

“Too Tedious to Mention”: Pondering the Border, Black Atlantic, and Public Schooling in Colonial Canada¹

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“The prejudices of the people are stronger than law.”²
Egerton Ryerson

In 1786, an advertisement was published in the *Royal Gazette* by Charles McPherson, a well-to-do local builder and innkeeper of the Coffeehouse on King Street in Saint John, New Brunswick. The advertisement listed a number of items for sale, including “forty-six hogsheads of London Porter; 2 hogsheads, 4 casks and a box of bottled Ale ... Tables, Chairs, Benches...” After enumerating a dozen or so items for sale, in the second paragraph of the ad, McPherson also included a “Negro man and boy” and “a variety of other articles too tedious to mention” for disposal.³

McPherson’s ad provides a number of telling details customary to the advertising of slavery throughout Canada in the eighteenth and nineteenth centuries. These reveal that it was not wholly dissimilar to slavery in the United States, as many slaves and owners in Colonial Canada were from the American colonies and other parts of the British Atlantic world. McPherson’s advertisement reveals, first, the compatible presence of black enslavement and black freedom in the Maritimes, despite the Earl of Dunmore’s 1775 Proclamation promising emancipation to enslaved black people owned by American revolutionaries.⁴ It also demonstrates Canada’s participation in an ongoing global project of subjugating and dispersing African and African-descended peoples: the trade of enslaved black people throughout the British Empire and the wider Atlantic world was permitted until 1808, and England transported more slaves across the Atlantic than any other nation.⁵ The advertisement also reveals the understanding that white settlers, slaveholders, and townspeople alike shared in the belief that black children could be ethically disposed of as chattel—owned, traded, bequeathed, sold away, and eternally separated from their kin as “tables, chairs, benches.”

Finally, as a slave owner, McPherson lists no intent or demand to sell both the “Negro Man and boy”—perhaps a father and his son—so that they remained together. Black children, akin to the unremarkable items listed, constituted an insignificance “too tedious to mention.” This ontological limitation was both imagined and exacted upon them by their white owners, and this dissonant view of black children as distinct from white children would be seen beyond the bounds of slavery: in the context of public schooling practices throughout the Maritimes, Upper

Canada, and other territories of pre-Confederate Canada.⁶

This article draws a connection between black enslavement, migration, and public schooling segregation in Canada between the 1770s and 1860s, and also offers a reflection upon black presence, the border, and the meaning of emancipation in colonial Canada. This temporal frame marks the largest migrations of black peoples to Canada from the United States in the nineteenth century. The article is interested, particularly, in tensions that are raised by black peoples—some legally free, others enslaved—in their movement towards something they believed to be “freer” than their lives in the United States, and the great conundrum that their presence in Canada created: black people followed the North Star, seeking refuge in a new land, yet were met with a web of racial discrimination that broadly impacted all areas of their lives.

Grounded in an ongoing study of the overlapping histories of slavery, migration, and settlement within Canada prior to the Civil War, the article proposes a reading of historical black presence in Canada that centers these subjects alongside a cotemporary reality of public schooling segregation and violence reserved for black children.⁷ Specifically, I consider these histories—often expressed through the discursive language of emancipation—in relation to the history of anti-black public schooling segregation that met the large-scale arrivals of black free and enslaved peoples in the late-eighteenth and early to mid-nineteenth centuries.

In the eighteenth and nineteenth centuries, a myriad of strategies connected to empire, nation building, and the making of whiteness kept black people “on the move” within Canada. The law presented one conundrum to black people seeking freedom within a new nation. Geographic displacement, as evidenced by an intent to segregate and scatter black people elsewhere—as in, for example, Preston and Hammonds Plains—presented another.⁸ Public schooling, with its long historical arc of *de facto* and *de jure* exclusion, served as an illustrative nexus—a meeting place—for Canada’s responsive racism to black migration and black emancipation.

Without overlooking the radical tactics of agency exercised by black migrants, fugitives, and freeborn people transiting to and through Canada—strategies of physical resistance, fugitivity, ongoing small and large-scale migrations, litigation, narrative—this article is concerned primarily with the impossibilities of permanence and place-making that confronted black presence within Canada and insisted upon its removal, and where this was untenable, effectively fostered its segregation.⁹ Strategies of displacement or “displaceness,” along with “racialized structures of freedom,” sustained a metamigration of black peoples transited four, five, or even six times prior to the Civil War.¹⁰ This stream of black movement, I argue, bedevils an emphasis on permanence, place, and homemaking often suggested within the historiographies of the Underground Railroad, black settlement in Upper Canada and the Maritimes, and discourses of emancipation in Upper Canada, Lower Canada, and the Maritimes.¹¹ In part, this article suggests a new lexicon which better encapsulates the flux of black life during the eighteenth and nineteenth centuries:

symbols that contain a history of black agency and aspiration, but also language that narrates a complex assemblage of ongoing captivity, unfinished migration, and racialized displacement both within and outside of the nation.¹² This article and its lexicon consider prior works that trouble the notion of Canadian innocence, but also attempt to think through the overlapping histories of slavery, migration, and settlement as sites that fostered a web of continuous captivity and displacement for black peoples. For black children, schooling specifically served as a site where such violence was meted out and, over time, flourished.

What happens when Canada's history of *de jure* and *de facto* racism in public schooling is brought into conversation with the history of black migration? This reframing, I insist, better communicates black peoples' historical relationship with Canada and the Atlantic world, one that has not been centred in discussions of the history of public schooling for black children in Canada. While scholars have challenged the narrative of the Underground Railroad as both idealistic and linear, there has been little focus on the structural experience of anti-black schooling exclusion, its intentional design, and such violence as central to the story of black migration following the North Star.

This article is divided into two main sections. In the first section, I discuss black migration and propose three subject areas for sharpening the scholarly relationship between black migration and schooling in the eighteenth and nineteenth centuries, while engaging with numerous foundational historical works. Where necessary for context, I briefly detail their historiographies or refer to their sources in the footnotes. In the second section, I discuss the history of public schooling violence in the late eighteenth and early to mid-nineteenth centuries for black children arriving in Upper Canada/Canada West and the Maritimes. The history of anti-black schooling segregation has been well detailed and debated over the last three decades of scholarship on the subject. Adding to this conversation, I am interested in centring the relationship between black migration and schooling, and framing public schooling as a pivotal site of betrayal for black families who journeyed northward with a primary desire of access to formal education. I highlight the trial *Washington v. The Trustees of School No. 14* as a case study that encapsulates the realities faced by black litigants who were directed toward the judicial system to contest their schooling exclusion. I conclude with some thoughts on the ways that the law effectively frustrated the desires and efforts for emancipation held by black families, in the context of education. Given the intricacies of racial violence, I also discuss the ways the "border" has been described in the historiography of black migration.

I.

In his major work on black migration, *The Making of African America: The Four Great Migrations*, historian Ira Berlin frames black migratory life as bound by a “contrapuntal narrative.” He employs the term “rootedness” to express a black agency of belonging in the context of personal and material “attachments” within a geographic frame, specifically the US South.¹³ For many who migrated northward as fugitives after the Civil War or retreated from “the epicenter of black life” at the beginning of the twentieth century, the “new opportunities and new freedoms,” as Berlin attested, “could never replace what had been left behind” in the US South.¹⁴ What was “left behind” entailed clear bonds of kinship, but also an attachment to geography and topography that lands elsewhere could not provide—“no chinaberry trees, no pecan trees”—and a profound nostalgia for tastes and sounds that could not be replicated. Between the years 1861 and 1871, the black population in Canada West /Ontario decreased by 22 percent, with the majority returning to the United States.¹⁵ This fact is not raised to suggest that most returned to the US South—as we understand currently, most did not.¹⁶ Rather, it is raised to name the sacred attachment to place and family that Berlin describes to classify the migration of black peoples within the United States and north of its borders. Still, for Berlin, black “rootedness” did not specify a physical presence in one place nor fixedness, and it did “not refer to immobilization.”¹⁷

In the context of a study of black Canada, Berlin’s descriptions raise a set of inquiries regarding black migration to and within Canada. Where within Canada did black peoples’ experience of migration denote a “rootedness” regarding “shared attachments” to land and geography in the nineteenth century? What were the freedom costs for black people migrating or forcibly brought to Canada who lived multi-displacement and, when untenable, were segregated? What other histories, subjectivities, and intergenerational impoverishments are buried beneath a story of ongoing displacement—of metamigration—in relation to black Canada?¹⁸

I do not, albeit, attempt to answer these questions directly, but raise them now as heuristics. Rather, I consider three subject areas for framing the relationship between black migration and schooling in the period: the stark experience upon arrival; the irony of Revolutionary discourse in relation to this experience; and finally, the forces that compelled black people to depart from Canada and migrate into the Atlantic world after arrival.

Arrival

The constraints imposed upon black life in the eighteenth and early nineteenth centuries are visible whether black migration northward occurred as fugitivity or in another fashion during the American Revolution or the War of 1812. They are also visible whether the site of arrival was the Atlantic colonies of British North America, Upper Canada, or New France/Lower Canada—all slaveholding territories

within the nation, historically.¹⁹ In his discussion of the Revolutionary War and the War of 1812, Harvey A. Whitfield writes, “the British offered physical freedom to American slaves willing to abandon their patriot owners.”²⁰ Yet, it would be egregious to view Loyalist promises of black freedom during these wars with benevolence or abolitionist intent.²¹ Instead, black freedom was a carrot, and promises of emancipation outside of the United States were, decidedly, “tactics [employed by the British] to defeat the United States” in its imperial wars in the late eighteenth and early nineteenth centuries, as well as part of a “settler colonial impulse” that “drove and shaped racial geographies of freedom.”²² Whitfield’s work is crucial for understanding the profound hope “for stable families, independent farming, and freedom of movement” that black migrants held, as against what was experienced and extended upon arrival after the Revolution and War of 1812.²³

Black migration to the Maritimes in the eighteenth and nineteenth centuries was not the project of fugitivity, settlement, and freedom, as is popularly understood. Rather, its terminus underscores “those forms of captivity which sometimes promised kinship, only to be transformed” into chattel slavery and other technologies of captivity.²⁴ In addition to the conditions Whitfield describes in the Maritimes after the Revolution and the War of 1812, it was not uncommon for the black enslaved and re-enslaved to be sold away by their owners to the West Indies, where their bodies garnered much higher profits on “sugar or coffee plantations with high mortality rates.”²⁵ Whitfield succinctly describes experiences of ongoing captivity in the Maritimes after the Revolution:

Re-enslavement, the expansion of slavery, fear of sale to the West Indies, the spectre of living in a society with slaves, brutal forms of indentured servitude, and inequality were as definitive to the African and African American experience in the Maritimes as the hopes of freedom that accompanied the black Loyalist migrants to His Majesty’s northern possessions.²⁶

Discourse

Black migration also signifies the nation’s exemption of humanity for black peoples arriving during the very periods that revolutions successively unfolded around the globe in undertakings that further crystalized the notion of the human. By this, I do not mean to excise the agencies of black peoples who constitute what Paul Gilroy refers to as the Black Atlantic, nor ignore the ways that black survival and creativity produced a “counterculture of modernity.”²⁷ Rather, I position black migration to Canada during the Revolutionary period as a heuristic that ties Canada’s relationship to the rest of the colonial world, whereby black peoples were clearly marked as “exceptions to” the notion of the human.²⁸ The period following the American Revolution “ironically reinvigorated the slave trade,” wrote Berlin, and the “paradox of a revolution,” historian David Brion Davis insisted, was in the rhetorical power that

“seemed to challenge slavery, but in fact entrenched and strengthened it.”²⁹ Labeling this paradox “the perishability of Revolutionary time,” Davis concluded that the all-important legacy of humanist and natural-rights ideologies were left “open to very radical interpretations and applications” that explicitly excluded black peoples globally—both enslaved and free.³⁰ Jamaican philosopher Sylvia Wynter invoked the term “lay humanist” to highlight what should constitute the profound limits of the intellectual legacies of those who, on the one hand, asserted liberties and natural rights for whites, and on the other hand, consolidated the Other as property—as mere chattel.³¹ Philosopher Charles W. Mills positions a critique of political liberalism, squarely, as the progeny of the Revolutionary period in the eighteenth century. He writes,

John Locke invests in African slavery and justifies aboriginal expropriation; Immanuel Kant turns out to be one of the pioneering theorists of modern “scientific” racism; Georg Hegel’s *World Spirit* animates the (very material and non-spiritual) colonial enterprise; and John Stuart Mill, employee of the British East India Company, denies the capacity of barbarian races in their “nonage” to rule themselves.³²

Insisting upon the marked persistence of this history in the present, he adds, “the way in which contemporary liberalism is still compromised by race is, in my opinion, in the failure to rethink itself in the light of this history.”³³

The Revolutionary period also coincided with ongoing global debates about abolition. Yet, “the American Revolution,” historian Christopher Brown writes, “did not cause abolitionism in Britain. It neither moved men and women to act nor indicated what, specifically, they should do” about black enslavement.³⁴ While the Society for Effecting the Abolition of the Slave Trade was established in 1787, Brown describes its founding and subsequent activism as, “odd rather than inevitable, a peculiar institution rather than the inevitable outcome of moral and cultural progress” arising from the rhetoric and values of the Revolution. English abolitionism, he clarifies, began with ameliorationist goals “aimed to make slavery more human or Christian,” rather than with the full emancipation of the black enslaved. The pathway to abolition in England hardly had the “welfare of the enslaved” as its commanding aspiration.³⁵

Diaspora

Black migration to Canada also signifies the “diaspora within diaspora” that the continual movement and geographic dispersal of black peoples borne of slavery, racial violence, and ongoing discrimination made in the eighteenth and nineteenth centuries.³⁶ Kenneth Donovan’s work detailed the community of 418 enslaved in Cape Breton (then, *Île Royale*) from 1713 to 1815—a group that importantly, in-

creased in number over time and formed one of the most culturally and geographically diverse groups of enslaved people in North America.³⁷ In addition to the diverse ethnicities of enslaved peoples from French colonies in the West Indies and West Africa, Cape Breton also became a bustling market for products from the Caribbean. After the Revolution, Loyalist slave owners “replicated most aspects of slavery as in New England and the Middle Colonies” as they settled in the Maritimes, as well as Upper and Lower Canada.³⁸ As such, the sight of the black enslaved was both unsurprising and accepted within the Maritimes, as well as other parts of Canada. William Riddell documented the presence of the black enslaved in Upper Canada before and after the Revolution, and Afua Cooper has written that “many prominent Loyalists brought their slaves with them” to Upper Canada after the Revolution.³⁹ This was the same in Lower Canada, where significant numbers of black people were brought to the (Missisquoi) Eastern Township region after 1783.⁴⁰

Regarding systems of nineteenth-century Transatlantic trade, Nelson has detailed the coupled points of exchange between the coast of New France, the Maritimes, and the British Caribbean that supported the global industrialization of sugar and other metropolitan staples, as well as cargoes of Creole slaves.⁴¹ These well-established routes were convincingly cited to first gain the assent of Louis XIV in 1689 for the importation of slaves to New France, despite his majesty’s wariness “that Africans would not be able to withstand the climate” of New France.⁴² In addition to the importation of black people as chattel to the Maritimes and New France, Nelson adds, “Canadian merchants [widely] participated within the more normative forms of plantation slavery through their commercial investments in tropical colonies, which produced products like sugar.”⁴³ “So extensive was the trade in rum and molasses” between Cape Breton and the West Indies, Donovan writes, “that by the 1750s, the value of Ile Royale sugar products rivalled the value of the colony’s codfish production.”⁴⁴ In Upper and Lower Canada and the Maritimes, “pre-existing structures of black labour exploitation, racism, and trade connections to the West Indies,” a crucial Transatlantic connection, were well established.⁴⁵ Whitfield notes, “for more than a century before the Loyalist arrival, the Maritimes was intimately connected through trade, migration, and slavery with the greater Atlantic world.”⁴⁶ As Charmaine Nelson has described, arriving to Canada marked a second or third migration and often signified a fourth or fifth in the waiting, given that black peoples were transported to and from numerous locations, fled northward, and migrated beyond colonial and national borders in search of a freedom greater than the protracted experiences of segregation, dispossession, and enforced poverty that Canada provided.⁴⁷

Historian Ikuko Asaka argues that the periods coinciding with the largest black migrations to Canada failed to ever constitute a “freedom of residence.”⁴⁸ As one example, white resistance to black presence in Halifax pushed at least 1200 to emigrate to Sierra Leone in 1792 and 1800, in search of an emancipation more than the racial hatred and forced poverty they encountered.⁴⁹ In 1821, 95 blacks who

settled in Nova Scotia after the War of 1812 faced such intense hardships and discrimination that they decided to depart for Trinidad, despite an entrenched practice of slavery on the island.⁵⁰ In addition to the decisions that black people made to continually depart the Maritimes in the early nineteenth century, the stream of fugitivity in the eighteenth and nineteenth centuries that Nelson and Whitfield detail in their extensive examinations of runaway ads in New France and the Maritimes, respectively, also attests to the sustained violence in the lives of black peoples within Canada.⁵¹

Asaka's work begs for greater attention to the racial and biological determinism that naturalized the removal of black peoples to tropical climates, and that fostered geographic segregation as a way to intentionally exclude black people from settler colonial projects and a white settler yeomanry in North America's temperate climates. In addition to black displacement to sterile farmlands in Preston and Hammonds Plains, Nova Scotia, after the Revolution and War of 1812, strategic processes of black dislocation through colonization schemes integral to Canada's settler aspirations elicit a reimagining of “black emancipation” in North America and the Atlantic world.⁵² With a greater focus on black life transplanted beyond Canada's borders in the late eighteenth and nineteenth centuries, one is reminded that it was the transnationalization of an emergent black subjugation—and specifically, the Atlantic dispersal of black peoples after the Revolutionary period—that provided a “constitutive moment for modernity.”⁵³ As such, Canada, too, must be centred and studied as an incubator that uniquely contributed to this process.

White resistance and black un-freedom marked the terminus upon arrival to Canada in the eighteenth and nineteenth centuries, and such resistance to black life also compelled migration southward. To date, relatively little is known about the reverse migrations of black families and communities from Canada to the United States in the nineteenth century. The Niagara border, Afua Cooper writes, was a common route of escape for enslaved blacks fleeing Canada in the nineteenth century. “So pervasive was the flight of enslaved African North Americans from Ontario to the United States,” Cooper explained, “that slave owners petitioned the government to take action” to help prevent their escape.⁵⁴ Of the 500 enslaved who lived in Upper Canada amongst Loyalist families after the Revolution, Gregory Wigmore notes that historians “rarely mention that many found freedom by crossing the border to the United States.”⁵⁵ As one pertinent example, Wigmore describes Pennsylvania Loyalist and Amherstburg slaveholder Matthew Elliott, whose 60 slaves disappeared as fugitives so quickly beginning in 1806 that by 1814, his will ultimately listed no slaves as chattel.⁵⁶ Black peoples who arrived free and as fugitives regularly fled to the US during and after the Civil War.⁵⁷ Such incessant flight, Nelson has argued, verifies the conditions of black life in Canada in the nineteenth century.

So then, to study black migration in the late eighteenth to mid-nineteenth centuries is to also study Canada's position within the transatlantic slave trade; to ponder seriously Canada as a colony and, potentially, a metropole within the Atlantic world; to look closely upon "the much-wider phenomenon of slavery in the Loyalist world after the American Revolution"; and finally, to trace the metamigration of black people who remained continually "on the move" within and outside of the bounds of Canada in the eighteenth and nineteenth centuries.⁵⁸ As black Canadian poet M. NourbeSe Philip has written: "it is a space—this space called Canada—enlarged by appetite—salted, east coast cod is sent to the Caribbean to feed the bodies of enslaved africans; in return hogsheads of rum are shipped back to the east coast for free europeans."⁵⁹

The term "bleeding border," now, is an attempt to call attention to three subjects at the heart of black migration within Canada in the late eighteenth and early to mid-nineteenth centuries: the arrival and ongoing restraints upon freedom that black people experienced within Canada; the "lay humanism" extended to black life in Canada and around the world in the aftermath of the revolutionary periods; and the formation of diaspora in the black Atlantic in the Maritimes, the Bahamas, England, and elsewhere after the Revolution, as well as the making of "diaspora within diaspora" in other places in the Atlantic world. It is an attempt to disentangle nuanced stories of black agency from the long arc of racial violence that determined location for black peoples migrating to and through Canada; it is also an effort to formulate the presence and experiences of black peoples in Canada beginning in the eighteenth century, as Katherine McKittrick writes, as wholly unsurprising.⁶⁰

Finally, it is an attempt to reposition a study of the history of public schooling segregation within a theoretical framework that centres the history of black migration, forced dispersal, and the nation's response, whereby Canada mapped out its own anti-black schooling policies while closely, apprehensively, attending to black migration and increasingly contentious political debates in the US that promoted the expansion of slavery. This is where a history about black schooling and learning in Canada should begin.

II.

In 1854, George Washington, a well-to-do black farmer who owned 50 acres of land, sued the trustees of School Number 14 in Charlotteville, West, Canada for redrawing zoning lines to intentionally exclude his son, Solomon—aged sixteen or seventeen—from the only school near his home.⁶¹ Washington was born in the US and fled to Canada West sometime prior to 1852, as his name appeared in the census in the same year as a resident of district number five in Charlotteville.⁶² As Afua Cooper has noted, Washington owned a significant acreage and worked as an independent farmer—a status that superseded many of his white neighbours.⁶³ In 1852, Washington’s experiences as freeman, landholder, and litigant were exceptional to Canada West, as black people in the US in 1852—including those legally free—would not have been able to live as freely prior to 1865. As the narratives of those arriving in Canada West during the period also make clear, black people undertook the tremendous risk of fleeing north with the primary expectations in mind of owning their labour and accessing formal education. At times, the narratives indicate education as the principal aspiration for migration. Henry Johnson, who arrived in Canada in 1851 from Massillon, Ohio, left behind a well-paying profession, extended family, and stable community after his daughter—an advanced learner who outpaced her white classmates—was expelled from her school by “white noblemen who thought it wouldn’t do” to have a black girl advancing in “the higher classes, among the ladies.” “I came to Buxton to educate my children,” he explained.⁶⁴ William Grouse also fled the US in 1851 and settled in St. Catherines, Ontario. Education for his children was primary in his decision to flee. “I have no education myself,” he said, “but I don’t intend to let my children come up as I did. I have but two, and instead of making servants out of them, I’ll give them a good education.”⁶⁵

In Canada West, however, white trustees and educators regularly excluded black children from local schools, and they were protected in doing so by Section 19 (the “Separate School Provision”) of the Common School Act of 1850, whether or not alternative separate schools actually existed for black children.⁶⁶ White citizens in Canada West commonly used *de facto* discriminatory practices, such as gerrymandering, to blindly justify racial exclusion in the context of schooling. As a study in the stark limitations of jurisprudence, the law also often permitted discriminatory measures against black children in decisions that weaponized race-neutral language against black litigants.

In his decision regarding Solomon Washington, Chief Justice John Beverley Robinson, a wealthy “scion of a Virginia slave holding family,” concluded that Solomon had a right to attend the white school closest to his home—a decision he would render inconsistently for other black families during his time on the bench.⁶⁷ A few years prior, Robinson rendered a decision in *Hill v. Camden* that rejected a black father’s request for admission to a local school, insisting that his children must attend a segregated school four miles away under the law.⁶⁸ In his narrowly worded

decision in the Washington case, Robinson stated that for Solomon Washington to attend the school closest to his home was permissible, but only given the failure of an existing separate school for black children near his home. It is telling that in the final lines of his decision, Justice Robinson noted that the legislative intent of the Separate School Provision was to provide for the creation of separate schools by white or black families for “coloured children.”⁶⁹ Justifying his decision in the present case as against this intent, he added that “the legislature does seem to have meant, though reluctantly, to give way so far to any prejudices that may exist in the minds of white inhabitants, as to allow of the establishment of separate schools for the coloured people, if thought expedient.”⁷⁰ While he held that excluding black children from integrated schools was not permissible in the absence of a racially segregated separate school, the decision affirmed his willingness to blindly adhere to the legislative intent of the Common School Act. Most significantly, his holding signalled the power of judicial discretion to produce what critical legal theorist Kimberlé Crenshaw refers to as an “infinite flexibility” in such cases where racial discrimination is central.⁷¹ As contemporary legal scholars have well detailed in the context of implicit bias and the legal system, discretion—such as the kind shown by Justice Robinson—is the site where bias becomes practice.⁷² Building on the work of Charles W. Mills, who writes that the history of the transatlantic slave trade and practice of black enslavement made the “normed human ... a loaded signifier,” education scholar Zeus Leonardo has described the normative meaning for “student” in the context of public schooling.⁷³ Simply, he argues, public schooling serves as a site where the negative historical treatment and perceptions of black enslaved children show up as strict deviations from the normative conception of “student” and account, in great part, for the radically disparate treatment experienced by black learners.⁷⁴ A similar historical reality in Canada, I insist, also begat the category of “subpersonhood” for black children and produced a “racially valenced construction” in public schooling for black students throughout Canada, beginning with their arrival.⁷⁵ It is telling that James Walker, in the final chapter of *The Black Loyalists*, writes that the education provided to the children of the formerly enslaved after their arrival to the Maritimes in the late eighteenth century “was specifically intended to prepare them” for a lifetime of social inferiority and servitude.⁷⁶

Washington v. The Trustees of School No. 14 is historically significant because it encapsulates a much larger narrative about the relationship between black migration to Canada and the effective “birdcage of discrimination” that created new, geography-bound conditions of captivity for black peoples—and here specifically, black children—who had fled or been transported from the United States.⁷⁷ This case is important, as well, because it represents a historical pattern of public schooling in Canada prior to 1855, whereby segregated schooling for black children was the norm in the Maritimes and Upper Canada. Beginning in the early nineteenth century, segregated schooling for black children worked in tandem with the law to fashion a birdcage of effective, emergent technologies of exclusion, violence, and

inferior education that persisted in Upper Canada, the Maritimes, and elsewhere for over a century.⁷⁸ Winks documents the *de facto* segregation practices that persisted, beginning in 1796, in the Maritimes. As black families settled in Halifax and Saint John, Winks writes, black students were overwhelmingly segregated “because white parents would not allow their children to mix with them.”⁷⁹ Winks also details the anti-black schooling segregation that coincided with early black settlement in Upper Canada in the 1830s. This trend of systemic exclusion reached its height in 1850. In the ensuing decade, black parents in Canada West sent over twenty petitions to the Education Department requesting admission for their children in common schools after they had been denied.⁸⁰

In 1855, despite the absence of chattel slavery in Canada, its “afterlife” was present in the context of public schooling.⁸¹ While black parents challenged the law and other forms of schooling violence against their children by bringing lawsuits, case outcomes were inconsistent and did not eradicate widespread schooling segregation throughout the nineteenth century. Indeed, schooling segregation and inferior schooling for black children persisted for over 100 years and well into the twentieth century.⁸² The 1854 case of young Solomon Washington—outwardly one about racial discrimination, agency, and black resistance—also narrates an unattended tension of insurgency and betrayal for black migrants like George Washington and his family. Solomon’s story is replicated throughout the Maritimes and Upper Canada after the American Revolution, and following the War of 1812. It is a story archived through court records, case law, official documents, and the narratives of black people migrating to Canada before the Civil War.⁸³ A study of the history of public schooling exposes its relationship to the histories of black migration and the continual flight of black peoples through Canada and into the Atlantic world. It also troubles the meaning of “border” for black peoples arriving to the nation from the late eighteenth century until the Civil War. Succinctly, a study of public schooling segregation as a site of violence for black children both illuminates the betrayal of arrival for black families and begs for a more expansive reading of the meaning of the border for black peoples entering Canada in the eighteenth and nineteenth centuries.⁸⁴

Throughout the nineteenth century, anti-black schooling segregation effectively supplanted access to equal and stable schooling for black children in Canada. George Washington, whose teenage son was denied access to the school within his home community, was able to litigate successfully against his exclusion. However, Washington’s case was not the norm, as most black parents were neither able to use the time-consuming and costly strategy of litigation as a form of resistance, nor consistently obtain decisions in their favour when litigation was pursued. Washington was unique both as a litigant and victor when he won his case, and the language employed by Judge Robinson in his holding created an intentionally narrow precedent for subsequent black applicants—one that fostered no clear precedent against schooling segregation and one that, importantly, preserved tremendous ju-

dicial discretion for similar future cases.

During this same period that the common school system institutionalized its segregation of black children, black people migrated northward and through the Maritimes and Upper Canada with clearly formed ideas about what constituted their freedom. In addition to an expectation of physical autonomy, education was the most important, the most formative desire, in black people's understanding of full emancipation—one underscored in their own recorded narratives.⁸⁵ For most black families, however, this desire was not realized, and this failure recast the notion of emancipation within a new nation. Within the historiography of schooling segregation in Canada, the story of Solomon Washington in *Washington v. The Trustees of School No. 14* represents a singular moment, a fleeting, yet actualized story of schooling access that one father's persistence made possible. Yet, Solomon's story also highlights both the "infinite flexibility" of the law that continually worked to eclipse assertions of black agency in the context of schooling access, as well as an impossibility of freedom that his story, in the end, symbolized for most black families in Canada.

As Crenshaw has argued in the context of segregation-focused jurisprudence in the US, the law, with its constitution of formal equality, often presents an imaginary "choice" when legislation bears no clear language of racial discrimination.⁸⁶ Such laws, she insists, nonetheless remain beholden to a race-specific logic that produces seemingly distinct conclusions (or holdings) from one case to another where racial discrimination is a central trial issue. In her analysis of the deceptive logic at work in the 1896 US case of *Plessy v. Ferguson*, for instance, she describes the "infinite flexibility" of colourblindness at work within the law that allowed a court, draped in the language of legal rationalism, to sidestep the gross material disparities caused by racial segregation by employing a concept she terms "symmetrical treatment."⁸⁷ As Crenshaw explains, the application of this concept permitted the US Supreme Court to conclude that dirty, inferior train cars for black passengers were sufficiently "symmetrical" to the clean, quiet cars provided for white passengers by relegating the personal experience of inequality—the inconveniences of heat, noise, and coal filth—"privately knowable" and, therefore, unknowable by the judiciary. Individual experiences of materially inferior amenities were relegated to the private, rather than social or public sphere. Additionally, the Supreme Court held that "there was nothing [on the face of the law] that warranted the interpretation of an intent to imply [racial] inferiority."⁸⁸ This false equivalency, Crenshaw argued, powerfully legitimized the notion of "symmetrical treatment" as constitutive of formal equality and thus allowed for the reasoned and facile subjugation of black people within the legal system.⁸⁹

In Canada, one also finds a symmetry constitutive of formal equality, which consistently and rationally produced grossly unequal social outcomes for black school children. Formal equality preserved Section 19 of the Common School Act and permitted segregated schooling for black children well into the twentieth

century. Regarding the material realities of separate schools in Upper Canada and the Maritimes, Winks concluded that the schools and “the education received ... could hardly have been regarded as equal” to what was provided for white children.⁹⁰

One important effect of the formal equality embedded in Section 19 of the Common School Act is the manner in which it effectively supplanted an analysis of systemic discrimination with a discourse of personal responsibility for black parents. In the context of Section 19, it was discursively and legally acceptable for white Canadians and courts to shift parents’ claims of racial discrimination away from the fact of structural inequality, and to instead chastise the “failures” of black parents for not adhering to the letter of the law. So, in other words, black parents were culpable in their refusals to send their children to schools the law authorized white citizens to provide for them, and they were also culpable in failing to create racially segregated schools of their own. As critical theorist Sunera Thobani has argued, the specific failure to exercise rights that are naturalized by a nation state—here, access to segregated common schools—casts legal subjects as “ingrates,” who insist upon “special treatment and special rights” for demands that exceed perceived normative bounds of justice.⁹¹ Some of the earliest respectability discourses directed at black Canadians may be witnessed during this period, as white residents, trustees, and politicians used the failures of black parents in “conforming to the law” to delegitimize and invalidate the social right of protest in the context of unequal schooling strata. The discourse of personal responsibility, coupled with the formal reliance on the law, truly created an impossible, futile position for most black parents in the eighteenth and nineteenth centuries—especially those who ultimately brought lawsuits as legal remedy.

Though a successful litigant, George Washington was finally forced to sell his family’s farm to pay for the high court costs associated with his son’s trial. This loss and the family’s subsequent impoverishment undoubtedly served as a sharp deterrent to other poor and neighbouring families, whose children were similarly excluded from schools that offered sufficient amenities and regular funding. After Washington’s loss, he relocated his family 150 kilometers north to Wellington County, where he worked as a common day labourer to support his family.⁹² Significantly, his case failed to arrest the practice of racial gerrymandering in Canada. Indeed, the racial gerrymandering practiced against the Washington family in Charlottesville in 1854 remained a common practice throughout Canada and ultimately became a bedrock of schooling segregation practices throughout the United States—one that persists still, as the recent work of journalist Nikole Hannah-Jones attests.⁹³

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For decades, historians and other scholars who study slavery and black presence in Canada in the eighteenth and nineteenth centuries have debated the meaning of the border for black migrants.⁹⁴ In the opening pages of his scholarly monograph about black migration north after the War of 1812, Harvey Whitfield locates the border between the US and Canada as a site that black migrants in the early nineteenth century used to distinguish themselves from the conditions they left behind, but also to connect their understandings of “emancipation, migration, and memory” with their former home.⁹⁵ In short, he concludes, “the border served as a reified demarcation between slavery and freedom” and a site that “connected the expatriates with events and persons in their former homeland.”⁹⁶ Historian Daniel Hill notably refers to black peoples crossing the border in the eighteenth and nineteenth centuries as “freedom seekers.”⁹⁷ Other historians who study the migration of black peoples to Canada in the nineteenth century have described the border and its surrounding geography as a “fluid frontier” or “permeable.”⁹⁸ Historian Nora Faires describes the border as permeable, yet also “vivid, thick, and saturated with meaning.”⁹⁹ In her discussion of the International Underground Railroad Memorial in Detroit, Faires proposes a number of metaphors for the Detroit River border separating Canada from the United States. For her, the watery border signifies the “River Jordan”; a pathway for “freedom seekers”; and also a symbolic location that “fits more comfortably into the Canadian national counter narrative” of itself as a safe haven for oppressed black migrants.¹⁰⁰

All of these characterizations signify the migration of black people moving north, crossing and re-crossing the Detroit River border and, as Smardz Frost and Smith Tucker suggest, “denote the highly transnational nature of black life” in North America. This article, in conclusion, now proposes a frame that better encapsulates the deeply fraught relationship between black migration and the border, as well as the prolongation of hardship and displacement that black presence within Canada garnered in the late-eighteenth and early to mid-nineteenth centuries.¹⁰¹ Any story about black migration and fugitivity is also a story about black agency and a well imagined “escape route for life,” as theorists Nandita Sharma and Cynthia Wright have described.¹⁰² Berlin describes black migration in North America as a process of becoming, refining “definitions of blackness,” and symbolizing more than an experience of subjugation “because it suggested the possibility of escape from a place.”¹⁰³ As Isabel Wilkerson’s work reminds, black migration is intentional movement away from something aiming to radically diminish or kill it.¹⁰⁴ I insist that black migration is a movement guided, also, with the blessing of bones, of ancestors, elders, those too old, too fixed, too fragile to journey by train or by foot. And so, in the histories and narratives of black people migrating north, imagining a greater freedom, mapping out “an escape route for life,” there is already something fundamentally agential—something perpetually alive, risking harm and finality in

the design-making of one's life.

We have “Canadian Canaan” stories that detail a history of the nation's relationship to black migrants in the late eighteenth and early to mid-nineteenth centuries. Yet, we have few works detailing black migration to Canada beginning with the American Revolution that both imagine the border as a complex site of longing and memory and that also detail what impact—what ongoing captivity of black life—the terminus had on a people who risked everything for a haven of safety, a haven that, as Faires describes, also made Canada's “counter narrative” resolute.¹⁰⁵ Frequently absent is the positioning of the border in relation to black peoples continually “on the move” after arrival, as well as a sharp focus on the forces that accounted for a dispersal of black life away from Canada and into the Atlantic world.¹⁰⁶ Also absent is a framing of the border that captures the dreams and disappointments that met black families and their children within the historiography of Canada's long history of anti-black schooling segregation. To centre these stories, I insist, is to witness and attend to the subjective lives of those in constant movement — those subjects who fail to neatly fit within the hopeful, amelioration-focused histories that are so often professed. To attend to the stories of failure and disappointment in the historiography of black migration, I believe, is to tell a story “from inside the circle” and to “learn from what they know.”¹⁰⁷

How may these symbolic historical designations classifying black migration to Canada—a fluid frontier; a gloryland; a home for freedom seekers; a River Jordan; an Underground Railroad—possibly obscure the terminus, fully, as a site of ongoing captivity and disappear the border as an oscillating site of violence for black migrants in the eighteenth and nineteenth centuries?¹⁰⁸ Simply, how are these designations critically incomplete as descriptors for encapsulating the history of black migration and its relationship to schooling segregation in the eighteenth and early nineteenth centuries?

NOTES

¹The author graciously thanks Harvey A. Whitfield and Benjamin Talton for close readings and rigorous feedback of earlier drafts, as well as the reviewers for their thoughtful comments and efforts towards improving this paper.

²Kristin McLaren, “‘We had no desire to be set apart’: Forced Segregation of Black Students in Canada West Public Schools and Myths of British Egalitarianism,” *Histoire sociale/Social History* 37, no. 73 (2004): 27–50. McLaren documents these words from superintendent Egerton Ryerson, transcribed in 1850, in defense of his inability to affect the attitudes of whites in Upper Canada who insisted upon grossly inferior, segregated schooling for black children.

³*Royal Gazette*, July 4, 1786, as cited in Harvey A. Whitfield, *Black Slavery in the Maritimes: A History in Documents* (Peterborough, ON; Broadview Press, 2018), 45. According to the New Brunswick Genealogy Society, McPherson was born in 1753. Of Scottish descent, he arrived in New York during the Revolutionary War and settled in Saint John sometime between 1783 and 1786. McPherson was a father to four daughters, and he lived to see them all marry. “Surname Index-R,” New Brunswick Genealogical Society, <https://nbgs.ca/cpage.php?pt=162>; J.W. Lawrence, *Foot-prints: or, Incidents in Early History of New Brunswick* (Saint John, NB: J&A McMillan, 1883).

⁴Harvey A. Whitfield, *North to Bondage: Loyalist Slavery in the Maritimes* (Vancouver: University of British Columbia Press, 2016). Whitfield applies the term “Canadian slavery” to describe “the region that encompasses present-day Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, and Quebec.”

⁵Emma Christopher, *Slave Ship Sailors and Their Captive Cargoes, 1730–1807* (Cambridge: Cambridge University Press, 2006); See also Philip D. Curtin, *The Atlantic Slave Trade: A Census* (Madison: University of Wisconsin Press, 1972); David Eltis and David Richardson, *The Atlas of the Transatlantic Slave Trade* (New Haven: Yale University Press, 2015).

⁶Numerous historians and educational scholars have documented racially segregated schooling practices that occurred in a responsive, widespread fashion by white Canadians during the most voluminous periods of black migration to the Maritimes and Upper Canada/Canada West in the late-eighteenth and early to mid-nineteenth centuries. See Robin Winks, “Negro School Segregation in Ontario and Nova Scotia,” *Canadian Historical Review* 50, no. 2 (1969): 164–191; Claudette Knight, “Black Parents Speak?: Education in Mid-Nineteenth-Century Canada West,” *Ontario History*, 89, no. 4 (1997): 269–284; McLaren, “We Had No Desire”; and Donald G. Simpson, *Under the North Star: Black Communities in Upper Canada*, ed. Paul E. Lovejoy (Toronto: African World Press, Inc., 2005). See also Afua Cooper, “Black Canada

and the Law: Black Parents and Children in the Legal Battle for Education in Canada West 1851–1864,” in *Education of African Canadian Children: Critical Perspectives*, eds. Ali Abdi and Awad Ibrahim (Montreal: McGill-Queen’s University Press, 2016).

⁷ On slavery in Canada, see Afua Cooper, *The Hanging of Angélique: The Untold Story of Canadian Slavery and the Burning of Old Montréal* (Athens: University of Georgia Press, 2007); Frank Mackey, *Done with Slavery: The Black Fact in Montreal* (Montreal: McGill-Queen’s University Press, 2010); Charmaine A. Nelson, *Slavery, Geography and Empire in Nineteenth-Century Marine Landscapes of Montreal and Jamaica* (Surrey: Ashgate Press, 2016); Marcel Trudel, *Canada’s Forgotten Slaves: Two Centuries of Bondage* (Montreal: Véhicule Press, 2013); Harvey A. Whitfield, *North to Bondage: Loyalist Slavery in the Maritimes* (Vancouver: University of British Columbia Press, 2016); Robin Winks, *Blacks in Canada: A History*, 2nd ed. (Montreal: McGill-Queen’s University Press, 1997). On migration and settlement, see Adam Arenson, “Experience Rather than Imagination: Researching the Return Migration of African North Americans During the American Civil War and Reconstruction,” *Journal of American Ethnic History* 32, no. 2 (2013), 73–77; Ira Berlin, *The Making of African America: The Four Great Migrations* (New York: Penguin Press, 2010); Linda Brown-Kubisch, *The Queen’s Bush Settlement: Black Pioneers 1839–1865* (Toronto: Dundurn Press, 2010); Tony Freyer and Lyndsay Campbell, eds., *Freedom’s Conditions in the US–Canadian Borderlands in the Age of Emancipation* (Durham: Carolina Academic Press, 2011); Afua Cooper, “The Fluid Frontier: Blacks and the Detroit River Region: A Focus on Henry Bibb,” *Canadian Review of American Studies* 30, no. 2 (2000): 127–148; Kenneth Donovan, “Slavery and Freedom in Atlantic Canada’s African Diaspora: Introduction,” *Acadiensis* 43, no. 1 (2014): 109–115; McLaren, “We Had No Desire”; Karolyn Smardz Frost and Veta Smith Tucker, eds., *A Fluid Frontier: Slavery, Resistance, and the Underground Railroad in the Detroit River Borderland* (Detroit: Wayne State University Press, 2016); Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston: Beacon Press, 2006); William Riddell, “The Slave in Upper Canada,” *The Journal of Negro History* 4, no. 4 (1919): 372–395; Jason H. Silverman, *Unwelcome Guests: Canada West’s Response to American Fugitive Slaves, 1800–1865* (Millwood, NY: Associated Faculty Press, 1985); Karolyn Smardz Frost, *I’ve Got a Home in Glory Land: A Lost Tale of the Underground Railroad* (New York: Macmillan Press, 2007); William Spray, *The Blacks in New Brunswick* (Fredericton: New Brunswick Press, 1972); Harvey Amani Whitfield, “‘We...Here’: An Analysis of Self Assertion and Agency Among Black Refugees in Halifax, Nova Scotia, 1813–1821,” *Acadiensis* 32, no. 1 (2002): 29–49; Harvey Amani Whitfield, *Blacks on the Border: The Black Refugees in British North America, 1815–1860* (Burlington: University of Vermont Press, 2006); Whitfield, *North to Bondage*; Harvey Amani Whitfield, “The African Diaspora in Atlantic Canada: History, Historians, and Historiography,” *Acadiensis: Journal of the History of the Atlantic Region/Revue d’histoire de la région atlantique* 46, no. 1 (2017): 213–232; Winks, *Blacks in Canada*; Gregory Wigmore,

“Before the Railroad: From Slavery to Freedom in the Canadian-American Borderland,” *The Journal of American History* 98, no. 2 (2011): 437–454; Isabelle Wilkerson, *The Warmth of Other Suns: The Epic Story of America’s Great Migration* (New York: Vintage Press, 2010).

⁸ Whitfield details the displacement of black peoples onto these sterile lands, well known as such, by the Nova Scotia government. See Whitfield, *Blacks on the Border*, 53–68.

⁹ I use the term “fugitivity” in a literal sense to refer to the act of stealing oneself or of running away from bondage. Currently, theorists and historians such as Tina Campt in *Image Matters: Archive, Photography, and the African Diaspora* (Durham: Duke University Press, 2012) use this term to describe a state of opposition to individual and systemic power, but also to mark a refusal to accept the fixed frames of power in existence. Thus, her use is also helpful for the argument I set out to make—that is, that the migratory arrival to Canada, which I label the terminus, entails a framing of black agency and a fundamental desire for a life lived on its own terms. See Tina Campt, “Black Feminist Futures and the Practice of Fugitivity,” video, 1:15:46, October 7, 2014, <http://bcrw.barnard.edu/videos/tina-campt-black-feminist-futures-and-the-practice-of-fugitivity/>. In the historiography of public schooling violence against black children, McLaren, “We Had No Desire,” is essential for debunking Robin Winks’s long-held assertion that black parents did not contest schooling segregation of black children in Upper Canada and the Maritimes and, furthermore, preferred racially segregated schooling for their children. McLaren shows that black parents occasionally used litigation as strategy, as superintendent Egerton Ryerson encouraged in writing to black complainants. Case outcomes were mixed, however, with holdings both in favour of and against black parents’ desires.

¹⁰ By “metamigration,” I mean to encapsulate the commingling of migration, internal and external displacement, and emigration into the Atlantic world characteristic of black presence during this period. “Displaceness” is Rinaldo Walcott’s encapsulation of black studies in Canada. See Sam Spady, “Reflections on Late Identity: In Conversation with Melanie J. Newton, Nirmala Erevelles, Kim TallBear, Rinaldo Walcott, and Dean Itsuji Saranillio,” *Critical Ethnic Studies* 3, no. 1 (2017): 90–115. Ikuko Asaka asserts that the historiography of black presence and migration in Canada in the early to mid-nineteenth century inadequately “examines free African North Americans’ critical stance towards the racialized structures of freedom” they encountered after arrival. See Asaka, *Tropical Freedom: Climate, Settler Colonialism, and Black Exclusion in the Age of Emancipation* (Durham: Duke University Press, 2017), 16. Asaka details the history of colonization in the Maritimes and Upper Canada, as well as the transport of 14,000 Africans departing from Sierra Leone for Caribbean plantations prior to 1852—some of whom had previously emigrated to the country from the Maritimes (84–85). Thus, it is possible that one

could have 1) been transported to the Caribbean or Southern US, 2) migrated northward, 3) been brought to the Maritimes, 4) been resold to the Caribbean or emigrated to Sierra Leone, and finally, 5) ended up on a plantation in the Caribbean.

¹¹ Historian Adam Arenson challenges the notion that the migration of black peoples to Canada prior to the Civil War was unidirectional. He writes, “As African North Americans’ real experiences of multidirectional movements and lasting binational ties are revealed, their history will seem far more familiar and will have an obvious place among the chronicles of migration and ethnicity across the better-studied borders of the United States. Though the imagined drama of the Underground Railroad has always been exciting, more research into the everyday lives of the African North American border-crossers will show a people striving for liberty, for livelihood, and for family in ways far less *sui generis*.” See Arenson, “Experience Rather Than Imagination,” 76. This further troubles the insistence of numerous scholars that a study of black life in Canada must necessarily account for the history of settler colonialism in its writing, given that black peoples migrated onto and through lands first usurped by white settlers. While there is an ever-growing genealogy of this ongoing discussion, the following writings are particularly useful: Jodi Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011); George Ciccariello-Maher, “Dispossession without Labour: Bridging Abolition and Decolonisation,” *Historical Materialism* 24, no. 3 (2016): 62–75; Glen Coulter and Leanne Simpson, “Grounded Normativity/Place-Based Solidarity,” *American Quarterly* 68, no. 2 (2016): 249–255; Iyko Day, “Being or Nothingness: Indigeneity, Antiracism, and Settler Colonial Critique,” *Critical Ethnic Studies* 1, no. 2 (2015): 102–121; Sandra Harvey, “Passing for Free, Passing for Sovereign: Blackness and the Formation of the Nation,” PhD diss. (UC Santa Cruz, 2017); Tiffany King, “Labor’s Aphasia: Toward Antiracism as Constitutive to Settler Colonialism,” *Decolonization: Indigeneity, Education & Society*, June 10, 2014, <https://decolonization.wordpress.com/2014/06/10/labors-aphasia-toward-antiracism-as-constitutive-to-settler-colonialism/>; Tiffany King, “New World Grammars: The ‘Unthought’ Black Discourses of Conquest,” *Theory & Event* 19, no. 4 (2016); Jared Sexton, “The Vel of Slavery: Tracking the Figure of the Unsovereign,” *Critical Sociology*, 42, nos. 4–5 (2016): 583–597; Nandita Sharma and Cynthia Wright, “Decolonizing Resistance: Challenging Colonial States,” *Social Justice* 35, no. 3 (2008–2009): 120–138; Eve Tuck and K. Wayne Yang, “Decolonization is not a metaphor,” *Decolonization: Indigeneity, Education & Society* 1, no.1 (2012): 1–40; Rinaldo Walcott, “The Problem of the Human: Black Ontologies and ‘the Coloniality of Our Being,’” in *Postcoloniality-Decoloniality-Black Critique: Joints and Fissures*, eds. S. Broek and C. Junker (Frankfurt: Campus Verlag, 2014), 93–105; Frank Wilderson III, *Red, White & Black: Cinema and the Structure of US Antagonisms* (Durham: Duke University Press, 2010); Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (2006): 387–409.

¹² My point here is not to ignore those black communities that formed and stayed put during the period discussed, but rather to insist that black presence during this time is best described by its flux. Black communities with historical presence in the eighteenth and early nineteenth centuries that still exist include Preston, Nova Scotia; Elm Hill, Nova Scotia; and a number of small communities within the vicinity of the city of Toronto.

¹³ Berlin, *The Making of African America*, 18.

¹⁴ *Ibid.*, 152, 22.

¹⁵ Richard Reid, *African Canadians in Union Blue: Volunteering for the Cause in the Civil War* (Vancouver: University of British Columbia Press, 2014), 179. See also Michael Wayne, “The Black Population of Canada West on the Eve of the American Civil War: A Reassessment Based on the Manuscript Census of 1861,” *Histoire sociale/Social History* 28, no. 56 (1995): 465–485.

¹⁶ Reverse migration after the Civil War is an understudied area within the historiography of black migration in the nineteenth century. See Arenson, “Experience Rather than Imagination,” 75.

¹⁷ Berlin, *The Making of African America*, 26.

¹⁸ Berlin writes that “mobility was precisely what made these men and women so valuable” to whites in North America. As another poignant example, Asaka writes that black displacement was attributable to a white “desire to reduce freed people’s leverage in the labour market and control their economic as well as physical mobility” after 1834. See Berlin, *The Making of America*, 26; Asaka, *Tropical Freedom*, 84.

¹⁹ For discussions of Canadian slavery in each territory historically, see Winks, *Blacks in Canada*; Nelson, *Slavery, Geography and Empire*; Whitfield, *North to Bondage*. Whitfield applies the term “Canadian slavery” to describe “the region that encompasses present day Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, and Quebec” (132, n. 10).

²⁰ Whitfield, *Blacks on the Border*, 31.

²¹ See also Sylvia Frey, *Water From the Rock: Black Resistance in a Revolutionary Age* (Princeton: Princeton University Press, 1991), 63. In her historical monograph, Sylvia Frey describes Dunmore’s 1775 Proclamation declaring “all indentured servants, Negroes, or others . . . free that are able and willing to bear arms” as a strictly practical, rather than a moral document regarding black emancipation. For a relevant discussion of British abolition, see Christopher L. Brown, *Moral Capital: Foundations of British Abolitionism* (Williamsburg, VA: University North Carolina Press 2006), 25–26. Brown assesses the varied interests behind English abolition after the Revolution, concluding that a miniscule portion were attributable to an actual concern for the humanity of the enslaved themselves. He writes, “Men and women often fought slavery because they disliked what slavery wrought, because it affected colonial or

metropolitan society in undesirable ways, or because it threatened cherished values. Often activists took up the issue of slavery less because they cared about Africans than because they regretted its impact on society, on the empire, on public morals, or on the collective sense of self. A few, to varying degrees, did take a genuine interest in the welfare of the enslaved.” Most, however, “wanted, *above all*, to be free of slavery, and thus free from danger or free from [internal] corruption or free from guilt [emphasis added]” (25–26).

²² Whitfield, *Blacks on the Border*, 31; Asaka, *Tropical Freedom*, 16.

²³ Whitfield, *Blacks on the Border*, 37. See pages 51–62, where Whitfield further details the segregation of black migrants onto sterile “farmlands” that produced unsustainable yields, as was well known by the government in Nova Scotia beforehand, given the abandonment of the same lands by white Loyalists and former soldiers after the American Revolution. See also Smardz Frost, *I’ve Got a Home*, 207. Smardz Frost describes the dashed promises made to blacks “who had been promised their freedom if they joined the forces of the Crown during the Revolution.” Yet, she writes, they were instead “given poor land in Nova Scotia and New Brunswick” and “were so ill treated that a significant number of the transplanted black Americans emigrated to the colony of Sierra Leone in West Africa.” Covering the period following 1860, Whitfield poignantly notes that “the lack of opportunities faced by the black refugees continued for their children and grandchildren ... For many in the black community, it was a bitter pill to swallow that racial discrimination was impeding the employment of the refugees’ descendants” (118). As a result, many blacks in Nova Scotia returned to the US or settled in New England.

²⁴ Rinaldo Walcott, “The Problem of the Human: Black Ontologies and ‘the Coloniality of our Being,’” in *Postcoloniality-Decoloniality-Black Critique: Joints and Fissures*, eds. Sabine Broek and Carsten Junker (Frankfurt: Campus Verlag, 2014), 94.

²⁵ Whitfield, *North to Bondage*, 52. Whitfield also writes that Loyalist slaveholders “fought hard to protect and expand slavery” in the Maritimes and other parts of the Loyalist diaspora (16). This history is also well detailed in chapter three of James W. St. G. Walker, *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone, 1783–1870* (New York: Africana Publishing, 1976). See also Nelson, *Slavery, Geography and Empire*. Similarly, Nelson writes that “at the capitulation of Montreal in 1760, the British did not seek to disrupt French slaving practices, but to continue and expand slaving to incorporate their own already established systems” (75). In her work, she calls for the use of a “Second Middle Passage between the shores of the Caribbean and Canada as a worthy historical and theoretical endeavour, secondary only in historical context, but no less tumultuous a journey across perilous waters, only this time between two ‘New World’ ports” (85).

²⁶ *Ibid.*

²⁷ Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (Cambridge: Har-

vard University Press, 1993), ch. 1.

²⁸ As one example for context in Canada, see Ken Donovan, “Slavery and Freedom in Atlantic Canada’s African Diaspora: Introduction,” *Acadiensis* 43, no. 1 (2014): 109–115. Donovan writes “ironically, slavery was expanded in Nova Scotia after the American Revolution; the increase of black freedom in Nova Scotia had gone hand-in-hand with the increase of slavery.” Gilroy troubles how this history, then, became the legacy of the black experience—“our special property,” he writes, “rather than part of the ethical and intellectual heritage of the West as a whole.” Gilroy, *The Black Atlantic*, 49.

²⁹ Berlin, *The Making of African America*, 94; David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (New York: Oxford University Press: 2006), 145.

³⁰ Davis, *Inhuman Bondage*, 156. Importantly, Davis locates the analogous relationship between blackness and enslavability as early as the ninth century. His work challenges scholars to both relocate and reconceptualize anti-blackness’ global intransigence. He writes, “Yet it is also clear that regardless of their continuing enslavement and purchase of white Christian infidels, medieval Arabs and Persians [in the ninth century] came to associate the most degrading forms of labour with black slaves”—whom they considered “the least intelligent and least discerning of mankind” (60–62).

³¹ Sylvia Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, its Overrepresentation—An Argument,” *CR: The New Centennial Review* 3, no. 3 (2003): 275. For a clarion critique of the limits of rights frameworks for black peoples, see especially Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-making in Nineteenth-century America* (New York: Oxford University Press, 1997), ch. 4.

³² Charles W. Mills, *Black Rights/White Wrongs: The Critique of Racial Liberalism* (Cambridge: Oxford University Press, 2017), 6–10.

³³ *Ibid.* For a salient critique of the contradictory ideas that arose from the revolutionary period, as noted above by both Davis and Brown, see also Charles W. Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997).

³⁴ Brown, *Moral Capital*, 27. See also Christopher L. Brown, “The Problems of Slavery,” in *The Oxford Handbook of the American Revolution*, eds. Edward G. Gray and Jane Kamensky (New York: Oxford University Press, 2012), 2. Of the United States, Brown writes that while the “Revolution popularized the idea of universal liberty,” nonetheless “the founders failed to deliver the fatal blow to slavery after the War of Independence, when the institution was uniquely vulnerable. The promise of universal emancipation implied in the rhetoric of the Revolution collapsed before the increasingly powerful countercurrents of economic interest and racial animus.”

³⁵ Brown, *Moral Capital*, 26–30.

³⁶ Pybus, *Epic Journeys of Freedom*, xvii

³⁷ See Kenneth Donovan, “Slaves and their Owners in Ile Royale, 1713–1760,” *Acadiensis* 25, no. 1 (1995): 3–32. He writes that “twenty-two slaves in Ile Royale were born in the French West Indies, but those of African origin—12 people in total—were often described as a ‘native of Grada in Guinée’ or a ‘native of Gorée.’ The African-born slaves in Ile Royale came primarily from four West African points of departure: the Congo, Benin, Guinea and Senegal” (10). See also Kenneth Donovan, “A Nominal List of Slaves and Their Owners in Ile Royale, 1713–1760,” *Nova Scotia Historical Review* 16, no. 1 (1996): 151; Kenneth Donovan, “Slaves in Île Royale, 1713–1758,” *French Colonial History* 5, no. 1 (2004): 25–42; Ken Donovan, “Slaves in Cape Breton, 1713–1815,” *Directions: Canadian Race Relations Foundation* 4, no. 1 (Summer 2007): 44–45.

³⁸ Whitfield, *North to Bondage*, 61.

³⁹ William Riddell, “The Slave in Upper Canada,” *The Journal of Negro History*, 4 no. 4, (1919): 372–395; Cooper, “The Fluid Frontier,” 132.

⁴⁰ Marcel Trudel, *Canada’s Forgotten Slaves: Two Hundred Years of Bondage* (Montreal: Vehicle Press, 2013), 72. Whitfield describes the difficulty of obtaining an exact number of enslaved peoples who arrived with the Loyalists after the Revolution. See Harvey A. Whitfield, *Black Slavery in the Maritimes: A History in Documents* (Peterborough, ON: Broadview Press, 2018). He writes, “Due to the limitations of evidence, historians cannot give an exact number of Loyalist slaves in the Maritimes” (5). The same holds true in Upper Canada and Quebec.

⁴¹ Nelson, *Slavery, Geography and Empire*, 50.

⁴² *Ibid.*, 60.

⁴³ *Ibid.*, 3.

⁴⁴ Donovan, “Slaves and their Owners in Ile Royale, 1713–1760,” 8.

⁴⁵ Whitfield, “The African Diaspora,” 214–215.

⁴⁶ Whitfield, *North to Bondage*, 113.

⁴⁷ Nelson, *Slavery, Geography and Empire*; Asaka, *Tropical Freedom*, 14. Asaka describes black movement in the nineteenth century as “transatlantic colonial emigrations, transcontinental settler expansions, and fugitive slave escapes.” Yet, this fails to capture the position of slavery—one of flux and lacking full description, as Whitfield has pointed out—and importantly, the place and identity of black Loyalists in the Maritimes.

⁴⁸ Asaka, *Tropical Freedom*, 2.

⁴⁹ Whitfield, *Blacks on the Border*, 23; Smardz Frost, *I’ve Got a Home in Glory Land*, 207.

⁵⁰ Harvey A. Whitfield, “‘We Can Do As We Like Here’: An Analysis of Self As-

sertion and Agency Among Black Refugees in Halifax, Nova Scotia, 1813–1821,” *Acadiensis* 32, no. 1 (2002): 48. Whitfield adds, importantly, that this group constituted only six percent of the entire population of black refugees—a very small number that may, for some scholars, raise questions about the hardships experienced by blacks in Nova Scotia. Yet, his scholarship also proffers that the refugees who remained did so for fear of recapture, the preservation of kinship bonds, and an assertion of agency. Whitfield writes, “Some had established friendships, built houses, cleared land and found employment in Nova Scotia. Moreover, they realized that sailing down the American coast exposed them to possible capture and subsequent enslavement. Also, the refugees, like most African Americans, were aware of the horror stories of slavery in the West Indies.” His point is raised, importantly, against a larger, general suspicion that black people in North America maintained against colonization efforts “that attempted to deny black people social, political, economic, and legal opportunities . . . while claiming to support black improvement” by shipping them thousands of miles away, into hostile tropical environments with gruelling labour demands. Whitfield, *Blacks on the Border*, 60. My point is not to obscure the agency reflected in black peoples’ choice to remain in Nova Scotia, but rather to centre the forces that compelled them to risk everything and migrate, again, to locations with harsh conditions and less certainty and familiarity than the place they left behind.

⁵¹ Whitfield, *North to Bondage*; Nelson, *Slavery, Geography and Empire*, 67.

⁵² Asaka, *Tropical Freedom*. Situating colonization schemes from Canada in relation to “Britain’s ongoing racial mapping of freedom,” Asaka details the removal schemes of black Loyalists from Nova Scotia to Sierra Leone in 1792, coinciding with over 1,500 white Scottish immigrants who were provided land grants (30); Black Loyalists to Trinidad between 1815 and 1837 (88–89); and finally, Trinidad and Jamaica’s focus on colonization in Upper Canada/Canada West (89–101). See also Whitfield, *Blacks on the Border*, 59–62.

⁵³ Achille Mbembe, *Critique of Black Reason* (Durham: Duke University Press, 2017), 15.

⁵⁴ Cooper, “The Fluid Frontier,” 134. See also Gregory Wigmore, “Before the Railroad: From Slavery to Freedom in the Canadian-American Borderland,” *The Journal of American History* 98, no. 2 (2011): 437–454. Wigmore states that, out of frustration and fear of ruin, “ten prominent slaveholders from Sandwich and Amherstburg urged Upper Canada’s lieutenant governor, Francis Gore, to employ high-level diplomacy to secure American cooperation” in preventing slave escape and the protection of Canadian fugitives in the United States (450).

⁵⁵ Wigmore, “Before the Railroad,” 439.

⁵⁶ *Ibid.*, 453.

⁵⁷ Cooper, “The Fluid Frontier”; Adam Arenson, “Experience rather than imagin-

ation,” 73–77.

⁵⁸ Whitfield, “The African Diaspora,” 231.

⁵⁹ M. NourbeSe Philip, “Black W/Holes: A History of Brief Time,” *Transition* 124 (2017): 128.

⁶⁰ Katherine McKittrick, *Demonic Grounds: Black Women and the Cartographies of Struggle* (Minneapolis: University of Minnesota Press, 2006), 91.

⁶¹ *Washington v. The Trustees of School No. 14* (1854), may be found in *Report of Cases decided in the Court of Queen’s Bench*, 2nd ed. (Toronto, 1874), 11, 569–573.

⁶² 1852 Census, Canada West (Ontario), Subdistrict # 236, Charlotteville Township, Ontario.

⁶³ Cooper, “Black Canada and the Law,” 30.

⁶⁴ Benjamin Drew, *The Refugee: Narratives of Fugitive Slaves in Canada* (Toronto: Dundurn Press, 2008), 279.

⁶⁵ *Ibid.*, 98.

⁶⁶ “An Act for the Better Establishment and Maintenance of Common Schools in Upper Canada,” May 23, 1846, Archives of Ontario, Toronto, Ontario; see also 12 Vict. c. 83, ss. 69–71; 14 Vict. c. 48, s. 19; 16 Vict. c. 185, s. 4. As numerous historians and educational scholars have documented, segregated schooling occurred in a responsive, widespread fashion during the most voluminous periods of black migration to the Maritimes and Upper Canada/Canada West in the late-eighteenth and early to mid-nineteenth centuries. See Winks, “Negro School Segregation” and McLaren, “We Had No Desire.” Both detail the ways that the Common School Act functioned as a *de jure* tool of racial segregation. See also Cooper, “Black Canada and the Law.”

⁶⁷ Lyndsay Campbell, “The Northern Borderlands: Canada West,” in Freyer and Campbell, eds., *Freedom’s Conditions*, 203. See also Karolyn Smardz Frost, *I’ve Got a Home in Glory Land*, 204. Smardz Frost writes that Justice Robinson’s holdings were not always so generous. A devoted “Upper Canadian patriot,” Robinson often “upheld the wishes of local residents to exclude black children from common schools” during his time on the bench.

⁶⁸ *Dennis Hill v. The School Trustees of Camden & Zone*, 11 UCQB 573.

⁶⁹ “An Act for the Better Establishment and Maintenance of Common Schools in Upper Canada,” 1850, Pamphlet no. 24, Archives of Ontario, Toronto, Canada; see also 12 Vict. c. 83, ss. 69–71 and 14 Vict. c. 48, s. 19, and 16 Vict. c. 185, s. 4. Section 19 of the Act sets forth the separate schooling provision for black children. Act hereinafter cited as the Common School Act.

⁷⁰ *Washington v. The Trustees of School No. 14* (1854), 572–573.

⁷² For an excellent and detailed article on this issue, see Jerry Kang, Mark Bennett,

⁷¹ Kimberlé Crenshaw, “Color Blindness, History, and the Law,” in *The House that Race Built*, ed. Wahneema Lubiano (New York: Vintage Classics, 1998), 280–288.

Devon Carbado, and Pam Casey, “Implicit Bias in the Courtroom,” *UCLA Law Review* 59 (2011): 1142.

⁷³ Zeus Leonardo, “The Story of Schooling: Critical Race Theory and the Educational Racial Contract,” *Discourse: Studies in the Cultural Politics of Education* 34, no. 4 (2013): 607.

⁷⁴ Robyn Maynard, *Policing Black Lives: State Violence in Canada from Slavery to the Present* (Halifax: Fernwood Publishing, 2017), chs. 7–8.

⁷⁵ Leonardo, “The Story of Schooling,” 606–607.

⁷⁶ Walker, *The Black Loyalists*, 387.

⁷⁷ For a discussion of the birdcage metaphor, see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012). Alexander describes an intricate, interlocking set of social, material, and legal conditions that work in tandem to create what she describes metaphorically as a “birdcage” of impossibilities for black men in the context of mass incarceration. I borrow her term herein to position black life in the eighteenth and nineteenth centuries in relation to a “birdcage” of obstacles to freedom black people experienced arriving to Canada. These social, material, and legal conditions impinged upon and restricted the very freedoms black people had imagined for themselves—education being one of the most important.

⁷⁸ See note 8. Also, Winks, *Blacks in Canada*, 364–365.

⁷⁹ *Ibid.*, 364–365.

⁸⁰ Lorene Bridgen, “‘Lifting As We Climb’: The Emergence of an African-Canadian Civil Society in Southern Ontario (1840–1901),” PhD diss. (University of Waterloo, 2016), 123.

⁸¹ Saidiya Hartman, *Lose Your Mother* (New York: Farrar, Straus and Giroux, 2007), 6. Here, Hartman employs this term to encapsulate the modern-day experience of black life, post-slavery, “still imperiled by a racial calculus and political arithmetic that were entrenched centuries ago.”

⁸² Winks, *Blacks in Canada*, 386. He writes, “In September 1965, the last segregated school in Ontario closed its doors.” In the Maritimes, the last segregated school closed in Lincolntonville, Nova Scotia in 1983, according to “End of Segregation in Canada,” *Historica Canada: Black History Canada*, <http://www.blackhistorycanada.ca/events.php?themeid=7&id=9>. See also Sherri Borden Colley, “Nova Scotia’s first black superintendent appointed to Tri-County School Board,” *CBC*, March 24, 2017, <https://www.cbc.ca/news/canada/nova-scotia/paul-ash-first-black-superintendent-tri-county-school-board-1.4038328>.

⁸³ See Benjamin Drew, *The Refugee*. Although George Elliot Clarke describes Drew's collection as narratives of “colonization and settlement,” they are important sources that express two core themes throughout. First, the formerly enslaved narrators in Canada West describe the physical conditions and punishments common to their experience of slavery—often in grotesque detail—as an impetus for their migration. Second, many narrators describe their experiences of racial prejudice in various townships throughout Canada West. As R. Van Branken of Buxton described, “among some people here, there is as much prejudice as in the United States...” (278).

⁸⁴ A few important, controversial works that document the history of anti-black schooling violence in Canada demand brief bibliographic attention. Robin Winks is credited for much of the initial scholarship on the separate school provisions of the Common School Act, and he is cited often by more recent scholars who have written about public schooling and anti-black discrimination. See Winks, “Negro School Segregation”; Winks, *The Blacks in Canada*. A few legal scholars have written briefly about racism and schooling in the context of legal histories of race-specific legislation and case law in Canada. See James Walker, “Race,” *Rights, and the Law*, 128; Barrington Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858–1958* (Toronto: University of Toronto Press, 2010). James Walker's text also confirms the practice of segregation throughout Canada and asserts that these practices were akin to the US system of Jim Crow that Canada has historically attempted to distinguish itself from. In every area of Jim Crow practices in the US, James Walker argues, Canada similarly had its own racially discriminatory practices and laws. He concludes that historically “in every province the law was taken up in different ways ... to deny blacks the access to education.” Barrington Walker, *Race on Trial*, 35. Kristin McLaren's aptly named article, “We Had No Desire to Be Set Apart,” challenges and rejects Winks's position that black migrants often desired separate schools and internalized a sense of inferiority, thus failing to challenge schooling segregation. Jason Silverman offers a succinct look at the influence of entrenched racism in Upper Canada/Canada West that ensured public school segregation for black children before and after 1850. See Jason Silverman, “Unwelcome Guests: Fugitive Slaves in Canada, 1830–1860,” PhD diss. (University of Kentucky, 1981); Jason Silverman and Donna J. Gillie, “‘The Pursuit of Knowledge Under Difficulties’: Education and the Fugitive Slave in Canada,” *Ontario History* 74, no. 2 (1982): 95–112. Finally, the work of Nova Scotian filmmaker and writer Sylvia Hamilton has been foundational in documenting the history of anti-black schooling discrimination in Canada. In 2012, Hamilton published a historical essay about anti-black racism in public schools in Ontario and Nova Scotia, arguing that the staunch segregation that existed in public schools from the mid-nineteenth century to the 1950s represented widespread anti-black attitudes and social practices of segregation in the nineteenth and twentieth centuries. Her 2007 film *The Little Black Schoolhouse*

also incorporates interviews from black families, elders, and former educators who attested to the practice of racial segregation throughout public schools in Ontario and Nova Scotia beginning in the mid-nineteenth century, as well as detailing their personal experiences with discriminatory schooling practices in the twenty-first century. See Sylvia Hamilton, dir., *The Little Black Schoolhouse* (Halifax: Maroon Films, 2007). Collectively, these works have documented practices of systemic anti-black violence and exclusion within the public schooling systems in Upper Canada/Canada West and the Maritimes. Bruce Shepard has written about similar violence in the Prairies. See Bruce Shepard, "The Little White Schoolhouse: Racism in a Saskatchewan Rural School," *Saskatchewan History* 39, no. 3 (1986): 81–93.

⁸⁵ As numerous historians have written, the desire to obtain formal education was a primary inspiration for many fugitives and freedom seekers fleeing northward. The detailed works on this subject primarily centre the narratives of those enslaved in the United States, as those are most readily available, although Drew's *The Refugee* includes dozens of examples expressing both the denial and desire to learn as part of migration. See, for examples, pages 51, 98, and 279. See also James Anderson, *The Education of Blacks in the South, 1860–1935* (Chapel Hill: University of North Carolina Press, 1988); Henry Allen Bullock, *History of Negro Education in the South* (Cambridge: Harvard University Press, 1967); R.E. Butchart, "Outthinking and Outflanking the Owners of the World': A Historiography of the African-American Struggle for Education," *History of Education Quarterly* 28, no. 3 (1988): 333–366; R.E. Butchart, *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861–1876* (Chapel Hill: University of North Carolina Press, 2010); Janet Duitsman Cornelius, *"When I Can Read My Title Clear": Literacy, Slavery, and Religion in the Antebellum South* (Columbia: University of South Carolina Press, 1991); Frederick Douglass, *Narrative of the Life of Frederick Douglass, an American Slave*, ed. Ira Dworkin (New York: Penguin Books, 2000), Kindle edition; Grey Gundaker, "Hidden Education Among African Americans During Slavery," *Teachers College Record* 109, no.7 (2007): 1591–1612; Thomas L. Webber, *Deep Like the Rivers: Education in the Slave Quarter Community, 1831–1865* (New York: Norton, 1978); Heather Andrea Williams, *Self-Taught: African American Education in Slavery and Freedom* (Chapel Hill: University of North Carolina Press, 2009); Carter Godwin Woodson, *The Education of the Negro Prior to 1861: A History of the Education of the Colored People of the United States from the Beginning of Slavery to the Civil War* (New York: Putnam, 1919).

⁸⁶ Kimberlé Crenshaw, "Color Blindness, History, and the Law," in *The House that Race Built*, ed. Wahneema Lubiano (New York: Vintage Classics, 1998), 280–288.

⁸⁷ In *Plessy*, the US Supreme Court held that racial segregation laws for public facilities were legal under the infamous doctrine of "separate but equal." At issue in the case was a Louisiana law entitled "The Separate Car Act" that provided separate train cars for white and black passengers. The most useful part of *Plessy* in relation

to Section 19 of The Common School Act in Upper Canada, are the concepts of “sameness” and “symmetrical treatment” that the *Plessy*, decision defined.

⁸⁸ Crenshaw, “Color Blindness, History, and the Law,” 283.

⁸⁹ *Ibid.*, 282.

⁹⁰ Winks, “Negro School Segregation,” 177. For more on the conditions of inferior segregated schooling for black children historically, see Bernice Moreau, “Black Nova Scotian Women’s Experience of Educational Violence in the Early 1900s: A Case of Colour Contusion,” *The Dalhousie Review* 77, no. 2 (1997): 179-206.

⁹¹ Sunera Thobani, *Exalted Subjects: Studies in the Making of Race and Nation in Canada* (Toronto: University of Toronto Press, 2007), 98.

⁹² 1861 Census, Canada West (Ontario), Peel subdistrict, Wellington Township, Ontario.

⁹³ Nikole Hannah-Jones, “Segregation Now,” *The Atlantic* 313, no. 4 (2014): 58-69.

⁹⁴ See Whitfield, *Blacks on the Border*; Smardz Frost and Tucker, *A Fluid Frontier*; and Cooper, “The Fluid Frontier: Blacks and the Detroit River Region.”

⁹⁵ Whitfield, *Blacks on the Border*, 3. Whitfield describes this as the second period of mass migration of black peoples from the US to Canada.

⁹⁶ *Ibid.*, 6. In his epilogue, Whitfield writes that the “first generation refugees usually defined the border in sharp terms between the slaveholding United States and free British North America, including Nova Scotia” (117).

⁹⁷ Daniel G. Hill, *The Freedom-Seekers: Blacks in Early Canada* (Toronto, ON: Book Society of Canada, 1981).

⁹⁸ Cooper uses the term “fluid frontier” as a “metaphor for the shifting and multiple nature of identities, which are constantly negotiated in border zones.” Cooper, “The Fluid Frontier: Blacks and the Detroit River Region,” 131. Smardz Frost and Tucker, building upon the scholarship of Cooper, describe the border as a transnational symbol, “an often amorphous district where the peoples on either side of the divide shared common cultural traits and political aspirations, but also a tangible, concrete border that, when traversed by people of African descent in search of freedom, offered a more than reasonable chance that they would achieve their goal.” Smardz Frost and Tucker, *A Fluid Frontier*, 11. See also John Bukowczyk, *Permeable Border: The Great Lakes Basin as Transnational Region, 1650–1990* (Calgary: University of Calgary Press, 2005).

⁹⁹ Nora Faires, “Going Across the River: Black Canadians and Detroit Before the Great Migration,” *Citizenship Studies* 10, no. 1 (2006): 43.

¹⁰⁰ Faires, “Going Across the River,” 52–53.

¹⁰¹ Smardz Frost and Tucker, *A Fluid Frontier*, 6–11. Importantly, Smardz Frost and Tucker, throughout their introduction, contest the notion of Canada as a “permanent site of black freedom,” and discuss borderlands as spaces where “narratives

come unravelled.” I am interested in this idea, applied more widely, and in centring the impermanence of black freedom throughout Canada.

¹⁰² Nandita Sharma and Cynthia Wright, “Decolonizing Resistance, Challenging Colonial States,” *Social Justice* 35, no. 3 (2008): 120–138. Both Isabel Wilkerson and historian Tina Campt, similarly, describe fugitive migration as agential states of black life.

¹⁰³ Berlin, *The Making of African America: The Four Great Migrations*, 20. See pages 9–21 for his characterizations of migration, which Berlin divides into four historical periods. In his very brief discussion of the “black Loyalists,” he forgoes detailing their experiences with racism in the Maritimes and other parts of Canada during the revolutionary period, and their dispersal into other parts of the Atlantic world after arrival in the Maritimes. For this discussion, see chapter two.

¹⁰⁴ Isabel Wilkerson, *The Warmth of Other Suns: The Epic Story of America’s Great Migration* (New York: Vintage Press, 2010). For a discussion of migration, its causes, and the desires of black people northward, see also Berlin, *The Making of African America*.

¹⁰⁵ Faires, “Going Across the River,” 53. Faires uses the term “counternarrative” to describe the ways the International Underground Railroad Monument in Detroit reinforces the myth of Canada as a “safe haven” for black peoples who fled the United States.

¹⁰⁶ The important research of historians Harvey Whitfield and Charmaine Nelson tracks the multidisplacements of black peoples arriving to Canada throughout the nineteenth century. Many were uprooted from the West Coast of Africa, and most often twice or thrice more times displaced—from the United States, to Canada, and often to other parts of the Atlantic world. See Charmaine Nelson, *Slavery, Geography and Empire*; Whitfield, *Blacks on the Border and North to Bondage*. Recently, the work of Ikuko Asaka describes a multidisplacement of black peoples transiting through Canada beyond what has been previously detailed. See Asaka, *Tropical Freedom*. She writes, for example, that “Planters’ pursuit of free black people in Canada and the United States developed as a contested process of colonial labour planning” after 1834 (87). Black labourers were thus imported from Sierra Leone with Trinidad and Jamaica making “substantial recruiting efforts,” and also recruited from Upper Canada through the 1830s. Her work has important implications for understanding the history of black migration in the nineteenth century for peoples transiting through Canada. Succinctly, as her work makes clear, black peoples, free and enslaved, could easily have been displaced six times during a lifetime either as chattel and/or as migrants in search of a better, more emancipated life.

¹⁰⁷ Saidiya Hartman, *Wayward Lives, Beautiful Experiments: Intimate Stories of Social Upheaval* (New York: WW Norton and Company, 2019), xiv.

¹⁰⁸ By invoking the term “captivity,” I am attending, in part, to the narratives of disappointment expressed by black migrants and the diminishment of desire and expectation that was commonly experienced upon arrival. Captivity occurred in the context of chattel slavery, forced labour, and re-enslavement, and after slavery ended, I argue that captivity continued in the form of widespread segregation and other forms of discrimination throughout the nineteenth century. These expressions may be seen throughout Drew, *The Refugees*, on pages 278, 284, and 303, as examples. Additionally, Canadian legal scholar Constance Backhouse and historian James Walker have similarly written that Jim Crow practices of white terror, racial segregation, and exclusion akin to those in the US were practiced within nearly every Canadian institution in the nineteenth and early twentieth centuries. See Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900–1950* (Toronto: University of Toronto Press, 1999); James Walker, “Race,” *Rights, and the Law*. See also Whitfield, “The African Diaspora in Atlantic Canada,” 217. In this recent, invaluable historiographical essay, Whitfield argues that the large body of scholarship on black Loyalists in the Maritimes has “made it easy for scholars and the general public to forget the dynamic and powerful history and historiography of slavery in Atlantic Canada.”