

The Role of Law in Shaping the Lives of Black People in Eighteenth-Century Canada

Wennie Chen

Vj g't gegpvõDrcem!Nkxgu'O cwtö'o qxgo gpv'cetquu'P qtj 'Co gtlec'cpf 'ku'ugpvko gpvu'ecp"

century consisted of white officials and thus, the laws enacted were imposed to benefit the white population. In the document, there is a vast distinction between corruption and intention of law.

Vj g'lwf i g'f kf "pqv'lxguki cvg'f ggr gt 'lpvq'vj g'ecug'cpf 'uko r n{ 'dgrkxgf "Y cvuqpau'y j kg"

urcxgj qrf gt'qxgt'j gt'cpf 'j gt'y kpguuu'vguko qp{² this instance allows us to extract three things.

The first point highlights that the trust of the law in white people severely outweighed that of

r gqr ng'qh'eqnqtu0Vj ku'y cu'pqv'eqwvgtkpwkxg'vj qwi j <vj g'rcy 'y cu'f guki pgf 'vj ku'y c{ "vq"

support and back up white settlers, continuously keeping them in power. In the case of Watson,

the act of returning her to her slaveholder silenced her voice and agency, shifting the fate of her

life at the hands of a white jury. This begs the question, why are Black settlers regarded and

treated this way? The answer lies within the long-held notion of Black people as commodities,

stemming from the slave trade. In the judgement, it seemed as though Watson was nonchalantly

handed over to Proud, like an item. There was no humanity in the transaction. Rather, the law

was wired so Watson could end up as the property of a white slaveholder, merely on the basis of

her skin. Gradually, this blurred the lines between a free versus enslaved Black person, as law

figures automatically cqttgrcvgf "õDrcenpguuö"vq'vj g"ucwu"qh'c"urcxg0Eqpugs wgpvñ{ ."Y cvuqp"cnuq"

underwent an intersectional struggle. As a woman of colour, she was completely at the mercy of

her white, abusive male slaveholder. According to Nelson, there entailed extra hardships for

Black enslaved women, as many incurred sexual assaults on top of mental and physical torture.³

The instance of Watson and Proud exposed one of the many cases where Black individuals,

many of them immigrating from the States after the Revolutionary War, were belittled by law.

² ~~sup~~

Black people. This leads us back to the petition: white Assembly members thought they had authority over the population all because of their slaveholder status. The racialized gatekeeping perpetrated by white Nova Scotians did not spring up out of nowhere, as seen in its roots from the slave trade, and within the colony, white settlers prevented the expression of Black identity in the existing population too.

The Black community of Nova Scotia endured much neglect from state affairs, with reference to an example in 1826 when a group of residents from Hammond Plains requested aid to build a church.⁸ Vj g'dkuj qr 'tghwugf 'v'f tcv'cuukvpeg. 'kukpvcvpi 'vj cv'öj g'ej vtej 'y qwf 'pqv' follow vj g'gucdkuj gf 'tgrki kppö'y kj 'pq'gxf gpeg'v'uwr r qtv'vj ku'dgngh' This piece offered insight into the legal system of Nova Scotia during that period: who were allowed freedom of expression? If it was not stated clearly, the people at the top (i.e., white governors) could abuse vj ku'rcy 'cpf 'vy kuv'v'v'q'y qtnik'vj gk'hcxqwt0Vj g'f gekukqp'd{ 'vj g'dkuj qr 'uj gf 'rki j v'qp'vj g'ucvga' apathy towards Black people, despite the importance of religion in their lives. This reintroduces the stripping of human identity. 'uactvpi 'y kj 'Drcenlr gqr rga'htggf qo u0k'Y j khgrf au'cecf go ke' lqwtpcn'j g'kpenf gf 'c'ucvgo gpvd{ 'c'dkuj qr 'pco gf 'F cxf 'I gqti g<ö-Y j kg'r gqr rg'kp'P qxc" Ueqvc'lj cf 'v'gcvf "o cp{ "qh'wu'cu'dcf "cu'vj qwi j 'y g']htgg'drcemu_'j cf "dggp'urcxguö¹⁰ The negligence was propelled through the long-standing, arbitrary association between Black people and slaves. As slaves are treated like property, they merely do not require the white population to attend to their desires because, after all, they are commodities, and it is up to white settlers to

⁸ ðRgvkqp'qh'drcenit'gukf gpu'qh'J co o qnds Plains for assistance to build a church, 18 August 3: 48.ö *African Nova Scotians in the Age of Slavery and Abolition*, virtual exhibit, Archives of Nova Scotia (<https://archives.novascotia.ca/africans/archives/?ID=94>, accessed 13 October 2021).

⁹ *ibid.*

¹⁰ J cxtg{ "Co cpk'Y j khgrf .öY j kg'Ctej kxgu. 'Drcenl'rci o gpu'<Rtqdrgo u'cpf "Rqukd'rkku'kp" Vgnkpi 'vj g'Nkxgu'qh'Gpurxgf "Drcenl'Rgqr rg'lp'vj g'O ctkko guö

decide what to do with them? It is not clear that the British government, in that sense, should they really be bestowed the liberties white people have (e.g., owning a church)? The overall treatment of Black people emphasized the hierarchy of Black and white settlers, and this indifference towards the Black population spilled over to how the white people perceived the wellbeing of Black individuals.

One of the most extreme divisions between the status of Black and white settlers based on the sources discussed lies within the document of John Taylor and other slaveholders (1807).¹¹ Taylor and others petitioned the British government not to advocate the system of slavery. The paradox implied that because they were British subjects, they thought they could do whatever they wished. However, it went beyond subjecthood. Black loyalists, who were free, were subjects of the Crown as well, but they were still grouped with enslaved Black people. It seemed as though white settlers were just finding an excuse to be racist without saying they were. White settlers wanted to benefit from the exploitation and ownership of Black people. This exposes that these petitioners never truly cared about the welfare of Black people; they only cared about the money they made from having Black people around. Likewise, Nelson spoke about how the British Crown compensated billions of dollars to white slaveholders who lost their rights of ownership through the Abolition Act (1833).¹³ The fact is, as long as they were given the amount they could have exploited from their slaves (if they were still able to keep them), they

¹¹ "African Nova Scotians in the Age of Slavery and Abolition," virtual exhibit, Archives of Nova Scotia (<https://archives.novascotia.ca/africans/archives/?ID=64>, accessed 14 October 2021).

¹² *ibid.*

¹³ "Mainstreet Nova Scotia, CBC, 13 July 2021 (<https://www.cbc.ca/listen/live-radio/1-37-mainstreet-ns/clip/15854850-nova-scotians-profited-slavery-reckoned-rectified-history-says>, accessed 25 November 2021)

