

SLAVERY IN COLONIAL MAINE

Maine's admission to the Union as a free state in the 1820 Missouri compromise makes Maine's own period of slavery seem a brief aberration. In Maine slavery was relatively short lived, about 120 years, confined to a small well-to-do strata, and limited to a slave population which probably never exceeded five or six hundred. The small size of the slave population and the use of family and wage labor as the most prevalent form of labor have overshadowed Maine's slave past.

However, the existence of slavery in Maine raises several questions. The unimportance of the institution to the dominant modes of production in Maine make one wonder, in A. Leon Higginbotham's words, "why, given the relatively small number of blacks in the New England colonies, slavery developed at all."¹ Is the nature of slavery different when it is not an important part of the labor system? What was the effect of Maine's "peculiar institution" on black slaves and later generations of black people in Maine? And finally, does the study of Maine's slavery shed any light on later Maine history?

Before we can answer these questions we must understand the early history of Maine. The English Civil war led to the usurpation of royalist Ferdinando Gorges's land claims by the Puritans of Massachusetts, who had annexed all of Maine by 1658. From 1677 to 1691 Maine was officially a colony of the Massachusetts Bay Colony and from 1691 to 1820 it was a full part of Massachusetts.² After 1658 therefore Maine's development was linked with that of Massachusetts, and the province was subject to Massachusetts laws and policies.

Historians usually cite 1638 as the first year blacks resided in Massachusetts. John Winthrop's journal in that year mentions blacks as part of the cargo of a ship returning from the West Indies. Other accounts also mention the presence of slaves during this year.³ The first law about slavery was passed in 1641



Maine's black population was relatively small, consisting mostly of slaves imported from the West Indies or brought by wealthy families migrating from regions where slavery was more pronounced. Lancaster Hodges, 1771-1878, was a free black born in Danvers, Massachusetts, at a time when slavery was a growing institution in New England. Hodges moved to Brownfield, Maine, early in life with a family named Jacobs and lived in the area to the venerable age of 107. Ridlon, *Saco Valley Settlements and Families* (1895)

when the first "constitution" for Massachusetts, the "Body of Liberties" declared:

That there shall never be any Bond-slavery, Villenage or Captivity amongst us unless it be lawful Captives taken in just Wars, [and such strangers] as willingly sell themselves or are sold to us, and such shall have the Liberties and Christian usage which the Law of God established in Israel concerning such persons doth morally require: Provided this exempts none from servitude who shall be judged thereto by Authority.¹

This statement has been interpreted as banning slavery in Massachusetts or at least as a demonstration of the early settlers' distaste for the practice. Others have taken it as a legal affirmation of Indian and Negro slavery. In any event it clearly sets out conditions which sanction and allow the slave trade from Africa to continue, and continue it did.⁵

At first, slaves came to New England from the West Indies, but at least as early as 1644 the Massachusetts colonists began to trade directly with Africa for slaves.⁶ A 1645 case tested the legality of this direct slave trade. In April 1645 a Massachusetts ship returned from Africa, where Captain James Smith and his first mate, Mr. Keyser, had conspired with a British crew to invite some Africans on board. They took two African prisoners, killed many, and set fire to a village as revenge for a supposed earlier attack on the British. When the ship returned, the two slaves were sold, but the news of the incident inspired indignation. The Massachusetts General Court ordered the return of the slaves, one of whom was held by a man in Piscataqua, New Hampshire, and a trial for Smith and Keyser on the charges of murder, kidnapping, and breaking the Sabbath. (The incident had occurred on a Sunday.) The case apparently never came to trial.⁷

Although this case shows some repugnance to the violence of the slave trade, the legal case was brought for kidnapping and Sabbath breaking. If the slaves had been purchased and the incident had not occurred on a Sunday, antipathy to the slave trade could not have found such legal expression. Massachusetts law was purposefully vague about slavery and the slave trade, which continued and became a major part of New England's maritime commerce.

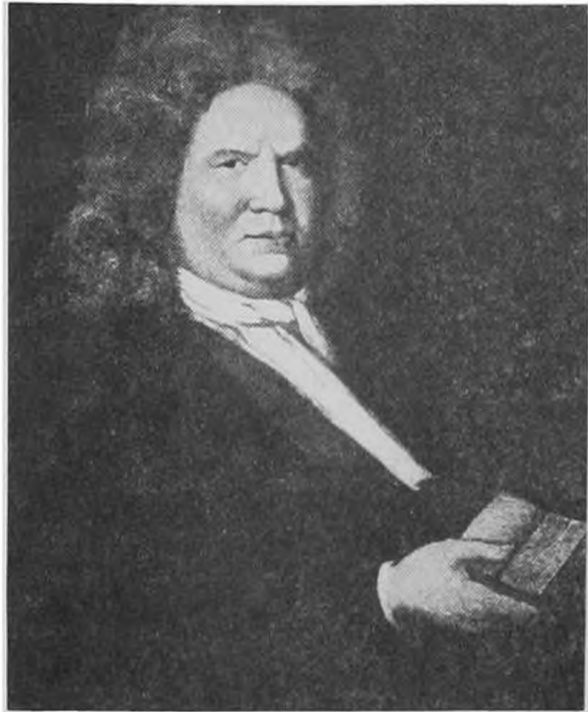
However, slavery in seventeenth-century Maine and Massachusetts was more a by-product of the slave trade than an end unto itself. The growth of New England's commerce with the West Indies and the development of a wealthy class associated with that commerce led to an emulation of the aristocratic lifestyle of the wealthy West Indies planters. The easy availability of slaves in Boston slave markets led to constant increase in the slave population. Estimates place the black population at between 100 and 200 by 1680. Blacks in Massachusetts numbered 505 in 1708 by conservative estimates. This figure had grown to about 2,000 by 1718 according to the governor's estimate.⁸

The increase in black population led to attempts to further define slave status in law and to “slave codes,” that is, laws which controlled and limited the activities of the black population. Although these laws grew out of the situation in Massachusetts, Maine was certainly subject to the laws and shared some of the same concerns. The 1641 law was particularly ambiguous as to the status of the children of slaves. The restriction of slavery to strangers meant that the children of slaves were legally free, although it is not clear what happened in practice. This “loophole” was removed in 1670 when a revision of the law dropped the phrase about strangers. Thereafter, children would take the status of their father.⁹

One early question was whether black and Indian slaves would be allowed to train and bear arms in the local militias. In 1652 a law was passed to allow them to do so, but fears of insurrection caused its repeal in 1656. A 1693 law would again establish this ban, but as we shall see the exigencies of Indian attacks would lead to breaches of the law in Maine.¹⁰

As the black population of towns, particularly Boston, increased, the legislature passed further laws to limit the activities of blacks and to protect the interests of the slaveowners. These laws were enacted to prevent runaways, theft, conspiracies, nocturnal street disorders, and the striking or defamation of whites by blacks. Blacks were therefore legally forbidden to board ships at anchor in some ports (1680), to be about after 9:00 p.m. (1703), to strike a white person (1703), or to parade the streets in pageants of more than three (1753). Boston also passed its own local slave ordinances.¹¹

Although several of the slave code laws were clearly designed for larger towns and greater black populations than would be found in Maine, the laws regarding manumission and miscegenation had an important impact on the eastern province. In 1703 the Massachusetts legislature passed a law forbidding the manumission of slaves unless a bond was posted to provide for the slave in case of infirmity. The law’s intent was to prevent masters discharging old or feeble slaves whose upkeep would become the town’s responsibility, but its effect



Slavery in Maine was confined to a small segment of society and served as a symbol of high status. Members of the Pepperell family were among Maine's colonial elite. Col. William Pepperell (left).

was to create another hurdle for those few slaveowners who thought of manumitting their slaves.¹²

In 1705 the legislature also moved to control marriage between the races. The Puritans had always considered premarital and extramarital sex legally punishable crimes, especially if the union produced a child. Both blacks and whites apparently received equal punishment for the offense.¹³ As the black population increased, so did fear of sexual relations between black men and white women. In response to complaints that "several Negroes had lain with white women," marriage and sexual relations between races was declared illegal under a 1705 law entitled "An Act for the better preventing of a spurious and mixt issue."¹⁴ This act increased the punishment for blacks who engaged in interracial sex to whipping and sale out of the province. The act also banned interracial marriage while protecting a slave's right to marry within his or her race. A duty was also placed on each slave imported into the province. This would presumably make it more attractive to import white indentured servants, who would eventually become free citizens and eligible marriage partners. A similar law banning interracial marriage would be one of the first laws passed by

considered at one time the wealthiest man in New England, and his son, Sir William Pepperell (right), hero of Louisbourg, both held slaves. Stackpole, *Old Kittery and Her Families* (1903)



both the Massachusetts and Maine legislatures when each became a state. The issue of interracial marriage was one that apparently bothered the people of Maine and Massachusetts more than the other New England states, for they were the only states to pass such legislation.

Massachusetts therefore has had a long history of involvement in slavery and the slave trade and has justly received the attention of historians interested in New England slavery. Maine, however, has also had a long experience with slavery, although with a much smaller slave population. Little has been written about Maine's slave past. Nineteenth-century white historians of Maine, many of whom were liberals or abolitionists, downplayed the effects of slavery, and the antipathy which many whites felt toward blacks in Maine.¹⁵ Modern historians assume that slavery was more benign, or at least less harsh, because slaves in Maine had the same legal rights as whites under Massachusetts law. They could sue in court, testify in court cases, and receive some legal protections.¹⁶ However, slavery has never been thoroughly analyzed in this

context. No one knows when the first black person came to Maine, or what status he or she carried. The earliest evidence of blacks in Maine is a York deed dated 1663, through which Thomas Bolt gives a "Negro boy named Mingo" to his son-in-law. Callous and derogatory attitudes towards blacks had been formed by this time, as evidenced by John Josselyn's 1668-1671 account of the Cape Porpoise man who boasted that he had used a drowned Negro's buttocks for fishing bait.¹⁷

Wills and deeds show that slave ownership was common among the leaders of Kittery and York by the end of the 1600s. Charles Frost, Samuel Wheelwright, and Francis Hookes were all justices of the General Court and all owned slaves. Sir William Pepperell, a wealthy Kittery merchant, had several slaves in his household. The son-in-law of a Boston slave trader, Pepperell, legend has it, would sail down the river on a barge reminiscent of ancient Egypt, attended by eight black menservants.¹⁸ Although Pepperell's entourage was unusually extravagant, other wealthy Maine families of the time also kept slaves.

From about 1680 until the American Revolution, Maine's population and prosperity were limited by incessant Indian raids and open warfare. This period saw the abandonment of many of the seventeenth-century settlements. Before the Indian wars slaves were scattered around several outlying settlements. After 1680, however, the slave population appears to have been confined to the more secure and wealthier towns — Kittery, Wells, York, and Falmouth — until towns to the east were rebuilt during the 1730s. In these unsettled times slaves were concentrated in the hands of a few very wealthy men.

The spread of slavery to more towns seems to have coincided with a change in the marketing system for slaves. Slaves were always available from ships that sailed to the West Indies and from slave markets in Boston and Portsmouth. There is evidence however that Maine itself participated in the slave trade for local purchasers as the market for slaves expanded during the eighteenth century. As early as 1719 William Pepperell was receiving slaves in Kittery on consignment from

Antigua.¹⁹ A Wells historian mentions a slave factory — a holding place for slaves awaiting sale — in York at the middle of the seventeenth century.²⁰ A 1752 Kittery advertisement announced the arrival of “a quantity of very likely Boys and Girls of the blackest sort,” and promised reasonable terms for their purchase.²¹ By the middle of the eighteenth century the informal trade in slaves was supplemented by a more formal market system.

Although the development of better markets was probably a sign of increased demand for slaves, it is impossible to say whether the markets led to an increase in the number of slaves in Maine. The early Massachusetts figures do not specify how many blacks lived in Maine. This expansion of slave trading does seem to coincide with an extension of slave ownership beyond the wealthy upper class to what we would consider the upper middle class today. Early wills that bequeath slaves show that the founders and first settlers of the town were the only slaveowners, and they were likely to own more than one. In Kittery, for example, Richard Cutts, Charles Frost, and William Pepperell all left estates with at least four slaves.²² As Maine began to expand, people from elsewhere who owned slaves began to move to the province and bring their slaves along. Slave ownership remained confined to the wealthy, but it became a bit more common in the 1730s.

Ministers — aristocrats by social position within the community, yet poor in income — are an interesting case inpoint. In 1732 the First Church of Christ in York voted to purchase a slave for its minister, Reverend Samuel Moody, and by 1734 they had raised the 120 pounds to do so. Apparently the expense and trouble of keeping a slave were too much, for they had the slave sold in 1736.²³ Reverend Nicholas Loring of First Church in North Yarmouth married a woman from a wealthy family in Rhode Island where slavery was more common. Mrs. Loring received a female house servant as part of her wedding portion. The slave, Belinda, served faithfully and was provided for in her mistress’s will.²⁴ Slaves were part of the trappings of social prestige even for those who could not afford them.

SLAVERY IN MAINE

Slaveowning followed the spread of settlement in Maine during the eighteenth century. Most often a person from an area outside of Maine would migrate to a Maine settlement and bring his slaves with him. In 1717 Andrew Dunning moved to Brunswick and became that town's first slaveholder.²⁵ Abiel Lovejoy from Massachusetts settled in Pownalborough in 1764 and brought several slaves with him.²⁶ Isaac Royall from Antigua introduced slavery to Durham before the American Revolution.²⁷

A 1754 census provides the first real data on Maine's black population. Table 1 shows the number of slaves sixteen years of age and older.²⁸

Table 1

Negro Slaves 16 years of Age and Older — 1754/55

Town	Males	Females	Total
York			24
Kittery	18	17	35
Wells	12	4	16
Falmouth	16	5	21
Scarborough	7	4	11
Berwick	14	8	22
Arundel	2	1	3
No. Yarmouth	2	1	3
Brunswick	2	1	3
Georgetown			7
Gorham	2		2
TOTAL	75	41	147

Although this list of adult slaves provides only a rough estimate of the total black population, it is interesting in two respects. First, it shows that slavery had spread beyond the oldest settlements by the middle of the eighteenth century to outlying towns like Berwick, Arundel, and Scarborough and to northeastern coastal towns like Brunswick, North Yarmouth, and Georgetown. The second surprising aspect is that adult males outnumber adult females almost two to one. The shortage of black females may be one cause of the sexual liaisons

between black men and white females. Between 1708 and 1721 five women were convicted of bearing children by black men.²⁹ Given the black population of the time this seems quite high; undoubtedly, many more liaisons occurred than show up in court records.

A 1764 census estimates that there were some 322 blacks in Maine but does not say how many of them are slaves. These figures show that slavery could not have been common because blacks comprised less than 2 per cent of the population. The census does show that blacks had spread up the coast as far as Pownalborough (Wiscasset). The town totals are listed below.³⁰

Table 2
Population of Towns with Blacks

Town	Whites	Negroes	Ratio of Whites to Blacks
York County			
Arundel	833	5	167:1
Berwick	2374	44	54:1
Biddeford	627	12	52:1
Kittery	2358	62	38:1
Saco	538	2	269:1
Wells	1563	34	46:1
York	2277	56	41:1
Cumberland County			
Brunswick	304	4	76:1
Falmouth (Portland)	3770	44	86:1
Harpswell	836	14	60:1
North Yarmouth	1079	18	60:1
Scarborough	1272	15	85:1
Lincoln County			
Bowdoinham	220	1	220:1
Georgetown	1329	12	111:1
Newcastle	454	1	454:1
Pownalborough	889	9	99:1
Topsham	340	1	340:1

Even more towns had slaves by the War for Independence. In 1776 Augusta passed a resolution that slaves would be taxed at the same rate as apprentices and listed the names of seven slaves.³¹ By the 1770s there were slaves in Pittston, Warren, Bristol, and even as far east as Machias.³²

There were important differences between slavery in Maine and slavery in the southern colonies. In the South, slavery was integral to the productive system. Slavery in Maine was a privilege of the small colonial upper class and more an aristocratic trapping than a mode of production. "Slave Codes" in Massachusetts and Maine were just as complex as those in the South, but Maine's punishments were slightly less harsh, and Maine slaves had the legal right to testify and seek redress in the courts. However, this does not mean that slavery was more benign or less onerous in Maine. The lack of control over one's person and family, the possibility of sale or bequeath drastically changing one's circumstances, the fear that families could be broken up, and the physical threats of beatings made slave life perilous at best. The important question is whether these legal rights affected slave life in Maine.

So far no descriptions of slave life from the slave's perspective have emerged in Maine, so we must rely on scattered references in town and court records to provide some insight into daily existence during this period. The legal case historians cite most frequently to demonstrate that slaves' legal rights offered better life prospects in New England ironically proves just the opposite. The only case of an owner being tried for violent treatment of a slave in Massachusetts history took place in Maine. In 1685 Nathaniel Keen was tried and convicted for beating his slave Rachael to death. He was fined five pounds for the offense plus five pounds and ten shillings for court costs.³³ The value of a slave's life in Maine may have been protected by law, but it was not valued very highly.

Historian Joseph Williamson felt that such harsh treatment of slaves only occurred during the early years of slavery.³⁴ Certainly incidents of cruelty were isolated and not everyday occurrences, but they continued throughout the slave period.



Black slaves in Maine were integrated into colonial life, yet kept apart from and subordinate to white society. Church attendance was mandated by law, but slaves were accommodated in special balconies or pews — Maine's early "Jim Crow" tradition.

As late as the 1780s a Bristol minister owned a slave girl, and when his cows did not come home one snowy night,

the colored girl poorly clad was sent to find them. In the evening she came in declaring that she was not able to find them; but her master sternly ordered her to continue the search until she should be successful. The poor girl with tears freezing upon her face, left his presence and in the morning was found dead by the side of a fence, not far from the house. It was supposed that being unable to find the cows and afraid to enter the house, being much fatigued, she lay down to rest herself, and froze to death.³⁵

Cruelty and threat of physical violence seem to be endemic to slavery. Slaves lived with the possibility of such behavior regardless of how often it actually occurred.

Blacks also had to live with ambivalent racial attitudes in Maine. Not all black people in Maine were slaves, but for the most part whites associated blacks with slavery, and the institution undoubtedly affected all blacks who lived in the state. Social attitudes and Puritan religious beliefs, moreover, consigned blacks to second-class status within the community. Blacks were inevitably members of the small communities in which they lived, and whites faced the problems of including them yet still maintaining some separation from them.

Church attendance is a good example of the dilemma white townspeople faced. Churches and church membership were central to eighteenth-century New England life. In some cases church attendance was mandated by law, and missing a meeting could result in fines or other punishments. Slaves were allowed, and even in some instances encouraged to attend church, but churches had to find a way to accommodate slaves in special sections. In some cases the "Jim Crow" section was in the balcony or in pews along the side. Edward Bourne, a local historian of Wells and Kennebunk, recalled one slave's segregated seat:

We of Kennebunk well remember him in the house of God, separated from his fellow-men in his lone seat, though far above all the other worshippers, emblematical, perhaps in the wisdom of God, though not so designed by the pride of man, of his more exalted seat in the mansions of the blest.³⁶

In 1736 the First Church of North Yarmouth voted to build seats in the side galleries to accommodate that town's growing population of slaves and Indians.³⁷ In Brunswick, Aaron Dunning, one of the first and wealthiest citizens of the town, had a Negro lad for a servant of whom he was very fond and whom he always took to meeting with him. As the boy at first was too young to sit in the seats provided for persons of his race, and as it would not do to allow him to sit in the deacon's pew, he had to take his seat on the floor of the aisle beside the pew.³⁸

Whether seated in balconies, side galleries, or on the pew steps, some slaves participated in all aspects of church life. They were baptized, married, and buried by the same officials that ministered to whites, and often with whites in attendance. But they were by no means thought of as equal, as this description of a slave wedding makes clear.

Lonnon was a tall finely formed man, possessed of great muscular power, with a skin black as midnight Chloe was short, fat and several shades lighter than her fellow chattel when the dusky couple came before the Parson, their grotesque appearance excited his mirth in a marked degree, especially, as the groom with a haughty bearing requested him to make 'dis twain one flesh.' By dint of strong effort he managed to preserve the dignity due to the occasion and performed the ceremony, at the close of which he said to the groom, as was customary, 'Salute [kiss] your bride.' the groom replied 'After you is manners, sar.' This was too much for the good minister's mirth to withstand; he exploded with laughter ... [and] beat a hasty retreat.³⁹

Racism and condescension toward blacks were not peculiar to this parson, but part of the general social attitude. No matter how much blacks shared the institutions of the whites they were clearly "separate and unequal" in many ways. Lonnon Rhodes's "mistake" was in thinking that he should behave the way whites did. As the parson himself noted with some sympathy, "The poor fellow was only acting in imitation of his betters, and doubtless thought he was doing me a real act of kindness."⁴⁰

Despite their second-class membership in the community, slaves were acknowledged to have expertise and accomplishment in some areas. Several slaves were known as fine musicians who played at gatherings. Others had presumed

supernatural or pharmacological skills and were called upon to treat some illnesses. Slaves also helped defend their communities in times of war or Indian attack. Although the Massachusetts militia banned slave participation in the militia, there is ample evidence that slaves helped defend their settlements when necessary. As early as 1689 a black slave was listed as a casualty of a Falmouth battle with Native Americans.⁴¹ A letter from that same year hopes that soldiers "*both black and white*" (emphasis added) will arrive in time to relieve the town.⁴² Other slaves would serve in auxiliary positions in the local militia and with distinction in the American Revolution.

Most slaves therefore felt that their interests were connected to the communities in which they lived, despite the discriminatory treatment they received. However, they showed a remarkable antipathy to the "less benign" slavery of colonial Maine. Confined to a very narrow range of free choices, they attempted to work the ambiguities of their status to their advantage and to secure their freedom whenever possible. Their accomplishments show the ingenuity and resilience of the human spirit.

Black Will, a slave of Major Nicholas Shapleigh of York, was able to challenge the restraints placed upon him and eventually secure his freedom. Will was apparently able to lead a somewhat independent life while a slave. He lived on land owned by Shapleigh, but which was recognized as his. When Shapleigh died in 1685 he bequeathed Black Will and Will's land and house to his widow Alice Shapleigh. She subsequently turned the slave and the land over to her nephew John Shapleigh.⁴³

The amount of control which John Shapleigh exercised over Will is problematic. Will was able to accumulate money and to have an affair with a white woman. The liaison apparently went undetected, for when the woman, Alice Metherell, became pregnant she named a white man as the father. Only when she delivered a black baby did she admit that Black Will was the father of her child. The white man later sued her for libel.⁴⁴

Will was able to accumulate enough money to buy 100 acres of land for himself in November 1699. John Shapleigh freed Will shortly thereafter in February 1700.⁴⁵ Whether this involved humanitarian reasons, unspecified financial arrangements, or simply a recognition of the status quo is not clear. When Massachusetts passed a law requiring a bond for any slave who was manumitted, Black Will used his land as security so that another slave, Anthony Freeman, could be manumitted by his owner, Charles Frost, in 1708. Will also allowed Freeman to settle on two acres of his land and pay for it later.⁴⁶

Black Will was a slave who not only obtained his freedom but acquired property which he could pass down to his descendants. His son, Will Jr., was a freeman but was hampered by the laws restricting all blacks. He lived with a white woman, Elizabeth Turbot, and was jailed in 1715 under the laws prohibiting extramarital sexual relations.⁴⁷ Under the 1705 law, the two could not marry, but they apparently continued to live together and they raised a family. Will Jr. changed his name to William Black, and the couple, with their son William, moved to the Harpswell area by 1739. They were the first settlers on what was at first known as Will's Island. Later purchased by a Massachusetts man, the island became Bailey's Island. The blacks, who were squatters, had to move to neighboring Orr's Island where some of William Black's descendants still live.⁴⁸ Black Will's other son, Joshua Black, stayed in Kittery and raised a large family.

Black Will was unusual in gaining his freedom at a time when slavery was becoming more common in Maine. Other slaves sought freedom using whatever means they found at their disposal. Some "stole themselves" by running away. As early as 1705 one of William Pepperell's slaves escaped. In an ironic reversal of what was to be the underground railroad a century later, the slave escaped to South Carolina, where he was captured and returned.⁴⁹

Isaac "Hazard" Stockbridge, a slave of Sylvester Gardiner of Pittston, took even more extreme measures to gain his freedom. Originally from Massachusetts, Hazard had married

Slaves responded to their bondage in a variety of ways. Some, like Isaac "Hazard" Stockbridge, a slave of Sylvester Gardiner (shown right), took extreme measures. Stockbridge resorted to sabotage, arson, and attempted poisoning to gain his freedom.



Dr Sylvester Gardiner

Cooper Loring, a free black woman and they and their children moved to Maine with Gardiner in 1766. Hazard resorted to sabotage to gain his freedom. On separate occasions he killed one of his master's horses, set fire to the house, and attempted to poison his master's family. The poisoning was discovered only because Hazard warned one of the guests at a gathering not to drink the coffee. Dr. Gardiner gave Hazard some supplies and tools and banished him to a remote area of his holdings on the Cabassa river. Although still a slave and working on his master's land, Hazard had achieved a measure of independence. He kept his own earnings and worked free of supervision until his accidental death by drowning in 1780.⁵⁰

In rare instances, slaves could accumulate enough money to purchase their freedom. For London Atus, the American Revolution was truly a war of independence. Atus was a slave, originally from New Jersey, who moved to Machias with his master, Rev. James Lyon, in 1771. London enlisted when the Revolution broke out and served at what is now Fort O'Brien below Machias. He took part in several sea expeditions and earned prize money from ships captured. He used the money to purchase his freedom from his owner and settled in Machias.⁵¹

For most slaves, however, freedom awaited actions in far-off Boston. Boston had nurtured a small antislavery movement since 1701. Those opposed to slavery were not humanitarians but rather people who disliked the increasing number of non-whites — black and Indian — in the colony. Bills to prevent or tax the importation of slaves were introduced in 1705, 1712, 1767, and 1771. When these bills passed, the British governor, recognizing the importance of the slave trade to British interests, refused to sign them into law. Massachusetts slaves began suing for their freedom as early as 1765. At first, juries rejected all claims for freedom, but by the mid-1770s juries had become more sympathetic to the rights of slaves (though rarely granting them freedom). When the court cases failed to bring freedom, Boston blacks petitioned the British governor and the local legislature for an end to slavery. Their 1773 petition prompted a 1774 bill to ban the importation of slaves into Massachusetts, but again the British governor would not sign it. When the state of Massachusetts finally adopted a constitution which included a Declaration of Rights ("All men are born free and equal ...") and unqualified male suffrage, no mention was made of slavery or emancipation.⁵² In a series of cases involving a slave named Quock Walker, the Massachusetts Supreme Court concluded in 1783 that the "free and equal" clause of the state constitution made the practice of slavery illegal.⁵³

Leon Higginbotham attributes the end of slavery in Massachusetts to a combination of causes. Slavery had been ambiguously defined in Massachusetts until 1700, when it clearly

became a perpetual, racially defined institution. However, the institution lacked economic importance. Thus blacks, willing and able to sue for their freedom, found allies among an expanding white labor force, which feared that slavery would deprive them of jobs, and an elite with an intellectual and moral commitment to the abstract idea of freedom.⁵⁴

Although they could not have learned all the details, Maine slaves did hear news of changes in Massachusetts and reacted to them. In 1777, prior to the Walker decision, Joseph Prouty of Scarborough sued William Vaughn for telling Prouty's two slaves that an act of the General Court (probably the 1774 law banning the importation of slaves) had made them free. The slaves left Prouty, and one hired himself out to Vaughn.⁵⁵ In 1783 Sarah, a slave of Capt. McIntyre of Warren, heard rumors of the Walker decision in Massachusetts. She hired a lawyer to find out if it was true and claimed her freedom. Sarah would later marry a black man named Amos Peters and become the matriarch of one of the largest black families and settlements in Maine: the Peters of Warren.⁵⁶

Slavery seems to have ended in Maine with barely a whimper, again because of its relative unimportance to the economy and its restriction to the upper classes. Ironically the question of slavery in the south would create much greater divisions within Maine than the abolition of slavery locally, because moral and economic issues would be at odds. Maine's maritime trade depended to a great extent on events in areas with economies dependent on slavery. Ending slavery in Maine, on the other hand, had little effect on white society. The aristocracy, free to hire the former slaves as wage labor, simply relinquished legal responsibility for their upkeep and welfare.

The abolition of slavery did have a great effect upon Maine's black population, of course. Many former slaves stayed with their former owners as wage labor. The slaves in communities like Wells, Kittery, and York seem to have fared the worst with freedom. About a dozen ex-slaves from Wells were given land on a hill called "Nigger Ridge." Here they eked out a living by raising vegetables, making and selling baskets and



The Thomas Cutts House, Saco, Maine, built in 1782. Slaves in Maine, like those who belonged to the Cutts family, typically performed tasks around the house rather than in industry or agriculture. Maine Historical Society Collections.

brooms, doing odd jobs for whites in the community, and receiving some charity. Charles Banks described the freed slaves of York as “dependents living in a state of modified bondage.”⁵⁷ The black population in York and Wells dropped from fifty-six and thirty-four respectively in 1764 to twenty-six and fifteen in 1790. The end of slavery would see declining numbers of blacks in these old settlements and growing black populations in the new boom towns thriving on the maritime trade — Portland, for instance.

Some former slaves were able to make a successful transition to their new status and take advantage of new economic opportunities. London Atus, for example was able to establish himself in Machias and raise a large family. Portland provided many opportunities for the former slaves and soon became the home of Maine’s largest black community. It is difficult to trace the former slaves who stayed in Maine and made a new life for themselves, because freed slaves usually changed their names. Maine’s black population grew after the abolition of slavery as free blacks from other states were attracted to the province.

SLAVERY IN MAINE

For whites, slavery in Maine was a short episode with few lasting consequences, but for blacks it was much more than that. A slave past could have unexpected ramifications. For example, in 1820 the town of Gardiner claimed it did not have to provide town assistance to Harriet Stockbridge because her grandfather, Isaac “Hazard” Stockbridge, was a slave. The town of Hallowell had sued Gardiner to recover expenses it had provided for Harriet’s upkeep. Harriet’s mother had been an inhabitant of Pittston when it was incorporated. The court ruled, however, that the mother could not have established rights of citizenship in the town because she was a minor and her father was a slave.⁵⁸ Although neither Lucy nor Harriet had ever been slaves, their rights in the town of Pittston were denied because of slavery almost forty years after slavery had ended.

Slavery, moreover, left Maine a legacy of discrimination, segregation, and “black codes” which would endure during the nineteenth century. Blacks would be associated with menial jobs which merely transferred some of their slave roles into wage labor and made some of the duties of domestic servants available to the community at large. Churches would remain segregated; marriages between blacks and whites were still illegal, and in towns with large enough black communities segregated schools were set up for blacks. Slavery was therefore not an aberration in Maine’s history, but a prologue which set a tone for relations between whites and blacks which would continue through the nineteenth and twentieth centuries.



NOTES

¹Leon A. Higginbotham, *In the Matter of Color: Race and the American Legal Process* (New York: Oxford University Press), p. 2.

²See Ronald F. Banks, *A History of Maine*, 4th ed. (Dubuque, Iowa: Kendall Hunt Publishing Company, 1976), for a more detailed history of seventeenth-century Maine.

³Elizabeth Donnan, *Documents Illustrative of the History of the Slave Trade* (Washington, D.C.: Carnegie Institution of Washington, 1930-1935), vol. 3, p. 4.

⁴*Ibid.*

⁵See Lorenzo Greene, *The Negro in Colonial New England* (New York: Columbia University Press, 1942), for a discussion of the disputed interpretations.

⁶Donnan, *Documents*, vol. 3, p. 6.

⁷Richard C. Twombly and Robert H. Moore, "Black Puritan: The Negro in 17th Century Massachusetts," *William and Mary Quarterly*, 3d ser., 24 (April 1967): 225.

⁸*Maine Historical Society Collections*, vol. 10, p. 106; Greene, *Negro in Colonial New England*, p. 126.

⁹John C. Hurd, *Law of Freedom and Bondage in the United States* (Boston: Little, Brown & Company, 1858, 1861), vol. 2, p. 261.

¹⁰Higginbotham, *In the Matter of Color*, pp. 75-82; Greene, *Negro in Colonial New England*, pp. 128-43.

¹¹Greene, *Negro in Colonial New England*, pp. 138-39.

¹²Higginbotham, *In the Matter of Color*, p. 74.

¹³*Maine Historical Society Collections*, vol. 9, p. 282.

¹⁴Louis C. Hatch, *Maine: A History* (New York: American Historical Association, 1919; reprint, Somersworth: New Hampshire Publishing Company, 1974), p. 286, and Joseph Williamson, "Slavery in Maine," in *Maine Historical Society Collections*, vol. 7, pp. 207-16, for example.

¹⁵See Twombly and Moore, "Black Puritan"; and Higginbotham, *In the Matter of Color*.

¹⁶*York Deeds*, edited by William M. Sargent (Portland: Brown Thurston & Company, 1889), book 1, pt. 1, folio 159.

¹⁷Twombly and Moore, "Black Puritan."

¹⁸Williamson, "Slavery in Maine," p. 214.

¹⁹Donnan, *Documents*, vol. 3, p. 28.

²⁰Edward E. Bourne, *History of Wells and Kennebunk* (Portland: B. Thurston & Company, 1875), p. 405.

²¹Donnan, *Documents*, vol. 3, p. 66.

²²*York Deeds*.

²³Edward C. Moody, *Handbook History of the Town of York* (Augusta: York Publishing Company, 1914), p. 221.

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²⁴Augustus W. Corliss, *Old Times of North Yarmouth, Maine*, facsimile of 1877-1885 edition (Somersworth: New Hampshire Publishing Company, 1977), p. 877.

²⁵George A. Wheeler and Henry W. Wheeler, *History of Brunswick, Topsham and Harpswell, Maine*, facsimile of 1878 edition (Somersworth: New Hampshire Publishing Company, 1974), p. 205.

²⁶"Mrs. Ballard's Diary," in James W. North, *The History of Augusta* (Augusta, Maine: Clapp and North, 1870), p. 283.

²⁷Stackpole, *History of Durham, Maine* (Lewiston, Maine: Lewiston Journal Company, 1899), p. 9.

²⁸*Massachusetts Historical Society Collections*, 2d ser., vol. 3, pp. 95-97.

²⁹*Province and Court Records of Maine*, edited by Robert E. Moody (Portland: Maine Historical Society, 1947), vol. 4, pp. 48, 360, 389; vol. 5, p. 209; vol. 6, pp. 5, 81.

³⁰William D. Williamson, *History of the State of Maine* (Hallowell, Maine: Glazier Masters & Company, 1832), vol. 2, p. 373.

³¹North, *History of Augusta*, p. 136.

³²J. W. Hanson, *History of Gardiner, Pittston, and West Gardiner* (Gardiner, Maine: William Palmer, 1852), p. 98; Cyrus Eaton, *Annals of the Town of Warren* (Hallowell, Maine: Masters and Livermore, 1877), p. 214; John Johnston, *History of Bristol and Bremen* (Albany, New York: Joel Munsell, 1873), p. 9; Joseph Foss, "London Atus: A Colonial Black American," *Dow-neast Ancestry* 6 (no. 1, 1982): 128-29.

³³*Province and Court Records*, vol. 4, pp. 34-35.

³⁴Williamson, "Slavery in Maine," p. 215.

³⁵Johnston, *History of Bristol and Bremen*, p. 373.

³⁶Bourne, *History of Wells and Kennebunk*, p. 409.

³⁷Corliss, *Old Times of North Yarmouth*, p. 463.

³⁸Wheeler and Wheeler, *History of Brunswick, Topsham and Harpswell*, p. 212.

³⁹Samuel T. Dole, "Windham's Colored Patriot," *Maine Historical Society Collections*, 3d ser., vol. 1, pp. 316-18.

⁴⁰*Ibid.*, p. 319.

⁴¹*Maine Historical Society Collections*, vol. 4, p. 454.

⁴²*Ibid.*, p. 455.

⁴³*York Deeds*, book 3, folio 126; book 4, folio 52.

⁴⁴*Province and Court Records*, vol. 4, pp. 48-49.

⁴⁵*York Deeds*, book 6, folio 88.

⁴⁶Sybil Noyes, et al., *Genealogical Dictionary of Maine and New Hampshire* (Baltimore, Maryland: Genealogical Publishing Company, Inc., 1983), p. 93.

⁴⁷*Province and Court Records*, vol. 5, pp. 126, 169-71.

⁴⁸Wheeler and Wheeler, *History of Brunswick, Topsham and Harpswell*, p. 84.

⁴⁹Donnan, *Documents*, vol. 3, p. 28n.

⁵⁰Hanson, *History of Gardiner, Pittston, and West Gardiner*, pp. 98-99; Helen T. Catterall, *Judicial Cases Concerning American Slavery and the Negro* (Washington, D.C.: Carnegie Institution of Washington, 1926-1937), vol. 4, p. 546.

⁵¹Foss, "London Atus," p. 128.

⁵²Higginbotham, *In the Matter of Color*, pp. 82-99.

⁵³*Ibid.*, pp. 98-99.

⁵⁴*Maine Historical Society Collections*, vol. 15, p. 197.

⁵⁵Eaton, *Annals of the Town of Warren*, p. 214.

⁵⁶Daniel Remich, *History of Kennebunk From Its Earliest Settlement to 1890* (Portland, Maine: Lakeside Press, 1911), p. 108.

⁵⁷Banks, in Banks, *A History of Maine*.

⁵⁸Catterall, *Judicial Cases Concerning American Slavery and the Negro*, vol. 4, p. 546.

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