

FORUM

The Black Loyalist Myth in Atlantic Canada

When Lincoln at the beginning of the rebellion in the South undertook to please the rebels by setting at liberty their slaves, while he retained those of the friends of the government in bondage, he merely acted upon a precedent established by the English commander-in-chief at the time of the Revolutionary War.

— T. Watson Smith, 1871

SOMETIME BETWEEN 1783 AND 1811 Benjamin West, the expatriate American artist who was court historical painter to King George III, painted an allegory entitled *Reception of the American Loyalists by Great Britain in the Year 1783*.¹ Among the figures in this apparently now-lost painting are a family of Black refugees, who in 1815 were described by the owner of the painting, John Eardley-Wilmot, as “looking up to Britannia in grateful remembrance of their emancipation from Slavery”.² From this we could infer that, as James Walker argues, fugitive slaves were indeed American Loyalists, and the Revolution was the “slaves’ war for independence”.³ But West’s allegory of Britannia hides a truth and, more importantly, presents a falsehood. Certainly there were Blacks among the Loyalists, but the fugitive slaves of Patriots, who were transported to Nova Scotia concurrently with the Loyalists and their slaves, did not by virtue of that fact become “Black Loyalists”. The fugitive slaves were a subcategory of “Blacks” not “Loyalists”.

A soberer reading of West’s visual trope is that Great Britain “received” the fugitive-slave refugees by not repatriating them to their American owners, as required by Article VII of the Treaty of Paris. Another way of explicating the allegory is to see the Blacks in the painting as freeborn or manumitted and thus capable of being Loyalists in the full-blown historical sense of the term. These, though, were not the

- 1 See Mary Beth Norton, “Eardley-Wilmot, Britannia, and the Loyalists: A Painting by Benjamin West”, *Perspectives in American History*, 6 (1972), pp. 128-31. A preliminary version of this paper was delivered at the Federation of Nova Scotian Heritage Conference, Sydney, N.S., 22 May 1998.
- 2 John Eardley-Wilmot, *Historical View of the Commission for Enquiring into the Losses, Services and Claims of the American Loyalists* (London, 1815), pp. vii-viii.
- 3 James W. St.G. Walker, “Blacks as American Loyalists: The Slaves’ War for Independence”, *Historical Reflections*, II, 1(Summer 1975), pp. 51-67, reprinted in Paul Finkelman, ed., *Slavery, Revolutionary America and the New Nation* (New York and London, 1989), pp. 447-63. For the same argument from the American rebel-patriot-republican perspective see Benjamin Quarles, “The Revolutionary War as a Black Declaration of Independence”, in Ira Berlin and Ronald Hoffman, eds., *Slavery and Freedom in the Age of the American Revolution* (Charlottesville, Va., 1983), pp. 283-301. Except where otherwise indicated, this article is based on the following works additional to the above: Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill, N.C., 1961), pp. 111-81,

Barry Cahill, “The Black Loyalist Myth in Atlantic Canada”, *Acadiensis*, XXIX, 1 (Autumn 1999), pp. 76-87.

readings Loyalist Claims Commissioner Eardley-Wilmot chose to give the painting. Nor is West's painting mere allegory; it is propaganda for a government which permitted the Loyalists to keep their slaves, rather than lose them permanently as the rebellious American colonists had. The Black Loyalist myth did not begin with West's allegory of a beneficent Britannia, but an important element of both is the idea that Black slaves became American Loyalists upon their emancipation by the British. No such transition took place.

"When history becomes mythology", writes David Bell in the preface to his study of the Saint John Loyalists, "it becomes awkward and socially dangerous".⁴ This has been the case in Nova Scotia, where the Black Loyalist myth, an invention of academic scholars, has become a potent force in the cultural heritage of the Black community.⁵ Its construction was consistent with the "me-tooism" of public history, which is more concerned with modern cultural sensibilities than historical reality. Yet the appeal of the myth extended well beyond the realm of public history. It was perfectly attuned to the ideology and psychology of the civil rights and human rights movements of the 1960s and 1970s and facilitated social levelling, retrospectively breaking down class barriers among Black people. Within the mythology, freeborn, educated elite Blacks, such as Birchtown's Stephen Blucke,⁶ were thrown together with fugitive slaves in a great melting-pot, creating the misleading impression that

passim; Robin W. Winks, *The Blacks in Canada: A History*, 2nd ed. ([1971] Montreal and Kingston, 1997), pp. 31 et seq.; John N. Grant, "Black Immigrants into Nova Scotia, 1776-1815", *Journal of Negro History*, LVIII, 3 (July 1973), pp. 253-6; Sylvia R. Frey, "The British and the Black: A New Perspective", *Historian*, XXXVIII, 2 (February 1976), pp. 225-38; James W. St.G. Walker, *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone, 1783-1870*, 2nd ed. ([1976] Toronto, 1992), pp. 1-17; Ellen Gibson Wilson, *The Loyal Blacks* (New York, 1976); Peter Wood, "Black Freedom Struggles on the Eve of White Independence", in Gary B. Nash, ed., *Retracing the Past: Readings in the History of the American People*, vol. I (New York, 1986), pp. 132-41; John Ruch, "Blacks Among the Loyalists", in United Empire Loyalist Association of Canada — Heritage Branch (Montreal), *The Loyalists of Quebec, 1774-1825: A Forgotten History* (Montreal, 1989), pp. 201-15; Walker, "On the Record: The Testimony of Canada's Black Pioneers, 1783-1865", in Aubrey W. Bonnett and G. Llewellyn Watson, eds., *Emerging Perspectives on the Black Diaspora* (Lanham, Md., 1990), pp. 79-110, *passim*.; Wallace Brown, "The Black Loyalists in Canada", *The Loyalist Gazette*, XXVIII, 1 (Spring 1990), pp. 11-14; Sylvia R. Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton, 1991), pp. 193ff.

4 D.G. Bell, *Early Loyalist Saint John: The Origin of New Brunswick Politics, 1783-1786* (Fredericton, 1983), pp. viii-ix.

5 Eldred MacIntyre denies that Nova Scotia ever had a Loyalist tradition, much less a Loyalist myth: E.A. MacIntyre, "Nova Scotian Perceptions of the Loyalists 1820-1911", M.A. thesis, Queen's University, 1989, pp. 76 n. 1, 197 n. 23, 229. See pp. 139-40 for MacIntyre's thoughts on Black Loyalists. See also David V. J. Bell, "Nation and Non-Nation: A New Analysis of the Loyalists and the American Revolution", Ph.D. thesis, Harvard University, 1969, pp. 223-50; David V. J. Bell, "The Loyalist Tradition in Canada", *Journal of Canadian Studies*, 5, 2 (May 1970), pp. 22-33; Jo-Ann Fellows, "The Loyalist Myth in Canada", *Historical Papers* (1971), pp. 94-111; Murray Barkley, "The Loyalist Tradition in New Brunswick: The Growth and Evolution of an Historical Myth, 1825-1914", *Acadiensis*, IV, 2 (Spring 1975), pp. 3-45. Though none of these discussions envisages a Black Loyalist tradition or myth, the argument here is that a term such as *myth* is no less applicable to Nova Scotia Black studies than to Ontario and New Brunswick Loyalist literature.

6 See Barry Cahill, "Stephen Blucke: The Perils of Being a White Negro in Loyalist Nova Scotia", *Nova Scotia Historical Review*, 11, 1 (December 1991), pp. 129-34.

the free Blacks were all of the same class. While the older Loyalist myth cast the loyal refugees as the “aristos” of the American Revolution and highlighted their gentility, the new Black Loyalist myth is classless. It compensates for the lack of a Loyalist tradition among Blacks by offering a vision of ethnic exclusiveness and chosen-people uniqueness. Real Loyalists such as Blucke have little profile in the myth partly because they were freeborn and partly because they were suspected in their time (and after) of being “white negroes” — or, worse, Uncle Toms. My purpose in tracing the origins of the Black Loyalist hypothesis is to show that it is not only an historical myth, but also a potentially dangerous one, since the main constitutive element of the myth — Loyalism — was not relevant to fugitive slaves.

The emergence of a Black Loyalist mythology has been abetted by a lack of clarity concerning how to define Black Loyalism.⁷ The collective reality of Black Loyalists tends simply to be taken for granted. The earliest usage of the term “Negro Loyalists” that I am aware of occurs in the historical writings of Thomas Chandler Haliburton,⁸ whose classic fiction has recently been severely criticized for promoting racism. One wonders whether the Negro Loyalists are not cut from the same cloth as Haliburton’s alter ego, Sam Slick, on whose pronouncements George Elliott Clarke bases his starkly revisionist characterization of Haliburton as a White supremacist.⁹ If so, demythologizing the Black Loyalists is a matter of some urgency. Haliburton lumps the free-born or manumitted Blacks together with the fugitive slaves and makes Loyalists of the lot. It was nearly 150 years after Haliburton’s history of Nova Scotia before the Negro Loyalists were heard of again. In a scholarly article published in 1971, Evelyn Harvey suggested the exodus to Sierra Leone provided conclusive evidence that it had been a mistake for the British to send the freed Blacks to Nova Scotia, though she stopped well short of saying that it was a mistake for the British to have given refuge to escaped slaves in the first place.¹⁰

7 Paul H. Smith noted in an early quantitative analysis of Loyalists that “Efforts to classify persons in a revolution run afoul of insuperable problems of definition”: “The American Loyalists: Notes on Their Organization and Numerical Strength”, *William and Mary Quarterly*, 3rd ser., XXV, 2 (April 1968), pp. 259-77. And he implicitly excluded Blacks who were fugitive slaves from Loyalist classification. R.S. Allen, on the other hand, defines the Black Loyalists as “ex-slaves from the American colonies who had joined the British cause during the revolution and were given the *nominal status of free men*”: Robert S. Allen, *Loyalist Literature: An annotated bibliographic guide to the writings on the Loyalists of the American Revolution* (Toronto and Charlottetown, 1982), p. 52 [emphasis added]. Allen was vague about the postwar status of the ex-slaves, a problem at the time and more recently for historians. Although Loyalists existed throughout the war, “Black Loyalists” appeared only at the end of it, and then only as an attempt to answer the status question in one of the many senses in which it could be posed — legal, high-political, military, diplomatic, logistical, ethical, social.

8 Thomas C. Haliburton, *An Historical and Statistical Account of Nova Scotia*, II (Halifax, 1829), p. 291.

9 George Elliott Clarke, “Must We Burn Haliburton”, in Richard A. Davies, ed., *The Haliburton Bicentenary Chaplet: The 1996 Thomas Raddall Symposium* (Wolfville, N.S., 1997), pp. 1-40. See also George Elliott Clarke, “White Niggers, Black Slaves: Slavery, Race and Class in T.C. Haliburton’s *The Clockmaker*”, *Nova Scotia Historical Review*, 14, 1 (June 1994), pp. 13-40.

10 Evelyn Harvey, “The Negro Loyalists”, *Nova Scotia Historical Quarterly*, 1, 3 (September 1971), pp. 181-200. It is surprising that neither Harvey’s article nor a more sympathetic study by the distinguished Loyalist historian Wallace Brown is cited in the exhaustive bibliography to Walker’s *The Black Loyalists*. See Wallace Brown, “Negroes and the American Revolution”, *History Today*,

This is not to say that no free African-Americans were Loyalists. At issue is whether fugitive slaves and Loyalists who happened to be Black can be merged to produce Black Loyalists. The latter included freeborn Blacks and manumitted slaves, some 47 of whom filed Loyalist claims.¹¹ Many, perhaps most, Loyalists of colour do not appear in the Inspection Roll of fugitive-slave refugees embarking at New York for Nova Scotia in the autumn of 1783, and the majority of Blacks recorded there are not Loyalists.¹² The fugitive slaves who defected to the British were seeking refuge from slavery, not from rebellion. Blacks who were free before the rebellion, before martial law was proclaimed and before the slaves of rebels were provisionally liberated, might become Loyalists if they so chose. But the vast majority of the so-called “Black Loyalists” were Blacks who were not Loyalists and could not join their ranks. They were fugitive slaves deserting in response to a proclamation of martial law, which suspended habeas corpus and conferred extraordinary powers on the government. The fugitive slaves had no status in civil society, a fact which their postwar experience in Nova Scotia would confirm. The implied definition of Black Loyalists is Black people who were loyal to the Crown, and it excludes *ex hypothesi* the freed Blacks — precisely because they were fugitive slaves.

The Black Loyalist myth followed a quite different trajectory from the Loyalist one. The Loyalist tradition-myth has been with us since the years after the War of 1812.¹³ The Black Loyalist myth, on the other hand, is of recent vintage, scarcely antedating the 1980s. Although the Loyalist tradition and myth have been studied intensively (and deconstructed), the Black Loyalist hypothesis has been accepted uncritically. Its origins lie in James Walker’s normative interpretation of the fugitive slaves as American Loyalists and the American Revolution as the “slaves’ war for independence”.¹⁴ It grew out of Walker’s attempt to resolve the paradox of the fugitive slaves, who were no longer slaves but were not yet Loyalists. And it reflected his critique of Robin Winks for failing “to put an end to the ‘victims’ school of Black Canadian historiography”.¹⁵ Walker saw no reason why the fugitive slaves could not be more, while for Winks fugitive slaves and Loyalists were mutually exclusive. The great gulf fixed between these two categories was slavery, which the former had

XIV, 8 (August 1964), pp. 556-63. Brown, for his part, graciously drew attention to Walker’s research three years before the latter’s doctoral dissertation was completed and six years before the monograph derived from it was published: “The View at Two Hundred Years: The Loyalists of the American Revolution”, *Proceedings of the American Antiquarian Society*, 80, 1 (April 1970), p. 43, n. 61.

- 11 On this subject see Wallace Brown, *The King’s Friends: The Composition and Motives of the American Loyalist Claimants* (Providence, R.I., 1965), pp. 275-6; Peter Fryer, *Staying Power: The History of Black People in Britain* (London and Sydney, 1984), p. 191 ff.
- 12 Nominal roll of Black refugees registered and certified after having been inspected by the commissioners appointed by General Sir Guy Carleton (commander-in-chief of the British Army in America) on board the vessels on which they were embarked, previous to their sailing from New York for Nova Scotia between 23 April and 30 November 1783; original now in the Carleton Papers at the Public Record Office (London).
- 13 Daniel Francis, *National Dreams: Myth, Memory, and Canadian History* (Vancouver, 1997), p. 56.
- 14 Walker, *Black Loyalists*, p. 1.
- 15 Robin W. Winks, “Review of Walker, *The Black Loyalists*”, *Dalhousie Review*, 57, 1 (Spring 1977), p. 150. But Walker did so at the cost of depicting the Black Loyalists as fully free agents, which they were not, and denying that they too, as ex-slaves, were victims — “pawns of the peacemakers”, as Wilson rightly describes them in *Loyal Blacks*.

escaped and the latter continued to practise.

The Black Loyalist myth helped to bring Black people into the mainstream of historical scholarship. It also offered a qualitative alternative to quantitative slave studies. It was not until the freed Blacks had become Black *Loyalists* — had joined the club, so to speak — that their historical significance began to be appreciated. They had to be assimilated. They could not be just Blacks, nor even freed Blacks; they had to be “Black Loyalists”, a respectable ethnocultural minority identifiable more by their Loyalism than by their Blackness. The Black Loyalist myth plays a role in Black history similar to that which the Loyalist tradition plays in the White history. It is the missing link in what Walker calls the Black Loyalists’ search for a promised land in Nova Scotia and Sierra Leone. No Loyalist tradition, however, grew up among the descendants of the freed Blacks, most (though by no means all) of whom emigrated in 1792. The myth therefore represents an ethnic appropriation of an almost exclusively White phenomenon. Instead of a Black Loyalist tradition arising among the remnant of the freed Blacks remaining behind in New Brunswick and Nova Scotia after the 1792 exodus to Sierra Leone, we have a Black Loyalist myth based on White Loyalist tradition.

Indeed, Black people seem to have been the only group who did not invest in the creation of a Loyalist tradition. Why? Because their ancestors were not Loyalists. That was not how they saw themselves or were seen by others — British, Loyalists or Patriots — during and after the Revolution. For the fugitive slaves to have bought into Loyalism would have amounted to denying the slavery from which they had so recently escaped, not to mention other, more subtle, forms of oppression and discrimination against Black people. Moreover, until the 1970s Black people themselves knew, through the content of oral tradition and race memory, that there had never been any such thing as the Black Loyalists. The reason why the “Freed Blacks” were treated separately, unequally and unjustly, is that they were not Loyalists in the historical sense of the word — as the slaveholders were or freeborn or manumitted Blacks might be. The slavery from which they had only just escaped, and which still bound most of their fellow Nova Scotian Blacks, disqualified them.

Propagation of the Black Loyalist myth was given great impetus by the American Loyalist bicentenary, which was itself the culmination of a 15-year ferment in Loyalist scholarship.¹⁶ The Black Loyalist myth was quickly linked to the public presentation of history and heritage conservation — and subsequently to heritage tourism. The Birchtown Black Loyalist Historic Site is a case in point. In July 1996 the Historic Sites and Monuments Board of Canada, at the instigation of one of its members who is a distinguished academic historian, erected a plaque at Birchtown commemorating the Black Loyalists.¹⁷ The inscription states that “over 3500 free African Americans loyal to the Crown” moved to Nova Scotia and New Brunswick, “where they established the first Black communities in Canada”. There is no question

16 For before and after review articles see Wallace Brown, “Loyalist Historiography”, *Acadiensis*, IV, 1 (Autumn 1974), pp. 133-8, and David A. Wilson, “The Ambivalent Loyalists”, *Acadiensis*, XIV, 1 (Autumn 1984), pp. 122-37.

17 Historic Sites and Monuments Board of Canada (HSMBC), agenda paper 1993-25; I am grateful to Colin Old of HSMBC for his kind assistance.

that Birchtown is an historic site of national significance, nor is there anything objectionable in the inscription, except the implied definition of the freed Blacks as “loyal to the Crown”. This is the mythic element. The Blacks collectively were freed, not free, and they were not Loyalists, but fugitive slaves who absconded from the rebels in order to secure their liberty at the invitation of the British military. How times had changed! Thirty years earlier, before the Black Loyalists were invented, the people of Birchtown approached the Nova Scotia Historic Sites Advisory Council, only to be told that there was nothing historic about their community. “Birchtown”, wrote the chair of the Advisory Council to the premier, “came into being as a sort of shack town, a settlement of the slaves who came with the Loyalists and were left there by the families who moved on”.¹⁸ Birchtown, in other words, was Shelburne’s Africville, not a concentrated and sustainable rural community but an urban ghetto without a history worth preserving for interpretation much less celebration. As Ian McKay noted ironically, “Blacks were not within the pale of historical significance”.¹⁹ If Black people were insignificant to the White establishment of 1963, how much more so in 1783?

The bicentenary of the Black Loyalists was celebrated in 1983 because it was part of the larger commemoration of the American Loyalists. The reason why the bicentenary of the exodus of freed Blacks from Nova Scotia to Sierra Leone was in general not celebrated outside the Black community in 1992 was because that bicentenary was not part of a larger, multicultural whole.²⁰ And, to make matters worse, the exodus implicitly concerned the Loyalist betrayal of Black freedom. The bicentenary of the exodus was also not celebrated because it reflected poorly on the Loyalists, by raising the question of Loyalist complicity in the slave traffic and in attempts to reduce the freed Blacks to slavery. Historians such as Walker, who deplore the failure to commemorate the 1992 bicentenary in the same way as the 1983 one, fail to recognize that the underlying reason for this was the hegemony of the Black Loyalist myth and its progressive undermining of Black history. That the second Loyalist bicentenary — the Black one — was not observed outside the African-Canadian community suggests that there was nothing in common between the Loyalist experience and the freed Black experience. The bicentenary year 1983 recalled a memorable triumph; the bicentenary year 1992 recalled an embarrassing failure. Just as the exodus was a Black matter, so Loyalism was a White matter. And latter-day celebrators of the Loyalists could hardly be expected to comprehend the significance of a watershed event in the history of African-Canadians — and indeed modern Africans — which had its roots in Loyalist exploitation of Black people, both

18 Will R. Bird to R.L. Stanfield, 8 February 1963, Nova Scotia Historic Sites Advisory Council fonds, MG 20, vol. 934, file P.6, Nova Scotia Archives and Records Management. I owe this reference to Ian McKay. “History and the Tourist Gaze: The Politics of Commemoration in Nova Scotia, 1935-1964”, *Acadiensis*, XXII, 2 (Spring 1993), p. 136. Uncritical acceptance of the Black Loyalist myth is conspicuous in the case of Stephen Blucke, who is routinely described as the colonel of the Black Pioneers — even Walker falls into this trap — despite the fact that he was a civilian and had nothing whatever to do with the Black Pioneers, which had no Black commissioned officers.

19 McKay, “History and the Tourist Gaze”, p. 135.

20 This is an elaboration of a point made by Walker. See “Preface to the 1992 Edition”, *Black Loyalists*, pp. xvii-xviii.

slave and free. The experience of the freed Blacks who moved to Nova Scotia included being conflated with slave Blacks who had the misfortune to be held by Loyalists rather than by Patriots when the war broke out, and who were thus transported to Nova Scotia along with the rest of their master's chattels. With the exodus, freed Blacks rejected Loyalism and the things that went with it, including slavery. In Sierra Leone the fugitive-slave refugees from the American Revolution were not Loyalists; they were Nova Scotians.

Sometime between the largely unnoticed 1992 bicentenary of the exodus and the 1996 erection of the plaque at Birchtown (the refugee community that offered the sharpest opposition to the West African adventure fostered by English abolitionists), Black Loyalists recrossed the threshold between myth and history. They entered the twilight zone which the American historian William Hardy McNeill has described as "mythistory". The Black Loyalist myth has made the freed Blacks as fashionable now as the Loyalists were unfashionable before the bicentenary of their flight from the Republic inaugurated their rehabilitation. It has come to include the idea that fugitive slaves were Nova Scotia's first anti-slavery activists. Walker's assertion that the mere presence of "the Black Loyalists helped to end slavery" reflects the broader trend.²¹ A stronger case can be made that the arrival of so many additional slaves and slaveholders helped to prolong slavery.

Walker criticized Winks's treatment of African-Canadian history as the history of race relations from the perspective of White colour-prejudice, and he developed the Black Loyalist hypothesis as an antidote. But the theoretical base on which the Black Loyalist hypothesis rests is inadequate; the evidence lends itself better to Winks's approach. Neither the Black Loyalist hypothesis nor the myth to which it gave rise allows for the fact that it was racism tout court which prevented the fugitive-slave refugees from being, or being seen to be, Loyalists. It is Walker's misplaced emphasis on the Black Loyalists as something more than fugitive slaves — not Winks's well-placed "emphasis on conflict between the races" — which "leaves out the history of the Black community".²² Promoters of the Black Loyalist concept overlook Loyalist slaveholders — and there were many — and neglect to note that in general Loyalists defended colour slavery.²³ One result of this is that we know much more about fugitive slaves than about the unfree Blacks whom Loyalists continued to hold in slavery — the tragically misnamed "servants".²⁴ Fewer records concerning them exist, as fewer records needed to be created, but there is sufficient material to compile a work paralleling Marcel Trudel's dictionary of slaves and their owners in New France and the old province of Quebec.²⁵ The chief victims of the Loyalists were the Black

21 Walker, "Review of Winks, *Blacks in Canada*", *Dalhousie Review*, 51, 2 (Summer 1971), p. 283.

22 Walker, "Review of Winks, *Blacks in Canada*", p. 285.

23 On this subject see Barry Cahill, "Slavery and the Judges of Loyalist Nova Scotia", *University of New Brunswick Law Journal*, 43 (1994), pp. 73-125, and "Habeas Corpus and Slavery in Nova Scotia: *R. v. Hecht, ex parte Rachel, 1798*", *University of New Brunswick Law Journal*, 44 (1995), pp. 179-209.

24 Compare "Black Loyalists" for "fugitive slaves" with "servant" for "slave" — a euphemism which at least had the virtue of historical contemporaneity.

25 Marcel Trudel, *Dictionnaire des esclaves et de leurs propriétaires au Canada français* (Lasalle, 1990). Nor is there anything for Atlantic Canada comparable to Trudel's magisterial history, *Esclavage au Canada français* (Québec, 1960). It seems odd that the fugitive slaves should be studied

slaves, not the freed Blacks, and it is the former who have been sidelined by the Black Loyalist myth, in much the same way that freed Blacks were marginalized both by the Loyalist myth and, until 1983, by Loyalist history. The unfortunate embryonic state of slave studies in Atlantic Canada²⁶ has contributed to the persistence of the historical myth of the Black Loyalists, as there have not been studies which consider the connection between the Black slaves as retained property of the Loyalists and the freed Blacks as stolen property of the rebels.

The freed Blacks were fugitive slaves, not would-be Tories absconding from their rebel masters on the grounds of political principle or expedience. They anticipated that Britain would win and that the royal bounty of freedom would be extended to all slaves. Instead, Britain discontinued the war, and the ex-slaves of the Patriots were transported to Nova Scotia, as were the slaves of the Loyalists. By and large the fugitive slaves were not active participants in the civil war that engulfed the Thirteen Colonies. The exception to this general rule of nonparticipation was the minority of Black men who served in segregated Loyalist provincial corps such as the Company of Negroes and the Black Pioneers, and freeborn or manumitted Blacks such as the 40-odd who filed Loyalist Claims — nearly all of whom were servicemen or irregulars.²⁷

Unfortunately for the Black refugees, the war ended in Britain's defeat, and the Treaty of Paris provided for the return of "any Negroes or other property of the American inhabitants". The Americans made no distinction between the escaped slaves of Patriots and slaves held by Tories. The Loyalists carried away their "Negroes [and] other property", while the Patriots ended up losing their slaves — despite the express prohibition contained in Article VII of both the provisional (1782) and the definitive (1783) treaty of peace. The fugitive slaves became in effect wards of the crown. The various "emancipation proclamations", all delivered under martial

in preference to, or isolation from, the bond slaves who were established in Nova Scotia long before the Black Loyalists arrived and remained unfree long after they left. But it is difficult to distinguish between Black refugees and the slaves of Loyalists: Walker, *Black Loyalists*, p. 16, n. 24. The emphasis on the Black Loyalists has in view the second founding in 1792 of Sierra Leone. See George Shepperson, "Back to Africa [review of Walker, *Black Loyalists*]", *Times Literary Supplement*, 3908 (4 February 1977), p. 134.

26 The most recent bibliography is found in Walker, *Race, Rights and the Law in the Supreme Court of Canada* (Toronto, 1997), pp. 378-79, n. 9. See also Walker, "Allegories and Orientations in African-Canadian Historiography: The Spirit of Africville", *Dalhousie Review* 77, 1 (Summer 1997), pp. 173-7.

27 The Black Pioneers were an all-Black regiment of fugitive slaves commanded by white officers. "Because most of the Negroes enlisted in this corps cannot properly be classified as loyalists", Paul H. Smith "omitted the Black Pioneers from [his] overall calculations": Smith, "The American Loyalists", p. 271. The reason, of course, is that they were fugitive slaves. Elsewhere Smith gets through a severely revisionist article on Carleton's American regime without once referring to the fugitive slaves as a bone of contention: "Sir Guy Carleton, Peace Negotiations, and the Evacuation of New York", *Canadian Historical Review*, 1, 3 (September 1969), pp. 245-64. The same is true of Esther Clark Wright, whose prosaic article on the same subject makes no reference to the freed Blacks, even though she quotes verbatim the text of Article VII of the treaty: Esther Clark Wright, "The Evacuation of the Loyalists from New York in 1783", *Nova Scotia Historical Review*, 4, 1 (June 1984), pp. [5]-25.

law — Dunmore (1775),²⁸ Howe (1776?), Cornwallis (1778?), Clinton (1779)²⁹ — which are supposed to have summoned the Black Loyalists into being, instead created fugitive slaves (another class of civil war refugees) not freedmen. These are the circumstances that led to a second exodus to Sierra Leone and which contextualize this event in African-Canadian history. In the history of the American Republic, it is this reality that informs the view, still prevailing, that the evacuation of fugitive slaves by the British was the earliest case of violation of an Anglo-American treaty.³⁰ As well, this is what lies behind passage of the first federal fugitive slave act in the United States.³¹ It was passed in 1793, one year after most of the freed Blacks in Nova Scotia and New Brunswick had given up their ten-year struggle to exercise those fundamental rights born of constitutional liberty, which harsh experience had shown they did not possess, and left for Africa.

If most Blacks had been Loyalists, then the outcome might have been different. It is worth noting that the few Blacks who *were* Loyalists, such as Stephen Blucke, opposed the West African adventure. Arguably the freeborn or manumitted Blacks had a different mindset from the fugitive-slave refugees and their different attitudes towards the exodus are the key to unlocking the Black Loyalist myth. The fugitive slaves knew they were not truly free, either in America or in Nova Scotia, and hoped that in Africa they might be.

The Black Loyalist concept does not fit well with much of the American historiography concerning this period, given its focus on fugitive slaves as lost property.³² Ellen Gibson Wilson's *Loyal Blacks* (1976) is an important exception. It is modestly described in the publisher's blurb as "destined to be the classic and

28 See Benjamin Quarles, "Lord Dunmore as Liberator", *William and Mary Quarterly*, 3rd ser., XV, 4 (October 1958), pp. 494-507; Francis L. Berkeley, Jr., *Dunmore's Proclamation of Emancipation* (Charlottesville, Va., 1941). Dunmore, afterwards governor of the Bahamas, was himself a slaveholder: Marion Robertson, *King's Bounty: A History of Early Shelburne, Nova Scotia* (Halifax 1983), pp. 94-5; Sylvia Frey, "Between Slavery and Freedom: Virginia Blacks in the American Revolution", *Journal of Southern History*, XLIX, 3 (August 1983), p. 387. See also Frances Moorman Walker, "Lord Dunmore in Virginia", M.A. thesis, University of Virginia, 1933, pp. 122-3. The Patriot Convention's response was to enact an ordinance whereby all Black slaves, indentured servants and criminals who responded to the proclamation would be summarily executed without benefit of clergy — as if they had been tried and convicted of high treason.

29 "In 1779 the British renewed the offer, first made by Dunmore in 1775, of manumission to slaves who abandoned rebel masters. This offer was made simply with the intention of disrupting the rebel forces, and any wider anti-slavery message was scrupulously avoided. But it had the effect of rallying wavering planters to the side of the rebellion": Robin Blackburn, *The Making of New World Slavery from the Baroque to the Modern, 1492-1800* (London and New York, 1997), p. 482.

30 John Bigelow, *Breaches of Anglo-American Treaties: A Study in History and Diplomacy* (New York, 1917), pp. 8-13. The definitive study remains Frederic Austin Ogg, "Jay's Treaty and the Slavery Interests of the United States", *Annual Report of the American Historical Association for 1901* (Washington, 1902), I, pp. 275-98.

31 Second Congress, Session II, Chap VII (12 February 1793), *An Act respecting fugitives from justice, and persons from the service of their masters: Public Statutes at Large of the United States of America*, I (Boston, 1848), p. 302.

32 A recent and characteristic example is Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, Mass., 1998), p. 242 (though the term "Black Loyalists" occurs). See also Jack P. Greene and J. R. Pole, eds., *Blackwell Encyclopedia of the American Revolution* (Cambridge, Mass., 1991), which discusses Loyalists and Blacks but not Black Loyalists. Robert M. Calhoun's article, "Loyalism and Neutrality" (p. 247), has a section dedicated to "Indians

definitive account of the first American blacks emancipated in the American Revolution". There are problems with the interpretation in this book, as Wilson links emancipation with fugitive slaves joining the British army, which was not the case. Wilson, however, stops short of calling fugitive slaves Black Loyalists and correctly notes that the slaves of some of the winners of the American Revolution were "inadvertently emancipated" by the losers.³³

The developmental phase of the Black Loyalist myth occurred in the period from 1968 to 1976, which saw the publication of Winks's *Blacks in Canada*, Walker's *Black Loyalists*³⁴ and Wilson's *Loyal Blacks*. The definition of the term "Black Loyalist" that emerged in this period was the almost incidental one in Phyllis Blakeley's 1968 study of Boston King, a freed slave who became a Methodist evangelist: "Negro Loyalists were the group of Negroes who escaped from slavery and took refuge with the British Army".³⁵ Neil MacKinnon, after understatedly observing that "The Blacks . . . were a distinct historical issue, somewhat apart from the mainstream of the white Loyalist experience", deferred to James Walker's 1973 doctoral dissertation by excluding the Blacks from his own thesis on Nova Scotia's Loyalists.³⁶ If the freed Blacks were so marginal that they could be excluded from a study of the first decade of the Loyalist experience in Nova Scotia, what does this say about their status as "Loyalists"?

Early African-American historiography — the Carter Woodson school, as exemplified by the *Journal of Negro History* — was no more sympathetic in its view of the latter-day Black Loyalists than colonial American historiography generally. Indeed, in its pre-Afrocentric phase, Black history was Americanist and chauvinistic

Serving the Loyalist Cause" (p. 253), but nothing for Blacks serving the Loyalist cause. Calhoun took the same approach in *The Loyalists in Revolutionary America, 1760-1781* (New York, 1965), which is the definitive American study. Native people have a chapter to themselves ("Iroquois Adherence to the Crown"), while Black adherence to the Crown is not mentioned at all. Cf. Donald L. Robinson, *Slavery in the Structure of American Politics, 1765-1820* (New York, 1971), pp. 122-8, 350-1, 483.

33 Wilson, *Loyal Blacks*, p. ix.

34 It is embarrassing for scholars in search of an African-Canadian historiography — not to mention a more inclusive history of the Atlantic region — that Walker's trailblazing monograph was not reviewed in *Acadiensis*. One forgets just how radical the Black Loyalist hypothesis looked (and was) in 1976, when Stewart MacNutt's 600-page monograph on the Loyalist claimants for compensation was left unpublished at his untimely death. Yet he did mention at least one of the 40-odd Black claimants, Shadrack Furman, a freeman who spent five years in Shelburne after the war: "Select Loyalist Memorials" (unpublished manuscript, 1975), p. 576, Harriet Irving Library, University of New Brunswick. Writing a decade earlier, MacNutt observed of the freed Blacks, "they had come with the Loyalists, both as slaves and as soldiers who had gained their freedom by serving with the British forces. But they failed to become independent settlers, and their role had become one of honourable domestic servitude"; W.S. MacNutt, *The Atlantic Provinces: The Emergence of Colonial Society, 1712-1857* (Toronto, 1965), p. 157. See also W.S. MacNutt, "The Loyalists: A Sympathetic View", *Acadiensis*, VI, 1 (Autumn 1976), p. 14, where he was not so sympathetic to the freed Blacks as to adjudge them Loyalists: "The status of runaway slaves was always dubious".

35 Phyllis R. Blakeley, "Boston King: A Negro Loyalist who Sought Refuge in Nova Scotia", *Dalhousie Review*, 48, 3 (Autumn 1968), pp. 347-56. Cf. "Free Blacks or Black Loyalists", in W.A. Spray, *The Blacks in New Brunswick* (Fredericton, 1972), p. 29.

36 Neil MacKinnon, "The Loyalist Experience in Nova Scotia, 1783 to 1791", Ph.D. thesis, Queen's University, 1974, pp. i-ii; Walker, "The Black Loyalists in Nova Scotia and Sierra Leone", Ph.D. thesis, Dalhousie University, 1973.

to a fault in its treatment of the “return of Negro slaves” as a problem in Anglo-American diplomatic relations.³⁷ This reflects the classic American position which casts the fugitive slaves as a property issue in international treaty interpretation and implementation, a matter of high politics and the law of nations. The Black refugees were slaves suborned by the British; “Black Loyalists” was just another term for fugitive slaves.³⁸ In this view, the origins of the “Black Loyalists” are to be found not so much in the wartime proclamations, as Walker maintains, as in flagrant British violation of Article VII of the Treaty of Paris. To keep faith with fugitive slaves and Loyalists who were slaveholders, the British broke faith with the Americans and refused to return their property. The British did the right thing because of the misfortune of their defeat. One wonders what would have happened had they won. Probably the British would have restored the fugitive slaves to their American owners on the principle of status quo ante bellum. After the war, the slaves freed by proclamations during the war would have risked re-enslavement had nothing else been done to confirm their liberty. Something else was done, though: the treaty confirming their status as fugitive slaves was broken by the British commander-in-chief on the authority of the secretary of state.³⁹

Contemporary African-American historiography portrays Black Loyalists differently. Graham Russell Hodges’s contribution to the *Encyclopedia of African-American Culture and History* is an example of this.⁴⁰ The property question concerning fugitive slaves is not at the forefront of his analysis (nor does he concern himself with the slaves of Loyalists). “Black Loyalists” are defined as “free and enslaved men, women, and children who allied with the British in the AMERICAN REVOLUTION”. This is a definition of “Loyalists” with the word “Black” added; it neglects the obvious fact that the so-called Black Loyalists were Black slaves who rebelled against their masters, just as their masters were rebelling against the king. According to Hodges, “promises of freedom were the fundamental reason for blacks’ choosing loyalism”. The thinking here is fundamentally wrong. Slaves chose liberty from slavery, not loyalism, and were only able to do that because the imperial

- 37 Arnett G. Lindsay, “Diplomatic Relations between the United States and Great Britain Bearing on the Return of Negro Slaves, 1783-1828”, *Journal of Negro History*, V, 4 (October 1920), pp. 391-401. Cf. Ralph J. Lowry, “The Black Question in Article Seven of the 1783 Peace Treaty”, *Negro History Bulletin*, 38, 5 (June-July 1975), pp. 415-8. This is derived from his dissertation, “The Conflict in the Thirteen States over the Peace Treaty of 1783”, Ph.D. thesis, University of New Mexico, 1972, Chapter VI (“A Discussion over Article Seven of the 1783 Treaty”), pp. 140-66. A telling example of the extreme nationalistic chauvinism of canonical African-American historians is Herbert Aptheker’s *Documentary History of The Negro People in the United States*, which ignores those Blacks who escaped slavery by fleeing to the British — the wrong, or losing side. See the first volume in the series, *From Colonial Times Through the Civil War* (New York, 1951).
- 38 One of the few American scholars to dissent from this view is Gary Nash, “The Forgotten Experience: Indians, Blacks and the American Revolution”, in William M. Fowler, Jr. and Wallace Coyle, eds., *The American Revolution: Changing Perspectives* (Boston, 1979), pp. 32ff., and accompanying notes, pp. 43-5.
- 39 Walker, *Black Loyalists*, p. 10.
- 40 Graham Russell Hodges, “Loyalists in the American Revolution”, in *Encyclopedia of African-American Culture and History*, 3 (New York 1996), pp. 1664-5. See too his fine scholarly edition of the so-called “Book of Negroes”: Hodges, ed., *The Black Loyalist Directory: African Americans in Exile After the American Revolution* (New York and London, 1996).

authorities were offering it under the emergency powers provided for in the declaration of martial law.⁴¹

The determining factor at this moment in Black history was not whether one was a loyal subject — slaves were subject only to their masters — but whether the master was Patriot or Tory. The Loyalists were permitted to keep and carry off their slaves, while Patriots, as disloyal subjects, were deprived of theirs. The most that the British military authorities implicitly promised slaves was that they would not be re-enslaved by Loyalists or Army officers if they chose to flee their rebel masters and seek refuge behind the lines. But Loyalists, especially those who had lost Negroes and other property to rebels, were disinclined to honour British military undertakings to the fugitive slaves of rebels. Nor were any undertakings given as to the fate of the fugitive slaves once the war was over. War measures taken after the proclamation of martial law lapse when the emergency ceases. Therefore, the civil status of fugitive slaves, whether in America or in the other colonies, was unsettled; they were not yet legal persons. Fugitive slaves, who remained slaves in law though not in fact, were treated badly by their fellow Americans for that very reason. Rather than emancipating the slaves of Loyalists at the end of the war, the British inaugurated a regime of nominal freedom for the fugitive slaves. Lacking substantive rights, most joined the exodus.

One cannot right the wrongs of history by turning Black people into honorary whites, fugitive slaves into Loyalists. To do so is to permit the colonization of Black history by White historical myths. Nor does it serve the cause of Black history to assume that the Loyalists were such A Good Thing that the fugitive slaves would profit by being brought under the umbrella. Black history does not need the Black Loyalists or an ethnic version of the Loyalist myth; it needs to reclaim the history of the slaves, both fugitive and held. And if there is to be a credible Loyalist perspective on Black history, then it must be that of the freeborn or free Black, not the fugitive slave. The struggle of the freed Blacks against the stigma and the economic and social consequences of slavery was heroic enough “without an elaborate overlay of mythology”.⁴² Dismantling the Black Loyalist myth involves recognizing that there never were Black Loyalists, in implied contradistinction from White ones. There were only ever Loyalists, the vast majority of whom were White though some were Black. To label the fugitive slaves Black Loyalists is to misrepresent who and what they were, and to diminish the reality of the slavery from which they managed to escape and the freedom they struggled to preserve.

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41 Walker says more than he intends by inferring from the proclamation that emancipation became “*de facto* a British war policy”: *Black Loyalists*, p. 2. It was never a British *peace* policy; had it become so, the British commissioners would have objected to inserting the “Negroes” [fugitive slave] clause in the Provisional Articles (November 1782), whence it found its way into the definitive treaty (September 1783).

42 Bell, *Early Loyalist Saint John*, p. ix.