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## The Settlement of the Black Refugees in New Brunswick 1815 - 1836

During the war of 1812, while the British navy blockaded the Atlantic coast of the United States and for a time occupied Chesapeake Bay, many black slaves seized the opportunity to escape from their owners in Virginia and Maryland and others were carried off by British sailors and marines. Most of these black fugitives were taken to the British base in Bermuda and even before the war ended about 1200 were dispatched to Nova Scotia. On the conclusion of the war the British authorities decided to send the remaining 1500 to 3000 there, despite considerable opposition from the House of Assembly, which felt that there were too many blacks in the province and that to bring in more would "tend to the discouragement of white labourers and servants, as well as to the establishment of a separate and marked class of people, unfitted by nature to this climate, or to an association with the rest of His Majesty's Colonists".<sup>1</sup> When Lieutenant Governor Sir William Sherbrooke was informed that an additional 1500 to 2000 black refugees were on their way to Halifax,<sup>2</sup> he was afraid of the reaction of the Assembly and attempted to alleviate the situation by sending some of the refugees to New Brunswick. On 13 April 1815, Major General Stracy Smyth, the Administrator of New Brunswick, asked his Executive Council to consider whether the province should receive 400-500 black refugees.

Although the Council agreed by a vote of 3 to 2 to accept the refugees,<sup>3</sup> the New Brunswick government was very reluctant to assume any responsibility for their welfare. Smyth and his Council were under the impression that a British Order-in-Council of 16 March 1808, which detailed the regulations for the execution of the Act for the Abolition of the Slave Trade, could be applied to the case of the black refugees, who could be treated as prizes of war and enlisted in the British armed forces or bound out as apprentices or indentured servants.<sup>4</sup> This was the basis for a public notice circulated throughout the province, asking those who were interested in settling the refugees on their land or in taking any of the men and women as servants to

- 1 Address of the House of Assembly to Sir John Sherbrooke, 1 April 1815, quoted in J. S. Martell, *Immigration to and Emigration from Nova Scotia, 1815 - 1838* (Halifax, 1942), p. 16.
- 2 Sherbrooke to Bathurst, 6 April 1815, quoted in *ibid.*
- 3 Executive Council Minutes, 13 April 1815, Rex/Px, vol. II, p. 111, Provincial Archives of New Brunswick [hereafter PANB].
- 4 Executive Council Papers, Rex/Px, Box 7, PANB.

apply to the Provincial Secretary's office in Fredericton or to the Collector of Customs at Saint John. A preference was to be given to those who could offer the best terms to families and who could settle them immediately.<sup>5</sup>

As the Collector of Customs at Saint John was ill, his assistant, William Scovil, reluctantly assumed responsibility for the reception of the refugees. Scovil, a servant of the British government, was cautious in incurring expenses since he did not know what reimbursement he could expect from the British authorities. Nevertheless, he prepared as best he could for the arrival of the refugees. He rented a storehouse in the Lower Cove for £5 per month to provide shelter and set about having new floors and partitions constructed. Under the impression that two groups of refugees would be arriving, Scovil considered the storehouse adequate "to accommodate the first importation", whom he hoped to dispose of before the second group arrived. He also suggested that some of the blacks be sent to Fredericton, Westmorland and other areas of the province.<sup>6</sup> His task was made more difficult when the President of the Executive Council informed him that he had no authority to purchase clothing or provisions for the refugees and that he should "adopt the same mode that has been pursued in Nova Scotia" for looking after the refugees,<sup>7</sup> which he could discover only by writing to the Collector of Customs at Halifax. The New Brunswick government's reluctance to take any financial responsibility was thus made clear and Scovil decided to consult a lawyer, Charles J. Peters, as to the limits of his own responsibilities. When Peters reported that the Collector of Customs had "nothing whatsoever to do with the *Black Refugees*" and that "any Indenture of apprenticeship made by him would have no validity whatsoever", Scovil informed Smyth that "as he had not the means for providing for their support, he must decline taking them in charge, unless His Honour will place funds at his disposal payable at one, two or three months, as he may think proper to direct".<sup>8</sup> Smyth was both alarmed and annoyed and wrote immediately to ask the Lieutenant Governor of Nova Scotia how the "unavoidable expense is to be defrayed until the people can be distributed".<sup>9</sup>

Before a reply was received, the *Regulus* arrived in Saint John harbour on 25 May 1815, carrying 371 black refugees, 111 women, 168 men and 92

5 Executive Council Minutes, 10 May 1815, Rex/Px, vol. II, p. 112, PANB.

6 Scovil to W. F. Odell, 14 May 1815, Provincial Secretary's Papers [hereafter RPS], Customs, PANB.

7 Odell to Scovil, 18 May 1815, *ibid.*

8 Scovil to Smyth, 20 May 1815, with an extract of a letter from Peters, dated 18 May 1815, *ibid.*

9 Smyth to Sherbrooke, 23 May 1815, Letter Book Military, no. 2, PANB.

children.<sup>10</sup> Both Scovil and the government were forced to take action. Smyth allowed Scovil to issue provisions from the military stores until the government was relieved of the charge of the refugees.<sup>11</sup> He also ordered a military medical officer to look after the sick refugees and informed the Lieutenant Governor of Nova Scotia of his willingness to accept more refugees.<sup>12</sup> By 29 June 1815 only 13 men, 5 women and 12 children remained under the care of the Acting Collector of Customs. Apparently some were taken by boat to Fredericton to find employment, but no records have been found of the number sent there or to other parts of the province, nor is there any mention of what happened to them in the newspapers. But it would appear from the letters of Smyth and Scovil that the majority found at least temporary employment in the Saint John area. Of the 30 refugees still under the care of Scovil in June 1815, 6 or 8 were considered by the medical officer to be unable to earn enough to survive and Smyth requested and later received permission to send these invalids to Halifax "in order to save the expense of any permanent Establishment for these people in this province".<sup>13</sup> Although Smyth had expected to receive some 500 refugees and had expressed a willingness to receive the remainder of those originally destined for New Brunswick, no other refugees were sent from Halifax.<sup>14</sup> Scovil later reported that the total expense he had incurred on behalf of the refugees was £536-16-1/4 and, after a lengthy wrangle, the British government agreed to repay this sum. The New Brunswick government, which had been put to almost no expense, had given little or no thought to the question of how the black refugees might be provided for in the future and was entirely

- 10 Scovil to Smyth, 25 May 1815, RPS, Customs, PANB. The nominal roll of the *Regulus* lists 381 black refugees, 169 men, 112 women and 100 children. "List of Black Refugees furnished by His Majesty's Ship *Regulus*", Colonial Office [hereafter CO] 188/22, pp. 41 - 3, on microfilm PANB. All CO references are to microfilm at PANB supplemented by photocopies at the UNB Library of enclosures not on PANB film. The nominal roll probably includes all those embarked at Bermuda and the discrepancy between the two figures would seem to indicate that some of the refugees died on the voyage. A number of others were sick when they arrived at Saint John.
- 11 Smyth to Sherbrooke, 16 June 1815, Letter Book Military, no. 2, PANB.
- 12 Smyth to Sherbrooke, 29 June 1815, *ibid.*
- 13 *Ibid.* and Sherbrooke to Smyth, 11 July 1815, CO 188/5, pp. 39 - 40.
- 14 Twenty-two blacks captured by the Americans on board British vessels during the war of 1812 - 4 and held in jail in Savannah were sent to New Brunswick in 1816 from the United States. The British Vice Consul at Savannah had intended sending them to Halifax but, when he was unable to find a vessel to accommodate them, they were sent to Saint Andrews. From there they were probably forwarded to Halifax since there are no records of their remaining in New Brunswick. Correspondence concerning these men can be seen in CO 188/5, pp. 137 - 52.

unwilling to assist them.<sup>15</sup>

The possibility of giving land to the refugees was first suggested by Lord Bathurst, the Colonial Secretary, who felt that in this way those black refugees who were “accustomed to agricultural labour” might in a short time be able to support themselves and thus cease to be an expense to the government.<sup>16</sup> On 29 July 1815 Smyth reported that, while he was prepared to act on this suggestion, it would be necessary to provide the black refugees with “some articles of husbandry and provisions until *at least* this period next year, before which time no industry would be able to procure a support from new land, at present an entire Wilderness”.<sup>17</sup> In Nova Scotia the Lieutenant Governor received permission to issue provisions for the same period “as is allowed to discharged soldiers so settled, viz for two years”.<sup>18</sup> Industrious settlers were also given seeds and farming implements and many of the blacks were settled on the land by 1816.<sup>19</sup> But in New Brunswick it was a year and a half before any attempt was made to implement a policy of land settlement and the initiative came not from the government, but from the black refugees themselves who were aware of what had been done in Nova Scotia. In 1816 they applied to the Executive Council for allotments of land in the Loch Lomond area, about 12 miles from Saint John, which was chosen because of its proximity to the city where the refugees might find temporary employment while clearing land for a settlement. The Executive Council referred the matter to Judge Ward Chipman of Saint John. The Council considered his report on 25 October 1816 and decided that 50 acre lots would be laid out for the black refugees at “their own expense”. Although the blacks were to pay the cost of the survey they were not to be given title but to be issued licenses of occupation for a period of three years.<sup>20</sup> Land held under such licenses could not be sold and the refugees would have no security of possession since the government could refuse to reissue the licenses. No one explained where the blacks were supposed to find the money to pay for the surveys.

It is quite clear that the black refugees were treated differently than white settlers. The policy in New Brunswick at this time was to give free grants of

15 A similar reluctance to assist the black refugees was evident in Nova Scotia. In 1816, Lord Dalhousie wrote: “the Legislature and Inhabitants of this Province generally consider them a Class of people that never will do well as Settlers and therefore will not give them any countenance or assistance”. Dalhousie to Bathurst, 29 December 1816, RG 1, vol. 112, pp. 8 - 9, Public Archives of Nova Scotia [hereafter PANS].

16 Sherbrooke to Smyth, 25 July 1815, CO 188/5, pp. 41 - 3.

17 Smyth to Sherbrooke, 29 July 1815, Letter Book Military, no. 2, PANB.

18 Sherbrooke to Smyth, 8 August 1815, CO 188/5, pp. 45 - 7.

19 Dalhousie to Bathurst, 16 May 1817, RG 1, vol. 112, p. 25, PANS.

20 See Executive Council Minutes, 25 October 1816, Rex/Px, vol. II, p. 161, PANB.

at least 100 acres to white settlers. Disbanded soldiers, like those of the 104th Regiment, were also given free provisions for at least twelve months and "Tools and Implements of Husbandry".<sup>21</sup> In 1819 Welsh settlers in the Cardigan Settlement, near Fredericton, were given 200 acres if married and 100 acres if single and were personally assisted by the Surveyor General, Anthony Lockwood, and also by the Fredericton Emigration Society.<sup>22</sup> When licenses of occupation were issued to white settlers in 1818, they were issued "free of any expense" and large blocks of land were surveyed and laid out for immigrants before they arrived in order to facilitate settlement "by a class of men, born and nurtured in the British Empire".<sup>23</sup> These licenses of occupation were only temporary and once the immigrant settled on the land he could apply for a grant. In 1820 the New Brunswick legislature passed an act providing for an expenditure of £800 for surveying locations for immigrants.<sup>24</sup> Yet the black refugees were to get only 50 acres, they were to pay for the surveys, and they were to receive licenses of occupation for three years. There is no evidence to show that the New Brunswick government ever considered issuing provisions to the black refugees as was done in Nova Scotia.

Nonetheless, a site for a possible settlement was selected near Loch Lomond and Judge Chipman was asked to report on its suitability and to consult with the proprietors already in the area, "to whom the proximity of such neighbours may be a matter of importance."<sup>25</sup> In his report of 2 November 1816, Chipman supported the settlement, arguing that the black refugees would then "have a residence for their families where they can raise what may be necessary for their support in addition to the fish with which the neighbouring lakes abound, and within a convenient distance from the city for them to carry home the earnings of their labours at such seasons as they can find useful employment".<sup>26</sup> The proprietors near Loch Lomond, who were already in possession of the best lands, gave their support to the plan.<sup>27</sup>

21 Smyth to Col. Darling, 26 May 1818, Letter Book Military, no. 2, PANB.

22 Executive Council Minutes, 21 July 1819, Rex/Px, vol. II, pp. 333 - 4, PANB.

23 A. Lockwood to Smyth, 11 February 1820, Rex/Px, Surveyor General, 4, II, a, PANB, and enclosure in Smyth to Bathurst, 11 May 1819, CO 188/26, pp. 11 - 2.

24 "Observations on the Laws Passed, June 1820", CO 188/26, pp. 41 - 2.

25 W. F. Odell to Judge Chipman, 23 October 1816, Hazen Collection, New Brunswick Museum [hereafter NBM], Saint John.

26 Judge Chipman's Report, 2 November 1816, *ibid.*

27 Some of these men had received grants in 1817, while others had held land in the area for many years. George Matthews, who in later years acquired land in the black settlement, owned 716 acres near the settlement and was able to acquire another 385 acres in 1817. John Jordan owned 300 acres in 1817 and later acquired more. Francis Gilbert owned 500 acres and William G. Cody acquired 400 acres near the black settlement in 1817. There were many other grants issued for this area, most for 200 acres or more. Returns Entered in Auditors Office, nos. 787-1241, RNA 2/1/5, PANB.

Chipman suggested that licenses of occupation be issued until a "proper trial of their sincerity and exertion had taken place", and that land grants be made any time after three years of occupation and improvement.<sup>28</sup> However, he clearly did not expect the blacks to be able to support themselves solely by farming. This meant that they would always be in a precarious situation dependent on a demand for their labour in Saint John.

Several months passed before anything further was done. In February 1817 Charles Peters presented a petition from William Flood and 40 black refugees in the Saint John area to the House of Assembly.<sup>29</sup> Flood and the others had used up their money in buying food and clothing and they could not find employment during the winter when provisions and fuel were very expensive. They claimed that because of their destitute condition they could not settle and cultivate the land nor even pay to have the lots surveyed. Although they insisted that they wanted to support themselves, because of "their present forlorn and distressed situation in a country and climate to which they are strangers", they required government assistance in order to survive.<sup>30</sup> This petition was referred to the committee of supply, but there is no record of any assistance being given by the Assembly. The province's reluctance to aid the black refugees may have resulted from a belief that they would never make good settlers, for the unwillingness of the Assembly did not extend to the settlement of white British settlers. In 1816 it voted £1000 to encourage the introduction of settlers into the province, £896 of which was used to bring 125 people from Scotland and to supply them with food, clothing and supplies on their arrival.<sup>31</sup> In 1817 another £160 was given to assist a party of Scotch settlers in locating at Napan.<sup>32</sup>

Judge Chipman had been responsible for seeing that the 1817 petition of the black refugees had reached the House of Assembly and he continued to press their case.<sup>33</sup> During the winter of 1816-17, he had had copies of the petition presented to the Executive Council and to Lieutenant General Martin Hunter, Administrator of the province. This had produced no results;

28 Judge Chipman's Report, 2 November 1816, Hazen Collection, NBM.

29 New Brunswick, Assembly, *Journal* [hereafter JLA], 14 February 1817, p. 15.

30 Petition of William Flood, 1 February 1817, Records of the Legislative Assembly [hereafter RLE], 817/B/Pe/2, PANB.

31 "Account of a Settlement with James Taylor", 20 February 1817, and "Account of the Expenditures by the Commissioners for Introducing settlers into the Province", 23 January 1817, RLE/817/Re/H/1 and 2, PANB.

32 *JLA*, 27 February 1818, pp. 66 - 7.

33 Judge Chipman had assisted the blacks in New Brunswick earlier. As an opponent of slavery, in 1800 he had been one of two lawyers who as 'volunteers for the rights of humanity' had defended the slave Nancy in a case fought to test the legality of slavery in New Brunswick. See W. A. Spray, *The Blacks in New Brunswick* (Fredericton, 1972), p. 23.

nor had a letter from the mayor of Saint John, John Robinson. In April 1817 Chipman informed Hunter that the black refugees were “so bent upon making a settlement upon lands by themselves that they cannot be diverted from their purpose”. Since some of the refugees had earned enough money in Saint John to pay for the surveying of their lots and others were willing to pledge their first earnings, Chipman felt that it was “a cruel thing that they should have been sent by Government to this, to them inhospitable climate, and left without any aid in making a settlement”. Chipman urged the government to defray the costs of the survey out of provincial funds since “such a proportion of it cannot be applied more usefully”.<sup>34</sup> Chipman’s letter carried more weight with the Executive Council than Flood’s petition and the Surveyor General instructed the Deputy Surveyor of Saint John, Bernard Kiernan, to lay out the lots for the refugees on vacant lands near Loch Lomond. When the government refused to pay the expenses of the survey and the blacks were unable to sustain the full costs, Ward Chipman Jr. and John Robinson stepped in to help. Believing that it was essential to settle the black refugees, who were “hovering about Saint John in a very distressed state, without any fixed habitation”, on their lands early in the season so that they could plant their crops and grow food for the next winter, Chipman and Robinson agreed to make themselves responsible for the remaining expenses of the survey in the hope that the government would eventually compensate them.<sup>35</sup> Kiernan surveyed 112 fifty acre lots and received £14-18-6 from 62 of the black refugees, while £23-11-6 was advanced by Chipman and Robinson, who were later reimbursed by the government.<sup>36</sup>

There are no records of the number who attempted to occupy land in the settlement begun in 1817, which the whites referred to as “the Negro Settlement” or “Black Settlement” and later as Willow Grove. From later petitions it would appear that the majority of the blacks continued to live in Saint John while clearing the lots to raise crops,<sup>37</sup> but some did attempt to settle and the licenses of occupation were reissued in 1820. In 1823 the government ordered a new survey of the area, following frequent requests by whites for unoccupied lots in the settlement. Robert Foulis, Deputy Surveyor for the county of

34 Report of Judge Chipman, 22 April 1817, Land Petitions, St. John County, no. 478, PANB.

35 Petition of Ward Chipman and John Robinson, 19 February 1818, RLE/818/B/Pe/23, PANB.

36 *Ibid.*, and *JLA*, 27 February 1818, p. 64.

37 At least two black refugees turned down the opportunity to take possession of lots in the settlement near Loch Lomond. They found the land “very heavy timbered and difficult of improvement” and “sensible it was not in our power to go on it and make a living” decided to seek land in a “more feasible spot”. They went to Springfield Parish in Kings County and in 1820 applied for land in that area. Their request was refused since they were considered aliens. Petition of Benjamin Johnston and Henry Borum, 8 March 1820, Rex/Px, vol. 18, p. 955, PANB.



Saint John, was ordered to survey a block of 6160 acres between Loch Lomond and Black River and to divide the block into 112 lots of 55 acres each, five acres larger than those surveyed earlier since they included 10% for useless waste land. Foulis was instructed to report the names of both the original settlers and the present occupiers and to estimate the improvements made by each person.<sup>38</sup> In 1817 41 black refugees had been eager to settle on the land and 62 blacks had contributed to paying the costs of the survey. By 1827 the settlement had only 34 black residents, and at least 44 of those holding licenses of occupation were non-residents, most of them living and working in Saint John and using their lots only to raise food.<sup>39</sup> In 1828, although the blacks claimed that their settlement was growing, there were only 42 settlers on the land.<sup>40</sup> Perhaps part of the reason why conditions improved so slowly was the refusal of the government to give the refugees clear titles. The government's reluctance not only discouraged the blacks but also created tensions between black and white settlers in the area.

The practice of granting land in the settlement to whites began in 1822 when Charles Buck, a native of Cork, was recommended for six of the "unoccupied" lots in the "Black Refugee Tract".<sup>41</sup> The 112 lots in the settlement were numbered 1 to 56 on either side of a designated road and Buck was granted lots 37, 38 and 39 on each side of the road, while black settlers occupied land on either side of him. In 1823 the Surveyor General argued that since only about one quarter of the lots were actually occupied by the blacks, whites should receive grants of 100 and 200 acres in the settlement. Over 40 lots were offered to whites who had petitioned for them, although most failed to occupy the land.<sup>42</sup> One black, Peter Emerson, claimed that he had lived for three years on a plot given to a white settler and that he had cleared four acres and built a house.<sup>43</sup> This dispute was not settled immediately even though the Surveyor General reported to the Executive Council that Emerson's name had been recorded for one of the lots and that another that the white settler claimed was unoccupied had been surveyed for a black man

38 Petition of Robert Foulis, undated, RLE/826/G/Pe/44, PANB.

39 *New Brunswick Courier* (Saint John), 6 October 1827.

40 Petition of the Colored Population of the Settlement at Loch Lomond, 29 February 1828, RLE/828/E/Pe/63, PANB.

41 Petition of Charles Buck, 29 November 1829, Land Petitions, St. John County, no. 684, and Journal of Proceedings respecting allotments of Land, vol. 26, 12 January and 7 February 1822, PANB.

42 Petition of Patrick McKenna, 4 March 1823, with comments of Surveyor General, Land Petitions, St. John County, no. 731, PANB. Also see Journal of Proceedings respecting allotments of Land, vol. 26, pp. 12, 24, 26 - 9, 34, and 56, PANB.

43 Petition of Peter Emerson, [1823], Land Petitions, St. John County, no. 753, PANB.

named Reid, who was still living in the settlement.<sup>44</sup> When the whites attempted to occupy their grants, they were not welcomed. A Saint John newspaper of 5 June 1824 reported that:

The Blacks of Loch Lomond have again been guilty of breaking the peace, and disturbing the quietness of that settlement. It appears that a number of females of that colour had collected together and maltreated with the greatest severity a white man and his wife, threatening them even with the destruction of their lives and property. For this violent outrage they were taken into custody by order of a magistrate, but were soon after rescued by the lawless interposition of the 'Master Blacks'. An enquiry we think, ought to be instituted for the purpose of ascertaining the cause of the ill will which the Blacks in that settlement manifest against their white neighbours and if it is groundless let some effectual measure be adopted to prevent its recurrence.<sup>45</sup>

The grievances of the black settlers included the ease with which whites acquired large blocks of land in the area while they were unable to obtain titles to their small lots. There was also some question as to whether, in fact, some lots were really "unoccupied". When Charles Buck ran into strong opposition in trying to occupy and improve his grant, he requested aid in acquiring possession of the lots from which he had been driven by the blacks or a grant of land elsewhere and compensation for the improvements he had made.<sup>46</sup> The Executive Council refused to comply with his request for land in another area, but in an attempt to restore order, 10 blacks were convicted of assault in June 1824 and 13 were charged with rioting and 7 with arson in September 1824.<sup>47</sup> The arson charges were not proven but those convicted of assault and riot were given short sentences of from 7 to 12 days in the county jail.

This appears to have temporarily ended the disorders at Loch Lomond, but the grievances of the blacks were not resolved.<sup>48</sup> Agitation for clear

44 Petition of Daniel McIntosh, 18 August 1823, *ibid.*, no. 760, PANB. The petitions of McIntosh and Emerson were rejected at the time, but in 1836 Emerson's widow was granted one of the two lots in question. Description of Land Grants, vol. 18, no. 298, PANB.

45 *Saint John Globe*, 27 May 1905, extract from a newspaper of 5 June 1824.

46 Extracts from a petition of Charles Buck, Journal of Proceedings respecting allotments of Land, 4 January 1825, vol. 28, p. 39, PANB.

47 St. John County, Minutes of the Courts of the Quarter Sessions, 1 June and 7 September 1824, PANB.

48 *New Brunswick Courier*, 15 September 1827 has a report that 3 black women from Willow Grove were imprisoned for assembling with others and assaulting Thomas Buck.

titles continued throughout 1824 and 1825. In 1824 Lieutenant Governor Sir Howard Douglas apparently approved a recommendation from the Commissioner of Crown Lands that the blacks be given grants of 50 acres for what was considered the low price of 20s.<sup>49</sup> But the blacks were not informed of this decision and when they appealed to the Executive Council in 1825 for confirmation of their titles the Council decided not to give grants but to issue licenses of occupation for 99 years, perhaps because they feared that the possession of freehold titles might confer on the blacks the right to vote.<sup>50</sup> In 1834 Charles Simonds of Saint John, a member of the Assembly, was informed by the Crown Lands Office that the plan of 1824 had, in fact, been approved and that blacks were entitled to 50 acre grants if they could prove title to the land and pay 20s.<sup>51</sup> No reason was given for the long delay in informing the blacks of their rights.

In 1836 the House of Assembly established a committee to resolve the question of title.<sup>52</sup> The committee found that a report to the Crown Lands Office showed that the claims of 65 blacks were valid, while those of 10 others were doubtful. They also discovered that £75 had been received by the government on behalf of the blacks and that the delay in issuing grants had been caused “by the unsettled state of said ten claims”.<sup>53</sup> Grants were finally issued on 16 September 1836 to 73 blacks.<sup>54</sup> When the list of those receiving land in 1836 is checked against the names of those who petitioned for land in 1817, it can be seen that for 18 blacks the struggle to obtain land titles had gone on for nearly twenty years. For most others it had lasted at least twelve years. A number of the original applicants were dead by 1836 and the grants were issued to their widows and children. Despite many complaints about the slow process of issuing land grants in New Brunswick, white settlers had never been treated this badly. Within the original 5600 acre “Black Refugee Tract”, 1050 acres had been given to six white settlers, who thus held 21 lots of from 100 to 300 acres each, in marked contrast to the 50 acre farms of the blacks.<sup>55</sup>

The refusal of the government to grant land titles was, as William End suggested in the Assembly in 1836, one reason for the failure of the black

49 *JLA*, 27 February 1836, p. 132.

50 Executive Council Minutes, 17 May 1825, Rex/Px, vol. III, p. 230, PANB.

51 J. Beckwith to Charles Simonds, 15 November 1834, Letter Books (Baillie), vol. D, p. 178, PANB.

52 *JLA*, 25 February 1836, p. 127.

53 *Ibid.*, 27 February 1836, p. 132.

54 Grant to Hiram Taylor and 72 others, 16 September 1836, Description of Land Grants, vol. 18, no. 298, PANB.

55 J. Beckwith to Charles Simonds, 15 November 1834, Letter Books (Baillie), vol. D, p. 179, PANB.

settlement to prosper.<sup>56</sup> It was not the only factor. While other groups of settlers faced similar problems to those of the black refugees, they received more aid from Agricultural and Emigrant Societies, church organizations and other charitable groups. They were also assisted in settling near friends, relations or fellow countrymen. Indeed, as a committee for the settlement of immigrants in Charlotte County pointed out in 1820, newly arrived immigrants objected to being offered lands which were not “in the vicinity of their Countrymen or Connexions”.<sup>57</sup> Sir Howard Douglas boasted in 1826 of having put into “active and successful operation”, under the societies, “a system for receiving, locating and aiding Emigrants”, which was in part financed by the government.<sup>58</sup>

The black refugees did not have friends to aid them and they received very little help from the Emigrant Society in Saint John. The Overseers of the Poor for the parish of Portland did grudgingly give aid to the blacks who were described as being “unaccustomed to the rigours of New Brunswick winters” and “incapable of providing subsistence for themselves and their families”.<sup>59</sup> They were provided with seed potatoes in 1817 and in 1821 those who had been able to clear land were aided by a grant of £50 to purchase seeds and farming utensils, something Major General Smyth had considered necessary in 1815.<sup>60</sup> Free molasses, meal and material for making clothes were also supplied in 1823 and 1824.<sup>61</sup> But the Overseers of the Poor felt that it was unfair that the people of Portland had to bear these expenses, which “ought not to be chargeable upon any particular Town or Parish” but should be the responsibility of all the people of the province.<sup>62</sup> Since Saint John was a port city, many destitute refugees and immigrants arrived there yearly who required help and in all the years the Overseers of the Poor supplied aid to the black refugees much larger sums were spent on

56 *JLA*, 25 February 1836, p. 127.

57 Petition of Hugh McKay, John Campbell and Peter Stubs, 1 September 1820, Rex/Px/21/6, pp. 2370-2, PANB.

58 Petition of the Fredericton Emigrant Society, 27 January 1820, RLE/820/B/Pe/45, PANB, and Douglas to Horton, 16 November 1826, CO 188/133, p. 155. The expenditures of these societies in 1826 totalled £116.

59 Petition of the Justices of the General Sessions of the Peace for the City and County of St. John, 21 February 1826, RPS, Poor, PANB.

60 Accounts of the Overseers of the Poor for Portland Parish for 1820, *ibid.* See also *JLA*, 16 March 1821, p. 356 and 26 March 1823, p. 104.

61 Petition of the Justices of the General Sessions of the Peace for the City and County of St. John, undated, RPS, Poor, PANB.

62 Petition of the Justices of the General Sessions of the Peace for the City and County of St. John, undated, RLE/826/G/Pe/9, PANB.

“indigent” and “distressed” immigrants and paupers, particularly the Irish.<sup>63</sup>

Not all the black refugees were a burden to the parish. In 1825 only 10 were given assistance, but in the following years the numbers grew.<sup>64</sup> By 1827 the condition of the settlement had deteriorated and almost every person in the settlement was receiving aid, especially during the winter. Economic difficulties in the timber trade and the scarcity of jobs in Saint John meant that there was little opportunity for those who depended on employment outside the settlement to earn money, as they had to compete for the few jobs available with the rapidly increasing number of pauper Irish immigrants who were landing at Saint John. Even the most energetic settlers in the black settlement found it difficult to support their families and the Overseers of the Poor reported that “the condition of this wretched portion of the Inhabitants of the Parish, so far from being improved, is annually becoming more distressing, very little progress having been made by the most provident amongst them towards supporting themselves and families”.<sup>65</sup> In 1827 the Saint John Agricultural and Emigrant Society attempted to assist the blacks and members of the Society visited the settlement to talk with various families.<sup>66</sup> Since one of the reasons for the destitute condition of many of the black refugees in the winter was apparently the result of their inability to procure seeds for planting in the spring so that they would have food for the following winter, the Society purchased seeds to the value of £20 for their use, in the hope that “having got a start they will be able to succeed better from year

- 63 Brereton Greenhous, “Paupers and Poorhouses. The Development of Poor Relief in Early New Brunswick”, *Histoire Sociale/Social History*, no. 1 (April, 1968), p. 13, says that once an immigrant arrived in the province “neither government nor shipper nor speculator made any move to help him during those early years”, but the government did help one particular group, the black refugees. This is incorrect. There was aid for immigrants from the Emigrant Societies and every year in the 1820s, 30s and 40s the magistrates of the city and county of St. John petitioned the legislature for large sums of money to reimburse them for aid to “indigent Emigrants” and “transient Paupers”, just as they did for aid to indigent black refugees. The only difference was that most immigrants were only aided for a year or two, while some of the black refugees received meal and molasses — not the type of aid that would make them self-sufficient — for ten years or more. Moreover, paupers resident in any parish were also aided for years out of local funds. The reason for the steady stream of petitions to the legislature for aid to the black refugees was that the magistrates and parish officials felt that the blacks should not be the responsibility of the parish but of the government of the province since they had been settled in the area by the government.
- 64 The Petitions of the Overseers of the Poor for the Parish of Portland show 10 black refugees given aid in 1825, 15 in 1826, 31 in 1827 and 41 in 1828. RLE/826/G/Pe/15A and B, RPS, Poor (1826), RLE/828/E/Pe/23, RPS, Poor (1827), and RLE/829/E/Pe/2, PANB.
- 65 Petition of the Overseers of the Poor for the Parish of Portland, 1828, RLE/828/E/Pe/23, PANB.
- 66 *New Brunswick Courier*, 21 April 1827.

to year".<sup>67</sup> The Society was not happy with the results of their efforts. The treasurer reported in October 1827 that the people "continue to make the worst returns for the kindness extended towards them", although he added that "there are a few of the residents who are improving their lots in a very creditable manner".<sup>68</sup>

One of the greatest needs of the black settlers was a mill to grind their oats, buckwheat, barley and rye. Without such a mill they had to carry their grain 15 miles from the settlement. When the portable mill they had used for years broke down in 1828 due to continued use and the lack of "proper skill" to keep it in repair, they had virtually to abandon their attempt to grow grain and rely solely on Indian corn, "which they find best adopted for the miserable process of soaking and pounding in a mortar; the only method your Petitioners now possess for making it into bread". The construction of a grist mill would, they argued in a petition, "truly make it a land of pure delight and flowing with milk and honey" and also induce many of those who had leases of land in the settlement, but who spent their winters in Saint John and other places, to "set down to a diligent cultivation of their land and by the happy change that would be made thereby in their condition, serve as an example to point the way to others who are not so fortunate, to endeavour at procuring a similar bountiful privilege elsewhere".<sup>69</sup> This petition was supported by some of the whites living in the area. John Jordan, a local magistrate, and William G. Cody, a farmer and innkeeper, two of the largest landowners, claimed "a thorough knowledge of [the] peculiar disposition, habits, and condition" of the blacks and recommended that the legislature give serious consideration to the petition, as they conceived "it to be more happily adopted than any other kind of patronage or assistance whatever, to relieve the Blacks from the unstable habits too common to many in the settlement, and fix them in steady industry, and attention to their farms — a reform of which kind with them is now becoming essentially requisite for the safety, order and peace of the community".<sup>70</sup> Eighteen other whites also argued that the mill would be "a means of rendering the Black settlers useful, and improve materially" their condition and enable them to provide for themselves and families "without the great difficulty which at present exists in their obtaining the means of support". The mill would discourage frequent trips to the city of Saint John, a temptation to the more unsteady members of the community, who "frequently acquire incitements to idle and dissipated

67 *Ibid.*, 28 July 1827.

68 *Ibid.*, 6 October 1827.

69 Petition of the Colored Population of the Settlement at Loch Lomond, 29 February 1828, RLE/828/E/Pe/63, PANB.

70 Statement of John Jordan and William G. Cody, 3 March 1828, *ibid.*

habits".<sup>71</sup> While the altruism of the whites may be questioned, there is no doubt that a mill would have been more beneficial to the settlement than steady rations of food and clothing. Nevertheless, there is no record of the blacks receiving the assistance they required to build one.<sup>72</sup>

In 1833 the local magistrates reported more optimistically that as many of the farms had been "improved to a very considerable extent", the owners no longer needed assistance, although other families, "who are utterly helpless, many of whom are aged and infirm", still needed aid.<sup>73</sup> After visiting the settlement, the magistrates petitioned for a grant of £50 from the Assembly to improve the road from William G. Cody's farm to the black settlement. This sum might be used to employ the blacks in clearing the road and it was expected that such employment would help "to introduce habits of industry" and reduce the amount of aid expended in the area. But while the House of Assembly agreed to reimburse the Overseers of the Poor for money already given in 1832, it decided that no further sums should be expended "unless to a very limited extent, under special circumstances".<sup>74</sup>

A severe winter in 1833-34 provided the special circumstances and the Overseers of the Poor were forced to spend over £59, although they informed the government that "the most rigorous measures" were adopted "to induce or compel such Black People as were capable of so doing to support themselves", and relief was given only to the sick, aged and infirm.<sup>75</sup> Provisions were supplied during periods of bad weather and the magistrates praised the efforts of the Overseers of the Poor and William G. Cody for his assistance in "conveying provisions to them through the snow drifts". In 1835 the Justices of the Peace reported that "poverty, sickness and distress" had prevailed at the settlement during the winter of 1833 and except for the efforts of Cody and the Overseers of the Poor many of the blacks would have starved since 10 or 12 of them were "so aged and infirm or so debilitated by the rigorous effects of the climate" that they were unable to maintain them-

71 Statement of the white settlers, 4 March 1828, *ibid.*

72 In 1828 a number of petitions were received by the House of Assembly for aid in constructing mills in various parts of the province. Very few received aid at that time unless the mill was already under construction. See *JLA*, 16 February 1828, p. 17. However, because of the number of petitions, the Assembly voted £1000 to the Lieutenant Governor to be used to encourage "the erection of Oat Mills and Kilns" but grants were only to be given if the mill "had been actually in operation previous to the claim for bounty". *Ibid.*, 31 March 1828, p. 135.

73 Petition of the Justices of the Peace for the City and County of St. John, presented 7 February 1833, RLE/833/Pe/41, PANB.

74 *JLA*, 19 February 1833, p. 52.

75 Petition of the Justices of the Peace for the City and County of St. John, presented 9 February 1835, RLE/835/Pe/98, PANB.

selves.<sup>76</sup> At least six visits had to be made to the settlement by Dr. Paddock of Saint John, who found that a state of near famine existed.<sup>77</sup> While conditions appear to have improved after 1836, some assistance was still necessary for several years, and in 1839 the Justices of the Peace for Saint John County complained that other parishes were sending black paupers to the Loch Lomond area so that they would not have to support them.<sup>78</sup> The annual requests for funds to reimburse the Overseers of the Poor for aid to black refugees ended in 1845, although occasional grants were made in later years.<sup>79</sup> But the black community did not grow substantially and did not prosper. In time, many lots passed into the hands of whites and the black settlement virtually disappeared.

The black refugees had come from the southern states to the harsh climate of New Brunswick. They had been settled on wilderness land which had to be cleared by methods with which they were totally unfamiliar. They did not know how to construct log huts; they had no money for seeds; and they were unaware of which crops they should plant. Born into slavery, they had never had any opportunity or encouragement to use their own initiative. In 1828 they pointed out that because of "their circumscribed ability" and their lack of knowledge, they found it almost impossible to adapt to a way of life which was foreign to them.<sup>80</sup> Without leaders who had experience of life in a backwoods settlement, they faced enormous difficulties which many were unable to overcome. Moreover, it was not just their "circumscribed ability" that accounted for the failure of their settlement. In 1851 Professor Johnson described the land the blacks had been given as "poor and stony".<sup>81</sup> In 1904 William Murdock claimed that the land in the vicinity of Willow Grove where Irish immigrants had settled in the 1820s "is wretched".<sup>82</sup> A modern soil survey report states that "in the main the Lomond soils" in the area of Willow Grove "are not suitable for agriculture", and that "experience had proved that even after much labour was expended on clearing the land

76 *Ibid.*, RLE/835/Pe/33, PANB.

77 *Ibid.*, and St. John County, Minutes of the Courts of the Quarter Sessions, 24 January 1835, PANB.

78 *Ibid.*, January 1836.

79 Aid requested in 1840 totalled £46-2-6; for 1841, £123-0-7; for 1842, £145-15-2; and for 1843, £55-8-16. Petitions of the Justices of the Peace for the City and County of St. John, RLE/841/Pe/119, RLE/842/Pe/177 and RLE/843/Pe/190, PANB.

80 Petition of the Colored Population of the Settlement of Loch Lomond, 29 February 1828, RLE/828/E/Pe/63, PANB.

81 James F. W. Johnson, *Notes on North America, Agricultural, Economical and Social* (Edinburgh, 1851), vol. 1, pp. 138 - 9.

82 William Murdock to W. F. Ganong, 4 April 1904, Ganong Papers, MS New Brunswick Settlements, vol. 1, p. 128, NBM.



and picking off the stones, the fertility of the soil, which is only mediocre, was not sufficient to offset the disadvantages of remoteness from markets".<sup>83</sup> The policy of giving small lots of marginal land to poor settlers was bound to fail, whether the settlers were white or black.<sup>84</sup>

White settlers could usually depend on some assistance from friends and fellow countrymen and if they still failed, like those Irish immigrants who also settled in the area of Willow Grove on land equally unsuitable for agriculture, they could move to other settlements in the province or to the United States. For the black refugees the alternative of moving to the United States was not appealing. Few attempted to settle in other parts of New Brunswick. Most preferred to remain among their own people, either on their tiny, unproductive lots in Willow Grove or to drift to the city of Saint John where they formed part of a "special class of permanent poor".<sup>85</sup> For this reason the settlement of the black refugees in New Brunswick can only be viewed as a failure.

83 H. Aulund and R. E. Wicklund, *Soil Survey Report of Southeastern New Brunswick* (Fredericton, undated), p. 70.

84 See John Richard's Report Respecting the Canada Waste Lands, 1831, Britain, *Parliamentary Papers*, 1831 - 2, vol. XXII, p. 37.

85 Judith Fingard, "The Relief of the Unemployed Poor in Saint John, Halifax, and St. John's, 1815 - 1860", *Acadiensis*, V (Autumn, 1975), p. 32.