

Re-enslavement of Black Loyalists: Mary Postell in South Carolina, East Florida, and Nova Scotia

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[Aller au sommaire du numéro](#)

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CAROLE WATTERSON TROXLER

*dusty brown potato
white eyes protruding
she turns it in
her hand, knife poised
and thinks*

*of Mary Postill
sold
for a bushel of potatoes.¹*

SYLVIA HAMILTON'S CONTEMPORARY POEM "Potato Lady" acknowledges Mary Postell, an icon of Black Loyalists and their perils as settlers in Atlantic Canada following the American Revolutionary War. Postell's name and some aspects of her legal plight in Shelburne, Nova Scotia, in 1786 and 1791 appear on many Internet sites devoted to Black Loyalists and African Canadian history. These sketches attest to Postell's status as a touchstone for the affirmation and dissemination of black history during the era of the American Revolution. Her significance as a present-day symbol points to the need for a more detailed examination of Postell's pre-1786 story. Mary Postell joins long-known David George, Boston King, John Marrant, and Thomas Peters – along with the recently elucidated Harry Washington, John Moseley, and Mary Perth – as individuals whose life details enliven contemporary perceptions of the revolutionary era in the Atlantic world and raise some portion of the veil that obscures the shared past.

King, Marrant, and George left personal narratives, mediated by co-religionists.²

1 Sylvia Hamilton, "Potato Lady," in George Elliott Clarke, ed., *Fire on the Water: An Anthology of Black Nova Scotian Writing*, vol. 2 (East Lawrencetown, NS: Pottersfield Press, 1992), 93.

2 "Memoirs of the Life of Boston King, a Black Preacher Written by Himself, during his Residence at Kingswood-School," *Methodist Magazine* XXI (March-June 1798): 105-10, 157-61, 209-13, 261-5; John Marrant, *A Narrative of the Lord's Wonderful dealings with John Marrant, a Black (now going to preach the gospel in Nova Scotia)* (1785); John Marrant, *A Journal of the Rev. John Marrant from August the 18th, 1785, to the 16th of March, 1790. To which are added Two Sermons* (1790); "An Account of the life of Mr David George . . . given by himself in a Conversation with Brother Rippon . . .," *Baptist Annual Register* 1792 (1793), 473-84. Marrant's and George's narratives appear in Joanna Brooks and John Saillant, eds., *"Face Zion forward": First Writers of the Black Atlantic, 1785-1798* (Boston, MA: Northeastern University Press, 2002). King's narrative is available at http://antislavery.eserver.org/narratives/boston_king/bostonkingproof.pdf. King is covered in Phyllis

Washington, Moseley, and Perth are among dozens of self-emancipated individuals lifted recently from historical oblivion by Cassandra Pybus and Simon Schama.³ Published within months of each other, these two books overlap considerably, as did similar concurrent monographs 30 years earlier by James W. St. G. Walker and Ellen Gibson Wilson.⁴ In each pair of books, though, geographic and conceptual foci vary. Walker plumbed the Nova Scotia experience more deeply than Wilson, fastening his analysis to the religious culture as it responded to the denial of the "Promised Land" in Nova Scotia. His work has therefore been more widely cited in subsequent North American treatments. Wilson delved further into the British and Sierra Leonean portions of the migration than Walker. Her examination of British political and philanthropic relationships has been surpassed by Schama, who traces black agency in his examination of the constitutional argument for abolition following the Somerset case. For her part, Sylvia Frey's 1991 book explored black resistance to slavery on both sides of the American Revolutionary War in the South. For the general American reader, more significantly than for the international scholarly community, Frey's non-partisan framework for black resistance to enslavement presented Black Loyalism as intrinsically American. Frey also made black pro-British activity comprehensible alongside the black Revolutionary services familiar from the 1961 work of Benjamin Quarles. Frey's example encouraged scattered works on Black Loyalists of specific geographic or topical scope, as has Todd Braisted and Nan Cole's generosity with their careful military transcriptions. Compilations in 1999 and 2002 of some of this work provided Schama and Pybus with details not available to Walker and Wilson.⁵

- R. Blakeley and John N. Grant, eds., *Eleven Exiles: Accounts of Loyalists in the American Revolution* (Toronto: Dundurn Press, 1982). The story of Thomas Peters in Nova Scotia, London, and Sierra Leone has been well-known among students of the Loyalist diaspora since Christopher Fyfe's "Thomas Peters: History and Legend," *Sierra Leone Studies*, n.s., no. 1 (December 1953): 4-11. Peters's compelling story has been recast frequently. The fullest is Gary B. Nash, "Thomas Peters: Millwright and Deliverer," in David G. Sweet and Gary B. Nash, eds., *Struggle and Survival in Colonial America* (Berkeley, CA: University of California Press, 1981).
- 3 Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and Their Global Quest for Liberty* (Boston, MA: Beacon Press, 2006); Simon Schama, *Rough Crossings: Britain, the Slaves and the American Revolution* (London: BBC Books, 2005; New York: HarperCollins, 2006). A television broadcast and a play, focused largely on the relationship between Thomas Peters and John Clarkson (Sierra Leone promoter and first governor), are drawn from Schama's book. See British Broadcasting Corporation, "Rough Crossings," DVD-ROM (2007) and Simon Schama, "Rough Crossings," adapted for the stage by Caryl Phillips, 2007 (London: Oberon Books, 2008).
- 4 James W. St.G. Walker, *The Black Loyalists: The Search for a Promised Land in Nova Scotia and Sierra Leone, 1783-1870* (London: Longman and Dalhousie University Press, 1976); Ellen Gibson Wilson, *The Loyal Blacks* (New York: G.P. Putnam's Sons, 1976).
- 5 Sylvia Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton, NJ: Princeton University Press, 1991); Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill, NC: University of North Carolina Press, 1961); Graham Russell Hodges, ed., *The Black Loyalist Directory: African Americans in Exile After the American Revolution* (New York: Garland, 1996); John W. Pulis, ed., *Moving On: Black Loyalists in the Afro-Atlantic World* (New York: Garland Publishing, 1999); Verene A. Shepherd, ed., *Working Slavery, Pricing Freedom: Perspectives from the Caribbean, Africa and the African Diaspora* (New York: Palgrave, 2002). See also Eliga H. Gould and Peter S. Onuf, eds., *Empire and Nation: The American Revolution in the Atlantic World* (Baltimore: The Johns Hopkins University Press, 2005). The growing body of transcriptions is posted at <http://www.royalprovincial.com/index.htm>.

Individuals are the engines by which both Pybus's and Shama's narratives proceed. Shama focuses on British treatment of former slaves and Africans in general. Pybus follows former slaves and other people of African ancestry from London to her native Australia as well as through the more familiar Nova Scotia/New Brunswick-London-Sierra Leone migrations. London court and parish records yielded local episodes embodying themes of the larger journey of the individuals with whom Pybus threads, as the subtitle of her book notes, the "Global Quest for Liberty."

Mary Postell did not go to Sierra Leone and so was spared the high expectations and suffering of that enterprise. Yet roughly half of the passengers to Sierra Leone were her neighbors in Shelburne County; Postell's experiences in that area were part of the reality from which the organizers of the Sierra Leone project recruited. In addition, an appreciation of the nature of her pre-Nova Scotia life is essential for understanding the re-enslavement for which she is remembered. Hers is a far-from-isolated case of service to the British forces in response to their offers of freedom and the subsequent loss of that freedom by kidnap or legal inveiglement. This article takes Postell's legal resistance to white South Carolina Loyalist Jesse Gray in Shelburne County as the entry point for pursuing both of their contexts back to the two years they spent in the British colony of East Florida and beyond that to their departure from Charles Town, South Carolina, in the British evacuation of 1782. The examination shifts from South Carolina during the war, to Shelburne during 1786-91, then back to the crucial East Florida years of 1782-85, and finally to Postell's impact on the Nova Scotia of her day.⁶

In South Carolina

Mary Postell was born in South Carolina. She belonged to Elisha Postell when the American Revolutionary War began, according to her later account, and lived near the Santee River about 40 miles west of Charles Town. Elisha Postell and his relatives were revolutionaries. After he died early in the war, his widow married a man named Wearing, also a revolutionary, and Wearing moved his workers to the Postell place. Some of Wearing's people joined the British forces at Charles Town after the British took the port city in May 1780. One of the first to go was Scipio Wearing, who in 1791 would give testimony for Mary Postell. He said that after he left, "Mary Postell, then living in this Family . . . soon after Run away from Mrs. Wearing, and took refuge in the British lines . . . [and was] employed [*sic*] in the Public Works, under Colonel [James] Moncrieff." The commanding engineer at Charles Town, Moncrieff directed hundreds of Black Loyalists in engineering and ordnance operations.⁷ In

6 An abbreviated version of this article was presented 29 June 2007 to "Commemoration 2007: Slavery, Anti-Slavery, the Road to Freedom" at Saint Mary's University, Halifax, Nova Scotia. "Charles Town" was spelled like this until 1789, when it was changed to "Charleston."

7 Use of the term "Black Loyalists" (as distinct from "fugitive slaves") has come under debate: see Barry Cahill, "The Black Loyalist Myth in Atlantic Canada," *Acadiensis* XXIX, no. 1 (Autumn 1999): 76-87 (which argues for "fugitive slave") and James W. St.G. Walker, "Myth, History and Revisionism: The Black Loyalists Revisited," *Acadiensis* XXIX, no. 1 (Autumn 1999): 88-105 (the rejoinder). The Cahill-Walker exchange is valuable for provoking clarity of thought, but the fugitive slave/Black Loyalist distinction is not useful here, as Mary Postell and most Black Loyalists were fugitive slaves when they contributed their services to the British war effort in the Southern Campaign. Shama and Pybus refer to their protagonists as "escaped slaves," "runaway slaves," and

1791 in Nova Scotia, Postell recalled that she had worked at Charles Town “upon the Public works, and Forts, with other Negroes, until the Evacuation.” Mary Postell’s husband’s name was William; apparently he was the “Will Wearon” whose name appears in a Charles Town listing of Black Loyalists who worked as “artificers” (makers of explosive devices). His ordnance unit included six men named Wearon as well as a “Joe Postell.”⁸

When the British forces evacuated Charles Town in autumn 1782, they took black and white Loyalists with them as they had done already from Savannah and would do later from New York and from St. Augustine in East Florida. From Charles Town, Loyalists could go to Britain, the Bahamas, Halifax, New York, St. Augustine, or the British islands in the West Indies. Refugees who were willing to venture a return to their homes did so, and indeed were encouraged to do so by the departing British. There was sickness – smallpox in particular – and its victims were not welcome aboard the army transport ships. There were frantic decisions. Both individual white Loyalists and British officers who possessed enslaved people were eager to take them along as moveable property; slaveholding Loyalists went mainly to the islands, but not exclusively. Throughout the Southern Campaign, there had been efforts – both by some British officials and by some white Loyalists – to distinguish between Black Loyalists and so-called “sequestered Negroes.” The latter were enslaved persons who had been confiscated as the property of prominent revolutionaries. “Sequestered Negroes” could be purchased and sold or taken away. Black Loyalists, by contrast, were free, under the provisions of proclamations of freedom for all black persons who went into the British lines of occupation and provided their services as laborers or soldiers. In addition, the proclamations granting freedom to fleeing blacks had offered land after the war to men who served in a military capacity; presumably, this land would be located in the rebellious colonies and stem from the confiscation of land from revolutionaries.

Preparing for the Charles Town evacuation, Major General Alexander Leslie offered official “certificates of protection” to prove the free status of Black Loyalists. Moreover, as the transport ships loaded, passenger lists were made for heads of households and for persons traveling alone. Households were recorded with the number of white, “Negro,” and “mulatto” men, women, and children. Heads of household were to give some evidence of the ownership of persons of African

“black refugees” during their time in British North America and Britain. Slave resistance as a factor in the Southern Campaign is treated by Jim Piecuch in *Three Peoples, One King: Loyalists, Indians, and Slaves in the American Revolutionary South, 1775-1782* (Columbia, SC: University of South Carolina Press, 2008). The twin issues of black agency against slavery during the war and the Revolutionary leaders’ potential for ending slavery after the war are posed in Gary B. Nash, *The Forgotten Fifth: African Americans in the Age of Revolution* (Cambridge and London: Harvard University Press, 2006).

8 The Postell quotation is from Shelburne County, Nova Scotia, Record of the Court of Sessions at Shelburne, 7 July 1791 minutes, MG 9, B 9-14, vol. 6, Library and Archives Canada (LAC). See also Charles Ira Bushnell, ed., *Memoirs of Tarleton Brown: A Captain of the Revolutionary Army, Written by Himself* (1862) and now online at South Carolina Information Highway at <http://sciway3.net>; Bobby Gilmer Moss, *Roster of South Carolina Patriots in the American Revolution* (Baltimore: Genealogical Publishing Co., 1985), 781; and “General List of Negroes Employed in the Royal Artillery Department for the month of October 1781,” Wray Papers, vol. 7, William L. Clements Library, University of Michigan. A transcription of the “General List” can be found at <http://www.royalprovincial.com/Military/civil/rar/rarretn2.htm>.

appearance traveling with them. Two colonels (one revolutionary and one British) jointly approved the possession of enslaved persons as they boarded the vessels. The household lists for those white Loyalists going to St. Augustine who later would go to Nova Scotia included about 210 “Negroes.” There is no way to know how mindfully the examining colonels pursued evidence, particularly for small numbers of blacks. There is, however, an incidental reference describing the evidence; it was made two years later during legal action in East Florida. The reference indicates that the wife of a particular head of household swore to her husband’s ownership of his enslaved people “in order to establish the authenticity of the purchase” and that “this was the common form used” by the two examiners.⁹

Mary Postell’s testimony in a Nova Scotia court in 1791 indicated that she had obtained a certificate of protection as a Black Loyalist prior to the evacuation of Charles Town; she stated “she got a Protection, as a Negro who had come into the lines in consequence of the Proclamations issued by the Commanding Officers of the British Forces, which Protection was afterwards [still at Charles Town] taken from her by one, John MacDougal, under pretext of looking at it.” Postell did not say whether or not this happened to her husband as well. She also testified that he had persuaded her to go with a white Loyalist, Jesse Gray, from Charles Town to St. Augustine after MacDougal took her certificate: “She was then persuaded by her husband, whose name was William, to go to Saint Augustine, in the service of Jesse Gray, who was then at Charlestown.”¹⁰ One assumes that Mary and William both went with Gray.

Jesse Gray and his brother Samuel had joined the South Carolina Loyalist militia when it organized in the interior following the 1780 British arrival on the coast. When the war had started in the backcountry in 1775, many local people had resisted the revolutionary movement, which was more closely identified with the coastal area that long had dominated the colony. After the British took Charles Town, the Carolina backcountry provided recruits for the Loyalists, who were trained by Colonel Patrick Ferguson. They were defeated at the Battle of King’s Mountain, and many of them were killed, but Jesse Gray was one of the Loyalists who survived that encounter. Afterwards, he continued to command a company that operated in Union District until it withdrew with the British forces to the coast, where it remained active. In the household enumeration for the Charles Town evacuation, Jesse Gray’s list consisted of himself, one black man, and one black woman. One supposes them to have been William Wearing and Mary Postell. There is no child listed, but Mary Postell either had a baby girl already or gave birth soon after the evacuation. She was to have a second daughter while in East Florida.¹¹

9 Similarly, white Loyalist evacuees from Savannah who later would go to Nova Scotia had taken about 150 blacks to St. Augustine in their households. See United Kingdom, Colonial Office (CO), 5/560, pp. 403-11, Public Record Office (PRO), The National Archives (TNA) as well as John Milligan petition, 26 October 1784, East Florida Papers (EFP), box 195, M15, Library of Congress (LC). This document can also be found on reel 82, EFP, LC.

10 Shelburne Sessions, 7 July 1791 minutes, MG 9, B9-14, vol. 6, LAC.

11 In late 1790, Jesse Gray said Mary Postell’s child Flora was about ten years old and that she had been about two years old in 1783. See pay abstract no. 2, Shadrack Lantrey’s company, Fairforest Militia, Treasury (T), 50, vol. 2, PRO, TNA; Revolutionary Pension application of John Bearden S2991, US National Archives, transcribed by Will Graves, available online at southerncampaign.org/pen/s2991.pdf; CO, 5/560, p. 407, PRO, TNA; and “Revolutionary Reminiscences related by Maj.

In Nova Scotia

At the end of the war, Britain gave both East Florida and West Florida back to Spain after 20 years control. Army transport ships took civilian refugees to the Bahamas, the West Indies, Britain, and Nova Scotia. The British governor reported 725 white and 155 black civilians going to Nova Scotia in three separate sailings. This is in addition to the three provincial corps that settled at Country Harbour, Nova Scotia. The transport in which Jesse Gray, Mary Postell, and her children sailed from East Florida in July 1785 was the last to leave, except for the governor's vessel.¹² Postell later testified that Gray had forced her and her children to travel in the hold. They stopped in the Bahamas and arrived at Shelburne in January 1786. Gray soon got a warrant to survey for land at Argyle (East Tusket) in present-day Yarmouth County. The paperwork for the land shows that he had four "servants" in his household. Their presence increased the head right allotment from 100 to 200 acres. Mary Postell and her daughters, Flora and Nelly, were three of the "servants."¹³

Three months after their arrival, Postell was in the Shelburne County Court claiming her freedom. She had taken her children and was renting a house in the northern section of Shelburne, working as a laundress; in 1791, she would state that she had left Gray in 1786 because she had suspected that he would sell her away from her children. Postell's court challenge in 1786 was not the first such case. Already there had been one challenge in the Shelburne court by a black man who was being held as a slave while claiming to be free, and the case at that point was encouraging to people in similar circumstances. In April 1785, while the Postells and Gray were still in East Florida, James Singletary made affidavit in Shelburne County that he was not owned by Samuel Andrews – the Loyalist who had brought him from East Florida – and Singletary asked the court to discharge him from Andrews's service. Andrews had commanded loyal militia in North Carolina. In the Charles Town evacuation he had his wife, children, and three black people with him, and shortly before leaving East Florida he had an additional black person in his household.¹⁴ They had lived near the Grays in East Florida.

The 25 August 1785 Shelburne court recorded Singletary's case as follows:

James Singletary a negro Man, having applied to James McEwen Esq praying he might be discharged from the service of Samuel Andrews late of Augustine, who claims him as his slave[.] Justice McEwen, in consequence, summons, said Samuel Andrews to

Thomas Young of Union District, S. C., dated March 27th 1843," Lyman Draper Papers, Wisconsin State Historical Society, Madison, WI, annotated by Charles B. Baxley, *Southern Campaign Newsletter* (November 2004) and available online at <http://southerncampaign.org/newsletter/v1n3.pdf>.

12 The Spanish governor took possession in July 1784 but extended the time of the British withdrawal to July 1785. The Postells, Gray, and their shipmates on the *Spring* left from the northern section, where British oversight had been weakest and Spanish control nonexistent. See Carole Watterson Troxler, "Loyalist Refugees and the British Evacuation of East Florida, 1783-1785," *The Florida Historical Quarterly* LX (July 1981): 1-28.

13 "Headright" was land allotment based on the number of people in a grantee's household. Neither the identity of the fourth "servant" nor the fate of William Wearing has been ascertained. See Grant to John Fanning and others, RG 20 A, Nova Scotia Archives and Records Management (NSARM).

14 "Residents of the Country," EFP, box 323, A 1783, LC; CO, 5/560, p. 406, PRO, TNA.

attend the Court this day who having [been] asked by what Authority he claimes [*sic*] said James Singletory, produced in Court a pass, signed Colonel Ballingall, Commissary of Claims of Charles Town, and [says] that he paid Fifty pounds for said Negro James, together with his Wife and Child ~~but~~ had lost the bill of sale, but if he had time allowed him, would get such documents, as will convince this Court, that the said Negro James, his Wife and Child are his slaves. Further, John Fanning, being sworn, saith that he recollects the Negro James in Florida and that he was always considered as the property of Mr Andrews. The Court having heard the negro James defence, are of opinion that a bill of sale or due attested proof must first be obtained before they think themselves justifiable in ordering the Negro James, his Wife and Child back to Samuel Andrews as slaves.

The court gave Andrews a year to get the proof, during which time the three were to live with him as servants. If Andrews should fail to prove ownership, he was to pay Singletary wages from the day of court. Andrews and his witness gave bond, stipulating “that they [the Singletarys] shall not be sold or conveyd [*sic*] from this province, and that they the said Negroes shall be produced (if alive) in Twelve months or before if the aforesaid proofs arrive.”¹⁵ Andrews could provide his proof before any justice of the peace in Shelburne County, however, and the case does not appear again in the court records. He continued to possess a few enslaved people for several years.¹⁶

Eight months later, Postell provided the second case of this kind. Gray was ready for her challenge, bringing to court the documentation Andrews had lacked: a bill of sale. There was no need for a waiting period, but the court did provide some protection against her being sold out of Nova Scotia for a year. The bill of sale was attested to by John Fanning – who had testified for Andrews – and by Andrews himself as well as by William Mangrum, who later would buy Postell from Gray. The bill of sale was from Gray’s brother Samuel Gray in East Florida in 1785. Fanning and Mangrum attested the signature of Samuel Gray, the usual method of proving a deed, and all three swore that they had known “Molly, now in dispute,” as the property of Samuel Gray in East Florida. The minutes of the hearing conclude: “The Court were pleased to Order that . . . Molly, be declared to Jessey [*sic*] Gray, on condition that he give Security for his not Selling, or sending her out of the Province, in One Twelve Months from this Day, and that she be forth coming within that time, if required.” Gray’s three witnesses joined him in giving bond. Her effort having failed, Postell and her daughters returned to Gray’s home in Argyle and, about 16 months later, he sold her to his neighbor Mangrum for 100 pounds of potatoes valued at £20. Gray kept Flora and Nelly.¹⁷

In the wake of Postell’s action, similar challenges appeared in court. In the same

15 Shelburne Sessions, 25 August 1785 minutes, MG 9 B9-14, vol. 6, LAC (strike through in original). Ballingall had been the British examiner at the evacuation of Charles Town.

16 John R. Campbell, *A History of the County of Yarmouth, Nova Scotia* (Saint John, NB: J & A McMillan, 1876), 87.

17 Shelburne Sessions, 10 April 1786 minutes, MG 9 B9-14, vol. 6, LAC.

session, two men named Pero and Tom challenged Joseph Robbins for their freedom. Robbins responded with two witnesses who attested to his having owned Pero and Tom in East Florida. Patrick Licet swore that he had seen Robbins “give a mare and Eight Guineas” for Pero, and then James Stone declared “that he has hired the said Negro Pero, of Mr. Joseph Robins, and that he always understood the said Negro to be the Property of Joseph Robins, and that he has heard the said Negro own himself to be the Slave of said Robins.” For their part, Pero and Tom claimed to be in the same position as Postell. Pero said “that he consented to go with Joseph Robbins to St. Augustine, in preference of going back to his Rebel Master, but denys [*sic*] his being sold to the said Robbins.” Tom, likewise, testified “that he run away from his Master, in Carolina and came to Charles Town, where he was employed in the Wood Yard, under the direction of a Mr. Grant, that afterwards he went to St. Augustine with Joseph Robens, that he was told a Stalion [*sic*] was given for him, but denys [*sic*] that he is the Property of Joseph Robins.” In the Charles Town evacuation list, a “Joseph Roberts” had four black men in his household. The 1784 Spanish census of East Florida listed Robbins with three slaves. The Shelburne court followed the same formula they had used for Postell, ordering the men back into Robbins’s possession, with Robbins giving bond not to sell them out of Nova Scotia for a year. Gray’s bondsmen – Fanning, Andrews, and Mangrum – gave bond with Robbins. A continuing dynamic of conflict was recorded the following November when Pero accused Jesse Gray of assault and battery for whipping him. Gray was not indicted.¹⁸

Four years later, when Flora Postell was about ten, Gray sold her to John Henderson, a Scottish trader who had been loyal to the British Crown in Georgia and had subsequently settled at Shelburne. Henderson took her to Wilmington, North Carolina, to sell her; the low price of £5 suggests that profit may not have been the motive.¹⁹

Black people living in Nova Scotia at the time, no matter what their legal or apparent status, faced the danger of being sold as slaves and shipped to an area where persons of African ancestry were assumed to be enslaved – and where they were more valuable as chattels than they were as free or enslaved workers in Nova Scotia. That was the inescapable reality in the age of African-based slavery, regardless of one’s pre-war status or wartime services. Such action could result from pique or greed, especially when it coincided with the opportunity to sell and ship quickly. Shelburne was an active seaport, second only to Halifax in volume and frequency of sailings, and with ready connections to the West Indies and the Bahamas. Further trading opportunities usually connected those British areas with slave entry points in the “American states.” Jesse Gray himself acknowledged in 1829 that during his four decades based in Nova Scotia, he had “embarked his property in the West India Trade.”²⁰

18 “Pero Davis, a Negro Man” had made the charge before Justice of the Peace Valentine Nutter. See Shelburne Sessions, April 1786 minutes and November 1786 minutes, MG 9 B9-14, vol. 6, LAC; CO, 5/560, p. 407, PRO, TNA; “los que se Ignora la Religion,” EFP, box 323, A, “1793” [1784] census, LC.

19 Shelburne poll tax rolls 1791-93, RG 1, vol. 444, sheet 31, NSARM; Loyalist claim of John Henderson, Audit Office (AO), 13/35, PRO, TNA; “Indictment of Jesse Gray,” RG 60, Shelburne 1791, NSARM.

It may be that the failure of the four challenges to Andrews, Gray, and Robbins in 1785-86 contributed to an expectation that the Shelburne magistrates at that time were easy, or at least equivocal, regarding proof of ownership. On the other hand, the cooperation of individual magistrates in getting the challenges to court underscored the availability of British justice for persons claiming to be illegally enslaved. Both facets of the Shelburne court came into play in August 1786, when two men and two women sought release. They had been kidnapped in Halifax that summer, brought to Shelburne in chains, and sold with the intention of shipment to the Bahamas. The Halifax merchant who was the middleman and arranged the shipping was Michael Wallace. He was a member of the governor's council and would become the acting governor of Nova Scotia a few years later. The captured men were from North Carolina and had been members of the Royal North Carolina Regiment. They had received their full allotment of land with that corps at Country Harbour, with no racial identification noted in the land records. The women, active Loyalists during the war and from South Carolina, were their wives. One of the women was from the Santee River area where Postell had lived. All four had joined the British at Charles Town. The sale originated with Thomas Hamilton, a Country Harbour Loyalist who was indebted to Wallace. Hamilton was an officer in the Royal North Carolina Regiment and was connected by kinship and trade with the pre-war owner of at least one of the men. The four Black Loyalists had lived in Hamilton's household at Country Harbour for two years without pay, a parallel with Mary Postell's experience at Shelburne. They had left Country Harbour and moved to Halifax on their own. One supposes that help for the four captives originated from within the local African community in the Shelburne-Birchtown area. The Shelburne justices, by a five to two vote, released the four but apparently at no cost to Wallace, Hamilton, or their associates.²¹

The four Country Harbour captives succeeded in the Shelburne court just four months after Postell's first challenge to Gray. She brought charges against Gray a second time in 1791, following his sale of Flora. She challenged him on behalf of her remaining child Nelly. The clerk's recording language suggests Postell was taken more seriously this time. In April 1786, the minutes read: "Jesse Gray came into Court, in Consequence of a Negro Wench, Named Molly, Claiming her Liberty." In 1791, the plaintiff appears to be the active figure: "Mary Postell, a Negro Woman . . . complained against Jesse Gray, of Argyle, for taking away her Children." In the second case, Gray had to surrender Nelly Postell to the court and give bond for his appearance in November at the next session. The burden of proof lay with Gray: he would have to prove Nelly Postell to be his property in the next court or lose his control over her. Clearly, if he failed to satisfy the November court, the way would be open for the mother to pursue a similar action on her own behalf.²²

The proceedings of the second case involved more detail, but the charge was

20 Grant to Jesse Gray, 1829, RG 20, series "A." NSARM.

21 The case of Moses Reed, Jameson Davis, Molly Sinclair, and Phoebe Martin is treated in Carole Watterson Troxler, "Hidden from History: Black Loyalists at Country Harbour, Nova Scotia," in Pulis, *Moving On*, 39-57. See also Shelburne Sessions, 5 August 1786 minutes, MG 9 B9-14, vol. 6, LAC, and William Hamilton's Co., Royal North Carolina Regiment, 14 June 1783, MG 23 D1, vol. 26, LAC.

22 Shelburne Sessions, 10 April 1786, MG 9 B9-14, vol. 6, LAC; Shelburne Sessions, 8 July 1791 minutes, MG 9 B9-14, vol. 6, LAC.

essentially the same as earlier. Postell claimed she had been a free Loyalist since joining the British forces in Charles Town in 1780 and that Gray had made a *de facto* chattel slave of her in a series of circumstances. Gray's defense, amplified but unchanged, was that he had bought her in East Florida.

Among the Shelburne court cases in the 1780s and 1790s, Postell's 1791 case was conspicuous. Most litigation involving persons of African ancestry were white efforts to control blacks. Of the dozen or so cases in which black litigants challenged whites, (mainly for wrongly claiming ownership or apprenticeship), Postell's case against Gray received far more court time and record than any other. Postell initiated the suit in April and presented her evidence in July. Gray gave his evidence in July, all oral, both from himself and from witnesses. His evidence described Postell's legal status as a slave in East Florida, belonging alternately to himself and his brother Samuel. All of this oral evidence on behalf of both litigants took the entire day of Friday 8 July. The following Monday the court gave Gray one day to provide sureties for his appearance in the November court and ordered him "to bring his evidence and answer the complaint" there. This second court case also had a new feature: whereas he based his 1786 right on a 1785 bill of sale from his brother, in 1791 Gray had to go back further in response to the details in the new charge. The 1791 details shed revealing light on the Black Loyalist experience in East Florida.

In East Florida

In 1791 Postell described the events of 1783 in St. Augustine in these words: "JESSE GRAY came to the State House where she was, and took, and carried her to his Brother, Samuel Gray." Answering her 1791 charge, Gray claimed that the "state house" transaction had consisted of his purchase of Mary and Flora. The July 1791 court minutes read as follows:

Jesse Gray . . . Says in Answer to [Mary Postell's] complaint That he Originally purchased . . . Mary of one, Joseph Rea, of Virginia, who was at Saint Augustine, in the beginning of [1783], where . . . Jesse Gray made the purchase of the said Woman, and her Child Flora, an Infant of about two years of age. That he then carried them to Saint Johns Bluff . . . where he built a House. That his Brother, Samuel Gray, shortly after that time, came to live with him and . . . Jesse . . . having some little time after that, Occasion to go to the American States, sold the said Woman, and her Child to . . . Samuel. That they remained the property of . . . [Samuel] between Eighteen Months, and two years, after which time . . . Jessee . . . again purchased them from his . . . brother, that is, the said Woman, and her two Children, Flora, and Nelly, the last named having been Born while the said Woman was the property of his said Brother. That . . . Jessee . . . brought the Woman and her two Children . . . to this place in the *Spring*, Transport, in . . . 1785.

But Gray did not acknowledge any contact with Postell prior to this 1783 purchase at the state house. That contrasts with her testimony on how she had gone to East Florida with Gray: "That she was then persuaded by her husband, whose name was

WILLIAM, to go to Saint Augustine, in the service of JESSE GRAY, who was then at Charlestown. That after her arrival at Saint Augustine, the said JESSE GRAY came to the State House where she was, and took, and carried her to his Brother, Samuel Gray. That she lived with the said SAMUEL GRAY, about two years.”²³

In his cross-examination of Postell, Gray tried to get her to admit to having slave status in East Florida by acknowledging the sales, but this she refused to do. Postell maintained, instead, that she did not know of any sale from Rea and had never been Rea’s slave. She also said that she had not known of any sale between the Gray brothers. When asked “if she made any objection to . . . Jesse Gray selling her to Mr. Mangham, she says that she did not, because she was glad to get out of his Service, he used her so ill.”²⁴

Gray did provide a witness who said that Postell had dealt pragmatically with her East Florida circumstance in Samuel Gray’s possession. Margaret Harris testified that she and her husband John had lived across the St. Johns River opposite from Samuel Gray and “that in the summer [of 1783] . . . Mary Postell, who then lived with . . . Samuel Gray frequently requested her . . . to git her Husband, John Harris, to purchase . . . Mary Postell, and her Child Flora, particularly the Child Flora.”²⁵

The essence of Gray’s claim on Postell was that he had bought her from Rea at the state house in 1783. Yet why would she have been at the state house, and who was Joseph Rea (possibly Wray or Ray)? The East Florida state house encompassed the grounds and courtyards as well as the offices supervised by Governor Patrick Tonyn in St. Augustine. People thronged there to conduct public and private transactions. Much of their business involved the ownership and freedom of blacks.²⁶ In the summer of 1784 the attorney general of East Florida commented on the long-standing practice of slave importers not giving bills of sale and how, as a consequence, “five out of six of the Slaves in this Country, are held without any title deeds. . . . [Secondary] Sales, and possession is all [slave holders] can show.” About the same time, a recently arrived Spanish official made this analysis: “There are in this Province four different Classes of Blacks; the first are Blacks absolutely free, the second are them who deserve their liberty by virtue of different proclamations . . . published by British Generals during the War; the third belong to British subjects known to be their owners; and the fourth are Blacks, who have no Owner, and are strolling about this Town and province.”²⁷ In terms of black legal status, therefore, ambivalence was the rule rather than the exception, and any scrap of official documentation was valuable – both to persons claiming freedom and to persons claiming ownership. Such documentation appeared, for example, in Nova Scotia in 1786, when Roderick McLeod defended his possession of a man named Dick by

23 Shelburne Sessions, 8 July 1791 minutes, MG 9 B9-14, vol. 6, LAC.

24 Shelburne Sessions, 8 July 1791 minutes, MG 9 B9-14, vol. 6, LAC.

25 Shelburne Sessions, 8 July 1791 minutes, MG 9 B9-14, vol. 6, LAC.

26 For the most part this was essentially the buying and selling of slaves, but there were also efforts by some blacks to establish for themselves a legal record of freedom in East Florida.

27 Enclosures in Patrick Tonyn to Lord Sydney, 6 December 1784, CO, 5/561, pp. 50, 83, PRO, TNA and Joseph Byrne Lockey, *East Florida 1783-1785: A File of Documents Assembled, and Many of them Translated* (Berkeley, CA: University of California Press, 1949), 330, 340.

displaying to the Shelburne court “a pass obtained from Governor Tonyen [*sic*] for bringing the said Negro to Nova Scotia.”²⁸ Black people went to Tonyen’s state house to register certificates, such as the one Postell said had been taken from her in Charles Town, or to make affidavits, with witnesses, to record their free status in the absence of a certificate. Postell may have gone there for that purpose when Gray spotted her. It is possible that Rea or someone else had captured her and her daughter, either while in Gray’s household or apart from him, and had taken them to the public grounds for sale. Perhaps Rea and Gray simply made a collusive bill of sale by which Gray legalized his possession.

Joseph Wray’s name appears in the Charles Town evacuation list; he was traveling alone. During the war, he seems to have been a small trader servicing militia in South Carolina. Rolls for Loyalist militia in 1780 show a Lieutenant Joseph Ray in one of the units raised in Gray’s section of the backcountry. The company commander later disqualified Ray from the pay list, however, on the grounds that he was a “sutler” – a camp follower who sold liquor or other provisions to the militiamen, and not actually a member of the unit.²⁹

Gray’s transaction at the state house, whatever its nature, was the legal pivot on which his claim to Postell would rest.³⁰ The decisive East Florida context for Mary Postell and Jesse Gray was not St. Augustine, though, but the northern section along the St. Johns River and between it and the St. Marys River that bordered the state of Georgia. Many Loyalists chose the area for its loamy soil; when they went there in 1782, they did not expect the British to cede the colony to Spain the following year. For some, it was a convenient place from which to launch raids into Georgia and beyond to western South Carolina. The raids increased as anger and conspiracies greeted the news of the cession.³¹

The St. Johns to St. Marys area became a no man’s land. Some men who had contributed to the British and Loyalist military efforts during the war contributed to the area’s post-war lawlessness. They raided without regard to political allegiance. Other Loyalists in the border area helped suppress the robbers, working first with British and then with Spanish authorities. The area quieted noticeably after the Loyalists departed East Florida, although not all of them left. In the Shelburne court in 1786 and 1791, the men who supported Gray against Postell’s challenges had been among those who had robbed indiscriminately after the war from both those loyal to Britain and revolutionaries – criminals whom the Spanish governor generalized as “banditti.” Samuel Andrews appears to have been an exception. He worked with a corps of rangers who rounded up the most conspicuous offenders.

The Spanish governor sent a western South Carolina Loyalist into the troubled area

28 Shelburne Sessions, 7 May 1786, MG 9 B9-14, vol. 6, LAC.

29 CO, 5/560, p. 410, PRO, TNA; pay abstract of Patrick Cunningham’s Little River Militia, T, 50, vol. 2, PRO, TNA.

30 As Postell prepared to challenge Gray in 1791, someone appears to have advised her to say that Gray’s infringement on her freedom had occurred in Nova Scotia, that she gone freely with him not only to East Florida but further to Shelburne, and only there did he claim her as his slave. That was not the version Mary Postell had repeatedly stated previously. See Mary Postell affidavit, n.d., RG 60, Shelburne, 1791, NSARM.

31 Troxler, “British Evacuation,” 3-12.

to arrest suspected smugglers, runaway slaves, and robbers; when the agent wrote the governor about “the Convul[s]sed state of this part of this Cuntry [*sic*],” over half of the “banditti” he named were Loyalists. Their names include Jesse and Samuel Gray, and Jesse Gray is known to have returned several times to his home area to raid during this time. In early 1785, the South Carolina governor declared him an outlaw.³² William Mangrum also was referred to by the Spanish governor of East Florida as one of the “Americans who are disturbing the peace of this country.” In July 1784 Mangrum and four other “banditti” asked the Spanish for permission to settle in Louisiana, “refusing to go to Nova Scotia” or the Bahamas.³³

Patrick Licet was another individual of questionable character. Licet was the one who testified in the Shelburne court that Joseph Robbins had purchased Pero Davis in East Florida. Licet also testified for Gray that in East Florida the Postells had been “commonly called the property of Samuel Gray after Jesse Gray sold them to him.” Spanish authorities arrested Licet for theft in February 1785. An accomplice to breaking and entering indicated that Licet, like the Grays, lived at St. Johns Bluff and that Licet “always bore by common report a Bad character being accused of sundry petty thefts, such as killing hogs & other things.” Moreover, Licet was reputed to be an “outlier” at the disposal of the area’s most notorious robber Daniel McGirtt.³⁴ All of this was the context of Jesse Gray and Mary Postell’s time in East Florida and their departure for Nova Scotia as well as the context of Gray’s relationship with the men with whom he would stand in the Shelburne court.

The Impact of the Postell-Gray Case

In her 1791 charge, Postell’s strongest evidence was the testimony of Scipio and Dinah Wearing, who attested her free status as a Loyalist doing construction work for the British military engineers at Charles Town during 1780-82. While the couple was giving evidence, tragic retribution struck. When the court resumed on Monday, the minutes stated: “Scipio Wearing (a Black man), came into court, and stated that while he attended in this court, as an evidence on Friday last, his house took fire, and together with the whole of his furniture, Wearing Apparel, and other property, was consumed. That by the said fire, he had also suffered the loss of a Child, who was thereby burned to death.”³⁵

This obvious attempt at intimidation did not, however, quell the resistance of re-enslaved Black Loyalists in the Shelburne area. As it had in 1786, Postell’s legal action five years later spurred similar challenges. Two months after Postell initiated her 1791 case, Martilla Dixon brought a similar charge against Major Thomas Barclay of a New

32 Henry O’Neill to Carlos Howard, 17 April 1785, EFP, box 118, A 10, LC, printed in Lockey, *East Florida 1783-1785*, 537-9; claim of Samuel Andrews, AO, 13/25, PRO, TNA; Troxler, “British Evacuation,” 16-17; *Gazette of the State of South Carolina*, 14 March 1785.

33 Mangrum possessed four slaves on the eve of departure. See “Statement of William Cunningham and other Americans,” 15 July 1784, enclosed in Vicente Manuel de Zéspedes to Bernardo de Gálvez, in Lockey, *East Florida 1783-1785*, 236, as well as “los que se Ignora la Religion,” EFP, bundle 323 A “1793” [1784] census, LC.

34 Shelburne Sessions, 8 July 1791 minutes, MG 9 B9-14, vol. 6, LAC; Deposition of David Austin, 7 February 1785, EFP, box 195, M 15, LC.

35 The court recommended Wearing to the Overseers of the Poor for relief. See Shelburne Sessions, 11 July 1791 minutes, MG 9 B9-14, vol. 6, LAC.

York provincial corps. She petitioned the Shelburne justices to protect her and to require Barclay to prove ownership. Dixon related her wartime actions as follows: "After eloping from her owners in Virginia, and takeing [*sic*] the benefit of his majesty's proclamation respecting negroes she fell in with Mr. John Sergeant, . . . and lived with him in Charles Town, South Carolina." There she worked consecutively for three Loyalist officers and went with the forces to New York. Major Thomas Barclay's wife, as Dixon related it, "employd [*sic*] her, to attend her to Nova Scotia" in 1783. Dixon explained in 1791 that she "would still have remained with . . . Maj Barclay's Lady . . . had she not repeatedly threatened to ship her to the west [*sic*] Indies, and there to dispose of her as a Slave." Dixon elaborated: "Being fully persuaded that she was to be put on board of a Vessel, then ready for sea, she has . . . taken refuge with her father Charles Dixon, in Birch Town, and prays Your Honor's protection, untill [*sic*] Major Barclay can prove his claim."³⁶ The parallels between Postell and Dixon, and the sequence of their legal actions, are compelling. Dixon voluntarily left her owner to go behind British lines, she "fell in with" John Sergeant there, she "worked for" at least three officers and was "employd" by Mrs. Barclay, whom she accompanied to Nova Scotia and lived with for eight years. There were ample opportunities for any sales that might be alleged.

Martilla Dixon's challenge to Major Barclay, coming in the wake of Postell's renewed challenge to Gray, highlighted the potential for Black Loyalists to obtain legal redress from the encroachments that were being made on them in Shelburne County. In the first three days of the November 1791 court, separate actions were begun on behalf of three children of Black Loyalists: Robert Gammel, Stephen George, and John Simmons. Gammel's mother said that he was about to be sold out of the province by John Harris, the Carolina Loyalist whose wife had testified to Postell's enslaved status in East Florida. The man who was accused of trying to sell John Simmons said the boy's parents had "given" him, or "put [him] into his possession" in 1788 before moving to the Digby area. A third party sought Simmons's protection. Young Stephen George's circumstance resembles the Postells' situation. He had recently been listed as property in a Shelburne estate inventory, legal documentation like Jesse Gray's bill of sale from his brother; but Black Loyalists who had accompanied the orphan boy from New York to Shelburne attested to his parents' free status as Loyalist laborers in British service, as Scipio and Dinah Wearing had done for Postell's Charles Town service.³⁷

As the court in which Gray's trial was scheduled got underway, these new cases came in quick succession on the first three days of November, with Gray's case coming up on the fourth day of the month. There is no indication of additional evidence from Gray. The case, known as "King vs. Jesse Gray, misdemeanor," was dealt with hastily and recorded in its entirety as follows: "The grand jury return into

36 Shelburne Sessions, 5 July 1791 minutes, MG 9, B9-14, vol. 6, LAC; RG 34-321, Series M, file 24, NSARM.

37 The Wearings had not been in East Florida. All of the other witnesses who knew Mary Postell before she reached Nova Scotia had known her only in East Florida – as the de facto property of Samuel or Jesse Gray. See Shelburne Sessions, 1-3 November 1791 minutes, MG 9, B9-14, vol. 6, LAC; depositions of Kate Fortune and Lydia Carey, August 1791, RG 60, Shelburne, NSARM; Edward Brudenell Letter Book, 29 July 1785, NSARM; and "People of Colour . . . who have subscribed to the Digby Marsh Grant," MG1, vol. 979, doc. 33, NSARM.

Court, and being called Over, [polled] appear, and say, That the Defendant . . . is Not Guilty in manner, and form, as he stands Indicted.”³⁸ The grand jury’s action may have been influenced by tensions that were building and by a fear that the floodgates of legal resistance had opened because of Mary Postell’s actions. No indication has been found that the court relieved either the three Black Loyalist children or Martilla Dixon following Gray’s acquittal.

Postell’s oppression and frustration were a part of a larger Black Loyalist experience in western Nova Scotia and New Brunswick that fed the departure of about 1200 of them for Sierra Leone in 1792. Postell’s circumstance must have been useful recruiting material for the migration. Thomas Clarkson, brother of the chief English recruiter for the Sierra Leone endeavor, provided a second-hand account of the Black Loyalists’ ills. He said white Loyalists and British officers made “attempts to reduce again to slavery those negroes who had so honourably obtained their freedom. They hired them as servants, and, at the end of the stipulated time, refused payment of their wages, insisting that they were slaves: in some instances they destroyed their tickets of freedom, and then enslaved the negroes for want of them; in several instances, the unfortunate Africans were taken on board vessels, carried to the West Indies, and there sold for the benefit of their plunderers.” Clarkson confided that “a gentleman from America . . . confirmed the preceding circumstances from his own personal knowledge, having had access to see and converse with some of the unfortunate negroes.”³⁹ One may surmise that Postell’s well-known circumstances informed Clarkson’s published and oft-quoted description. Shortly after Gray’s acquittal, most Birchtown residents signed up to go to Sierra Leone. Joe Wearing added his name to the Birchtown list. He may have been the man by that name who had served with Mary Postell’s husband in the Charles Town artillery works.⁴⁰ Some Black Loyalists, other free blacks, and enslaved people remained in Atlantic Canada, and more arrived in the 19th century.⁴¹

Jesse Gray remained in Nova Scotia, and his 14 children left descendants for whose encouragement this researcher is grateful. The post-1791 lives of Mary, Flora, and Nelly Postell remain lost to the present, but there is suggestive evidence. “The latest known bill of sale [for an enslaved person in Nova Scotia]” of which William

38 Shelburne Sessions, 4 November 1791 minutes, p. 54, MG 9, B9-14, vol. 6, LAC; “Indictment of Jesse Gray,” RG 60, Shelburne 1791, NSARM.

39 The “gentleman from America” was likely Clarkson’s brother John. See Thomas Clarkson, “Some Account of the New Colony at Sierra Leone,” *The American Museum, or Universal Magazine* (1790-92), 229-30.

40 Walker estimates that approximately 550 people left Shelburne County for Sierra Leone, or “between a third and a half of the county’s black population.” See Walker, *Black Loyalists*, 123 as well as “General List of Negroes Employed in the Royal Artillery Department for the month of October 1781,” CO, 217/63, pp. 362-6, PRO, TNA.

41 For work on 19th-century black life in Atlantic Canada see, for example, Harvey Amani Whitfield, “Black Loyalists and Black Slaves in Maritime Canada,” *History Compass* V (2007); Harvey Amani Whitfield, *Blacks on the Border: The Black Refugees in British North America, 1815-1860* (Burlington, VT: University of Vermont Press, 2006); Kenneth Donovan, *Slaves in Cape Breton 1713-1815* (forthcoming, University of Nebraska and the University of Toronto Press); Peter Evander McKerrow, *A Brief History of the Coloured Baptists of Nova Scotia, 1783-1895*, edited by Frank Stanley Boyd, Jr. (Halifax: Afro Nova Scotia Enterprises, 1976) as well as various holdings of the Nova Scotia Museum, available at <http://museum.gov.ns.ca/blackloyalists/resources.htm>.

Renwick Riddell, writing in 1920, was aware “is dated March 21, 1807 and transfers a ‘Negro Woman named Nelly of the age of twenty five or thereabout’.” This matches Nelly Postell’s age, though perhaps this is only a coincidence. Similarly, an 1809 South Carolina deed of emancipation by a Jesse Gray presents a different wisp of possibility. At that time there were at least two men named Jesse Gray living in or adjacent to Union County, where Gray had lived at the outbreak of the war, and one of them may have made this deed that freed a black woman and her daughter. As the law required, Gray attested that they were “not of bad character and are capable of Gaining [*sic*] a livelihood.”⁴²

Mary Postell exercised her right as a British subject to sue the fellow Loyalist who claimed ownership of her and her children. The court records she initiated make it possible to honour her persistence today. Although Postell lost her revealing 1791 suit, she won a place in history for herself and others with similar experiences. Not only did she leave materials by which she and her contemporaries are eased from historical oblivion, but also she facilitated further exploration of the common historical ground shared by Canadians, Americans, Britons, and worldwide children of the African diaspora.

42 William Renwick Riddell, *The Journal of Negro History* V, no. 3 (July 1920): 369; Union County Deed Book I:265, Spartanburg County Register of Deeds, Spartanburg, SC; Dale K. Gray, correspondence with author, 1984-1986; Peter M. Crowell, correspondence with author, 1987.