrier to the abolition of slavery, either by Legislative enactment or judicial decision.”⁶ The slave state was one of subjugation, inferiority, servitude, and marginalization. This formed the way White settlers came to perceive Black people, even after formal emancipation. To be free should have meant to be equal, but it meant no such thing. Even after the vast majority of the population had turned against slavery, they did not welcome Black people as equals. “Blacks were generally viewed exclusively in terms of white economic interests.”⁷ Cahill suggests that once we understand slavery “not as a ‘legal condition,’ but as an entrenched socio-economic condition with a para-legal character,” it becomes easier to understand the prevailing attitude at the end of the eighteenth century that “black slavery was presumed implicitly to be lawful until adjudged or legislated to be explicitly illegal.”⁸ An example can be seen in the story of Ben and Maria Fuller, Black Refugees of the War of 1812, who experienced first-hand the legacy of slavery.

The Fullers arrived in Nova Scotia after the War of 1812 as free people; they eventually became property owners.⁹ In 1818, a group of White hunters came onto their property. Ben Fuller, with the assistance of his wife and children, tried to defend his property by first asking the hunters to leave. They refused to do so, asserting that the land was common land. A physical altercation ensued, the end result of which was that Ben Fuller was charged with assault. At his trial, his lawyer argued that if the roles had been reversed and Ben Fuller had trespassed on a White person’s land and an altercation had occurred, no jury would have convicted that White person of assault. Notwithstanding this sound submission, Fuller was convicted by an all-White jury and sentenced to a week in jail. The presiding magistrate stated in his decision that there were “too many people of [Fullers’] colour in this country, whose conduct is highly reprehensible...[and] to continue the same course...will be a means of uniting the voice of the people against you...to have you sent out of the province altogether.”¹⁰

Ben Fuller was a free Black man and a property owner, but he could not assert his property rights against White trespassers. This court official was telling him what his place was, and the place he was describing was not that of a free person. The judge’s comments show that emancipation did not mean equality and that the state of subjugation and marginalization that was part of slavery was also a part of the life of every Black person, slave or free. The magistrate’s comments also demonstrate that Black people could not always rely on courts and judges to give effect to the rights they should have had as free people. Whitfield

concludes that "...previous distinctions between enslaved persons, free Blacks and Black servants¹¹ were smothered under racial homogeneity, with most Afro-Maritimers reduced to fighting against extreme economic marginalization and deeply seated racism."¹²

But we would be wrong to assume that the experience of Ben Fuller tells the full story of the role of courts and judges in the late eighteenth century and during the nineteenth century. It was more complex than this. Cahill conveys this complexity in his essay "Slavery and the Judges of Loyalist Nova Scotia."¹³ He describes the "gradualist judicial policy"¹⁴ of some judges, especially Chief Justices Strange and Blowers. Instead of explicitly declaring slavery to be illegal, these judges made it difficult for those asserting ownership of enslaved persons to prove that ownership. In these efforts they were joined by some sympathetic lawyers and by Black people willing to bring their claims and grievances to the courts.¹⁵ While this struggle against slavery continued and slavery gradually disappeared, racism against Black people did not disappear. This was evident in print media and in the comments of politicians and public officials. One example is a comment Dalhousie, then lieutenant-governor of Nova Scotia, made to Lord Bathurst:

Slaves by habit & education, no longer working under the dread of the lash, their idea of freedom is idleness and they are therefore quite incapable of industry.¹⁶

And it is not as if the court was routinely used as an anti-slavery instrument. Compared with the number of enslaved people in the colony, those who took their case to court were few.

In this maelstrom of slavery, emancipation, struggle, racism, and economic marginalization and inequality, Black communities and kinship grew. "[A]s a new and virulent racism sprang from the ashes of slavery,"¹⁷ Black people built institutions and societies for their mutual support and growth.

Still they persisted to call Nova Scotia home
They bled into the soil and made it their own...
But history doesn't just let go
Subjugation of people yesterday bleeds into tomorrow
so the inequality of the past
is built into the institutions of today¹⁸

Viola Desmond experienced this inequality first-hand. Long before she was selected from an impressive shortlist of Canadian women to be featured on our Canadian ten-dollar bill, she had made her mark as a businesswoman and a civil rights leader. In 1946, she was arrested, jailed, and convicted for refusing to sit in the balcony of a New Glasgow theatre. She was not from New Glasgow and was unaware that the Roseland Theatre was segregated. She asked for a ticket on the floor and thought that was what she had bought. But when she tried to take a floor seat, the theatre usher directed her to the balcony. Thinking the cashier had made a mistake, Viola returned to buy the appropriate ticket. The cashier said: "I'm sorry but I'm not permitted to sell downstairs tickets to you people."¹⁹

It was at that moment that Viola realized there had been no mistake. She had been given a balcony ticket because she was Black and the theatre was segregated. She refused to go to the balcony; she returned to her floor seat. The theatre manager then became involved, urging her to move because "it is customary for Negroes to sit together in the balcony."²⁰ When she

refused to comply, the police were called. Viola Desmond was forcibly removed from the theatre, taken to the local jail, kept there overnight, and then taken to court the next morning where she was tried and convicted.

But what case were the authorities able to make against her? The charge read as follows:

...that she the said Irene Viola Desmond, did on or about the 8th day of November, A.D., 1946, unlawfully enter a theatre to wit: the Roseland Theatre the same being a place where a tax is imposed by the Theatres Cinematographs and Amusement Act without paying the said tax contrary to the said [Act], Section 8(8)(a).²¹

How did this case become one about tax evasion? The legislation in question apparently levied an amusement tax on every theatre ticket. Desmond had, unwittingly, bought a balcony ticket. The tax on the balcony ticket price of 20 cents was two cents; the tax on the floor ticket price of 40 cents was three cents. Her "offence" was sitting in a floor seat with a balcony ticket; she was charged and convicted for depriving the provincial government of one cent in tax.²² The theatre manager, cashier, and usher, all of whom were White, gave sworn evidence against Desmond at the trial the next morning.²³ Desmond's evidence was that she had offered to pay the difference and the theatre staff would not accept it. She was not represented by counsel, she was not told that she had the right to an adjournment in order to retain counsel, and there was no cross-examination of the Crown witnesses.²⁴

Her lawyer, F.W. Bissett attempted to challenge this decision on her behalf, first to the County Court and then to the Supreme Court. These attempts failed on the technical ground that she should have challenged the New Glasgow magistrate's decision by bringing an appeal rather than by a certiorari²⁵ application alleging that he had no jurisdiction to make the decision he had made. The time limitation to bring an appeal had expired by the time her lawyer decided to challenge the magistrate's decision.

Any discussion of the role that race played in Desmond's case is absent from the court record, with one exception. At the hearing in the Supreme Court, Mr. Justice W.L. Hall agreed that her application to challenge the decision should fail, but added the following comment:

I concur with my brother Carroll...Had the matter reached the Court by some method other than certiorari, there might have been opportunity to right the wrong done this unfortunate woman... One wonders if the manager of the theatre who laid the complaint was so zealous because of a bona fide belief there had been an attempt to defraud the Province of Nova Scotia of the sum of one cent, or was it a surreptitious endeavour to enforce a Jim Crow rule by misuse of a public statute.²⁶

We will never know if, given the opportunity on an appeal rather than an application for certiorari, the Nova Scotian courts of the day would have openly acknowledged that this case



VIOLA DESMOND

OBTAINED FROM THE CANADIAN ENCYCLOPAEDIA ONLINE: [HTTPS://WWW.THECANADIANENCYCLOPEDIA.CA/EN/ARTICLE/VIOLA-DESMOND](https://www.thecanadianencyclopedia.ca/en/article/viola-desmond)

was about race, not tax evasion, and would have found a just way to “right the wrong done” to Viola Desmond.

The wrong was righted, to the extent that it could be, in 2010 when Desmond received a posthumous free pardon²⁷ from the Nova Scotia government. It was granted by Lieutenant-Governor Mayann Francis, the first Black Nova Scotian and only the second Black person in Canada to hold this office. The pardon was accompanied by a public apology from Premier Darrell Dexter. He acknowledged and apologized for the “racial discrimination she was subjected to by the justice system,” noting that “law was used to perpetrate racism and racial segregation.”²⁸ He also said that Desmond should never have been charged and that her conviction was a miscarriage of justice. He described her conduct as “an act of courage, not an offence.”²⁹

Depending on how we look at this case, it was a failure, or it was a success, or it was both. It is a good example of what Williams describes as a “quintessentially Canadian form of customary racism,” one that is “more de facto than de jure” and that is allowed to thrive “against the backdrop of a legal system that could be relied upon to enforce racial hierarchies without referring explicitly to race.”³⁰ Constance Backhouse concludes that “[as] a matter of legal precedent, the Viola Desmond case was an absolute failure...the real issues of white racism were shrouded in procedural technicalities.”³¹ Bissett, Desmond’s lawyer, chose a “conservative strategy of camouflaging race discrimination underneath traditional common law doctrines”³² and with the exception of Hall’s comments, the issue of race was never mentioned. Newspaper reports were similarly quiet on the race issue, but *The Clarion* did take some solace from Justice Hall’s Jim Crow comment.

It is gratifying to know that such a shoddy attempt to hide behind the law has been recognized as such by the highest Court in our Province. We feel that owners and managers of places of amusement will now realize that such practices are recognized by those in authority for what they are - cowardly devices to persecute innocent people because of their outmoded racial biases.³³

While it was a failure as a legal precedent, and while it must have taken a significant emotional toll on Viola Desmond, leaders in Nova Scotia’s Black community saw it as one of the most influential developments in their efforts to fight discrimination and racism.³⁴

Unlike the Viola Desmond case, the Rodney Small (RDS) case was not a failure as a legal precedent.

Common sense turned major victory
applied to the judiciary
Now Nova Scotian history
thanks to the bravery and honesty
of our first African Nova Scotian judge
It didn’t hurt that she had Rocky
when they tried to pull the plug on her career
The first Black lawyer from Nova Scotia
to argue successfully at the supreme court
he made his passion for social justice
impossible to ignore

His revelations on race relations
condemned by authorities as provocation
He was watched and followed
His home was torched
but he never stopped kicking down doors
and blazing a trail for the people to follow
He was a tough pill for this province to swallow
but it was good medicine for us all³⁶

In September 1997, Rodney Small was on a plane headed to Toronto. He was leaving Nova Scotia and he had no intention of returning. “It was racist, he’d told his mother, and no place for a black man like him.”³⁷ A few years earlier, his life had been turned upside down when, as a fifteen-year-old, an encounter with a White police officer resulted in three criminal charges against him for resisting arrest and assaulting a police officer. In youth court his evidence was that he had arrived by bicycle at the scene of a disturbance. When he saw that the police had apprehended his cousin, he asked his cousin if he should contact his cousin’s mother to tell her what was happening. He denied assaulting the White police officer or resisting arrest. He and the police officer were the only two witnesses at the trial, and their versions of the events differed widely.³⁸ The judge who was hearing his case was Judge Corinne Sparks, at that time the only Black Nova Scotian judge. She believed most of Rodney’s testimony, found that there was a reasonable doubt, and acquitted him. In the course of her oral judgement from the bench, she made the following comments, little realizing then how significant those comments, and this “RDS case,” would become.

The Crown says, well, why would the officer say that events occurred the way in which he has relayed them to the Court this morning. I am not saying that the Constable has misled the court, although police officers have been known to do that in the past. I am not saying that the officer overreacted, but certainly police officers do overreact, particularly when they are dealing with non-white groups. That to me indicates a state of mind right there that is questionable. I believe that probably the situation in this particular case is the case of a young police officer who overreacted. I do accept the evidence of [RDS] that he was told to shut up or he would be under arrest. It seems to be in keeping with the prevalent attitude of the day... At any rate, based upon my comments and based upon all the evidence before the court I have no other choice but to acquit. ³⁹

The Crown appealed the acquittal, arguing that these comments indicated Judge Sparks was biased. The Crown’s appeal was successful at both the trial and the appeal levels in Nova Scotia.⁴⁰ Rodney Small’s counsel, Burnley (Rocky) Jones, persisted, appealing to the Supreme Court of Canada. In a landmark case, the Supreme Court of Canada found in favour of Rodney Small (of the nine judges hearing the case, six ruled in his favour and three against) and restored Judge Sparks’ acquittal.

It was Judge Sparks’ suggestion that there is racism and bias in the system that led to the Crown’s appeal. Had she not said that, the matter probably would have stopped there, for she had already offered reasons justifying her reasonable doubt of guilt, which is all that was needed for an acquittal. But in referring to issues of systemic racism, she was thought by the

Crown to have crossed a line and the appeal was taken.

While six of the Supreme Court judges agreed that the acquittal should be restored, three of these six went further than the rest of the majority in endorsing the right, even perhaps the obligation of judges to take account of issues of systemic racism. They relied on the following comment from an Ontario Court of Appeal case, *R. v. Parks*:

Racism, and in particular anti-black racism, is a part of our community's psyche. A significant segment of our community holds overtly racist views. A much larger segment subconsciously operates on the basis of negative racial stereotypes. Furthermore, our institutions, including the criminal justice system, reflect and perpetuate those negative stereotypes.⁴¹

They then considered these comments in the Nova Scotian context. Justices L'Heureux-Dubé and McLachlin stated:

The reasonable person is not only a member of the Canadian community, but also, more specifically, is a member of the local communities in which the case at issue arose (in this case, the Nova Scotian and Halifax communities). Such a person must be taken to possess knowledge of the local population and its racial dynamics, including the existence in the community of a history of widespread and systemic discrimination against black and aboriginal people, and high-profile clashes between the police and the visible minority population over policing issues: *Royal Commission on the Donald Marshall Jr. Prosecution* (1989); *R. v. Smith* (1991), 109 N.S.R. (2d) 394 (Co. Ct.). The reasonable person must thus be deemed to be cognizant of the existence of racism in Halifax, Nova Scotia. It follows that judges may take notice of actual racism known to exist in a particular society. Judges have done so with respect to racism in Nova Scotia. In *Nova Scotia (Minister of Community Services) v. S.M.S.* (1992), 110 N.S.R. (2d) 91 (Fam. Ct.), it was stated at p. 108:

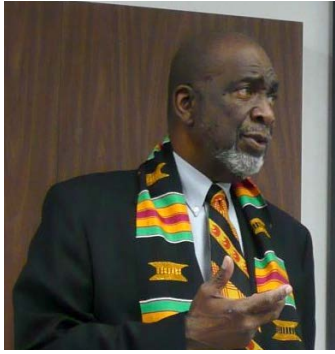
[Racism] is a pernicious reality. The issue of racism existing in Nova Scotia has been well documented in the Marshall Inquiry Report A person would have to be stupid, complacent or ignorant not to acknowledge its presence, not only individually, but also systemically and institutionally.⁴²

Rodney Small took some comfort from the Supreme Court of Canada decision. He felt vindicated, in fact, "saved"⁴³ by the acquittal. But he understands that many fifteen-year-old Black teenagers in the same position might not have fared as well. Today, Small works for Common Good Solutions in Halifax, using social enterprise to try to make good things happen in marginalized communities. One thing I can tell you is statistically I'm not supposed to be where I am today. And ... many young men that I grew up with ... are either doing life in prison, or are six feet under the ground."⁴⁴

RDS is a ground-breaking case. While it must have been an intense and emotional struggle for the key players, especially Rodney Small, Judge Corinne Sparks, and Rocky Jones, it gave us, among other things, what the *King v. Viola Desmond* did not—an open discussion of anti-Black racism in society and in the justice system.



SOCIAL ENTREPRENEUR RODNEY SMALL



BARRISTER BURNLEY "ROCKY" JONES



JUDGE CORRINE SPARKS

And the supreme court happens to agree
that racism is a problem in society
And if you see it you can say it
without fear of penalty⁴⁵

The RDS case demonstrates how vital it is for Black Canadians to be leaders and to occupy key roles in Canada's justice system.⁴⁶ Without Judge Corinne Sparks and lawyer Rocky Jones, both African Nova Scotians, the case would most likely have had a very different outcome. It is this understanding that led to the introduction in 1989 of the Indigenous Blacks and Mi'kmaq (IB&M) Initiative at Dalhousie Law School (now the Schulich School of Law). The IB&M Initiative was the result of efforts by African Nova Scotian communities and Mi'kmaq First Nations to obtain access to legal education and the legal profession and to address racism in the justice system. These efforts were the catalyst for Dalhousie University's study entitled *Breaking Barriers: Report of the Task Force on Access for Black and Native people*.⁴⁷ The efforts to establish the IB&M Initiative also coincided with the work of the Royal Commission on the Donald Marshall, Jr. Prosecution.⁴⁸ The Marshall Commission identified issues of systemic racism throughout the legal system and called on key justice system actors to do something to address these issues.⁴⁹

Professor Naomi Metallic, a graduate of the IB&M Initiative, describes some of the benefits of the Initiative in addressing these systemic racism issues:

At the time of the Marshall Report, of the almost 1,200 lawyers in Nova Scotia, none were Mi'kmaq and only about a dozen were Black. The first cohort of the Initiative started at Dalhousie Law School in the fall of 1989, and over the past twenty-five years, over 175 Black and Aboriginal IB&M students have graduated from Dalhousie Law School. This has materialized into there being 50 members of the Nova Scotia Barristers Society who self-identified as Mi'kmaq or Aboriginal and 44 who identify as African Nova Scotian or Black in 2015. In terms of sheer numbers, the IB&M Initiative has a profound impact on the make-up of Nova Scotia's legal profession. Comparisons of representation of racialized lawyers between the Canadian provinces have found that, ... Nova Scotia boasts one of the highest representations of racialized lawyers relative to population size.⁵⁰

In 2018, Dalhousie's 200th birthday, the 200th graduate from the IB&M Initiative walked across the stage at Convocation to receive their law degree.

Metallic also describes the many different types of workplaces and roles in which these IB&M Initiative lawyers are working, leading, influencing law and policy, and “raising awareness of race issues and changing the discourse around race and equality issues in places of power.”⁵¹ It is the combination of active recruitment, dedicated places, financial support, and academic supports of various kinds during three years of law school, that contribute to the success of the IB&M Initiative. Metallic notes that these efforts translate into a bond that continues after law school graduation, creating “a group of Aboriginal and Black lawyers who feel strong in their identity, who have a network of peers to draw strength and support from, and who have the courage to take on positions in places of power where their communities have been historically excluded, and raise issues of race and equality in those places.”⁵²

8.1 Conclusion

It was not only the New Glasgow magistrate who was responsible for the injustice done to Viola Desmond. The theatre usher, cashier and manager, and the police, also played a part. When we think about and try to understand, describe, and change the kinds of racism that African Nova Scotians live with today, the same is true. Police, baristas, cashiers, store managers, bus drivers, neighbours, teachers, doctors, landlords, other professionals, and service providers—we all play a part in slavery's legacy of systemic discrimination.

- A young Black woman who is 25 cents short is told to get off a Halifax Transit bus, notwithstanding that another passenger offers to pay the 25 cents. This young woman is the daughter of Randy (Evan) Symonds, who as a Halifax Transit employee brought a human rights complaint for racial discrimination in the workplace. He settled his case in 2006, but a later board of inquiry in a case brought by another Halifax Transit worker found a poisoned workplace due to rampant racial discrimination that had gone unchecked for years.⁵³
- A 32-year-old Black man who immigrated from Sierra Leone in 2003 could not present an authorized document at a bar showing proof of age. He was asked to leave, and when he failed to do so immediately the police were called and he was ejected. A Human Rights tribunal concluded that in refusing to serve him, Alehouse staff were following the legal requirements for proof of age. However, regarding their decision to call the police, the Chair of the Board of Inquiry concluded: “I...cannot rationally understand calling the police, outside of the context of race. This failure of courtesy, this failure to accord Mr. Gilpin respect, concern and dignity, and the decision to humiliate him can only be understood, at least in part, as having been a function of Mr. Gilpin's colour..”⁵⁴
- Mayann Francis, lieutenant-governor of Nova Scotia from 2006 to 2012 and the first African Nova Scotian to serve in that office, described how she is followed, treated and mistreated in some stores in Nova Scotia because of the colour of her skin.⁵⁵ In a different case, Sobeys admitted to racial profiling in a situation in which a store employee accused a customer of shoplifting. Sobeys offered damages, an apology, and an assurance that its employees would receive training about racial profiling.⁵⁶

- Statistics show that Black people are at least six times more likely to be stopped and checked by Halifax police.⁵⁷

Our justice system has worked for and has failed Black Nova Scotians. It failed Viola Desmond and Ben Fuller. It eventually vindicated Rodney Small. Chief Justices Blowers and Strange, with their “gradualist judicial policy” of emancipation, made a significant contribution to the decline of slavery in Nova Scotia.⁵⁸ Not so for the magistrates in the Ben Fuller and Viola Desmond cases. The Supreme Court of Canada decision in the RDS case upholding the decision of Judge Corinne Sparks was a major step forward, as are various Nova Scotia Human Rights cases in which claims of race discrimination have been upheld.

In October 2016 the United Nations Working Group of Experts on People of African Descent visited Canada (Ottawa, Toronto, Halifax, and Montreal). Their purpose was to examine “measures taken to prevent racism, racial discrimination, xenophobia, Afrophobia and related intolerance faced by people of African descent in Canada, underscoring positive developments as well as gaps in implementation.”⁵⁹ The United Nations Working Group, while noting that Canada is known for its multiculturalism and for supporting diversity, expressed deep concern about the human rights situation of African Canadians. They stated that Canada’s history of enslavement and segregation continues to negatively affect people of African descent in various ways—social isolation, lack of opportunities in education and employment, and resulting chronic poverty, poor health and overrepresentation in the justice system. The Working Group also stated that the experience of Black Canadians is unique because it can be traced back to slavery and its legacy of anti-Black racism, particularly in laws and social norms that enforced segregation in employment, education, and even in where Black Canadians could live. Anti-Black racism has become “so deeply entrenched in institutions, policies and practices, that its institutional and systemic forms are either functionally normalized or rendered invisible, especially to the dominant group.”⁶⁰

Our justice system case study offers one example of how the injustices and inequalities of the past—how slavery and its legacies—have shaped and are shaping the institutions of today.

The Petition of the Coloured People Settlers at
Beach Hill near Halifax Respectfully Sheweth

That your Petitioners for some time past
have by their Industry endeavored to Cultivate the Lands
located by them at Beach Hill distant about eight Miles
from the Town of Halifax, and to raise therefrom Vegetables
and other articles, by the sale of which they might be
enabled to procure for themselves and families the ne-
cessaries of life, that your Petitioners being aware of the
great inconvenience in their intercourse with the Town, and
the conveyance of articles intended for Market, attended
with great labor. your Petitioners therefore most humbly
pray that your Honorable Body will take their case
into consideration and by the Grant of a sum of Money
to be expended on the Road commencing at Roman's Farm
and continuing to the extremity of the Beach Hill Settlement
to facilitate the means of their intercourse with the Town

9.0

Lord Dalhousie Panel and the International Decade for People of African Descent: Recognition, Reconciliation, and Recompense: Brief Reflections

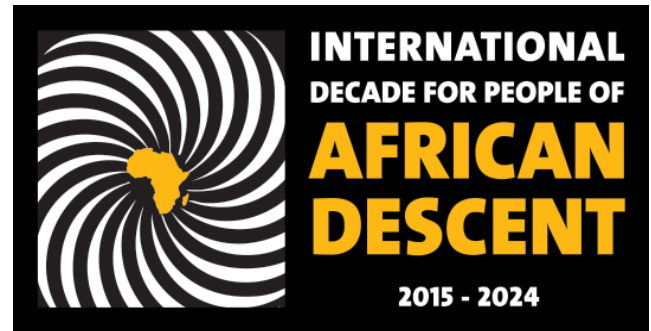
The scholarly panel investigating Dalhousie University's links to the transatlantic slave trade and transatlantic slavery is a welcome development, as we are in the midst of the International Decade for People of African Descent (IDPAD), proclaimed for 2015–2024 by the United Nations General Assembly on December 23, 2013.¹ The IDPAD builds on and amplifies previous UN initiatives regarding slavery and the transatlantic slave trade.

For example, on December 17, 2007, the UN General Assembly proclaimed March 25 as the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade.² Central to the IDPAD is the recognition of the ongoing legacy and impact of slavery, the transatlantic slave trade, and colonialism. Direct provenance lies with the historic 2001 UN World Conference on Racism, which declared:

that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity...that slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent...were victims of these acts and continue to be victims of their consequences.³

The November 18, 2014, sessions of the UN Programme of Activities for the Implementation of IDPAD echoed the above stance “that people of African descent were victims of slavery, the slave trade and colonialism, and continue to be victims of their consequences.”⁴ Scholars have discussed and debated the relationship between the transatlantic slave trade and the modern world, especially the emergence and consolidation of capitalism as a world system and the intersections and articulations between racism and capitalism. Trevor Getz argues that it is more accurate to speak of the transatlantic slave system rather than the conventional transatlantic slave trade. While the centrality of the transatlantic slave trade as a reference framework is indisputable, the boundaries of slavery as an international institution, mode of production, and social practice exceeded the prosaic connotations of the commercial nexus. Getz underscores the imperative “to emphasize the systemic reach of transatlantic slaving, which extended well beyond commerce...”⁵ During the span of the transatlantic slave system, the Atlantic Ocean became a superhighway for the transfer of millions of kidnapped Africans. Those who survived the crossing built “new” cultures and a “new world,” creating new built wealth for Europe and European-derived nations. Western wealth and power are anchored in a racialized labour force. These historical processes were, therefore, the precursors and foundation of today's global distribution of wealth and power. This acknowledgment is at the core of the IDPAD, which called on national governments to:

Ensure that textbooks and other educational materials reflect historical facts



accurately as they relate to past tragedies and atrocities, in particular slavery, the slave trade, the transatlantic slave trade and colonialism...Giving recognition to the victims and their descendants through the establishment of memorial sites in countries that profited from and/or were responsible for slavery, the slave trade, the transatlantic slave trade and colonialism and past tragedies where there is none.⁶

But what of Canada and specifically Nova Scotia? Where do they fit in the transatlantic slave system? Quite often slavery is presented as having occurred completely outside of Canada. Afua Cooper has shown in her ground-breaking work on Canadian slavery *The Hanging of Angelique: The Untold Story of Slavery in Canada and the Burning of Old Montreal* that slavery was institutionalized in Canadian society for well over two centuries. She notes:

Slavery is Canada's best-kept secret, locked within the national closet. And because it is a secret it is written out of official history. But slavery was an institutionalized practice for over two hundred years...Contrary to popular belief, slavery was common in Canada.⁷

She also notes that "People of African descent, free and enslaved, have vanished from national narratives. It is possible to complete a graduate degree in Canadian studies and not know that slavery existed in Canada."

The marginalization of Black people in Canada has its historical roots in the institution of slavery. While the institution of slavery in this country never acquired the dimensions it had in the United States or elsewhere in the Americas, its influence and impact exceeded its actual scale and economic weight, shaping how persons of African descent were perceived and treated in Canada. The very existence and practice of slavery in Canada established the precedent of using African peoples as a readily available source of cheap labour. This dynamic shaped the experiences of the Black Loyalists and the Black Refugees, the two largest migrant groups of people of African descent to the Maritimes that formed the foundation of pre-Confederation Black communities. Designated as a cheap pool of labour, Black people were, consequently, relegated to an economically dependent position (i.e., sharecroppers, indentured servants, or casual labourers).

The presence of African Nova Scotians in this province is neither accidental nor purely conjectural. Black labour made a crucial contribution to the development of Nova Scotia. The demand and necessity for the services of Black tradesmen was clearly articulated by the provincial ruling circles in relation to the Black Loyalists and the Black Refugees who migrated to Nova Scotia from 1783 to 1785 and 1813 to 1816, respectively. The Black Loyalists were described as "the principal source of labour and improvement," a cheap labour pool.⁸ Referring to the Black Refugees, Theophilus Chamberlain, a legislature member, made this statement when he was informed about their impending arrival: [These are people who can provide] "assistance to us toward repairing roads, but likewise furnish us with the labourers of whom we stand too much in need to make any tolerable progress in our improvement."⁹ Both the Black Loyalists and the Black Refugees were lured to Nova Scotia with promises of land and economic security. Very few received land and, when they did, it was of much smaller acreage than promised and of inferior quality and nonarable. This ensured that the Black population was unable to achieve economic security and independence. The inability to acquire a viable land base maintained African Nova Scotians as a cheap and casual labour

pool that was forced into competing at the lower end of the labour market.

Entwined with this economic status was the racist ideology deployed to justify and ensure that Black people remained at the bottom of the socio-economic order. A constellation of social practices, conventions, ideas, and worldviews emerged from slavery that would shape the trajectories of Black communities long after slavery itself was abolished. This history profoundly stamped the subsequent trajectory of Black Nova Scotia. The results have been marginalization and disenfranchisement, epitomized by the Africville dispossession. This legacy of continuity with the past was recognized by the United Nations 2017 Report of the Working Group of Experts on People of African Descent on its Mission to Canada. The Working Group underscored the role of slavery in shaping the history of African Canadians and laying the foundation for anti-Black racism and the discrimination and marginalization of African Canadians. The report is unequivocal about this direct historical path:

Canada's history of enslavement, racial segregation and marginalization has had a deleterious impact on people of African descent... Across the country, many people of African descent continue to live in poverty and poor health, have low educational attainment and are overrepresented in the criminal justice system. It is important to underline that the experience of African Canadians is unique because of the particular history of anti-Black racism in Canada, which is traceable to slavery and its legacy, through specific laws and practices enforcing segregation in education, residential accommodation, employment and other economic opportunities... This contemporary form of racism replicates the historical *de jure* and *de facto* substantive conditions and effects of spatial segregation, economic disadvantage and social exclusion.¹⁰

These consequences, as the report underscores, can be measured today. The outcomes are particularly poignant in the socio-economic sphere, where:

[T]he poverty rate among Black Canadians is more than three times the average for Whites. In 2000, one in two African Canadian children lived below the low-income cut-off rate before taxes, compared to one in 10 for European Canadians. Furthermore, poverty among single-parent, mother-led families stood at 65 per cent for African Canadian families compared to 26 per cent for European Canadian families. African Canadians in Montreal, Quebec, have the highest poverty rates among all “visible minorities” in the city. Approximately 50 per cent of the Black Canadian population are categorized as low income, with that number jumping to 65 per cent for new Black immigrants... Black Canadian children are living in poverty at the unprecedented rate of 33 per cent for children of Caribbean heritage and 47 per cent for children of continental African heritage, compared to 18 per cent of White Canadian children living below the poverty line.¹¹

In order to address and begin rectification of these conditions, the report calls on the Canadian government to, “[i]ssue an apology and consider providing reparations to African Canadians for enslavement and historical injustices” and “[l]egally recognize African Canadians as a distinct group who have made and continue to make profound economic, political, social, cultural and spiritual contributions to Canadian society...”¹² This call reflects

a growing reparations movement, epitomized by the unfolding lawsuit of fourteen countries of the Caribbean Community (CARICOM), the English-speaking Caribbean countries, against the United Kingdom, France and the Netherlands for reparations for the legacy of the transatlantic slave trade.¹³

A critical aspect of dealing with the legacy of slavery is a keen understanding of history, namely the role of slavery and colonialism in making and shaping the world, and the Canada and Nova Scotia we inhabit today. They are not divorced from the history and the circuits of the transatlantic slave system. As part and parcel of Black Atlantic Canada, the historical and geographical space created and defined by the intersections and interactions of slavery and colonialism, Canada and Nova Scotia are not only implicated by this history, but are also obligated to acknowledge and address the consequences and ongoing legacy.

The Petition of the Coloured People Settlers at
Beach Hill near Halifax. Respectfully Sheweth

That your Petitioners for some time past
have by their Industry endeavored to Cultivate the Lands
located by them at Beach Hill distant about eight Miles
from the Town of Halifax, and to raise therefrom Vegetables
and other articles, by the sale of which they might be
enabled to procure for their lives and families the ne-
cessaries of life - that owing to the very bad state of
the Road between the Settlement of Beach Hill and
the Head of the North West Aron your Petitioners suffer
great inconvenience in their intercourse with the Town, and
the conveyance of articles intended for Market, attended
with great labor. your Petitioners therefore most humbly
pray that your Honorable Body will take their case
into consideration and by the Grant of a sum of Money
to be expended on the Road commencing at Roman's Farm
and continuing to the extremity of the Beach Hill Settlement
facilitate the means of their intercourse with the Town

10.0

**Moving Forward:
Reparatory Justice**

The panel acknowledges the work Dalhousie University has already done in regard to reparatory justice and equity for Black people at the university. Such initiatives include: the James Robinson Johnston Chair in Black Canadian Studies (currently domiciled in the Faculty of Medicine); the Imhotep Learning Academy; the Transition Year Program; the Black Studies minor; the Indigenous Black and Mi'kmaq Program (Schulich School of Law); the Black Student Advising Centre; and the Dalhousie Diversity Faculty Awards (DDFA).

The Nova Scotia that Lord Dalhousie governed was a colony based on war and conquest—one that differed in substantive ways from the one the Mi'kmaq exemplified when they signed the Peace and Friendship Treaties. The Nova Scotia that Dalhousie came to was a place where individuals were perceived as either the conquerors or the conquered. This perspective found a home in Dalhousie's frame of reference and was further informed by his (and others') perspectives on race and, in particular, his attitude toward Black people.

10.1 Historical findings

Dalhousie shared the widespread (though not universal) belief in the “idleness” and lack of “industry” of former “slaves.” This belief was a key underpinning of the widespread opposition to the emancipation of these people. Dalhousie reported this belief as fact to Bathurst, and although Dalhousie qualified his belief, Bathurst ignored these qualifications and based his instructions to the lieutenant-governor on the general negative view of the time. They both ignored Britain's obligation to the Black Refugees, which was based in these Black Refugees' contributions to British military success in the War of 1812.

The small plots of land assigned to the Black Refugees and the reduced rations allocated to them were intended to push these people into a mix of subsistence production and wage labour rather than to support their eventual independence as settlers and farmers, as had been promised. “Dependence” as employees was part of the racist belief that a taste for idleness meant these former enslaved persons would only work under a White person's command. Dalhousie and Bathurst shared the belief that enslavement was a sufficiently mild and benevolent condition that some Black Refugees could be encouraged to voluntarily return to this.

Dalhousie and Bathurst accepted that Britain had an obligation to the Black Refugees but from their perspective this obligation was distinct from their obligations to the disbanded soldiers of the War of 1812 or the White settlers, generally. Thus, they sought to reduce the expense of that obligation by distributing supplies that were inadequate to the preservation of health and energy. They did not pressure the provincial government to augment aid in a regular way to either the Black Refugees or the other settlers. And the aid provided to the Black Refugees was considerably less than that accorded to other groups that had migrated to the colony at around the same time. Small emergency expenditures were made to preserve order or in case of emergency (such as in the spring of 1817 to respond to the colony-wide crop failures of 1816).

Kidnapping and re-enslavement were real risks in the Atlantic world in Dalhousie's day, and so the Black Refugees were less free than White settlers were to move on if opportunities in Nova Scotia were poor, as they generally were in the first decade after the Black Refugees arrived.

10.2 Lessons to draw from the historical findings

Our province's institutions depended for their birth and progress in part on revenues earned from slavery-based economies. To the extent that of the merchant wealth generated in Nova Scotia was based on trade with slavery-based economies, Nova Scotia was a slavery-based economy. Rational business models can be built on unethical practices.

Shared common-sense beliefs among leaders may be persuasive within their own networks and yet may not be true or functional. Beliefs about people of African descent helped the White societies that depended on slavery to see their wealth as legitimately earned. Those same beliefs motivated policies (like the small land allocations and the inadequate rations) that tended to be self-fulfilling. More generally, pre-conceived beliefs about Black labour motivated Nova Scotia employers and White neighbours to actively discourage the Black Refugees' success, thereby producing results (lack of economic success) that seemed to justify their beliefs and further inhibited the Black Refugees' success. In turn, this would have limited the level of economic development the province could have achieved with this productive labour. Situations of apparent equality are not necessarily truly equal.

Limiting public spending on labour-intensive projects may prove ineffective if this spending is too tightly controlled and too limited. This negative pattern of oppression has been perpetuated through successive Nova Scotia governments and social arrangements that have continued to exploit Black people and create barriers to their success. The consequences for Nova Scotia's Black people have been an economic apartheid¹ that separates the province's population along racial lines in terms of Black and White Nova Scotians. These lines mark off the places Black people live in, which are typically segregated communities with substandard housing and restricted covenants; the type of education they have access to, including access to higher education; and the type of work and occupations available to them, and the sectors of the economy in which they are active and accepted. All of this has consequences for African Nova Scotians' employment and income outcomes, including the slower and halted accumulation of capital and the limited prospects for intergenerational wealth transfer that provides middle-class levels of security. All of these factors have had cumulative effects over time but are not easy to see. They determine standards of living, health outcomes, and the places Black Nova Scotians occupy in their communities and province, including their civic participation. Grace-Edward Galabuzi tells us that the "normalization of racially segmented labour markets"² goes beyond creating conditions of poverty. They play out in high school drop-out rates, youth criminalization, low-income neighbourhoods, and a deepening social divide between the racialized population and those of European descent. Galabuzi also tells us that

The experience of poverty has many implications for the life chances of [racialized] individuals, families, or groups. Low incomes...doom many racialized people to substandard and increasingly segregated housing, poor-quality diets, reliance on food banks, and a decline in health status. Poverty imposes learning difficulties for the young; social and psychological pressures within the family; and increased mental and other health risks. It also imposes an array of symptoms of social exclusion, including increased contact with the criminal justice system, and an inability to participate fully in the civic and social life of the community or to exercise democratic rights such as voting and advocacy.

One must acknowledge that the past has left traces in the present and that celebrating the survival and flourishing of Dalhousie University is not inconsistent with acknowledging its historical connections to a pattern of oppression.

This panel has investigated the historical roots of the anti-Black racism that pervades Dalhousie University, the city of Halifax, and the province of Nova Scotia. The focus of this research is to recommend reparations that could take place within the university in relation to its responsibility to admit its past shortcomings vis-a-vis Black people and forge a path toward reconciliation and repair. While this work and its findings contribute to a dialogue on how to address pervasive anti-Black racism, it also has some limitations in terms of investigating more fully the socio-economic outcomes of racism and its impact on Nova Scotia's racialized and marginalized populations. An important topic for future research could be the socio-economic consequences of anti-Black racism at the university and throughout Nova Scotia, particularly as it relates to access to higher education, meaningful jobs, and a better place in society.

The Dalhousie Panel gave serious thought to a recommendation to rename the university. The panel grappled with the question of whether the university could divorce its present self from the actions and legacy of its founder. Despite its name, the university has moved forward to better respond to the call for equity, diversity, and inclusiveness. A transition has begun to move more fully away from perspectives that are rooted in racism and toward those that are rooted in egalitarianism.

And so, the panel does not advocate a name change for the university. The institution has been called “Dalhousie” for two centuries now. It has gained regional, national, and international prestige and recognition as a U15 university and has developed a sterling reputation as an institution of learning excellence. As a result, it has attracted tens of thousands of students from all over the world.

10.3 Recommendations

In response to the history and analysis presented in this report, we urge that the following measures be taken, with the aim of fostering reconciliation between the university and the African Nova Scotian community and people of African descent more generally. In so doing, Dalhousie can achieve some of its commitment to equity, diversity, inclusiveness, and reparatory justice for all Black people at the university. As we understand the process of reconciliation, it requires three broad kinds of commitment by the institution.

Expressing **regret** for the institution's and its founder's connections to slavery and to anti-Black racism, past and present, and acknowledging the **responsibility** to take steps against anti-Black racism.

Supporting **recognition** of the historical realities of Black people's lives in Nova Scotia and the valuable contributions they have made.

Taking concrete steps to **repair** the harms, especially in the areas of teaching and research, that have been the legacy of slavery in this institution and this province.

Regret and responsibility

1. Extend an apology from Dalhousie University to the African Nova Scotian community, especially those who are descended from the Refugees of the War of 1812. This apology would include the sentence “we are sorry for the university’s and its founder’s connections to slavery and for the anti-Black racism that continues to occur at Dalhousie University and throughout the province.”
2. Encourage all levels of government in the province to issue an apology for the long history of anti-Black racism, with a special recognition of the descendant community of the Black Refugees. This initiative would come from the Dalhousie University Board of Governors.

Recognition

3. Acknowledge the lasting contributions of the Black Refugees to British success in the War of 1812 and to the economic development of Nova Scotia and Canada.
4. Encourage curricular review and updates as needed to ensure that students in all faculties will learn something of Dalhousie University’s historical connections to slavery, slavery in Canada, and anti-Black racism.
5. Encourage Dalhousie, the city and the province to name and rename rooms, edifices, streets, pathways, lanes, and parks and gardens in honour of African Canadians, African Nova Scotians and people of African descent.
6. Establish and continue to name awards, bursaries, fellowships, and scholarships to honour the contributions made by specific Black people, such as those named for Reverend Trevor Phillips, James R. Johnston, and Anthony Johnstone.
7. Provide resources for a program of public history to commemorate and recognize significant moments in Black experience in Nova Scotia.
 - Ask the Dalhousie University Board of Governors to request of the Province of Nova Scotia that it create a plaque or some other form of commemoration that acknowledges the role played by the West Indies trade in the economies of Nova Scotia and the Maritimes.
 - Ask the Dalhousie University Board of Governors to request of the Province of Nova Scotia that it create a slave-trade memorial.
 - Designate an annual day of remembrance on the academic calendar, to be marked by a visit of university representatives to the slave-trade memorial, to encourage continued reflection on slavery and race at the university.
 - Commission an art work to commemorate the Black experience in Nova Scotia.
 - Commission and maintain an exhibit on slavery in Nova Scotia and New Brunswick and on the history of the Black Refugees in both provinces.
8. Ensure that all incoming first-year undergraduate students attend awareness workshops on anti-Black racism and are exposed to the history of Dalhousie University’s engagement with slavery and race.

Repair

9. Develop and expand research-based educational resources to build on the panel's work, for use inside and outside the university.
 - Create and maintain a website to store the panel's materials and to provide currency for the implementation of these recommendations.
 - Encourage the development of a course on the history of slavery and higher education in Canada.
 - Commit to a Black history lecture and performance series.
 - Commit to a series of Black-studies themed conferences; for example, a conference on the global dimensions of the Black Refugees of the War of 1812 history, which would link communities in Nova Scotia, New Brunswick, Trinidad, and Bermuda; a conference on Black slavery in Canada, and a conference on equity at Dalhousie, with special regard to the Black community on campus.

10. Enhance, expand, and adequately support teaching and research of Black Studies in general, and specifically of the study of slavery and its abolition.
 - Provide financial and moral support for Black Studies and African Diaspora (minor) at Dalhousie University, and assist with the development of a major. The aim would be to assist with the development of courses, not only in the Faculty of Arts and Social Sciences, but also in other faculties.
 - Establish the Gabriel Hall Institute for the Study of Slavery and Abolition that specifically focuses on the Black experience in Nova Scotia and the global African Diaspora—in the past and the present. The Centre would have a full-time director and rotating visiting fellows. Its research priorities would include the Refugees of the War of 1812.
 - Inaugurate a non-rotating named chair attached to the Centre for the Study of Slavery and Abolition.
 - Establish memoranda of understanding with post-secondary institutions in the Caribbean to engage in research of mutual interest and, as appropriate and as reparations, to help them build capacity. Provide funding to support these links.
 - Support and promote research on health challenges that disproportionately affect Black communities.

11. Provide resources to support African Nova Scotian students and Black faculty and staff
 - Establish financial aid for African Nova Scotians enrolled in undergraduate and graduate programs at Dalhousie University to support recruitment and retention, as previously articulated in the Bombay-Hewitt and Belong Reports.
 - Increase the recruitment and retention of Black faculty in tenure-track positions and Black staff in positions of increased importance. Implement a path to success for African Nova Scotians and African Canadians to rise to senior-level positions.

- Provide funding and releases from teaching responsibilities for pre-tenure faculty to research and teach African Diaspora history (inclusive of African Nova Scotians) and related subjects in support of the Black Studies and African Diaspora (minor and eventual major).
12. Build stronger relationships to the African Nova Scotian community
 - Conduct outreach to elementary and secondary schools with the intention of tapping into and encouraging members of the African Nova Scotian student population to consider Dalhousie as their university of choice. The panel encourages the university not only to attract these students, but also to have programs in place to ensure their successful retention at the university.
 - Create a program for the university's academic leaders to visit historical Black communities such as North Preston, East Preston, Lake Loon, Cherrybrook, Hammonds Plains, and Beechville, to encourage potential students to attend Dalhousie. This program would begin at grade seven and continue through to grade twelve. The Imhotep Learning Academy guidelines could be used as a model. The overall aim of this program would be to create "quality education" for African Nova Scotian students.

Implementation

13. Appoint a committee to review and monitor the implementation of these recommendations and require it to submit yearly reports to the Senate. These reports should also be posted to the Lord Dalhousie website.

The Petition of the Coloured People Settlers at
Buck Hill near Halifax Respectfully Sheweth

That your Petitioners for some time past
have by their Industry endeavored to Cultivate the Lands
located by them at Buck Hill distant about eight Miles
from the Town of Halifax, and to raise therefrom Vegetables
and other articles, by the sale of which they might be
enabled to procure for themselves and families the ne-
cessaries of life - that owing to the very bad state of
the Road between the Settlement of Buck Hill and
the Head of the North West upon your Petitioners suffer
great inconvenience in their intercourse with the Town, and
the conveyance of articles intended for Market, attended
with great labor. your Petitioners therefore most humbly
pray that your Honorable Body will take their case
into consideration and by the Grant of a sum of Money
to be expended on the Road commencing at Roman's Farm
and continuing to the extremity of the Buck Hill Settlement
facilitate the means of their intercourse with the Town

Appendices

May 2016

TERMS OF REFERENCE FOR A SCHOLARLY PANEL TO EXAMINE LORD DALHOUSIE'S HISTORY ON SLAVERY AND RACE

Diversity and inclusiveness are central values at Dalhousie University. In 1818 when Lord Dalhousie established the university, he envisioned a college with access for all, regardless of class or creed—a radical view for its time, though its benefits seem obvious to us today.

We also know that, despite Lord Dalhousie's progressive views on higher education, his documented views on race and the African Nova Scotian community are of great concern.

Though slavery was abolished in 1833, we know that it left negative legacies such as social, economic, legal, and educational disadvantage, and anti-Black racism for the province and the country's Black populations.

With these conflicting notions at play, how should we proceed? Recent events unfolding at universities in the United States surrounding issues of race and racism on campus—including at Princeton University, the University of Missouri, and the University of California—are both relevant and connected to our context. Similar to our peer institutions, we have encountered incidents of racism at Dalhousie, and we continue to wrestle with a legacy of slavery and how it should be interpreted in today's modern context.

At Dalhousie, we should tackle this complex discussion in the same way we would address any complicated issue: through scholarly inquiry and community engagement. Our history makes this an area for considered inquiry, conversation, and respectful dialogue in exploring how we can better support a diverse and inclusive community on campus.

Together with the Chair of Senate, Dr. Kevin Hewitt, I therefore propose a Scholarly Panel on Lord Dalhousie's legacy be established, to examine and better understand the complicated and controversial questions surrounding Lord Dalhousie's historic links to the institution of slavery and racial injustice. The panel will gather the historical facts on Lord Dalhousie's statements and actions with regards to slavery and race; interpret those facts in both their historical and modern context; and recommend actions that Dalhousie could take to respond to this legacy, in order to build a stronger, more inclusive university that fully reflects our history, our values and our aspirations.

To ensure this discussion is thoughtful and well-informed, panel members will possess the knowledge and expertise required for a thorough historical inquiry, inclusive of different perspectives and methods of analysis.

The panel will be chaired by an individual with expertise in racism and slavery, selected by Dr. Hewitt and myself. We will then work with the chair to select a panel of up to seven (7) members, including:

- Individuals who have published scholarly papers documenting the history of racism and slavery in Canada;
- At a minimum, one African Nova Scotian;
- A mix of members both internal and external to Dalhousie University;
- A Dean, and one other member of Senate;
- Other individuals, as determined by the Chair, who can offer additional and necessary interdisciplinary perspectives;
- An individual from within the Dalhousie University administration to assist the

Scholarly Panel, and to act as liaison between the Scholarly Panel and President's Office;

- A research assistant, selected by the Scholarly Panel, who can support literature reviews and other research activity.

I will also ask the panel to design a process to engage the internal and external community in its work, drawing on diverse perspectives. Our overall goal is to better know our past, in order to build a stronger future at Dalhousie.

Following their review, the Scholarly Panel will prepare a report of its findings and recommendations with respect to practices at Dalhousie. This report will be delivered by August 2017.

As we near Dalhousie's 200th anniversary there is no better time to talk about our founding, while celebrating our future. I am personally committed to building on our history and fostering a culture of diversity and inclusiveness where all faculty, students and staff truly feel supported and respected—without exception.

Richard Florizone
President, Dalhousie University

Kevin Hewitt
Chair of the Senate

Know all men by these presents that I, John
 Breynton of Halifax in Nova Scotia D. S. for
 and in consideration of the sum of ^{Twenty} ~~Three~~ Pounds Six Shillings & Eight Pence
 to me in hand paid by Peter they of Talbot
 in Kings County yeoman, the receipt whereof
 I do hereby acknowledge. Have granted beyond
 sold and released, and do by these presents
 Grant bargain sell and Release unto the
 said Peter they a negro woman called Dinah
 about twenty ~~two~~ years of age
 to have and to hold the said negro woman
 unto the said Peter they his heirs Executors
 administrators and assigns for ever. and I
 the said John Breynton for myself my heirs executors
 administrators do covenant and agree
 to and with the said Peter they his heirs
 Executors administrators and assigns to warrant
 and defend the sale of the above named negro
 woman against all persons claiming title or
 right to her Under me or any of them
 In Witness whereof I have hereunto set
 my hand and seal this ~~fourteenth~~ day of
 November 1776. —

John Breynton

Sealed and Delivered
 In Presence of

J. B. Wright
 Joseph Butler

Bill of Sale
 for a negro woman
 Rev. J. Breynton
 to
 Mr. Peter they
 19th Nov. 1776.

Public Archives of Nova Scotia
 HALIFAX

BILL OF SALE FOR DINAH, 1776
 COURTESY OF THE NOVA SCOTIA ARCHIVES, MG 100 VOL. 113 NO. 51 (MICROFILM NO. 15169)

At the Honorable the Representatives of the
 Province of Nova Scotia in General Assembly
 now convened
 We the Petitioners of the Coloured People, Members of
 Becho Hill near Halifax, Respectfully sheweth
 That your Petitioners for some time past
 have by their educators endeavored to enlighten the Souls
 of them at Becho Hill distant about eight Miles
 from the Town of Halifax, and to raise them from Ignorance
 and other evils, by the sale of which they might be
 enabled to procure for themselves and families the ne-
 cessaries of life - that many to the our best state of
 the Road between the Settlement of Becho Hill and
 the Head of the Strait West from your Petitioners suffer
 great inconvenience in their intercourse with the Town and
 the conveyance of their interests for Market's purposes
 with great labor. Your Petitioners therefore most humbly
 pray that your Honorable Body will take their case
 into consideration and by the Grant of a Grant of a Road
 to be extended on the Road commonly so denominated
 and continuing to the extremity of the Becho Hill Settlement
 facilitate the means of their intercourse with the Town
 and thereby give encouragement to the laborers making
 it then to earn their own livelihood. And your
 Petitioners

Petitioners as in and to said bond and are pray
 Halifax 10 May 1827
 Charles Mc Lovett
 John X Carter
 Joseph X Blackwell
 Isaac X Moberg
 Joseph X Bull
 Peter X Cooper
 William X Sasser
 William X Moberg
 James X Smith
 Edward X Allen
 Samuel X Moberg
 Stephen X Moberg
 Joseph X Moberg
 William X Moberg
 Benjamin X Roberts
 Anthony X Williams
 Samuel X Slater
 George X Moberg
 Robert X Hamilton

to migrate from the United States
with their families, to see
in loss of the Property, the
to help of War, or at the
Billions of Dollars that might
established when or near the
East of the United States, when
they will have the choice of
either interests in the Islands
or lands found, or of being
sent as free settlers to the
British Colonies in North
America, or the West Indies, when
they will not wish to be
Sovereigns.

Given under my Hand at
Bermuda, the second Day
of June 1784

By the said Governor, I do show
Approved of the said Admiral
William B. Schomburgk

By the Honble. the Commissioners
H.B. has returned of the Pro. and
Commander in Chief of the British
Ships and Voyages, upon the North
American Station the 21st of
June 1784

Whereas it has been represented to
me, that many Persons now
residing in the United States,
have expressed a Desire to migrate
thither, with a view of entering
into the Property Service, or of
being received as free Settlers into
some of the British Colonies.

This is therefore to give Notice, that
all Persons who may be desirous

To the Honorable Michael Wallace
President of the Government
and Commander in Chief in & over
his Majesty's Province of Nova Scotia
and its Dependancies &c. &c. &c.

The Memorial of Gabriel Hall

Humbly Sheweth -

That your Honour
Memorialist is a Refugee Man of Colour
who was too young at the time of the forma-
tion of the settlement in Preston to have lands
allotted to him - That he is twenty one years
of age and expects shortly to have a wife -
That he has no means of making a living but
by husbandry, and intends immediatly to
settle on and improve, the lands he is now
about asking your Honour for -

Whereupon Memorialist humbly
prays that your Honour will take his case
into your wise consideration and Grant him
twenty five acres of land adjoining the
new Road to Mosquedebait, laying to the
north of Wentworth Hill in Preston -

And as in duty bound

Preston 7th December 1824

Memorialist will ever Pray
Gabriel ^{his} Hall

GABRIEL HALL'S PETITION, PRESTON, NOVA SCOTIA, DECEMBER 7, 1824

COURTESY OF THE NOVA SCOTIA ARCHIVES, RG 20 SERIES A VOL. 90 (1824) (MICROFILM NO. 15737)

Set of names of the Black men, Women, and Children, from the Chesapeake to Halifax

Men	Women	Boys & Girls	Family
John Smith	Ann Smith	John Smith	John Smith, Ann Smith, John Smith
James Brown	Mary Brown	James Brown	James Brown, Mary Brown, James Brown
Robert White	Elizabeth White	Robert White	Robert White, Elizabeth White, Robert White
Thomas Green	Sarah Green	Thomas Green	Thomas Green, Sarah Green, Thomas Green
William Black	Jane Black	William Black	William Black, Jane Black, William Black
George Grey	Ann Grey	George Grey	George Grey, Ann Grey, George Grey
Richard King	Mary King	Richard King	Richard King, Mary King, Richard King
Henry Adams	Elizabeth Adams	Henry Adams	Henry Adams, Elizabeth Adams, Henry Adams
Samuel Baker	Jane Baker	Samuel Baker	Samuel Baker, Jane Baker, Samuel Baker
John Clark	Mary Clark	John Clark	John Clark, Mary Clark, John Clark
James Evans	Sarah Evans	James Evans	James Evans, Sarah Evans, James Evans
William Foster	Ann Foster	William Foster	William Foster, Ann Foster, William Foster
George Hall	Mary Hall	George Hall	George Hall, Mary Hall, George Hall
Richard Hill	Elizabeth Hill	Richard Hill	Richard Hill, Elizabeth Hill, Richard Hill
Thomas Lee	Jane Lee	Thomas Lee	Thomas Lee, Jane Lee, Thomas Lee
William Long	Mary Long	William Long	William Long, Mary Long, William Long
George Moore	Sarah Moore	George Moore	George Moore, Sarah Moore, George Moore
Richard Myers	Ann Myers	Richard Myers	Richard Myers, Ann Myers, Richard Myers
Henry Nelson	Elizabeth Nelson	Henry Nelson	Henry Nelson, Elizabeth Nelson, Henry Nelson
Samuel Parker	Jane Parker	Samuel Parker	Samuel Parker, Jane Parker, Samuel Parker
John Quinn	Mary Quinn	John Quinn	John Quinn, Mary Quinn, John Quinn
James Reed	Sarah Reed	James Reed	James Reed, Sarah Reed, James Reed
William Scott	Ann Scott	William Scott	William Scott, Ann Scott, William Scott
George Taylor	Mary Taylor	George Taylor	George Taylor, Mary Taylor, George Taylor
Richard Turner	Elizabeth Turner	Richard Turner	Richard Turner, Elizabeth Turner, Richard Turner
Thomas Walker	Jane Walker	Thomas Walker	Thomas Walker, Jane Walker, Thomas Walker
William Young	Mary Young	William Young	William Young, Mary Young, William Young
George Wright	Sarah Wright	George Wright	George Wright, Sarah Wright, George Wright
Richard Zane	Ann Zane	Richard Zane	Richard Zane, Ann Zane, Richard Zane

No. 7

Set of Family list over.

Men	Women	Boys & Girls	Family
John Smith	Ann Smith	John Smith	John Smith, Ann Smith, John Smith
James Brown	Mary Brown	James Brown	James Brown, Mary Brown, James Brown
Robert White	Elizabeth White	Robert White	Robert White, Elizabeth White, Robert White
Thomas Green	Sarah Green	Thomas Green	Thomas Green, Sarah Green, Thomas Green
William Black	Jane Black	William Black	William Black, Jane Black, William Black
George Grey	Ann Grey	George Grey	George Grey, Ann Grey, George Grey
Richard King	Mary King	Richard King	Richard King, Mary King, Richard King
Henry Adams	Elizabeth Adams	Henry Adams	Henry Adams, Elizabeth Adams, Henry Adams
Samuel Baker	Jane Baker	Samuel Baker	Samuel Baker, Jane Baker, Samuel Baker
John Clark	Mary Clark	John Clark	John Clark, Mary Clark, John Clark
James Evans	Sarah Evans	James Evans	James Evans, Sarah Evans, James Evans
William Foster	Ann Foster	William Foster	William Foster, Ann Foster, William Foster
George Hall	Mary Hall	George Hall	George Hall, Mary Hall, George Hall
Richard Hill	Elizabeth Hill	Richard Hill	Richard Hill, Elizabeth Hill, Richard Hill
Thomas Lee	Jane Lee	Thomas Lee	Thomas Lee, Jane Lee, Thomas Lee
William Long	Mary Long	William Long	William Long, Mary Long, William Long
George Moore	Sarah Moore	George Moore	George Moore, Sarah Moore, George Moore
Richard Myers	Ann Myers	Richard Myers	Richard Myers, Ann Myers, Richard Myers
Henry Nelson	Elizabeth Nelson	Henry Nelson	Henry Nelson, Elizabeth Nelson, Henry Nelson
Samuel Parker	Jane Parker	Samuel Parker	Samuel Parker, Jane Parker, Samuel Parker
John Quinn	Mary Quinn	John Quinn	John Quinn, Mary Quinn, John Quinn
James Reed	Sarah Reed	James Reed	James Reed, Sarah Reed, James Reed
William Scott	Ann Scott	William Scott	William Scott, Ann Scott, William Scott
George Taylor	Mary Taylor	George Taylor	George Taylor, Mary Taylor, George Taylor
Richard Turner	Elizabeth Turner	Richard Turner	Richard Turner, Elizabeth Turner, Richard Turner
Thomas Walker	Jane Walker	Thomas Walker	Thomas Walker, Jane Walker, Thomas Walker
William Young	Mary Young	William Young	William Young, Mary Young, William Young
George Wright	Sarah Wright	George Wright	George Wright, Sarah Wright, George Wright
Richard Zane	Ann Zane	Richard Zane	Richard Zane, Ann Zane, Richard Zane

Return of Black People at Halifax arrived from the Chesapeake

1791. In the above account are included 1-1000 of them apprehended at Halifax.

1791. In the above account are included 1-1000 of them apprehended at Halifax.

1791. In the above account are included 1-1000 of them apprehended at Halifax.

SHIPS LIST OF BLACK REFUGEES FROM CHESAPEAKE (SEE GABRIEL HALL LISTED UNDER "BOYS AND GIRLS FROM 8 TO 19 YEARS OLD" COURTESY OF THE NOVA SCOTIA ARCHIVES, RG 1 VOL. 305 NO. 7 (MICROFILM NO. 15387))

To be S O L D,
A likely well made Negro Boy, about
Sixteen Years old, — Enquire of the Printer.

ADVERTISEMENT OF NEGRO BOY FOR SALE

COURTESY OF THE NOVA SCOTIA ARCHIVES, NOVA SCOTIA GAZETTE AND WEEKLY CHRONICLE 28 MARCH 1775 P. 3 (MICROFILM NO. 8153)

RAN away from her Master JOHN ROCK, on Monday the 18th Day of August last; a Negroe Girl named *Thursday*, about four and an half feet high, broad sett, with a Lump above her Right Eye: Had on when she run away a red Cloth Petticoat, a red Baize Bed Gown, and a red Ribbon about her Head. Whosoever may harbour said Negroe Girl, or encourage her to stay away from her said Master, may depend on being prosecuted according as the Law shall direct. And whosoever may be so kind to take her up and send her home to her said Master, shall be paid all Colts and Charges, together with TWO DOLLARS Reward for their Trouble.

JOHN ROCK.
HALIFAX, Sept. 1st, 1772.

ADVERTISEMENT ABOUT A RUNAWAY SLAVE NAMED THURSDAY, SEPTEMBER 11, 1772

COURTESY OF THE NOVA SCOTIA ARCHIVES, NOVA SCOTIA GAZETTE AND WEEKLY CHRONICLE 01 SEPTEMBER 1772 P. 3 (MICROFILM NO. 8155)

THE CLARION

Published in the Interest of Colored Nova Scotians

VOL. 1, NO. 1.

NEW GLASGOW, N. S.

1946 DECEMBER.

Locals

The Season's Greetings to All Our Readers

Mr. and Mrs. James MacPhee have moved into their new home on South Albert Street.

Calbert Best, student at King's College, Halifax, will spend the Christmas recess with his parents, Mr. and Mrs. A. T. Best. Congratulations are being extended to Rev. and Mrs. Thouse for their Christmas calendar. It is a lovely job!

Miss Evelyn Williams, daughter of Mr. Norvas Williams, tomorrow with the Fay Bell Department at Ottawa, will be home on Dec. 20th to spend the Christmas holidays with her family.

Friends will be interested to know that Miss Thelma Purrie, formerly of this town, has become an American citizen. She is making her home in Cambridge, where her mother, Mrs. Douglas Gordon, resides.

The Ladies' Auxiliary of Second Baptist Church held a successful sale and tea in the church hall on Sat. 16th. A lovely display of fancy work was noted.

Mr. and Mrs. Lemuz Mills left Saturday, Dec. 14, for Boston, where they will spend Christmas with their daughters, Mrs. Theodore Harvey and Mrs. Ernest Simpson.

Johnnie Mills ran a deer—DEER, that is, recently, while driving his mother in Halifax. The deer darted out on the highway near Smedale and hit the side of the car. Not seriously injured, the deer soon scampered off, none the worse of the incident.

Word has been received that Miss Irma Halldenny will be a participant in the St. John's Music Festival in May. A student at South Alton School of Music, Miss Halldenny is a soprano of promise, and that she will make a creditable showing goes without saying.

The Senior B. Y. P. U. of Second Baptist Church chattered a tea and concert in Riverton where they held a service for the inmates of the Pictou County Home. Among those who took part were Rev. H. D. Thomas, Howard Lawrence, Miss Althea Lawrence and Mrs. Gordon Clark. About twenty-five persons made the trip.

The Ladies' Auxiliary of the Second Baptist Church had a surprise party early in December for Rev. and Mrs. Thomas, at the Parkside, Washington St. The gift included china, linen, etc., and each gift was accompanied by an original note. Typical of the notes was the one accompanying the coveted duty gift of President Mrs. L. Millie:

"I may be small, but my mission is great. I'm here to decorate your table with. Your cakes I know are a treat to eat. So use me when next your guests you treat."



MRS. VIOLA DESMOND

Takes Action

Mrs. Viola Desmond, 22-year-old Negro Halifax housewife, arrested and fined \$75 and costs by Magistrate R. G. MacKay, of this town, for sitting down at the Roseland Theatre while holding an upstairs ticket.

Mrs. Desmond was fined for obstructing the Federal Government of one cent, the difference in the Amusement tax on all upstairs tickets of two cents and a downstairs ticket of three cents.

Complaint for Mrs. Desmond, F. W. Bisset of Halifax, has served a writ against Henry MacNeil, manager of the theatre, charging false arrest, false imprisonment, assault and malicious prosecution.

Mr. M. Macdonald, K. C. of New Glasgow, is acting for Mr. MacNeil.

Mrs. Desmond the former Viola Davis, daughter of Mr. and Mrs. James Davis, of Halifax, is well known throughout the Province. She is a graduate of the Halifax High School and is also a graduate in Beauty Culture from a leading Beauty College in New York. She is a niece of John Davis, Civil Service employee (Post Office Division), Halifax.

Viola Desmond's Appeal

Just as we go to press we are in receipt of a letter from Mrs. Berwick Williams, Secy N. S. A. A. C. P., informing us that an appeal from the Viola Desmond case will be laid in Halifax on Dec. 27th, also a Viola Desmond Court Fund has been established by the Association soliciting contributions. A public meeting will be held by the Association on Dec. 27th in Halifax asking everyone to attend and give their donation.

The N. S. A. A. C. P. is the Leader to Advancement. STEP ON IT! JOIN TODAY!

Did You Know?

(a) That Adult education in rural communities is being sponsored by the N. S. A. A. C. P.

(b) That the Educational Department of the Province of Nova Scotia is supporting the movement.

(c) That a class has already started in Hantswood Plains and is progressing favourably.

(d) That the C. G. I. V. group of Cornwallis Street Baptist Church, Halifax, raised the sum of \$35.00 at their Christmas Sale. Mrs. Oliver is leader and all girls are under 18 years.

(e) That the money will be used for the work of the Summer Camp at Fall River.

(f) That Mr. Herbert, of Fall River, gave the use of an island near the Cornwallis Street Church camp site for the provision of the Young People's work of that Church.

(g) That two Colored girls are enrolled as student nurses in two Halifax hospitals. They are Miss Gwendolyn Barton of Halifax and Miss Ruth Hailley of Toronto.

(h) That J. Calbert Best of King's College, Toronto, will write for the Afro-American, one of the largest weekly Negro newspapers in the U. S. A. Mr. Best has been asked to prepare a 700-word article on Canada. The weekly circulation of the Afro is 200,000.

The N. S. A. A. C. P.

The Nova Scotia Association for the Advancement of the Colored People was organized in 1945.

(a) To improve and further the interest of the Colored people of the Province.

(b) To provide an organization to encourage and promote a spirit of fraternity among its members.

(c) To cooperate with Governmental and private agencies for the promotion of the interest and the welfare of the Province or any community therein, wherein Colored people are resident, and particularly in reference to said Colored people.

(d) To improve the educational opportunities of Colored youth and to raise the standard of the Colored people of the Province or any community therein.

The following people comprise the charter members of the Association: Arnold F. Smith, Stuart Sommers, William Carter, Bertrick A. Williams, Carl W. Oliver, Walter Johnson, Paul Oliver, William P. Oliver and Ernest Sumner.

Join the N. S. A. A. C. P. IRVING HERBERT A. WILLIAMS, Secy 106 Maynard Street, Halifax, N. S.

THE CLARION COVERS THE VIOLA DESMOND STORY DECEMBER 1946



JOURNALIST CARRIE BEST, CO-FOUNDER AND PUBLISHER OF THE CLARION

Dalhousie students from the British West Indies, 1863–1937

Bold face type highlights names of students who graduated with a Dalhousie degree.

1. **Acham, Joseph Leon**, B.A., 1904, Temple House, St. Vincent, Port-of-Spain, Trinidad, B.W.I.
2. Allen, Eric MacKenzie, A.& Med., 1919-21, Brown's Town, Ste. Anne, Jamaica, B.W.I.
3. Allen, Herbert Percival, Arts 1925-27, Brown's Town, Ste. Anne, Jamaica, B.W.I.
4. Buxo, Oswald Theophilus, A.& Sci. 1928-29, Main St., St. Patrick's, Grenada, B.W.I.
5. Cooke, Robert Samuel McLaughlin, Med. 1929-30, Falmouth, Jamaica, B.W.I.
6. **Cooke, Roy Oliver**, M.D., C.M. 1934, Falmouth, Jamaica, B.W.I.
7. **Cooper, Reginald Frederick Clough**, M.D., C.M. 1923, Savanna-la-Mar, Jamaica, B.W.I.
8. Cropper, Rev. James Basnett, Arts 1893-95, Better Hope Manse, Demerara, B.W.I.
9. Cropper, Selina, Arts 1895-98, Better Hope Manse, Demerara, B.W.I.
10. Crosbie, Wilfred Campbell, Pharm. 1913-14, 20-21, Trinidad, B.W.I.
11. **Cross, Ethelbert Lionel**, LL.B. 1923, 16 Prince Albert Rd., San Fernando, Trinidad, B.W.I.
12. **Fields, Dudley Arthur Augustus**, M.D., C.M. 1925, c/o Bahamas Medical Service, B.W.I.
13. Gentles, John Herbert, Sci. 1929-30, Coleyville, Jamaica, B.W.I.
14. Grant, George Copeland, Arts 1925-26, Port of Spain, Trinidad, B.W.I.
15. Grant, Rolph Stewart, Arts 1929-30, Port of Spain, Trinidad, B.W.I.
16. Grant, Samuel Constantine, A. & Med. 1919-21, Frankfield, P.O., Clarendon, Jamaica, B.W.I.
17. Hall, Dr. Reuben, Stanford, A. & Med. 1910-13, Jamaica, B.W.I.
18. **Hayden, Ansell Ross Constantine**, M.D., C.M. 1925, St. Andrew's, Jamaica, B.W.I.
19. **Joseph, Cyril Louis**, B.A. 1927, Port-of-Spain, Trinidad, B.W.I.
20. **Kemp, Rev. Hector Francis**, B.A. 1910, San Fernando, Trinidad, B.W.I.
21. Kinkead, Edmund Clarke, Med. 1900-02, Kingston, Jamaica, B.W.I.
22. **Losada, Norman Moure**, D.D.S. 1925, Basseterre, St. Kitt's, B.W.I.
23. McConney, Jonathan Randolph. Theophilus, Sci. 1912-14, 42 Belle Eau Rd., Belmont, Trinidad B.W.I.
24. **MacDonald, Rev. James Clarke**, B.A. 1911, San Fernando, Trinidad, B.W.I.
25. Macintosh, Rev. Roderick Donald, Arts 1921-26, Tunapuna, Trinidad, B.W.I.
26. Maharajh, Deonarayan Omah, Med. 1936-37, Siparia, Trinidad, B.W.I.
27. Malone, Frederick Hart, Engin. 1921-25, Antigua, B.W.I.
28. **Maloney, Clarence MacDonald**, LL.B. 1913, San Fernando, Trinidad, B.W.I.
29. Meade, Christian Edric, Arts 1932-33, Plymouth, Monserrat, B.W.I.
30. Moore, Donald Willard, Arts 1916-17, St. Michael, Barbados B.W.I.
31. Morton, Nyren Silver, Arts 1922-25, Tunapuna, Trinidad, B.W.I.
32. Mullahoo, Wilfred, Arts & Med. 1921-23, San Fernando, Trinidad, B.W.I.
33. **Murray, Rev. George**, B.A. 1920, Princess Town, Trinidad, B.W.I.
34. Reynolds, Hubert George, Sci. 1933-34, Kingston, Jamaica, B.W.I.
35. Semper, Hugh Oliver, Arts 1927-28, Basseterre, St. Kitt's, B.W.I.
36. Stewart, Adolphus, Sci. 1927-28, Trinidad, B.W.I.
37. Stewart, Cecil Arnold, Arts 1918-19, Bluefields P.O., Jamaica, B.W.I.
38. Stewart, Dr. Ferdinand Ernest Llewlyn, A. & Med. 1919-26, Bluefields, Jamaica, B.W.I.
39. Stewart, Leland Noel, Sp. Arts 1919-20, Bluefields, Jamaica, B.W.I.
40. **Walls, Rev. Victor Benjamin**, B.A. 1921, San Fernando, Trinidad, B.W.I.
41. Williams, Henry Sylvester, Law 1893-94, Trinidad, B.W.I.*
42. **Wynter, Luther Reginald**, M.D., C.M. 1925, St. John's, Antigua, B.W.I.

Observations:

1. Of the 42 entries, only 14 names are in bold. That is, only one in three graduated.
2. Of the 14 graduates, 3 received B.As, 4 received M. D./C. M., 2 received LLBs and one D. D. S.
3. First graduate was **Acham, Joseph Leon, B.A., 1904, Temple House, St. Vincent, Port-of-Spain, Trinidad. B.W.I.**
4. Of the 42 entries, Island of origin dominated by Trinidadians (19, 45 %) and Jamaicans (14, 33%) who represented 78% of the population of students, and the remainder are from Antigua (2), Monsterrat (1), Barbados (1), Bahamas (1), Demerara (2) and Grenada (1).
5. The 14 graduates were dominated by Trinidadians (8, 57%), followed by Jamaicans (3, 21%), Bahamian (1), Kittitian (1) and Antiguan (1).
6. Note the famous **Henry Sylvester Williams** who is well known for his involvement in the Pan-African Movement.
7. Donald Willard Moore was a Caribbean community leader. He protested Canada's immigration policies which discriminated against non-White persons from the Caribbean, and the Commonwealth. In 1954, he lead delegates of the Negro Community Association to Parliament Hill to challenge such policies.

Prepared by Dr. Kevin Hewitt, professor of physics and chair of the Dalhousie senate.

Endnotes

EXECUTIVE SUMMARY

¹ Letter from Dalhousie to Bathurst, 29 Dec. 1816, Nova Scotia Archives (hereafter NSA), RG 1, vol. 112,

² Harvey Amani Whitfield, *Blacks on the Border: The Black Refugees in British North America, 1815–1860* (Burlington: VT, 2006), 53–54.

³ On the particulars of slavery under the Revolutionaries in 1793, see K.R. Kleczewski, “Martinique and the British Occupation, 1794–1802,” (PhD dissertation, Georgetown University, 1988), 103 and 110–114. The military facts are obtained from Michael Duffy, *Soldiers, Sugar, and Seapower: The British Expeditions to the West Indies and the War against Revolutionary France* (Oxford: Oxford University Press, 1987), particularly pages 144, 154 and 176. Lord Dalhousie’s rank (lt. col.) and command (2nd Regiment of Foot, either 1st or 2nd battalion) are documented in a number of standard military records.

⁴ For a detailed discussion of Halifax’s role in the West India trade, see Julian Gwyn, “Shipping to the Caribbean in the 1820s–1840s: William Roche, Halifax Merchant,” *The Northern Mariner*, 23, 2 (April 2013), 99–122. David Sutherland also underscored the development of Halifax’s mercantile class, its important links to the Caribbean, and its connections to the British Atlantic in “Halifax Merchants and the Pursuit of Development, 1783–1850,” *Canadian Historical Review* 59, 1, (1978), 1–17.

⁵ John Bell, *Confederate Seadog: John Taylor Wood in War and Exile* (Jefferson, NC: McFarland, 2002), 11

⁶ Timothy R. Burge, “Bluenose Effrontery: Dr. William Johnston Almon and the City of Halifax During the United States’ Civil War” (MA thesis, Dalhousie University, 2013), 67–94; see also Bell, *Confederate Seadog*, 35–36.

⁷ Greg Marquis, *In Armageddon’s Shadow: The Civil War and Canada’s Maritime Provinces* (Montreal: McGill-Queen’s University Press, 1998), 169.

⁸ P.B. Waite, *The Lives of Dalhousie University, Volume One – 1818–1925 Lord Dalhousie’s College* (McGill-Queen’s University Press, 1994), 72.

⁹ Frances Henry, *Systemic Racism Towards Faculty of Colour and Aboriginal Faculty at Queen’s University: Report on the 2003 study* (Queen’s Senate Educational Equity Committee, April 2004).

¹⁰ United Nations, Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to Canada*, August 16, 2017. <https://undocs.org/A/HRC/36/60/Add.1>

1. DALHOUSIE UNIVERSITY’S HISTORIC LINKS TO SLAVERY AND ITS IMPACT ON THE BLACK COMMUNITY: RATIONALE FOR THE REPORT

¹ Ryan McNutt, “Scholarly Panel set to Consider Lord Dalhousie’s History on Slavery and Race,” *Dal News*, 31 March 2016. <https://www.dal.ca/news/2016/03/31/scholarly-panel-set-to-consider-lord-dalhousie-s-history-on-slav.html>.

² See the Appendices for the complete terms of reference. Also see, Ryan McNutt, “Considering Lord Dalhousie’s Legacy on Race,” *Dal News*, 19 January 2017. <https://www.dal.ca/news/2017/01/19/considering-lord-dalhousie-s-legacy-on-race.html>.

³ Amy Bombay and Kevin Hewitt, *A Report from the Committee on Aboriginal and Black/African Canadian Student Access and Retention: A Focus on Financial Support*, Dalhousie University, October 2015; Elizabeth Chiu, “‘Horrific’ racism at Metro Transit stirred up again for family of former worker,” *CBC Online*, 6 June 2018. <https://www.cbc.ca/news/canada/nova-scotia/horrific-racism-at-metro-transit-stirred-up-again-for-family-of-former-worker-1.4693620>.

⁴ Craig Steven Wilder. *Ebony and Ivy: Race, Slavery, and the Troubled History of America’s Universities*. (New York: Bloomsbury Press, 2013).

⁵ On McGill University’s engagement with slavery, see Rosalind Hampton, “Racialized social relations in higher education: Black student and faculty experiences of a Canadian university” (PhD dissertation, McGill University, 2016), 104–139.

⁶ On Catholic and Jesuit-related missionizing with direct links to slavery, see Wilder, 17–20. On the Mount Allison and slavery connection see T. Watson Smith, “The Slave in Canada,” *Collections of the Nova Scotia Historical Society*, 10 (1899): 65–66; Capt. Bill Hayward, “Beyond the Names: A Stain on

Our History—the Story of Nelly.”¹⁰ January 2015. <http://allisonhaywardmaxwellbondfamily.blogspot.com/2015/01/a-stain-on-our-history-story-of-nelly.html>.

⁷ The institutional ownership of enslaved people by the Anglican church is described in J. Harry Bennett, Jr., *Bondsmen and Bishops: Slavery and Apprenticeship on the Codrington Plantations of Barbados, 1710–1838* (Berkeley, CA: University of California Press, 1958). Slave ownership by individual clergymen is documented in Nicholas Draper, *The Price of Emancipation: Slave-Ownership, Compensation and British Society and the End of Slavery* (New York: Cambridge University Press, 2010), 316–17.

⁸ See for example, Scot Wortley, *Halifax, Nova Scotia: Street Checks Report* (NS Human Rights Commission, 2019); *The Final Report of the Task Force on Campus Racism by the Canadian Federation of Students* (Canadian Federation of Students, 2010); and Margaret Gittens, David Cole, Toni Williams, Sri-Guggan, Sri-Skanda-Rajah, Moy Tam, and Ed Ratushny, *Report on the Commission on Systemic Racism in the Ontario Criminal Justice System* (Queen's Printer for Ontario, 1995).

⁹ The Working Group visited Canada in 2016 and specifically examined the state of Black life in this country. United Nations, Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to Canada*, August 16, 2017. For the full report, see <https://undocs.org/A/HRC/36/60/Add.1>.

¹⁰ Members of the prominent Almon and Johnston families of Nova Scotia were awardees of compensation money for the Mount Salus plantation. The property was owned by Kingston merchant Walter Brett, with John Johnston of Nova Scotia as an assignee. According to Nicholas Draper, John Johnston's "compensation was awarded to William Bruce Almon, Mather Byles Almon [his brothers-in-law] and his brothers James William Johnston and Lewis Johnston." The Johnstons were Loyalists and had Jamaican roots. The family migrated to Nova Scotia where they became prominent in law, banking, and politics. See N. Draper, *The Price of Emancipation*. <https://www.ucl.ac.uk/lbs/person/view/42750> National Archives of the United Kingdom, Treasury fonds, T 71, Records of Commissions and Committees, etc., Office of Registry of Colonial Slaves and Slave Compensation Commission Records, T71/943–1173 and T71-1174–1293, claim 494 and counter claim 494; Inventory of the estate of John Johnston and Will of John Johnston, NSA, RG 48, J 18. For the family relationships and marriages of the interconnected Almon, Johnston, and Ritchie families, see the NSA description of the Almon family fonds: <https://memoryns.ca/almon-family-fonds>.

¹¹ Kayla Hounsell, "Dalhousie University probes founder's record on slavery and race as it marks bicentennial," *CBC Online*, 8 February 2018. <https://www.cbc.ca/news/canada/nova-scotia/dalhousie-slavery-bicentennial-1.4524383>.

¹² John N. Grant, *The Immigration and Settlement of the Black Refugees of the War of 1812* (Cherrybrook, NS: Black Cultural Centre, 1990).

2. THE 9TH EARL OF DALHOUSIE: THE MAN FROM MIDLOTHIAN

¹ P.B. Waite, *The Lives of Dalhousie University*, 3.

² University of Edinburgh Matriculation Roll 1785, Archives of the University of Edinburgh. See also the following on the 9th Earl of Dalhousie's early life: Peter Burroughs, "Ramsay, George, 9th Earl of Dalhousie," in *Dictionary of Canadian Biography*, vol. 7, University of Toronto/Université Laval, 2003–, <http://www.biographi.ca>.

³ Karly Kehoe, "Scotland's Connections with Slavery," (unpublished paper), 1. Dr. Kehoe wrote this paper for the Lord Dalhousie Panel Report. The following section is based on it.

⁴ Kehoe, 1–2; Stana Nenadic, *Lairds and Luxury: The Highland Gentry in Eighteenth-Century Scotland* (Edinburgh: John Donald Publishers, 2007).

⁵ Kehoe, 2.

⁶ Kehoe, 2.

⁷ Kehoe, 2.

⁸ Kehoe, 2. Under the treaty, France recognized Britain's sovereignty over the islands of Dominica, Grenada, Saint Vincent and the Grenadines, and Tobago, as well as Canada. Britain ceded Guadeloupe, Martinique, Saint Lucia and Goreé and the Indian factories to France. See: [https://en.wikipedia.org/wiki/Treaty_of_Paris_\(1763\)](https://en.wikipedia.org/wiki/Treaty_of_Paris_(1763)).

⁹ Kehoe, 2; Nicholas Draper, "Scotland and Colonial Slave Ownership: The Evidence of the Slave Compensation Records," in *Recovering Scotland's Slavery Past: The Caribbean Connection*, ed. T.M. Devine (Edinburgh: Edinburgh University Press, 2015), 166–186.

¹⁰ Kehoe, 2; Douglas J. Hamilton, *Scotland, the Caribbean and the Atlantic World, 1750–1820* (Manchester: Manchester University Press, 2010); David Alston, "Very rapid and splendid fortunes? Highland Scots in Berbice (Guyana) in the early nineteenth century," *Transactions of the Gaelic Society of Inverness* LXIII (2002–2004): 208–233.

¹¹ Kehoe, 3; Catherine Hall, Nicholas Draper, Keith McClelland, Katie Donington, and Rachel Lang, *Legacies of British Slave-ownership: Colonial Slavery and the Formation of Victorian Britain* (Cambridge: Cambridge University Press, 2014).

¹² Kehoe, 3.

¹³ Kehoe, 3; John W. Cairns, The Scottish Law of Slavery (unpublished paper delivered at the University of Pennsylvania's Department of History's Annenberg Series, November 2005); Iain Whyte, *Scotland and the Abolition of Black Slavery, 1756–1838* (Edinburgh: Edinburgh University Press, 2006).

¹⁴ Kehoe, 3; Cairns, The Scottish Law of Slavery (unpublished paper); I. Whyte, *Scotland and the Abolition*.

¹⁵ Kehoe, 4.

¹⁶ The literature on the Haitian Revolution and its interaction with the French revolutionary state is vast. Some standard texts are C.L.R. James, *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution* (New York: Vintage Books, 1963), Carolyn E. Fick, *The Making of Haiti: The Saint Domingue Revolution from Below* (Knoxville: University of Tennessee Press, 1990), and Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution* (Cambridge, Mass.: The Belknap Press of Harvard University, 2004). See also Lémy Lémane Coco, *Histoire de l'esclavage dans les colonies françaises* (Paris: Orphie, 2012), 91–122. The Haitian Revolution was a complex struggle in which several emancipation decrees were announced. Robert Stein produced a cogent account of these decrees and the actors involved in "The Abolition of Slavery in the North, West, and South of Saint Domingue," *The Americas* 41, 3 (1985): 47–55. For a first-person accounting of the Revolution, see Toussaint L'Ouverture, *The Memoir of General Toussaint Louverture*, translated and edited by Philippe R. Girard (Oxford: Oxford University Press, 2014). On Haitian national and cultural identity, see Patrick Bellegarde-Smith, *Haiti The Breached Citadel* (Toronto: Canadian Scholars' Press, 2004).

¹⁷ Michael Duffy, *Soldiers, Sugar, and Seapower: the British Expeditions to the West Indies and the War against Revolutionary France* (Oxford: Oxford University Press, 1987), 26–31; David Patrick Geggus, *Slavery, War, and Revolution: The British Occupation of Saint Domingue 1793–1798* (Oxford: Clarendon Press, 1982); Kieran R. Kleczewski, "Martinique and the British Occupation, 1794–1802," (PhD dissertation, Georgetown University, 1988), 65–71.

¹⁸ Duffy, *Soldiers, Sugar, and Seapower*, 42–58; Geggus, *Slavery, War, and Revolution* 100–149.

¹⁹ There is conflicting information as to which battalion Dalhousie commanded in 1795: Burroughs has him in charge of the 2nd battalion of the 2nd regiment, but Duffy has the 2nd of the 2nd as part of the Abercromby expedition, which arrived in Martinique early in 1796. The evidence that Dalhousie was in Martinique in 1795 is solid, so we think it most probable that his 1795 command was the 1st. Burroughs, "Ramsay, George, 9th Earl of Dalhousie"; Duffy, *Soldiers, Sugar, and Seapower*, 176. Details of the deployments of the 2nd regiment and its two battalions may be found at https://www.napoleon-series.org/military/organization/Britain/Infantry/Regiments/c_2ndFoot.html.

²⁰ "West Indies: Further Particulars of the Late Desperate Landing of the French Brigands at Martinique, from a Gentleman in Dominica, to His Friend in Edinburgh," *London Star*, 10 February 1796, 2; "Friday – March 18, West Indies, Martinique," *General Evening Post*, March 17–19, 1796, 1; "Ship News," *London Times*, 17 March 1796, p. 3 (newspapers retrieved via Gale News Vault <http://find.galegroup.com.ezproxy.library.dal.ca/>); Kleczewski, "Martinique and the British Occupation, 1794–1802," 223–24; J.W. Fortescue, *A History of the British Army*, vol. IV, part I (London: Macmillan, 1915), 453–54.

²¹ After Martinique, Dalhousie went on to fight in the Peninsular Wars and later with Wellington at Waterloo. In the British Army, the earl would certainly have had some contact and engagement with Black soldiers from Britain itself and various parts of the Empire. The British military, including the navy, had a long history of employing Black men as soldiers, sailors, and marines.

3. THE NOVA SCOTIA TO WHICH DALHOUSIE CAME

¹ The most detailed accounting of the numbers in that influx is in Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772–1832* (New York: W.W. Norton and Company, 2014), 366, 539n55; some came during the war, some after. The origins and numbers of all immigrants in the post-war period is provided in J.S. Martell. Between 1816 and 1820, there were approximately 20,000: most from the UK, plus disbanded British regiments and the refugees. J.S. Martell, *Immigration to and Emigration from Nova Scotia, 1815–1838* (Halifax: Public Archives of Nova Scotia, 1942).

² Phillip A. Buckner, *The Transition to Responsible Government: British Policy in British North America* (Westport, Conn.: Greenwood Press, 1985); Martin Daunton, *Trusting Leviathan: British Fiscal Administration from the Napoleonic Wars to the Second World War* (Cambridge: Cambridge University Press, 2001), 47–56; Neville Thompson, *Earl Bathurst and the British Empire* (Barnsley, South Yorkshire: L. Cooper, 1999), 109–111, 116–18; Peter Burroughs, “The Search for Economy in Imperial Administration in the 1830s,” *Canadian Historical Review* 49, 1 (1968): 24–43.

³ For Britain’s and England’s rise as a world power, built on slavery, see Gerald Horne, *The Apocalypse of Settler Colonialism: The Roots of Slavery, White Supremacy, and Capitalism in 17th Century North America and the Caribbean* (New York: Monthly Review Press, 2018). See also, David Eltis & David Richardson, *Atlas of the Transatlantic Slave Trade* (New Haven: Yale University Press, 2010); Robin Blackburn, *The Making of New World Slavery, From the Baroque to the Modern, 1492–1800* (London: Verso Press, 1998).

⁴ The slave trade produced an interconnected system of industries that were crucial to the growth of Britain, Continental Europe, the Thirteen Colonies, the Southern colonies, the West Indies and British North America. Nova Scotia was also part of this network. And even though Nova Scotia itself did not send ships to Africa, it still participated in the slave trade by engaging in commercial activity that revolved around Caribbean slave-produced goods that circulated among the Atlantic colonies.

⁵ For a general survey of Nova Scotia’s economic development and the place of trade in that development, see Julian Gwyn, *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740–1870* (Montreal: McGill-Queen’s University Press, 1998).

⁶ Harold Hampden Robertson, “Commercial Relations Between Nova Scotia and the British West Indies: 1788–1822” (MA thesis, Dalhousie University, 1975), 87–95; Walter Ronald Copp, “Nova Scotia Trade During the War of 1812,” *Canadian Historical Review* 18, 2 (1937): 141–55.

⁷ Robertson, 105–125.

⁸ The majority of the provincial revenue came from trade taxes, amounts charged per unit of measure (e.g. barrel, gallon, loaf, pound) or amounts charged as percentage of invoice value (on manufactured goods from Britain). In 1817, these taxes produced 70.6 per cent of the provincial revenue. We estimate that 20 to 25 per cent of these provincial tax revenues came from the customs duties on the British West Indian trade. An absolutely accurate answer would require details about the make-up of cargoes that we cannot know. The kind of customs reports available for the Castine customs house revenues have not survived for most of Dalhousie’s years in office. Our calculations are based on estimates using data from secondary sources. Variations in trade from year to year as well as the patchiness of the data that have survived mean that this estimate is only an order of magnitude. Margaret Ells, *A Study of Early Provincial Taxation: Being a Tabular Statement of Fiscal Legislation in Nova Scotia between 1751 and 1815* (Halifax: Public Archives of Nova Scotia, 1937), 3–5, 18, 21 and 29; Gwyn, *Excessive Expectations*, 53, 54, and 56; J.S. Martell, *A Documentary Study of Provincial Finance and Currency, 1812–36* (Halifax: Public Archives of Nova Scotia, 1941), 37.

⁹ Gwyn, *Excessive Expectations*, 49, 85–89; Daniel Samson, *The Spirit of Industry and Improvement: Liberal Government and Rural-Industrial Society, Nova Scotia, 1790–1862* (McGill-Queen’s University Press, 2008), 105–12.

¹⁰ Daina Ramey Berry, *The Price For Their Pound of Flesh: The Value of the Enslaved, from Womb to Grave, in the Building of a Nation* (Boston: Beacon Press, 2017), 11; Afua Cooper, *The Hanging of Angelique: The Untold Story of Slavery in Canada and the Burning of Old Montreal* (Toronto: HarperCollins, 2006), 64; Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004), 72.

¹¹ Barry Higman, *Slave Populations of the British Caribbean, 1807–1834* (Kingston, Ja.: The Press, University of the West Indies, 1995), 72–99.

- ¹² William Cobbett, *Cobbett's Parliamentary History of England from the Norman Conquest in 1066 to the year 1803*, vol. 29. (London, UK: T.C. Hansard, 1806), 343.
- ¹³ David A. Sutherland, "Foreman, James," in *Dictionary of Canadian Biography*, vol. 8, University of Toronto/Université Laval, 2003, <http://www.biographi.ca..>
- ¹⁴ Concerning the low-grade cod sent to the Caribbean slaves, see Mark Kurlansky, *Cod: A Biography of the Fish that Changed the World* (New York: Walter Publishing Co. 1997), 100.
- ¹⁵ Names of some of the merchants who were owners of enslaved persons at various times in Nova Scotia history include Perkins, Allison, and Mauger. There were others who defended slave owners' rights, namely Michael Wallace and M.B. Almon (by association with his children): see Harvey Amani Whitfield, *North to Bondage: Loyalist Slavery in the Maritimes* (Vancouver: University of British Columbia Press, 2016).
- ¹⁶ Robin Winks, *The Blacks in Canada: A History* (Montreal: McGill-Queen's University Press, 1997), 1.
- ¹⁷ Winks, 1.
- ¹⁸ Kenneth Donovan, "Slaves in Île Royale, 1713–1758," *French Colonial History* 5 (2004): 27.
- ¹⁹ Donovan, "Slaves and Their Owners in Ile Royale, 1713–1760," *Acadiensis* 25 (Autumn 1995): 8.
- ²⁰ Donovan, "Slaves and Their Owners in Ile Royale," 1–30.
- ²¹ The phrase is from Thomas H. Raddall, *Halifax: Warden of the North* (Garden City, NY: Doubleday, 1948).
- ²² Letter from Governor Cornwallis about Captain Bloss and his slaves, 22 September 1750, NSA, RG 1, vol. 35 <https://novascotia.ca/archives/africans/archives.asp?ID=2&Page=200402001>
- ²³ On Planter slavery, see Harvey Amani Whitfield, ed., *Black Slavery in the Maritimes: A History in Documents* (Peterborough, ON: Broadview Press), 3.
- ²⁴ Winks, 27–28.
- ²⁵ Stephen Dillon, "Possessed by Death: The Neoliberal-Carceral State, Black Feminism and the Afterlife of Slavery," *Radical History Review* 12 (2012): 113–125.
- ²⁶ The Odyssey of the Nova Scotia (and New Brunswick) Black Loyalists has been detailed in Ellen Gibson Wilson, *The Loyal Blacks* (New York: Capricorn Books, 1976) and James W. St.G. Walker, *The Black Loyalists: the search for a promised land in Nova Scotia and Sierra Leone, 1783–1870* (Toronto: University of Toronto Press, 1977).
- ²⁷ Corrections to this oversight have been pursued by historians like Whitfield, Snyder and Riddell. See Whitfield, *North to Bondage*; William Renwick Riddell, "Slavery in the Maritime Provinces," *Journal of Negro History* 5, 3 (1929): 359–373; Jennifer K. Snyder, "Revolutionary Repercussions: Loyalist Slaves in St. Augustine and Beyond," in Jerry Banister and Liam Riordan, eds., *The Loyal Atlantic, Remaking the British Atlantic in the Revolutionary Era* (Toronto: University of Toronto Press, 2012), 165–184.
- ²⁸ This section on slavery in the Maritimes is based on "Overview of Slavery," a paper written for this report by Harvey Amani Whitfield. See p.4 of this paper for a discussion with respect to the number of Loyalist slaves brought into the Maritimes. Additionally, information was also drawn from Harvey Amani Whitfield, *Black Slavery in the Maritimes: A History in Documents* (Peterborough, ON.: 2018).
- ²⁹ Whitfield, *Black Slavery in the Maritimes*, 5; Winks, , 45.
- ³⁰ Whitfield, "Overview," 4; William R. Riddell, "The Baptism of Slaves in Prince Edward Island," *Journal of Negro History* 6, 3 (1921) 1–3
- ³¹ Whitfield, "Overview," 4.
- ³² Whitfield, "Overview," 4.
- ³³ It should also be noted that the enslavement of Africans occurred earlier, in Île Royale during the French period. Île Royale was renamed Cape Breton during British colonialism. And during the Loyalist era, enslaved Africans were brought to the regions by their White Loyalist owners. See, Afua Cooper, "Deluded and Ruined: Diana Bastian—Enslaved African Canadian Teenager and White Male Privilege," *Brock Education Journal* 27, 1 (2017) 1–9.
- ³⁴ Whitfield, "Overview," 7–9
- ³⁵ Whitfield, "Overview," 7.

³⁶ Winks, 102.

³⁷ Whitfield, *Black Slavery in the Maritimes*, 9.

³⁸ Whitfield, *Black Slavery in the Maritimes*, 9–10.

4. LORD DALHOUSIE: LIEUTENANT-GOVERNOR OF NOVA SCOTIA: 1816 TO 1820

¹ Peter Burroughs, "Sherbrooke, Sir John Coape," in *Dictionary of Canadian Biography*, vol. 6, University of Toronto/Université Laval. 2003– <http://www.biographi.ca>.

² Waite, 9.

³ "New Ireland: How Maine almost became part of Canada at the end of the War of 1812," *National Post*, 24 January 2015 <https://nationalpost.com/news/canada/new-ireland-how-maine-almost-became-part-of-canada-at-the-end-of-the-war-of-1812>.

⁴ D.C. Harvey, "The Halifax-Castine Expedition," *Dalhousie Review* 81, 2, (1938): 207–213. The data on which the 30 per cent figure is based are the reports of the Castine customs house between 24 October 1814 and 24 April 1815 and the "Abstract of Sums received for Duties on account of Articles imported within the District of Castine and sums paid out of the same," Library and Archives Canada (LAC), CO 217, vol. 96.

⁵ Taylor, 367. John N. Grant has done pioneering work on the history of the Black Refugees. See his *The Immigration and Settlement of the Black Refugees of the War of 1812 in Nova Scotia and New Brunswick*.

⁶ Taylor, 368.

⁷ Martell gives 1,619 as the 1815–18 number, and Taylor gives 1,611, but this of course does not alter the point that the general figure is nearly 3,000. Martell, *Immigration to and Emigration from Nova Scotia, 1815–1838*, 37.

⁸ Taylor, 366. "[M]any of those arriving came without suitable clothing and with no experience of a northern winter. While grants of land, tools, seed and rations...had been promised, the disorganization and the self-interest of 'the locals' had taken (once again) their toll on events. It took Sherbrooke the best part of 1814 simply to acquire a modicum of clothing stores and to distribute food. Even then he still had 'no women's shoes and no children's clothing' at all and he feared that the food was not reaching 'all of them'" (Kit Candlin, "The Expansion of the Idea of the Refugee in the Early-Nineteenth-Century Atlantic World", *Slavery & Abolition: A Journal of Slave and Post-Slave Studies* 30, 4 (2009): 530.)

⁹ *Journal and Proceedings of the House of Assembly*, 1 April 1815, 104, 107. The members of the committee that had been selected by the Assembly to draft this address were John George Marshall, Peleg Wiswall, and Thomas Roach. Marshall was still in the Assembly at the beginning of Dalhousie's term. Both he and Wiswall were given judicial appointments after their terms in the Assembly. C.E. Thomas, "Marshall, John George," in *Dictionary of Canadian Biography*, vol. 10, University of Toronto/Université Laval, 2003, www.biographi.ca; Brian Cuthbertson, *Johnny Bluenose at the Polls: Epic Nova Scotian Election Battles 1758–1848* (Halifax: Formac Publishing, 1994), 143.

¹⁰ *Journal and Proceedings of the House of Assembly*, 1 April 1815, 107.

¹¹ Taylor, 366.

¹² Taylor, 367.

¹³ Taylor, 368.

¹⁴ "Admiral Cochrane's Proclamation," NSA, RG 1, vol. 111, 99–100. <https://novascotia.ca/archives/africanns/archives.asp?ID=70>

¹⁵ C. Bruce Fergusson, *A Documentary Study of the Establishment of the Negroes in Nova Scotia* (Halifax: Public Archives of Nova Scotia, 1948). Martell estimates that 250 demobilized (White) soldiers were given tickets of location in 1816. In 1828, the Provincial Secretary promised the soldier-settlers of 1816 a general grant to replace their original tickets of location. J.S. Martell, "Military Settlements in Nova Scotia after the War of 1812," *Collections of the Nova Scotia Historical Society* 24 (1938): 91; Letter from "old soldiers settled by Authority of Government" on "Lands situate on the Ramsay Road," 22 December 1828, NSA, RG 20 series C, vol. 94C, file 165. Not all were successful: the holder of a mortgage secured by lands supposedly granted to one of these men in 1828 discovered in 1832, after the former soldier had died, that he, Samuel Cowling, the mortgage holder, could not get title to the mortgaged lands

unless he paid the fees required to convert the ticket of location to a completed (“perfected”) grant: Petition of Sam’l Cowling to Lieut. Governor Maitland, 1832, NSA, RG 20 series C, vol. 94C, file 167.

¹⁶ Taylor.

¹⁷ Whitfield, *Blacks on the Border*, 55-59.

¹⁸ Taylor, 371.

¹⁹ Taylor, 371.

²⁰ Taylor, 371.

²¹ The description of Nova Scotia’s colonial government and the role of the lieutenant-governor that follows is based on W.L. Morton, “The Local Executive in the British Empire, 1763–1828,” *English Historical Review* 78, 308 (1963): 436–457; J. Murray Beck, *The Government of Nova Scotia* (Toronto: University of Toronto Press, 1957), 35-62, esp. 56–62; Jeffrey L. McNairn, *The Capacity to Judge: Public Opinion and Deliberative Democracy, 1791–1854* (Toronto: University of Toronto Press, 2000), chapter 1; Peter Burroughs, “Imperial Institutions and the Government of Empire,” in *Oxford History of the British Empire*, vol. 3 (Oxford: Oxford University Press, 1999), 170–197.

²² Samson, 84–88, 94–95; D.A. Sutherland, “War and Peace,” in *The Atlantic Region to Confederation: A History*, eds. Phillip A. Buckner and John G. Reid (Toronto: University of Toronto Press, 1994), 243, 249 and 257; Marjorie Whitelaw, ed. *The Dalhousie Journals*, vol. 1 (n.p.: Oberon Press, 1978): 8–9, 27, 30–31, 36, 63 and 73.

²³ This range is calculated from the annual treasurer’s accounts of the Province of Nova Scotia, 1813–1820. There were exceptional expenditures in each year from 1814 to 1817, and 1819 was unusually low. The usual expenditures were for medical care (e.g. vaccination, usually for the Black Refugees), the poorhouse, the transient poor, seed grain, or small sums to distressed (white) settlers and “Indians.” “The Province of Nova Scotia Dr [debits] for payments made by the Treasurer,” NSA, RG 1, vol. 344, Accounts and parliamentary estimates and grants for the civil and military establishment of Nova Scotia 1751 to 1834.

²⁴ *Journal and Proceedings of the House of Assembly*, 27 February and 31 March 1817, 33, 120-21; “The Province of Nova Scotia Dr [debits] for payments made by the Treasurer between the 1 day of Jan 1817 and 31 day of December 1817,” NSA, RG 1, vol. 344, Accounts and parliamentary estimates and grants for the civil and military establishment of Nova Scotia 1751 to 1834.

²⁵ *Journal and Proceedings of the House of Assembly*, 1 April 1815, 107.

²⁶ “Province of Nova Scotia Dr [debits] for payments made by the Treasurer” for the years 1813 to 1820, NSA, RG 1, vol. 344; Martell, *A Documentary Study of Provincial Finance and Currency, 1812–1836*, 37 and 43.

²⁷ For British financial expenditures on the “Refugee Negroes,” see “Account of Expenditure of Sum granted by Parliament to H.M. to provide for Expenses of Civil Nature not included in Ordinary Charges of Civil List, 1816–17,” 4, and “Account of the Extraordinary Expenses of the Army, 1817” in Appendix 2, *Journal of the House of Commons, 1817*, 560, in ProQuest U.K. Parliamentary Papers, House of Commons Papers; Letter from Dalhousie to Bathurst, 3 January 1817, National Records of Scotland, GD:45:3:1:No. 9; Report of a committee of His Majesty’s Council “appointed to examine and report upon Collector Jeffrey’s accounts for providing for the Refugee Negroes during the period between the 27th July 1816 and the 27th of January 1817, NSA, RG 1, vol. 420, #93; Government in account Current [?] Thomas Nickleson Jeffery esq, Collector of His Majesty’s Customs at this Port, charged [?] Receiving and Providing for the American Refugee Negroes between the twenty seventh January 1817 and the thirty-first May 1817, NSA, RG 1, vol. 420, #95 and T.N. Jeffrey showing claims for reimbursement for rations issued at Melville Island, Hammonds Plains and at Preston, NSA, RG 1, vol. 419, #92 and #109.

²⁸ Sick or elderly Black Refugee men in the poorhouse got the ration normally allocated to wives and the children of soldiers (one-half and one-third, respectively) C. Bruce Fergusson, *A Documentary Study of the Establishment of the Negroes in Nova Scotia* (Halifax: Public Archives of Nova Scotia, 1948): 14 and 15n43. Military historian Thomas Malcolmson, personal communication, gave us a description of the naval ration of the war of 1812; Letter from Dalhousie to Bathurst, 29 Dec. 1816, attachment C, LAC, CO 217, vol. 98.

²⁹ Martell, “Military Settlements in Nova Scotia after the War of 1812,” 93–97.

5. LORD DALHOUSIE'S CORRESPONDENCE WITH LORD BATHURST: SEVEN LETTERS

¹ Nine letters are referred to in this chapter, including seven from Lord Dalhousie to Lord Bathurst and two from Bathurst to Dalhousie, as follows: Letter from Dalhousie to Bathurst, 2 Dec. 1816, NSA, RG 1, vol. 112; Letter from Dalhousie to Bathurst, 29 Dec. 1816, LAC, CO 217, vol. 98; Letter from Dalhousie to Bathurst, 2 Jan. 1817, National Records of Scotland (NRS), GD45:3:1: No. 7; Letter from Dalhousie to Bathurst, 3 Jan. 1817, LAC, CO 217, vol. 99; Letter from Dalhousie to Bathurst, 16 May 1817, NRS, GD45:3:1: No. 19; Letter from Dalhousie to Bathurst, 14 Aug. 1817, NSA, RG 1, vol. 112; Letter from Dalhousie to Bathurst, 10 June 1819, NRS, GD45:3:1: No. 64; Letter from Bathurst to Dalhousie, 12 March 1817, LAC, CO 218, vol. 29; Letter from Bathurst to Dalhousie, 29 July 1818, LAC, CO 218, vol. 29. Shortened citations are used for these letters in this chapter.

² Letter from Dalhousie to Bathurst, 2 Dec. 1816.

³ Letter from Dalhousie to Bathurst, 2 Dec. 1816.

⁴ Letter from Dalhousie to Bathurst, 29 Dec. 1816.

⁵ Letter from S.S. Blowers to Dalhousie, 29 Nov. 1816, NSA, RG 1, vol. 421, 36 and 37.

⁶ Blowers to Dalhousie, 29 Nov. 1816.

⁷ Letter from Dalhousie to Bathurst, 29 Dec. 1816, Appendix C, LAC, CO 217, vol. 98.

⁸ Letter from Dalhousie to Bathurst, 2 Dec. 1816.

⁹ For a discussion of race, space, and climate, in the official imperial and colonial ideology of the eighteenth and nineteenth centuries see, Ikuko Asaka, *Tropical Freedom: Climate, Settler Colonialism, and Black Exclusion in the Age of Emancipation* (Durham, NC: Duke University Press, 2017).

¹⁰ Letter from Dalhousie to Bathurst, 2 Jan. 1817.

¹¹ Letter from Dalhousie to Bathurst, 2 Jan. 1817.

¹² Letter from Dalhousie to Bathurst, 2 Dec. 1816.

¹³ Expenditures on relief specified as being for "emigrants" totalled £1,015 between 1813 and 1820. £825 of that was disbursed in 1815. "The Province of Nova Scotia Dr [debits] for payments made by the Treasurer," NSA, RG 1, vol. 344, Accounts and parliamentary estimates and grants for the civil and military establishment of Nova Scotia 1751 to 1834. See discussion in chapter 4.

¹⁴ Letter from Bathurst to Dalhousie, 12 Mar. 1817.

¹⁵ John Grant, "The 1821 Emigration of Black Nova Scotians to Trinidad," *Nova Scotia Historical Quarterly* 2, 3 (1972): 283–92; Candlin, 537.

¹⁶ Letter from Bathurst to Dalhousie, 12 Mar. 1817.

¹⁷ Letter from Dalhousie to Bathurst, 3 Jan. 1817.

¹⁸ Letter from Dalhousie to Bathurst, 16 May 1817.

¹⁹ Taylor, 371.

²⁰ Candlin, 537.

²¹ Less than a century later, in 1911, the Dominion (federal) government would pass an order in council banning Black migration to Canada on the basis on Black unsuitability to the Canadian climate. Sarah-Jane Mathieu, *North of the Color Line: Migration and Black Resistance in Canada, 1870–1955* (Chapel Hill: University of North Carolina Press, 2010), 57.

²² Letter from Bathurst to Dalhousie, 12 Mar. 1817.

²³ Letter from Dalhousie to Bathurst, 16 May 1817.

²⁴ In his first meeting with the Assembly, Dalhousie expressed the British government's concern to see more settlers come to Nova Scotia and stay, and sought the Assembly's advice. The Assembly replied shortly after, explaining the kind of British expenditures and policies they believed would encourage settlers: *Journal and Proceedings of the House of Assembly*, 18 February 1817, 14, and 20 February 1817, 18.

²⁵ Letter from Bathurst to Dalhousie, 29 July 1818.

²⁶ Letter from Dalhousie to Bathurst, 14 Aug. 1817.

²⁷ Letter from Dalhousie to Bathurst, 14 Aug. 1817.

²⁸ Forced labour or labour motivated by hunger were both discussed, rather coldly, as alternatives, with progressive reformers deeming hunger as the most peaceable and rational. David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770–1823* (New York: Oxford University Press, 1999), 357–59.

²⁹ Letter from Dalhousie to Bathurst, 14 August 1817.

³⁰ Letter from Dalhousie to Bathurst, 10 June 1819. In addition to Dalhousie's own words in that letter, the *Journal and Proceedings of the House of Assembly* for the 1819 session of the House of Assembly were examined, and though it reports several requests by Dalhousie for relief to settlers, there is no request from Dalhousie for the Black Refugees. In the winter of 1819, Dalhousie did seek and obtained from the Assembly relief for a group of Welsh people who had settled near Shelburne in 1818 and had exhausted their supplies. *Journal and Proceedings of the House of Assembly*, 11 March 1819, 45. £100 vote by Assembly for "Poor Settlers at Preston and other places" was referred to simply as a vote for "Distressed Settlers" when it was approved by Council. *Journal and Proceedings of the House of Assembly*, 8 April 1818, 102, and 13 April 1819, 111.

³¹ Minutes of His Majesty's Council, 31 March 1819, NSA, RG 1, vol. 193.

"His Excellency also submitted to the Council a representation made to him relative to the starving condition of the Refugee Negroes at Preston and other settlements, which being considered the Council advised that an allowance of provisions for one month should be afforded to them, which it is recommended should consist chiefly of Indian Meal and salted Herrings."

³² Taylor, 371–372.

³³ Taylor, 372.

³⁴ Asaka, 31–32.

³⁵ Asaka, 31–32.

6. THE FOUNDING OF DALHOUSIE COLLEGE AND UNIVERSITY

¹ Waite, 12.

² Waite, 11.

³ The data on which this analysis was based are the reports of the Castine customs house between 24 October 1814 and 24 April 1815, and the "Abstract of Sums received for Duties on account of Articles imported within the District of Castine and sums paid out of the same," LAC, CO 217, vol. 96. The other 70 per cent of the duties was charged on imported manufactured goods, wine, and spirits from Europe. We would like to thank Dr. Joshua Smith for help in locating these reports and Christopher Ryan for retrieving and reproducing them.

⁴ Waite, 10.

⁵ *Journal and Proceedings of the House of Assembly*, 18 February 1817, 14.

⁶ *Journal and Proceedings of the House of Assembly*, 20 February 1817, 18.

⁷ Letter from Dalhousie to Bathurst, 16 May 1817.

⁸ Letter from Bathurst to Dalhousie, 12 Mar. 1817.

⁹ Waite, 11.

¹⁰ Waite, 12.

¹¹ Waite, 12.

¹² Waite, 12.

¹³ Robert D. Anderson, Michael Lynch, & Nicholas Phillipson, *The University of Edinburgh: An Illustrated History* (Edinburgh University Press, 2003).

¹⁴ Waite, 18.

¹⁵ Waite, 19.

¹⁶ Waite, 19.

¹⁷ Waite, 21.

¹⁸ *Journal and Proceedings of the House of Assembly*, 17 Feb. 1819, 15.

¹⁹ *Journal and Proceedings of the House of Assembly*, 13 April 1819, 113–14.

²⁰ General Account of Payments from the Treasury for the Year 1820; General Account 1821; and General Account 1823, NSA, RG 13, vol. 41.

²¹ Waite, 21–22, 30–32, 68, and 163. If the 1845 salary figures and endowment income that Waite cites are representative, then monies from the Castine Fund supplied 43 per cent of the College salary expenditure.

²² Waite, 9–15.

²³ Waite, 24.

²⁴ Waite, 25.

²⁵ Waite, 25.

²⁶ See Patrick Keane, “Dalhousie University and the Non-traditional Student: The First Century,” *Dalhousie Review* 63, 2 (1983): 277–97.

²⁷ Waite, 25.

²⁸ Waite, 25.

²⁹ Waite, 60, 67.

³⁰ Waite, 81.

³¹ Waite, 82.

7. A LEGACY OF MISTRUST

¹ Letter from Dalhousie to Bathurst, 14 Aug. 1817, National Records of Scotland, GD45:3:1:No. 27

² *Journal and Proceedings of the House of Assembly*, 13 February 1817, 7.

³ The provincial law set out a day rate for road labour of 5 shillings a day for a 10-hour day. (Statutes of Nova Scotia, 50 George III, c. 2, An Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges.) Smith contracted with the Black workers for four months “or thereabouts” at 45 shillings per man-month. This contract would have covered only about 9 days work in the month at the statutory rate. But in the contract, he used dollars (the currency the Black Refugees would have known) instead of shillings, \$9 dollars a month (£2/5s). In a normal month of summer road work, actual days worked would certainly have been at least double that number and a reasonable contract rate more like \$18 a month per man (18 days’ work would have paid 90 shillings (£4/10s), or \$18 at the normal exchange rate). *Journal and Proceedings of the House of Assembly* of the Province of Nova Scotia, 1816, 28 February 1816, 28. For exchange rates see A.B. McCullough, “Currency Conversion in British North America, 1760–1900,” *Archivaria* 16 (1983): 92.

⁴ *Journal and Proceedings of the House of Assembly*, 28 February 1816 and 7 March 1816, 43–44, 64.

⁵ “Report,” *Acadian Recorder*, 6 March 1824, 2.

⁶ Julian Gwyn, “Golden Age or Bronze Moment: Wealth and Poverty in Nova Scotia: The 1850s and 1860s” *Canadian Papers in Rural History* 8 (1992): 198; Ian Radforth, *Bushworkers and Bosses: Logging in Northern Ontario, 1900–1980* (Toronto: University of Toronto, 1987), 257. We thank doctoral candidate Michael O’Hagan for pointing us to Radforth’s work.

⁷ Jeffrey L. McNairn, “British Travellers, Nova Scotia’s Black Communities and the Problem of Freedom to 1860,” *Journal of the Canadian Historical Association* 19, 1 (2008): 27–56.

⁸ Seth Coleman to William Sabatier, 23 March 1815, cited in Taylor, 371.

⁹ John MacGregor, *British America*, vol. 2 (London, T. Cadell. 1832), 209.

¹⁰ McNairn, *British Travellers*, 42–45.

¹¹ In addition to the sources analyzed by McNairn, an anonymous British traveller whose work Lord Dalhousie read in 1816 (according to Dalhousie’s journal) asserted that the labour of former enslaved persons was of lesser value: *A British Traveller, The Colonial Policy of Great Britain* (London: Baldwin, Craddock, and Joy, 1816), 107–143, 165. The notion of slave labour as inferior because it was coerced

("servile") rather free is set out in Seymour Drescher, *The Mighty Experiment: Free Labor Versus Slavery in British Emancipation* (New York: Oxford University Press, 2002), 15–18. The divisive question was whether the formerly enslaved were only contingently limited by the experience of enslavement or whether they were constitutionally suited to enslavement, slaves by nature who would not be changed by emancipation.

¹² Peter P. Hinks, "Free Black People and Kidnapping in Antebellum Boston," *Historical Journal of Massachusetts*, 20, 1 (Winter 1992); Carol Wilson, *Freedom at Risk: the Kidnapping of Free Black People in America, 1780–1865* (Lexington: University of Kentucky Press, 1984); Taylor, 373.

¹³ Keith D. Mercer, "North Atlantic press gangs: impressment and naval-civilian relations in Nova Scotia and Newfoundland, 1749–1815" (PhD dissertation, Dalhousie University, 2008), 173 and chapter 3, passim.

¹⁴ Taylor, 364.

¹⁵ C. Campbell to Lord Glenelg, 25 August 1837, reprinted in C. Bruce Fergusson, *A Documentary Study of the Establishment of the Negroes in Nova Scotia* (Halifax: Public Archives of Nova Scotia, 1948), 106.

¹⁶ Thomas McCulloch, *The Mephibosheth Stepsure Letters*, edited with an introduction by Gwendolyn Davies (Montreal: McGill-Queen's University Press, 1990), xlvii, 162.

¹⁷ Hugo Reid, *Sketches in North America: With Some Account of Congress and of the Slavery Question* (London: Longman, Green, Longman, & Roberts, 1861), 157.

¹⁸ Reid, *Sketches*, 202–21.

¹⁹ Reid, *Sketches*, 163–65.

²⁰ Reid, *Sketches*, 164, 178, 204, 214.

²¹ Allan E. Marble, "Almon, William Johnston," in *Dictionary of Canadian Biography*, vol. 13, University of Toronto/Université Laval, 2003–, <http://www.biographi.ca>; Burge, "Bluenose Effrontery." Almon's aunt was the widow of John Johnston. Johnston's estate collected compensation money in 1837, in payment of a debt secured by enslaved persons who were owned by a Jamaican Planter, William Brett: "Jamaica St Andrew 494 (Mount Salus," Legacies of British Slave-ownership database, <http://www.depts-live.ucl.ac.uk/lbs/claim/view/24202>; John Johnston probate record, NSA, RG 48, J 18, accessed via familysearch.org. We thank Nathaniel Smith for his assistance with genealogical records.

²² Whitfield, *Blacks on the Border*, 82.

²³ Whitfield, *Blacks on the Border*, 68–72.

²⁴ Taylor, 381–84.

²⁵ Quoted in Taylor, 384. Corrections in this transcribed text are supplied by Taylor. Original available at <https://www.docsteach.org/documents/document/letter-from-bartlett-shanklyn-to-abraham-hooe>

²⁶ Thomas C. Haliburton, *An Historical and Statistical Account of Nova Scotia in Two Volumes*, vol. II (Halifax: Joseph Howe, 1829), 292.

²⁷ M. Brook Taylor, *Promoters, Patriots, and Partisans: historiography in nineteenth-century English Canada* (Toronto: University of Toronto Press, 1989), 46.

²⁸ Haliburton, *Historical and Statistical Account*, 292

²⁹ Haliburton. For "drapetomania" and its place in the ideology of slavery, see Harriet A. Washington, *Medical Apartheid: the Dark History of Medical Experimentation on Black Americans from Colonial Times to the Present* (New York: Doubleday, 2006), 36. For modern and deeply researched account of the actual role of seafaring in the working lives of Black Nova Scotia men in the nineteenth century, see Judith Fingard, "From Sea to Rail: Black Transportation Workers and Their Families in Halifax, c. 1870–1916," *Acadiensis* 24, 2 (1995): 49–64. Although the focus of this essay is later than the period covered in the report, one of the mini-biographies Fingard provides is of Robert J. White, born in 1830, perhaps the child of Black Refugee parents. White and his wife Elizabeth had a variety and grocery store, and he had a long career on the sea, becoming chief steward on steamships later in the century.

³⁰ George Elliott Clarke, "White niggers, black slaves: Slavery, race and class in T.C. Haliburton's "The Clockmaker" *Nova Scotia Historical Review*, 14, 1 (1994): 13–40.

³¹ Brian C. Cuthbertson, "Akins, Thomas Beamish," in *Dictionary of Canadian Biography*, vol. 12 and K. G.

Pryke, "Murdoch, Beamish," in *Dictionary of Canadian Biography*, vol. 10, University of Toronto/Université Laval, 2003 <http://www.biographi.ca>.

³² Thomas B. Akins, "History of Halifax City," *Collections of the Nova Scotia Historical Society for the Years 1892–1894*, 8 (1895): 163, 208.

³³ Thomas H. Raddall, *Halifax: Warden of the North* (Garden City, NY: Doubleday, 1965), 153.

³⁴ Ian McKay and Robin Bates, *In the Province of History: The Making of the Public Past in Twentieth Century Nova Scotia* (Montreal: McGill-Queen's University Press, 2010).

³⁵ A few examples will illustrate, without being in any way exhaustive. In *The Blacks in Canada*, Robin W. Winks fell into some of the same problems of accepting colonial administrators' writings as simple fact, but he uses archival sources systematically. Bridglal Pachai (*Beneath the Clouds of the Promised Land: The Survival of Nova Scotia's Blacks*, vol. II, 1800–1989, 1990) brought a Black person's perspective to the story, providing an essential corrective. Graduate students of African descent, some Caribbean or American, such as Harold Robertson and Harvey Amani Whitfield, Nova Scotians such as David W. States, Isaac Saney, and Sylvia Hamilton have added to the empirical research and brought an Afrocentric perspective. White historians such as J.W. St.G. Walker, David Sutherland, Judith Fingard, and Barry Cahill have also added to our knowledge of Nova Scotia's Black history.

8. THE LEGACIES OF SLAVERY: A JUSTICE CASE STUDY

¹ We acknowledge and thank Dr. Tesia Rolle for her permission to use excerpts from her spoken word poem, *The Robing of Sam Moreau*, written in 2017 to mark Judge Moreau's appointment to the Nova Scotia judiciary.

² Afua Cooper, *The Hanging of Angelique: The Untold Story of Slavery in Canada and the Burning of Old Montreal* (Toronto: HarperCollins, 2006) 68; quoted in part in Michelle Williams, "Sisyphus's Ongoing Journey: Anti-Black Racism and the Myth of Racial Equality in Canada," in *Multiple Lenses: Voices from Diaspora Located in Canada*, ed. David Divine (Newcastle, UK: Cambridge Scholars Publishing, 2007), 3.

³ Cooper, *The Hanging of Angelique*, 68.

⁴ Whitfield, *North to Bondage*, 114 (emphasis added).

⁵ Whitfield, *North to Bondage*, 114.

⁶ Barry Cahill, "Slavery and the Judges of Loyalist Nova Scotia," *UNB Law Journal*, 43 (1994): 73 and 79.

⁷ Williams, 4.

⁸ Cahill, 76.

⁹ Whitfield states that they had escaped from slavery in Maryland. The summary of the Fuller case in this chapter is based on Whitfield's description in *North to Bondage*, 110–111.

¹⁰ Whitfield, *North to Bondage*, 111.

¹¹ Note that 'servant' as used in the records of the time might in fact mean 'slave.'

¹² Whitfield, *North to Bondage*, 111.

¹³ Cahill, 86.

¹⁴ Cahill, 86. Cahill describes these judges as "emancipationist rather than abolitionist."

¹⁵ "In the final analysis, Maritime slavery ended because of black agency, growing numbers of anti-slavery whites, and sympathetic judges." Whitfield, 114.

¹⁶ Letter from Dalhousie to Bathurst, 29 Dec. 1816, NSA, RG 1, vol. 112.

¹⁷ Whitfield, *North to Bondage*, 117.

¹⁸ Dr. Tesia Rolle, *The Robing of Sam Moreau*. See also the comments of Sgt. Craig Smith in Brian Murray, director, "The Long Road to Justice: The Viola Desmond Story," stating how the Black communities have built a legacy and have survived, notwithstanding that they were "always put on the worst land furthest away from the towns" and were discriminated against in many other ways. <https://www.youtube.com/watch?v=yI00i9BtsQ8>

¹⁹ *The Halifax Chronicle*, November 1946 (NSA Newspaper), 30.

²⁰ *The Halifax Mail*, 11 January 1947 (NSA Newspaper), 14.

²¹ The “Information” (i.e., the formal, written charge) against Viola Desmond, 8 November 1946, NSA, RG 39 C, volume 937, Supreme Court 13347.

²² For a detailed consideration of the Viola Desmond case, see Constance Backhouse, “‘Bitterly Disappointed’ at the Spread of ‘Colour-Bar Tactics’: Viola Desmond’s Challenge to Racial Segregation, Nova Scotia, 1946,” in “Colour-Coded, A Legal History of Racism in Canada, 1900–1950,” (Toronto: University of Toronto Press, 1999).

²³ Backhouse, 230.

²⁴ Affidavit of Viola Desmond in support of her appeal, 29 January 1947, NSA, RG 39 C volume 937 Supreme Court 13347; Backhouse, 230.

²⁵ An application for certiorari attacks the jurisdiction of the judge to make the decision in question. An appeal is brought to challenge the actual decision, not the judge’s jurisdiction to make it. See also Backhouse, 262.

²⁶ *The Clarion* 15 April 1947, 4 (NSA, Newspaper microfilm 4350).

NSA records state: “Although the document [with this comment of Justice Hall] is now missing from the file, *The King v. Desmond* (N.S. 1947) was reported in *Maritime Provinces Reports* [20 M.P.R.], pp 297-309, where Mr. Justice Hall’s opinion is printed on p. 307.” Carroll J found that the charge against Desmond “has not been substantiated by the evidence given before the magistrate because the accused did actually pay the tax required by one purchasing such a ticket as she was sold.” However, for technical procedural reasons he agreed that her application had to be dismissed. ((1947) 20 MPR 307).

²⁷ “Where the Governor in Council grants a free pardon to a person, that person shall be deemed thereafter never to have committed the offence in respect of which pardon is granted.” Canadian Criminal Code, s.748(3).

²⁸ “The Long Road to Justice: The Viola Desmond Story.”

²⁹ “The Long Road to Justice: The Viola Desmond Story.”

³⁰ Williams, 4.

³¹ Backhouse, 270. It is perhaps ironic that some of the late eighteenth century cases that were part of the “gradualist judicial policy” of emancipation (not abolition) were also decided on procedural and technical rather than substantive grounds. See Cahill, 102.

³² Backhouse, 268.

³³ The Desmond Case, Truro, N.S., *The Clarion*, 2:15 (April 1947), 2, quoted in Backhouse, 268. The following description is taken from the NSA (Nova Scotia Historical Newspapers, *The Clarion*): “Started as a single undated sheet by Carrie Best in 1946 with an intent to publish every two weeks *The Clarion* was centered on life around Second Baptist Church in New Glasgow with sections on “Our church”, “Our homes” and “Our community.” *The Clarion* was relaunched in December 1946 as a multi-paged tabloid sized publication featuring the story of Viola Desmond’s arrest in New Glasgow’s Roseland Theatre. With this issue the paper, edited by Carrie Best, moved from covering the local community to being an advocate for racial equality across the province and covering, in her words, “the progress and achievement of the Coloured people.”

³⁴ Backhouse, 271, referring to comments of Dr. William Pearly Oliver.

³⁵ *R.D.S. v. Her Majesty The Queen* [1997] 3 S.C.R. 484.

³⁶ Rolle, *The Robing of Sam Moreau*.

³⁷ Alex Mason. “How a landmark case heard twenty years ago today shaped a black teen at the centre of it.” *CBC Online*, 16 March 2017. <https://www.cbc.ca/news/canada/nova-scotia/rodney-small-landmark-case-1.4015878>.

³⁸ Decision of Cory J in Supreme Court of Canada, para 63.

³⁹ Cory J, para 74.

⁴⁰ Freeman JA dissented in the Nova Scotia Court of Appeal. He stated: “The case was racially charged, a classic confrontation between a white police officer representing the power of the state and a black youth charged with an offence. Judge Sparks was under a duty to be sensitive to the nuances

and implications, and to rely on her own common sense which is necessarily informed by her own experience and understanding.” (L’Heureux-Dubé and McLachlin JJ, para 57).

⁴¹ Judgment of Justices L’Heureux-Dubé and McLachlin in *R.D.S.*, para. 46; *R v. Parks* [1993], 15 O.R. (3d) 324 (C.A.).

⁴² *R.D.S.*, para 47.

⁴³ Mason, above note 37.

⁴⁴ Mason, above note 37.

⁴⁵ T. Rolle, *The Robing of Sam Moreau*.

⁴⁶ A dominant theme in the recommendations of the Royal Commission on the Donald Marshall, Jr Prosecution was the need to increase the representation of racialized and Aboriginal peoples in positions of power in the legal system. See Naomi Metallic, “Celebrating 30 Years of the Indigenous and Mi’kmaq Initiative: How a Critical Mass of Black and Aboriginal Lawyers Makes a Difference: Lessons from Nova Scotia,” *Directions: Research Reviews from the Canadian Race Relations Foundation* (27 June 2019): 4, accessed via papers.ssrn.com.

⁴⁷ This *Breaking Barriers* report, published in September 1989, was referred to in a subsequent Dalhousie University report, Amy Bombay and Kevin Hewitt, *A Report from the Committee on Aboriginal and Black/African Canadian Student Access and Retention: A Focus on Financial Support*, October 2015. In this 2015 report, the authors state:

[W]e have been forced to conclude that racism is a problem in the Nova Scotia education system. Few of us were aware of the number and height of the barriers which face indigenous Black and Micmac [sic] students who want to pursue higher education in Nova Scotia. These barriers include racist attitudes in the larger society, low self-esteem and expectations on the part of minority students, limited financial resources and inadequate academic skills as a consequence of the pre-university educational system.”

⁴⁸ Information here about the IB&M Initiative is taken from the website of the Schulich School of Law, Dalhousie University, at: <https://www.dal.ca/faculty/law/indigenous-blacks-mi-kmaq-initiative.html>.

⁴⁹ Metallic, 6–7.

⁵⁰ Metallic, 6–7.

⁵¹ Metallic, 12.

⁵² Metallic, 12.

⁵³ Jacob Boon, “How Halifax Failed Randy Symonds,” *The Coast*, 14 June 2018. <https://www.thecoast.ca/halifax/how-halifax-failed-randy-symonds/Content?oid=15345973>. See also Nova Scotia Human Rights Commission, *Y.Z. (Complainant) and Halifax Regional Municipality (Respondent)*, Board File No. 51000-30-H05-1860.

⁵⁴ Nova Scotia Human Rights Commission, *Dino Gilpin (Complainant) and Halifax Alehouse Limited (Respondent)*, Board File No. 51000-30-H10-1765 (June 13, 2013, para 43).

⁵⁵ Nina Corfu. “Former lieutenant-governor Mayann Francis says she faces racial profiling,” *CBC Online*, 31 March 2016. <https://www.cbc.ca/news/canada/nova-scotia/lieutenant-governor-racial-profiling-1.3512782>.

⁵⁶ Heide Pearson, “Sobeys to apologize, compensate Andrella David in racial profiling case,” *Global News Online*, 26 August 2016. <https://globalnews.ca/news/2905802/sobeys-to-apologize-compensate-andrella-david-in-racial-profiling-case/>; Nicola Middlemiss, “Sobeys backtracks after boycott threat,” *Human Resources Director*, 24 August 2016 <https://www.hcamag.com/ca/news/general/sobeys-backtracks-after-boycott-threats/128144>

⁵⁷ Dr. Scot Wortley, *Halifax Nova Scotia: Street Checks Report* (Nova Scotia Human Rights Commission, 2019). https://humanrights.novascotia.ca/sites/default/files/editor-uploads/halifax_street_checks_report_march_2019_0.pdf

⁵⁸ But Cahill reminds us that the refusal of these judges to allow the law and the courts to be used to enforce the rights of slave owners “fostered a heritage of resentment.” He refers to Mannette’s view that “...a practice and its ideological forms cannot simply be overturned by a legal act. These practices merely become modified in terms of a new ideology.” (J.A. Mannette, “Setting the Record Straight: The Experience of Black People in Nova Scotia, 1780–1900”, MA thesis, Carleton University, 1983). Cahill

concludes that this “new ideology” is today’s racism. Cahill, 126–127.

⁵⁹ United Nations Human Rights Council, *Report of the Working Group of Experts on People of African Descent*, 16 August 2017.

⁶⁰ United Nations Human Rights Council, *Report*, para. 33.

9. LORD DALHOUSIE PANEL AND THE INTERNATIONAL DECADE FOR PEOPLE OF AFRICAN DESCENT: RECOGNITION, RECONCILIATION, AND RECOMPENSE: BRIEF REFLECTIONS

¹ United Nations General Assembly, Res.68/237. *Proclamation of the International Decade for People of African Descent*, December 23, 2013.

² —, Res.62/122. *Permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade*, December 17, 2007.

³ —, *Resolutions of the Declaration: United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance*, September 8, 2001, 6.

⁴ —, *Recognition: 2015–2024 – International Decade for People of African Descent*. <http://www.un.org/en/events/africandescentdecade/recognition.shtml>.

⁵ Trevor R. Getz, *African Voices of the Global Past: 1500 to the Present* (Boulder, Colorado: Westview Press, 2014), 2–3.

⁶ See *Recognition: 2015–2024*.

⁷ Cooper, *The Hanging of Angelique*, 68.

⁸ Walker, 13.

⁹ Letter from Theophilus Chamberlain to the Hon. Charles Morris, 11 November 1815, NSA, RG 1, vol. 419, No. 41.

¹⁰ United Nations, Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to Canada* (August 16, 2017), available from undocs.org/A/HRC/36/60/Add.1, 7, 8.

¹¹ United Nations, Human Rights Council, *Report*, 12, 13.

¹² United Nations, Human Rights Council, *Report*, 1, 16.

¹³ See CARICOM, Ten Point Plan for Reparatory Justice at: www.caricom.org/caricom-ten-point-plan-for-reparatory-justice/.

10. MOVING FORWARD: REPARATORY JUSTICE

¹ Grace-Edward Galabuzi, *Canada’s Economic Apartheid: The Social Exclusion of Racialized Groups in the New Century* (Toronto: Canadian Scholars’ Press, 2006), 249.

² Galabuzi, 17–18.

³ Galabuzi, 18.

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