

1902
Withrow .25II.—*The Underground Railway.*

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It is gratifying to Canadian patriotism to know that among the very first laws enacted by the newly organized province of Upper Canada was one for the abolition of slavery. In the year 1793 the conscript fathers of the new commonwealth, homespun clad farmers or merchants from the plough or store, with a large vision of the future, passed an act which forbade the further introduction of slaves and made provision for the gradual emancipation of all slave born children in the province. Dr. Scadding thus describes the picturesque surroundings of the scene:

"We see them adjourning to the open air from their straightened chamber at Navy Hall, and conducting the business of the young province under the shade of a spreading tree, introducing the English Code and Trial by Jury, decreeing roads, and prohibiting the spread of slavery; while a boulder of the drift, lifting itself up through the natural turf, serves as a desk for the recording clerk."¹

From that time onward till the abolition of Slavery² in the American Republic, a period of nearly a hundred years, Canada was

¹ Previous to this date, however, Lord Mansfield had declared, in 1772, "Villeinage has ceased in England, and it cannot be revived. The air of England," he said, "has long been too pure for a slave, and every man is free who breathes it. Every man who comes into England is entitled to the protection of English law, whatever oppression he may heretofore have suffered, and whatever may be the colour of his skin: Quamvis ille niger, quamvis tu candidus esses."

Cowper, the British poet of the slave, translated this dictum into verse that thrilled the age:—

"Slaves cannot breathe in England: if their lungs
Receive our air, that moment they are free;
They touch our country and their shackles fall."

Still earlier, in the very opening years of the eighteenth century, Chief Justice Holt had affirmed that "as soon as a negro comes into England he is free; one may be a villein in England, but not a slave"; and later: "In England there is no such thing as a slave, and a human being never was considered a chattel to be sold for a price."

² On September 22nd, 1862, President Lincoln announced that on the first day of January, 1863, "all persons held as slaves within any state or desig-