

Acts of Resistance

Black Men and Women Engage Slavery in Upper Canada, 1793-1803

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Article abstract

This paper examines how enslaved Africans living in Upper Canada at the turn of the 19th century protested and resisted their enslavement in diverse ways, and the impact of this resistant behaviour on attempts to legislate against and ameliorate the effects of slavery in the province. It shows that, in the case of the Chloe Cooley, her courage in the face of attempts to sell her away to a New York owner provided the catalyst that spurred the Upper Canadian government to pass its gradual emancipation act, some forty years before anti-slavery laws were passed elsewhere in the British Empire. This study centres Black Canadians, particularly the enslaved, as actors and agents in the making of their own, and thus a significant part of Canada's, history.

ACTS OF RESISTANCE

BLACK MEN AND WOMEN ENGAGE SLAVERY IN UPPER CANADA, 1793-1803

by Afua Cooper

The year 2007 marks the bicentenary of British abolition of the Atlantic slave trade. The study on which this paper is based is part of my ongoing research into the role Black people played in the history of early Canada, their slave status, issues of race and gender, and, of course, the early North American antislavery movement. By particularizing the issue of slavery and resistance, this larger analysis centres Black people, particularly the enslaved, as historical subjects and agents in the making of their own, and thus a significant part of Canada's history. I dedicate this paper to the numerous enslaved African men and women in Upper Canada and British North America who through their own actions helped to end slavery in these places.

In the past few decades, historians of slavery, in exploring the lives of the enslaved, have attempted to put them at the centre of historical inquiry by showing that they were not the atomized victims of slavery that previous historians have considered them to be, but rather active agents in their own emancipation. One

Abstract

This paper examines how enslaved Africans living in Upper Canada at the turn of the 19th century protested and resisted their enslavement in diverse ways, and the impact of this resistant behaviour on attempts to legislate against and ameliorate the effects of slavery in the province. It shows that, in the case of the Chloe Cooley, her courage in the face of attempts to sell her away to a New York owner provided the catalyst that spurred the Upper Canadian government to pass its gradual emancipation act, some forty years before anti-slavery laws were passed elsewhere in the British Empire. This study centres Black Canadians, particularly the enslaved, as actors and agents in the making of their own, and thus a significant part of Canada's history.

Résumé: Dans cet article nous étudions les différentes formes de protestation et de résistance des esclaves africains contre leur condition dans le Haut-Canada au tournant du 19^e siècle; et les conséquences de ces actions sur le plan législatif. Dans cette lutte pour faire adopter des lois améliorant la condition des esclaves dans la province, et finalement abolissant l'esclavage, le courage de Chloë Cooley résistant aux intentions de la vendre à un propriétaire new-yorkais, joua notamment le rôle de catalyseur. Son cas poussa en effet le gouvernement du Haut-Canada à faire adopter la loi sur l'émancipation progressive des esclaves; et cela quelque quarante ans avant que des lois similaires soient adoptées dans le reste de l'empire britannique. Il s'agit d'un épisode important de notre histoire, et un épisode dans lequel les noirs canadiens, et particulièrement les esclaves, ont été à la fois les acteurs et les agents de leur propre destin.

way that the enslaved tried to rise above their victimization was to resist as best as they could the degradation and brutalization of slavery. Historian David Barry Gaspar has defined resistance within the context of New World slavery as a concept that is used to apply to slave behaviour that cannot be equated with cooperation with slavery. He also notes that resistance was “an important organizing principle of slave life.”¹

Resistance “spans a continuum that takes into account important qualitative differences between individual acts and those that were collective or had collective potential.”² Individual acts, often placed in the category of every-day resistance, involve such actions such as breaking of tools, destruction of livestock and other moveable property, work stoppage, talking back to their owners, malingering, temporary *marronnage* [absenting oneself temporarily], and so forth. Though this type of resistance “incrementally hampered” the slave system it posed no long-term danger to it. At the other end of this conceptual spectrum is collective resistance, which is more radical in its orientation and outlook, and thus has a long-term impact on the slave system. Examples of long-term resistance are arson, permanent *marronnage* [permanent self-emancipation], armed

rebellions and revolts, and homicide. However, the cataloguing of resistance in such a dichotomous manner suggests that every-day resistance and long-term resistance stand in contradistinction to each other, and that the two poles never meet. Not so. Both types often shade into each other. For example, everyday acts of resistance “added up and constituted the foundation upon which slaves built more ambitious schemes of subversion that matured into collective political resistance or insurrection.”³ And if we think of resistance running as a continuum, then surely there were responses that occur somewhere between these two extreme poles. And there were. For example, arson as employed by the enslaved could either be an individual or a collective act. Moreover, Bernard Moitt has argued for a gender-specific understanding of resistance, and notes that there were multiple forms of enslaved women’s resistance. He notes that “gender made it possible for women to restrict fertility and control reproduction through abortions and other techniques...” [like infanticide, and abstinence].⁴ Poisoning was also associated with females because of their close links to domestic and household work. Sometimes resistance could be subtle and fleeting, a scream, a cut eye, or the sucking of teeth. These could often help

¹ David Barry Gaspar, “From ‘The Sense of their Slavery’: Slave Women and Resistance in Antigua, 1632-1763,” in D.B. Gaspar & D.C. Hine eds. *More Than Chattel, Black Women and Slavery in the Americas* (Indiana University Press, 1996), 220.

² *Ibid.*

³ *Ibid.*

⁴ Bernard Moitt, *Women and Slavery in the French Antilles, 1635-1848* (Indiana University Press, 2001), 125.

restore the self-esteem of the enslaved, if only fleetingly.

Why Did Slaves Resist?

Slavery was an inhuman system in which one group of persons permanently owned the life and labour of another group, and had the power of life and death over them. The *raison d'être* of the enslaved group was to serve the enslaving group. Moreover, the benefits accrued from the labour of the enslaved belonged not to them but to their enslavers.

Slavery in the New World, in addition to being an economic and labour arrangement, was also a racialized system. In the Americas, by 1650, Black skin was equated with slavery. Black skin thus became a badge of enslavement and concomitantly of racial and social inferiority. On the other hand, Whites, whether or not they were slaveholders, promoted and benefited from an all-encompassing system of White racial supremacy.

African scholar Joseph Ki-Zerbo remarked that as a result of the slave trade and slavery Africans were ousted from humanity.⁵ These institutions plus the legal codes that they spawned defined and treated enslaved Africans as chattel or property that was bought, sold, and traded. Moreover, slavery in the New World was a permanent condition; one was a slave for life. Another cruel feature of the slave system was that it was heredi-

tary. Slave masters ensured that slavery would reproduce itself by making it legal that slave children inherited their mothers' status. Women in particular, given how gender impacted the experience of enslavement, faced particular kinds of abuse such as sexual assaults from the enslaver group. Even when slave masters accepted the humanity of the slave, as in the case of holding them legally responsible for crimes they might have committed, enslaved people had little or no social status. Orlando Patterson, sociologist of slavery, notes that given the marginal status of the enslaved, they experienced and endured what he terms "social death."⁶

On the other hand, enslaved Africans never saw themselves as chattel. It was a status imposed on them by their owners and White society as a whole. And it was a status they rejected. In so doing, they refused in significant ways to cooperate with slavery. Enslaved Africans who resisted, whether in everyday acts or in more spectacular forms, were asserting their personhood and dignity. Through their actions they articulated their protest at the system that degraded them.

Slave Control in Early Canada

Slave resistance was only one side of the master-slave dialectic. It is not possible to understand the resistance of the enslaved without paying due attention

⁵ J. Ki-Zerbo, "The Mental Route of the Slave: A Few Thoughts Inspired by the Present-Day Situation of the Black Peoples," in Doudou Diene, ed. *From Chains to Bonds: The Slave Trade Revisted* (Paris: UNESCO Publishing, 2001), 122.

⁶ Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Mass.: Harvard University Press, 1982).

to the masters' control of slave behaviour because, as Gaspar notes, "slave resistance and masters' control...were important interlocking dimensions of the overall workings of the slave system."⁷

A variety of legal codes were used to regulate slavery in New World slave societies, including Canada. During the *ancient regime* in early Canada, aspects of the French slave code, the *Code Noir*, were applied with respect to the enslaved and their owners. Further, English legal codes brought by British immigrants after the Conquest and the Revolutionary War strengthened existing legislation. Both French and English laws defined slaves as chattel, and under the full authority of their owners. Colonial laws and ordinances applied to the everyday life of colonists also covered the lives of the enslaved. Masters thus used the full arsenal of the legal apparatus to control their slaves. They had them arrested, thrown in prison, taken before the courts, whipped, branded, placed in the stocks, and legally murdered (for example, hanged).⁸

Slaveholders also exercised tremendous personal power in their ownership of and rule over their human property. The employment and deployment of power was a constant in any master-slave relation. However, as I hope I have made clear by now, the enslaved was not totally

deprived of power. Power as defined by Michel Foucault is diffused and unstable. From a Foucauldian point of view, even the most downtrodden and marginalized person has some modicum of power. And scholars of slavery have indeed shown that enslaved peoples within the Americas exercised different degrees of power in their relations with each other and with slaveholding society. Yet, it would be irresponsible and perhaps even racist to say that slave people 'were powerful' and could engage in an equal fight with masters and owners. The enslaved had some agency but they were also severely victimized. Slavery, as this paper will show, was not a game played by equals. Yet 'uncooperative' behaviour by the enslaved revealed that slavery was not a system of absolute power and authority on the part of the enslaver or a system of total powerlessness and victimization on the part of the enslaved.

The question, "can the subaltern speak?" has been asked in a different context.⁹ This paper looks at how Upper Canadian slaves, in their condition of subalternity, protested and resisted their enslavement in diverse ways. It also challenges the temporary/permanent binary of acts of resistance and shows that, as in the case of Upper Canadian slave Chloe Cooley, her sole act of courage led to a

⁷ Gaspar, "From 'The Sense of their Slavery,'" 220.

⁸ On the legality of slavery in Canada see Maureen Elgersman, *Unyielding Spirits: Black Women and Slavery in Early Canada and Jamaica* (New York: Garland Publishing, 1999), 10-16. For descriptions of the master's abuse of slaves see Robin Winks, *The Blacks in Canada* (Montreal: McGill-Queen's University Press, 1997), 51; and Afua Cooper, *The Hanging of Angélique: The Untold Story of Canadian Slavery and The Burning of Old Montréal* (Toronto: HarperCollins, 2006), 98-99.

⁹ Gayatri Spivak, "Can the Subaltern Speak?" in C. Nelson and L. Grossberg eds. *Marxism and the Interpretation of Culture* (Urbana & Chicago: University of Illinois Press, 1988).

collective and permanent protest movement called the Underground Railroad, in which tens of thousands of enslaved people resisted bondage by running away from it.

The Case of Chloe Cooley

On 21 March 1793, at the Upper Canadian legislature, then in Niagara-on-the-Lake, Peter Martin, a Black man, appeared at a meeting of the Executive Council of the Upper Canadian legislature.¹⁰ Members of the council present were Lieutenant Governor John Graves Simcoe, Chief Justice William Osgoode, and Peter Russell. Martin had appeared before these men to bring them news that he thought was vital. He told them

of a violent outrage committed by one [Vrooman]...residing near Queens Town... on the person of Chloe Cooley, a Negro girl in his service, by binding her, and violently and forcibly transporting her across the [Niagara] River, and delivering her against her will to persons unknown.¹¹

Peter Martin had come to Government House to relate the violent removal of slave woman Chloe Cooley from Upper Canada across the international boundary to the state of New York. Because Martin was a Black man and a former slave, he knew that the powerful white men before whom he stood could doubt the veracity of his words. Thus taking precaution he brought with him an eyewitness, whom

he produced “to prove the truth of his allegation.” That witness was a White man named William Grisley, who it seemed worked for Vrooman, and he did indeed back up Martin’s report about the violent removal and sale of the slave woman, Chloe Cooley, by her master, William Vrooman. Grisley notes:

That on Wednesday evening last he was at work at Mr. Frooman’s [Vrooman] near Queens Town, who was in conversation told him he was going to sell his Negro Wench to some persons in the States, that in the evening he saw the said Negro girl, tied with a rope, that afterwards a boat was brought, and the said Frooman with his brother and one Van Every, forced the said Negro girl into it...and carried the boat across the river; that the said Negro girl was then taken and delivered to a man upon the bank of the river by [Vrooman], that she screamed violently and made resistance, but was tied in the same manner...Wm. Grisley farther says that he saw a negro at a distance, he believes to be tied in the same manner, and has heard that many other people mean to do the same by their Negroes.¹²

This document provides illumination on slaves, their owners, gender and slavery, an example of how enslaved and free Black people resisted enslavement, the fluidity of the frontier, and the treatment of enslaved people in the then frontier Province of Upper Canada. But most of all, it tells in startling details the fight that Cooley put up against her enslaver

¹⁰ Information about Peter Martin’s origins and his service as a Revolutionary War soldier and his life as a free man in Upper Canada can be gleaned from Michael Power and Nancy Butler, *Slavery and Freedom in Niagara* (Niagara-on-the-Lake: Niagara Historical Society, 1993) 16-17. See also “The Petition of Peter Martin,” *Ontario History* 26 (1930) 243.

¹¹ William Riddell, “The Slave in Upper Canada,” *Journal of Negro History* 4 (1919), 377.

¹² *Ibid.*, 333-78.

and master William Vrooman. Perhaps, because William Grisely was White, Vrooman confided in him and told him that he was going to sell his slave woman to persons in New York. Grisely also told Simcoe and the council that many of the slaveholders in the region intended to sell off their enslaved property.

It took a week after the forced removal of Cooley from Niagara-on-the-Lake to New York before Martin appeared before the House. Why was this? And what did he hope to accomplish? It could be that the Black community, free and enslaved, met and discussed the removal of Cooley, then decided to inform the government about it, and chose Martin, because he had witnessed the offence, to report the matter at Government House. But Martin was more than an eyewitness.

Martin had gained prestige as an American Revolutionary War veteran. As a member of the guerilla unit Butler's Rangers, he had fought in the war on the side of the British along the Canadian/American frontier in the eastern Great Lakes region. In fact, his then master John Butler led the unit. After the war, Martin and the survivors of his unit, plus thousands of other British supporters, were evacuated to Canada. Though now free, he continued working for his former master Colonel John Butler, who still owned Martin's daughter. As a war vet, Martin was deemed a natural leader of the Black community, and Lieutenant Governor Simcoe, himself a Revolutionary War veteran, must have also known

about Martin's military credentials.

Martin, most likely knew Cooley. They could even have been related or in a love relationship. What was he doing at the Vrooman farm at the very moment Cooley was being removed from her home? Did Cooley send for him? But perhaps the more important question is what did Martin hope to gain by reporting the incident? The enslavement of Black people was perfectly legal in Upper Canada and other parts of the British Empire. Vrooman, with the law on his side, had every legal right to do what he did with Chloe Cooley.

What Martin and the rest of the Black population might have heard when Simcoe arrived in the colony just a few months earlier was that he meant to abolish slavery there.¹³ If that was what Martin believed, then when he went to Government House he could have entertained the hope that Simcoe could somehow move against Vrooman, and perhaps retrieve Cooley.

William Grisley is also important here. Clearly knowing about 'the performance of race' in the colony Martin brought Grisley as a 'second eye.' It was the general belief at the time that Blacks and the enslaved were untruthful and thus their words could not be trusted. Did the men at Government House believe Martin' because Grisley backed him up? In any event, Grisley supported Martin's statement.

Martin (and Grisley) must have been gratified that after hearing their story, the council took action. Simcoe direct-

¹³ Power and Butler, *Slavery and Freedom in Niagara*, 9

ed his Attorney-General, John White, to prosecute Vrooman, not for selling Cooley but for disturbing the peace by his actions. However John White knew that the government had no case since English civil law regarded slaves as mere property. Under this law the slave “was [also] deprived of all rights, marital, parental, proprietary, even the right to live.” William Renwick Riddell, jurist and historian, wryly noted that “Chloe Cooley had no rights which Vrooman was bound to respect: and it was no more a breach of peace than if he had been dealing with his heifer.”¹⁴ Attorney General White knew that Vrooman was well within his rights and did not move to prosecute him.

Since nothing could be done to penalize Vrooman, Simcoe ordered his Chief Justice, William Osgoode to draft a bill prohibiting the importation of slaves into the colony. Why was Simcoe so concerned about the plight of enslaved Africans in his colony? Upon his arrival in Upper Canada in 1792, Simcoe was surprised to learn that so many of the colonists owned slaves. In fact, he seemed to have been under the impression that there was no slavery in Upper Canada. More surprising was his discovery that many of the legislators in both chambers in the House were slaveholders. Apparently, once Simcoe got to Upper Canada and saw the state of race relations, he made the assertion that he would make no distinction between the natives of Eu-

rope, Africa, and America. Soon the rumour became rife that Simcoe was going “to free all the slaves.”¹⁵

In his former life, Simcoe was a Member of Parliament in Britain and was well acquainted with the struggles in the British House regarding the abolition of the slave trade. He would also have been aware of the cases of Jonathan Strong and James Somerset, two slaves who ran away from their masters in London, and who were freed by the courts, and of the support given to these two fugitive slaves by the antislavery society in London.¹⁶ Moreover, Simcoe was himself a colonel on the British side during the Revolutionary War, and led a very fearsome regiment called the Queen’s Rangers. He would have known that Lord Clinton and Sir Henry Dunsmore, in the Thirteen Colonies, had called upon enslaved Americans to join the British standard. Such calls resulted in what can seriously be called the ‘first emancipation’ in the New World. At the close of the War, at least 5,000 Africans who had served the British found freedom in various British colonies, but mainly in Eastern Canada. Simcoe would have been aware of the sacrifices Blacks, both enslaved and free, made for the British during the late war, and took offence to them being enslaved in his colony. Thus, if he wanted to bring about the demise of slavery in Upper Canada, and he did, the removal of Cooley was the opportunity he was

¹⁴ Riddell, “Slave in Upper Canada,” 380.

¹⁵ Winks, *Blacks in Canada*, 98.

¹⁶ On the Somerset case see Adam Hochschild, *Bury The Chains: Prophets and Rebels in the fight to Free an Empire’s Slaves* (Boston: Houghton and Mifflin, 2005), 49-51.

waiting for.¹⁷

After several amendments, on 9 July 1793, at the second sitting of Parliament, the bill that Osgoode had drafted to prohibit the importation of slaves in Upper Canada was made law. It was called “An Act to Prevent the Further Introduction of Slaves and to Limit the Terms of Contract for Servitude Within this Province.” The preamble reads:

Whereas it is unjust that a people who enjoy freedom by law should encourage the introduction of slaves; and whereas it is highly expedient to abolish slavery in this province so far as the same may gradually be done without violating private property...¹⁸

The new law though it aimed to limit slavery was very much concerned that private property (that is, the slaves) was protected. This bill, which became known as Simcoe’s Act, was passed “with much opposition” from the slaveholding interests in the House, who insisted that slave labour was necessary in an agricultural economy. What did this new legislation accomplish? First it secured the property rights of those who held slaves before 9 July 1793 and confirmed the status of those who were already enslaved. It did not free one slave. The slaveholders within and outside of Parliament clamoured for their property rights and told Simcoe in no uncertain

terms that they would not give up their ownership in their slaves. Simcoe and his Chief Justice buckled under the pressure. As Nancy Butler and Michael Power note: most of the slaveholders were of the Loyalist establishment.

Its members, recent immigrants to the province, were naturally jealous of their property rights as British citizens, having forfeited practically everything in their defence of the crown in the late Revolutionary War. They were in no rush to deprive themselves of valuable property they regarded as essential to their economic viability in the colony.¹⁹

However, the Act provided for children born to slave mothers after 1793; they would become free on their 25th birthday. Their children would, in turn, earn their freedom at birth. However, and this is important, it did not prohibit the buying and selling of slaves within the colony or exportation across international lines. Though slavery was “unable to expand, it continued to function openly after 1793,” what did the legislation achieve in regards to the emancipation of enslaved Africans? First, the stated objective of the Act was to prohibit the importation of slaves into the colony as the first clause outlined. In doing so it repealed the 1790 *Imperial Act* that allowed White settlers to bring in enslaved Africans to work the colony. Second, and

¹⁷ James Walker has documented the story of the Black Loyalists in his seminal work *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone, 1783-1870* (Toronto: University of Toronto Press, 1992).

¹⁸ “An Act to prevent the further introduction of Slaves, and to limit the Term of Contracts for Servitude within this Province,” 33 George IV, c.7, 9 July 1793, *The Provincial Statutes of Upper-Canada, Revised, Corrected and Republished by Authority* (York: R.C. Horne, 1816).

¹⁹ Michael Power and Nancy Butler, *Slavery and Freedom in Niagara* (Niagara Historical Society, 2000), 9.

of great importance was the fact that embedded also in the first clause was the idea that any slave arriving on Upper Canadian soil from another country would immediately be free. In other words, touching the soil of Upper Canada guaranteed the freedom of an enslaved person. And this was where the Act was most potent. I will elaborate on this point later.

The new law was a disappointment to Simcoe. He and Osgoode wanted outright abolition; instead the bill was a compromise that would bring about abolition...but gradually. If enslaved people in Upper Canada were waiting on the Act to free them, it would take fifty years before that would happen. Nonetheless, Simcoe's emancipation bill would have a definite effect on the fate of Black people in the colony, on the continent, and on race relations in the colony.

The Act had two immediate and paradoxical outcomes. Perhaps, the first and most immediate was that many Upper Canadian slaves, realizing that the Act would not free them, took matters in their own hands and escaped the colony to such places like the Old Northwest Territories (Michigan, Ohio, Indiana, Minnesota, and parts of Wisconsin) and New York, places that had either prohibited slavery and were passing legislation to do so. So numerous were Black Upper Canadians in some American towns that, in Detroit, for example, a group of former Upper Canadian slaves formed a militia in 1806 for the defence of that city against

Canadians. So widespread was the flight of Upper Canadian slaves into Michigan territory that in 1807 Upper Canadian slaveholders petitioned the government of the United States to help them retrieve their former slaves from American soil. "I regret equally with yourself the inconveniences which his Majesty's subjects in Upper Canada experience from the desertion of their slaves into the territory of the United States...." reads a portion of the letter that D.M. Erskine, the British representative in the United States wrote to Upper Canada's Lieutenant Governor, Sir Francis Gore. The American government expressed its regret but refused to act on behalf of the slaveholders.²⁰

Henry Lewis was one fugitive slave who came to our attention because he fled Canadian slavery and then wrote a letter to his former master. The letter is dated 3 May 1798 and was sent from Schenectady, New York.

My desire to support myself as a free man and enjoy all the benefits which may result from being free in a country where a Black-man is defended by the laws as much as a white man is induces me to make you an offer of purchasing myself. I am a Black man and am not able to pay you all the money down which you may ask for me but upon these conditions I will purchase myself. Ten pounds this years and every year after sixteen pounds until the whole sum is payed. I should wish to pay the money to Joseph Yates the Mare (mayor) of this sitty because he is the most proper man that I can think of at present. The reason I left your house is this

²⁰ For information of the flight of Upper Canadian slaves into Michigan and other American territories, and the letter sent by Erskine to Gore, see William Riddell, "Additional Notes on Slavery," *Journal of Negro History* 17 (1932), 368-73.

your women vexed me to so high a degree that it was far beyond the power of man to support it, it is true and I will say in all company that I always lived as well in your house as I should wish. Please write to Joseph Yates what you will take in cash for me and let him be the man to whom I shall pay the money yearly. In a supplicant manner I beg your pardon ten thousand times and beg that you would be so kind as to permit me to purchase myself and at as low a rate as any other person. My mistress I also wish a long life and good health and pleas tell her I beg her pardon then thousand times. My mistress I shall always remember on account of her great kindness to me.

I remain your affectionate servant,
Henry Lewis.²¹

The man to whom Lewis writes is none other than William Jarvis, Secretary of the province, a member of the Upper Canadian Legislature, and of the Executive Council. In other words, he was one of the province's political elite. His wife, Hannah Jarvis, went into a tirade when Simcoe pushed the abolition bill through Parliament, that Simcoe "had freed all the Negroes," which was not true at all.²² Now five years after the bill was passed, one of the Jarvis's slaves had fled to New York. The letter has an ironic almost mocking tone; it is as if Lewis is laughing to himself as he writes it. (I am here, you are there, catch me if you can). Lewis, fully aware that while he had been in a state of bondage others had benefited from the fruits of his labour, underscores this as a central reason for his flight—he

wants his labour to benefit himself, and so did not want to remain in the state of enslavement any longer. And he was doing the very noble thing of buying himself. However, he set the conditions of his sale, and Jarvis, away in Upper Canada and probably believing that he had lost all his investment in Lewis, must have been somewhat gratified at the offer. Why did Lewis decide to buy himself? Perhaps he heard that Jarvis was hunting for him. Maybe he feared arrest and decided to put his mind at ease. Or could it be that Lewis had internalized the concept of the sacredness of private property? Lewis had well-connected friends. He knew the Mayor of Schenectady and had found a ready support in him. Lewis might have been originally from New York, and may have come from there as a slave with the Loyalist migration to Upper Canada.

The reason Lewis gave for leaving the Jarvis household is contradictory. He said the women of the house made his life unbearable, yet his closing remarks are about the great goodness and kindness of his mistress Hannah Jarvis, of whose pardon he begs a ten thousand times. Perhaps Lewis was just being politic when he wrote this about Mrs. Jarvis, and could have been laughing as he wrote the letter. For he must have known that Hannah Jarvis was proslavery and did not wish any Upper Canadian slave to be free.

In this letter to Jarvis, Lewis voiced

²¹ Letter from Henry Lewis to his former master, William Jarvis, at Niagara-on-the-Lake. Toronto Public Library, Baldwin Room.

²² Power and Butler, *Slavery and Freedom*, 29.

his protest against slavery. He rebelled against that condition by running away. He too like Cooley went across the international boundary. But in contrast to her, he “stole himself,” while she was sold away by her owner. A year after Lewis wrote the letter, the State of New York, where he was domiciled, began the process of gradual emancipation. Ensconced in New York, and away from the authority of his master, Lewis realized that he was holding the metaphorical handle, and Jarvis the blade. And so he used the power he had to negotiate the terms of his freedom.

Lewis and the enslaved Africans of the Western District of Upper Canada who gave grief to their owners were not the only ones who resisted bondage by taking flight. There are numerous examples of Upper Canadian slaves and other enslaved persons in other parts of British North America fleeing across the border to places in the Old Northwest and such states as New York and Vermont.²³

The second outcome of Simcoe’s Act, with which we are more familiar is the creation of Upper Canada as a haven for foreign slaves. News travelled to the United States, especially after the War of 1812, that if any foreign slaves made it to Upper Canada they would find freedom. Those who were enslaved in the United States, on “learning that they would not

be enslaved north of the American border, soon began the trek to freedom and a greater measure of security in Upper Canada.”²⁴ This was the beginning of the legendary Underground Railroad. The supreme irony is that Canada as a known haven for fugitive slaves on that railroad came about because of the brutalization and selling of a Black Upper Canadian slave woman to an American slaveholder. It must also be noted that the same year the Upper Canadian Legislature passed its abolition Act, the United States Congress passed its first Fugitive Slave Law. Undoubtedly, this was a coincidence but the passing of both pieces of legislation naturally made Upper Canada more attractive to fugitive American slaves.

History has dealt kindly with John Graves Simcoe. White, powerful, and male, we know his role in the drama of the early antislavery movement in early Canada. It is he who emerges as the hero of the moment. But what of the woman, Chloe Cooley, the woman whose fate was the catalyst that brought about the antislavery legislation and made Upper Canada a refuge for oppressed American Blacks, and further gave the young colony the distinction of being the first jurisdiction within the British Empire to enact a piece of antislavery legislation?

²³ Winks, *Blacks in Canada*, 99. For examples of advertisements giving notice of runaways in colonial newspapers see the *Quebec Gazette* 19 Oct. 1769 and the *Upper Canada Gazette*, 19 Aug. 1795. Further, Peggy Pompadour, slave woman of Upper Canadian political leader Peter Russell, constantly ran away from the Russell household. Russell confined her to jail after recapturing her after one of her flight attempts. See Edith Firth, *The Town of York, 1793-1815* (Champlain Society, 1962), 243.

²⁴ Daniel Hill, *The Freedom-Seekers, Blacks in Early Canada* (Toronto: The Book Society of Canada, 1981) 18.

We do not know Cooley's age, or if she had children, or even if she was married. We assume she was young because she was called a "wench." As a young woman of childbearing age, she more than likely would have fetched a good price. Her owner, William Vrooman, of Dutch ancestry, was a Loyalist from New York Hudson's Valley region. Like most of his compatriots he would have arrived in Upper Canada after the close of the war in 1783. It is likely that Cooley made the trek with him and his family from New York to Upper Canada.

Cooley's removal from Upper Canada to the United States mirrors that of the removal of captured slaves from Africa. She was tied up, thrown in a boat, and sold away.²⁵ The fact that Vrooman bound Cooley with a rope showed how much Black women were thought of as brute, unfeminine, and unworthy of masculine protection.²⁶ This happened at a time, when the 'frailty' of woman was articulated in the patriarchal gender discourse gaining ground at that time in Europe and Euro-dominated societies. Hilary Beckles in discussing how New World slavery re-gendered Black woman by denying them 'feminine' characteristics notes:

The colonial gender discourse confronted and assaulted traditional concepts of womanhood in both Europe and Africa, and

sought to redefine notions of black feminine identity. The Black woman was ideologically constructed as essentially 'non-feminine' in so far as primacy was placed upon her alleged muscular capabilities, physical strength, aggressive carriage and sturdiness. Proslavery writers presented her as devoid of feminine tenderness and graciousness in which the white woman was tightly wrapped.²⁷

Cooley was outraged at the treatment she received from Vrooman. As a slave woman, she occupied the margins of society. She might have lived in Canada for most of her life, and saw it as home. Perhaps she even had family here from whom she was loath to part. Vrooman clearly was a brutal master, and might have decided to sell Cooley because he could not 'control' her, or because he had heard that Simcoe meant to abolish slavery and wanted to get something from his investment in Cooley before he lost everything. Slaves tried in everyday acts to assert their personhood. Black women as enslaved persons in the Americas have been beaten, overworked, raped, hanged, murdered, and brutalized in many forms. By manhandling Cooley, tying her up, and forcing her into a boat, Vrooman, as slaveowner, continued the slaveholder's and White man's engagement with "killing the Black body."

Cooley was unable to protect herself but she had one thing at her disposal that she could use to express her anger,

²⁵ Elgersman, *Unyielding Spirits*, 29.

²⁶ The three men, William Grisley, Peter Martin, and definitely John Graves Simcoe could be seen as trying to 'protect' Cooley. And even though they failed to retrieve Cooley their actions can be interpreted as chivalrous.

²⁷ Hilary Beckles, *Centering Woman, Gender Discourses in Caribbean Slave Society* (Kingston, Ja.: Ian Randle, 1999), 10.

outrage, and fear—her voice. And so she screamed—a heart-rending scream that echoed beyond the boundaries of Vrooman’s farm, and summoned Martin and Grisley to witness. Because the two men also related that she “made resistance,” we can only imagine Cooley screaming, crying, cursing, and straining her limbs against the rope with which her master tied her. In spite of Cooley’s low social status, which conspired to deny her a place in history, she nonetheless enters the historical record as a resisting and freedom-seeking woman.

And what of Peter Martin, the Black man who went to Government House to report the matter? Peter Martin, former slave, former soldier, now British subject and pioneer sought to bring about more freedom for Black people. Martin was outraged that he had fought for what he believed would have ensured freedom for his people only to discover that many were still enslaved, beaten, abused, and sold away as if they were cattle. By going to Government House to report Cooley’s abuse, he protested the treatment of Black people in general in the province.

Can the subaltern speak? Cooley was clearly a victim but she exercised what little agency she could muster. Martin literally spoke out in a loud and clear voice to the most powerful people in the land. As a Revolutionary soldier he had fought to preserve “British freedom.” As a war vet-

eran and colonial pioneer he had helped found the new province of Upper Canada, and had preserved it for the British Crown. In going to Simcoe and his council he acted as an empowered person, one who refused to watch the mistreatment and abuse meted out to his people. By going to the council, he signalled his intention to work for Black liberation. Cooley and Martin by their acts of resistance created for themselves new status as historical subjects.

Resistance, as a conceptual tool, is useful in the construction of historical knowledge about enslaved Africans in British North America and their quest for freedom. Cooley and Martin resisted slavery on an individual basis, but their actions eventually led to a freedom movement with vast collective outcomes. Many of the runaway slaves of the Western District of Upper Canada regrouped as a collectivity in a foreign country. And Henry Lewis likewise, made a small dent in the institution of slavery when he emancipated his own self.

In 1807 and 1808, the British and Americans abolished their respective transatlantic slave trades. The countless number of Black men and women in Upper Canada and the wider British North America who rebelled against slavery had set the stage for this milestone in Canadian, African, Atlantic, and world history.