

Southern Illinois University Carbondale

OpenSIUC

Dissertations

Theses and Dissertations

8-1-2023

“STATE OF WAR’: BRITISH RACIAL CONSTRUCTION, NEW WORLD SLAVERY & THE IMPACT OF SOMERSET’S CASE IN THE ANGLO-AMERICAN DIASPORA”

John David Kemp

Southern Illinois University Carbondale, john.kemp@siu.edu

Follow this and additional works at: <https://opensiuc.lib.siu.edu/dissertations>

Recommended Citation

Kemp, John David, “STATE OF WAR’: BRITISH RACIAL CONSTRUCTION, NEW WORLD SLAVERY & THE IMPACT OF SOMERSET’S CASE IN THE ANGLO-AMERICAN DIASPORA” (2023). *Dissertations*. 2148. <https://opensiuc.lib.siu.edu/dissertations/2148>

This Open Access Dissertation is brought to you for free and open access by the Theses and Dissertations at OpenSIUC. It has been accepted for inclusion in Dissertations by an authorized administrator of OpenSIUC. For more information, please contact opensiuc@lib.siu.edu.

“STATE OF WAR’: BRITISH RACIAL CONSTRUCTION, NEW WORLD SLAVERY &
THE IMPACT OF *SOMERSET’S* CASE IN THE ANGLO-AMERICAN DIASPORA”

by

John David Kemp

B.A., The University of Mississippi, 1993

M.A., Lehigh University, 2001

A Dissertation

Submitted in Partial Fulfillment of the Requirements for the
Doctor of Philosophy Degree

School of History and Philosophy
in the Graduate School
Southern Illinois University Carbondale
August 2023

Copyright by John David Kemp, 2023
All Rights Reserved

DISSERTATION APPROVAL

“STATE OF WAR’: BRITISH RACIAL CONSTRUCTION, NEW WORLD SLAVERY &
THE IMPACT OF *SOMERSET’S* CASE IN THE ANGLO-AMERICAN DIASPORA”

by

John David Kemp

A Dissertation Submitted in Partial

Fulfillment of the Requirements

for the Degree of

Doctor of Philosophy

in the field of Historical Studies

Approved by:

Prof. Ras Michael Brown, Chair

Prof. Jonathan Bean, Reader

Prof. George Boulukos

Prof. Holly Hurlburt

Prof. Gray Whaley

Prof. Joseph Sramek

Graduate School
Southern Illinois University Carbondale
May 16, 2023

AN ABSTRACT OF THE DISSERTATION OF

John David Kemp, for the Doctor of Philosophy degree in Historical Studies, presented May 2023, at Southern Illinois University Carbondale.

TITLE: “‘STATE OF WAR’: BRITISH RACIAL CONSTRUCTION, NEW WORLD SLAVERY & THE IMPACT OF *SOMERSET’S* CASE IN THE ANGLO-AMERICAN DIASPORA”

Major Professor: Dr. Ras Michael Brown

On Monday 22 June 1772, the English jurist William Murray, 1st Earl of Mansfield, delivered his oral verdict as Chief Justice of the Court of King’s Bench in the famous case involving the enslaved Afro-British servant James Somerset to declare that only an Act of Parliament could legalize domestic bondage and that Somerset was a free man. For the estimated 15,000 captives living in the English metropole, *Somerset v. Stewart* effectively undercut the Anglo-Atlantic slavocracy that had hid behind legal technicalities and extrajudicial decrees defending domestic bondage since the last quarter of the seventeenth century. In order to offer a full treatment of *Somerset*, its Afro-British legal antecedents, and the Black experience in Early Modern Britain, this work traces the roots of British racial construction--deep seated physiognomic, socio-cultural, legal, and economic roots that date to 1553 when the English first explored equatorial West Africa or what cartographers generically branded “Negroland.” When investigating *Somerset* scholars have overlooked the semantics of race, its *longue durée* link to English legal systems, and the historical actors who socially and legally defiled the Black presence in the British Empire. In addition to reconnoitering the origins of British racial construction, this work examines the judicial minutia of Afro-British case law and Mansfield’s 1772 decision, while offering a comprehensive account of its immediate and long-term effects on emancipations in the Anglo-American diaspora. This provides an all-inclusive treatment neglected by Somerset scholars. Mansfield’s verdict was an exceptional threat to slavery in that

it resonated powerfully within interracial trans-Atlantic abolitionist movements and the enslaved communities that waged various forms of “diasporic warfare” against captivity throughout the British Empire. My original quantitative data based on the Glasgow University “Runaway Slave in Eighteenth-Century Britain project” reveals the correlation between pro- and anti-slavery Afro-British legal cases and the 830 ‘runaway’ and eighty-two ‘for sale’ advertisements published in eighteenth-century British newspapers. The quantitative evidence illustrates that from 1758 the surge of Afro-British ‘runaways’ led to the high-profile trials of Joseph Harvey (1762), Jonathan Strong (1765), and Thomas John Hylas (1768) which provoked increased anti-slavery activity the following decade. Indeed, by the 1760s servants were absconding in record numbers and resisting--as what I coin metropolitan maroons--and domestic slavery was quickly dying out in Britain. The public reaction to Mansfield’s 1772 verdict, coupled with the precipitous fall of post-*Somerset* ‘runaway’ and ‘for sale’ advertisements, proved the end of *de facto* slavery in England. While its legal legacies were at times ambiguous, the *Somerset* case gained new meanings in the imaginations of emancipationists and pro-slavery apologists alike, as tellings and retellings of its verdict were passed by word of mouth among enslaved people and through popular publications among literate free people in the decades that followed. Some of the reverberations were resounding and others much more subtle, yet all attest to the special significance of *Somerset* in the long emancipationist struggle against slavery.

ACKNOWLEDGMENTS

Researching and writing a dissertation is a solitary endeavor. The corpus of this work celebrates Black agency which culminated in a 1772 English anti-slavery legal decision that profoundly impacted Afro-British servitude in the British Empire. Yet to properly come to terms with *Somerset's* case and its emancipatory impact, this involved unearthing the anthropological origins of British racial construction and the brutality that slavery inflicted on people of African descent. Withdrawn and isolated amongst a sea of primary source documentation that exposed the base inhumanity of the slaveocracy required not only pedagogical but moral support. Numerous individuals did not disappoint in offering such assistance. Southern Illinois University Carbondale (SIUC) and its history program provided valued monetary aid, intellectual guidance, and, of equal import, a milieu free from the subterfuge and toxic politics which too often envelop academia. Much of this is due to the benevolent yet intrepid leadership of Dr. Jonathan Bean, the Director of the School of History and Philosophy. Since I matriculated at SIUC, Dr. Bean has been a valued friend and mentor. His counsel as my dissertation committee reader proved indispensable. Dr. Bean unselfishly answered my numerous inquiries, read multiple drafts, and served as a sounding board. He is indeed a dedicated scholar and true gentleman of the first order.

I owe all of my esteemed committee members a debt of gratitude. My chairperson, Dr. Ras Michael Brown, continued to serve despite departing SIUC for another institution of higher education. As Graduate Director, he was responsible for my recruitment. I enrolled in Dr. Brown's class every semester, and when instructed under his sage tutelage in independent coursework our sessions often lasted over three hours. This intimate and pedagogically powerful educational experience is but one example which distinguishes SIUC's history program from

others. Dr. Brown had the confidence in my abilities as a researcher which allowed for scholarly latitude and independent thought devoid of micromanagement while undertaking this project. Dr. Joseph Sramek unselfishly took the time to review my working dissertation, and outside reader Dr. George Boulukos--a Cambridge published specialist on eighteenth-century British racial discourse and slavery--offered confidence building inspiration and support. Finally, Dr. Holly Hurlburt also continued to serve as an adjunct committee member while continuing her academic career elsewhere. She encouraged my interest in visual culture, which led to a paper I presented at the Multidisciplinary Graduate Student Conference at the Newberry Library. I wrote the essay with *Somerset* in mind and molded it into a chapter in this dissertation.

Seymour Drescher, Ruth Paley, and Sue Peabody thoughtfully responded to my emails and I was fortunate to meet and befriend Somerset historian, Dr. Dana Rabin, who commented on my manuscript, suggested sources, and introduced me to colleagues researching our topic. Dr. Rabin informed me of the “Somerset v. Steuart 250 Workshop” presented in December 2022 by the American Philosophical Society held in the McNeil Center for Early American Studies at the University of Pennsylvania. Thanks to a grant provided by the SIUC history program, I attended the seminar and interacted with an august cohort of distinguished Somerset scholars, all of whom offered assistance and encouragement. My dissertation is the first to utilize the Glasgow University “Runaway Slave in Eighteenth-Century Britain project” and how pro- and anti-slavery Afro-British case law impacted runaway patterns. It was therefore serendipitous that the Glasgow project creator, Dr. Simon Newman, attended the Somerset workshop allowing me to discuss my findings with him.

Will Hansen, Director of Reader Services and Curator of Americana, provided valued instruction and pushed me in the right direction during my research at the Newberry Library.

Jennifer L. Burns, Specialist Senior Library Affairs, was of inestimable help, searching for materials, expediting sources, and keeping me out of interlibrary loan ‘jail’ at SIUC. I owe much to my friends Rhonda Dean Radford, M.B.A. and Alekhya Katukuri, M.A., both of whom furnished me with indispensable graph assistance. Alekhya’s Diwali invitation afforded me the opportunity to celebrate the goddess of prosperity, Lakshmi, and interact with her friends from the Indian subcontinent. My former SIUC graduate colleagues--in particular, Deanna McGuckin, M.A., Dr. Gregory Carter, and Dr. Isacko Yattani--were ever present in times of pedagogical and moral support. Of course, I accept full responsibility for any errors. I would also like to thank my family, including my long-time quadruped companion Stanley who proved to be the only member who agreed with all of my conclusions. Finally, I would be remiss without acknowledging Jean and Ian whose memory was the catalyst which galvanized the completion of this scholarship. Please know that it will continue to propel me as I navigate through my future life as a professional historian.

J. David Kemp

Carbondale, Il.

6 June 2023

DEDICATION

Dedicated to my mother, Betty Sue Hollingsworth Kemp, who despite a gifted mind as a female coming of age in the 1950s South never realized her academic dreams.

TABLE OF CONTENTS

<u>CHAPTER</u>	<u>PAGE</u>
ABSTRACT.....	i
ACKNOWLEDGMENTS.....	iii
DEDICATION.....	vi
LIST OF GRAPHS.....	ix
LIST OF FIGURES.....	x
GLOSSARY.....	xi
CHAPTERS	
CHAPTER 1 - Methodology and Sources.....	1
CHAPTER 2 - Somerset and the Historians.....	5
CHAPTER 3 - Racial Construction, British Slavery and Somerset in Historical Context.....	43
CHAPTER 4 - English Law and African Diasporic Warfare in the Metropole.....	121
CHAPTER 5 - Somerset and its Emancipationists Reverberations.....	179
CHAPTER 6 - Somerset and the Art of Antislavery in the British West Indies.....	235
CONCLUSION.....	268
BIBLIOGRAPHY.....	282
APPENDICES	
APPENDIX A - List of British ‘Runaway’ and ‘For Sale’ Advertisements: 1700- 1780.....	301
APPENDIX B - Percentage of ‘Runaway’ Advertisements in British Newspapers: 1700-1780.....	332
APPENDIX C - Percentage of ‘For Sale’ Advertisements in British	

Newspapers: 1700-1780.....	333
APPENDIX D - Public Domain Certification.....	334
VITA.....	335

LIST OF GRAPHS

<u>GRAPH</u>	<u>PAGE</u>
Graph 1.0 - Eighteenth-Century British ‘runaway’ and ‘for sale’ adverts: 1700:1780.....	64
Graph 1.5 - Ratio of Male to Female Runaways: 1700-1780.....	111
Graph 2.0 - Number of yearly Afro-British ‘runaway’ and ‘for sale’ adverts documented in British newspapers: 1700-1728.....	149
Graph 2.5 - Number of yearly Afro-British ‘runaway’ and ‘for sale’ adverts documented in British newspapers: 1729-1749.....	156
Graph 3.0 - Number of yearly Afro-British ‘runaway’ and ‘for sale’ adverts documented in British newspapers: 1750-1761.....	164
Graph 3.5 - Number of yearly Afro-British ‘runaway’ and ‘for sale’ adverts documented in British newspapers: 1762-1772.....	175
Graph 4.0 - Number of Afro-British ‘Runaways’ Per Decade: 1700-1780.....	176
Graph 4.5 - Number of yearly Afro-British ‘runaway’ and ‘for sale’ adverts documented in British newspapers: 1772-1780.....	214
Graph 5.0 - Percentage of ‘runaway’ adverts documented in British newspapers in the post- Somerset era: 22 June 1772-1780.....	215
Graph 5.5 - Ratio of Black to non-Black ‘runaway’ adverts in British newspapers: 1772- 1780.....	216
Graph 6.0 - Ratio of ‘Runaways’ in Scottish and English Newspapers: 1772-1780.....	219

LIST OF FIGURES

<u>FIGURE</u>	<u>PAGE</u>
Figure 1.0 - The Eighteen Buttons Toussaint L'Ouverture currently housed at the Cooper-Hewitt.....	250
Figure 1.5 - Johann Zoffany, <i>The Family of Sir William Young, c. 1767-1769</i> , oil on canvas...	251
Figure 2.0 - Johann Zoffany, <i>Dido Elizabeth Belle and Lady Elizabeth Murray, 1779</i>	252
Figure 2.5 - Chatoyer the Chief of the Black Charaibes in St. Vincent with his five wives drawn from the life by Agostino Brunyas – 1773.....	255
Figure 3.0 - Agostino Brunias, <i>Treaty between the British and the Black Caribs</i> , oil on canvas.....	258
Figure 3.5 - Agostino Brunias, <i>Caribbeans on a Path (Les Caraibes noirs de Saint-Vincent)</i>	260
Figure 4.0 - Agostino Brunias, <i>A Planter and his Wife, with a Servant, c. 1780</i> , oil on canvas.....	261
Figure 4.5 - Agostino Brunias, <i>Linen Market, Dominica, c. 1780</i> , oil on canvas.....	262
Figure 5.0 - Joseph Chatoyer and Toussaint L'Ouverture.....	266

GLOSSARY

assumpsit: [“he undertook”] An express or implied promise, not under seal, by which one person undertakes to do some act or pay something to another <an assumpsit to pay a debt>¹.

fiat Justitia, ruat coelum: “Go heaven to wreck – so justice be but done: - and what is the ruin of kingdoms, in comparison of the wreck of heaven?”

in forma pauperis: “In the manner of an indigent who is permitted to disregard filing fees and court costs.”

indebitatus assumpsit: “A Form of action in which the plaintiff sues for the recovery of damages for breach of a contract.

jus gentium: 1. International Law. 2. *Roman law*. “The body of law, taken to be common to different peoples, and applied in dealing with the relations between Roman citizens and foreigners.”

lex loci contractus: “The law of the place where a contract is executed or to be performed. It is often the proper law by which to decide contractual disputes.”

mandamus: “A writ issued by a superior court to compel a lower court or a government officer to perform mandatory or purely ministerial duties correctly. – Also termed *writ of mandamus*.

nisi decree: [Latin “unless”] (Of a court’s *ex parte* ruling or grant of relief) Having validity unless the adversely affected party appears and shows cause why it should be withdrawn <a decree *nisi*>.

non assumpsit: [Latin “he did not undertake”] *Hist.* A general denial in an action of *assumpsit*.

obiter dictum: “A judicial comment made during the course of delivering a judicial opinion, but one that is unnecessary to the decision in the case and therefore not precedential (though it may be considered persuasive). – Often shortened to *dictum* or, less commonly, *obiter*.

per quod servitium amisit: [Law Latin] *Hist.* Whereby he lost the company (of his wife). This phrase was used in trespass declaration to describe the loss suffered by a husband whose wife had been beaten or otherwise abused.

trover: “In common law practice the action of trover or conversion lay for the recovery of damages against the person who had found another’s goods and wrongfully converted them to his own use. An unauthorized assumption and exercise of the right of ownership over goods or personal chattels belonging to another, to the alteration of the condition of the exclusion of the owners’ rights.”

¹ The legal terms are all quoted in Bryan A. Garner, ed. *Black’s Law Dictionary*, 7th ed. (St. Paul, Minnesota: West Publishing Company, 1999), 120, 333, 638, 783, 865, 923, 1100, 1162, 1513.

CHAPTER 1

METHODOLOGY AND SOURCES

“The objective historian’s role is that of a neutral, or disinterested, judge; it must never degenerate into that of advocate or, even worse, propagandist. The historian’s conclusions are expected to display the standard judicial qualities of balance and evenhandedness...Some components of the concept have been reworked or reinterpreted over the last hundred years. There is nowadays, among even the firmest supporters of the idea of objectivity, a bit less confidence in the capacity of historians...to completely purge themselves of all values...to ground objectivity more in social mechanisms of criticism and evaluation, and less in the qualities of individuals.”¹

--Peter Novick (1988)

This study taps into a divergent body of social, cultural, legal, political, art-material, word of mouth sources and quantitative data to determine the construction of racial slavery in England, the resolve of enslaved Afro-Britons demanding their freedom, and the initial emancipatory impact *Somerset's* case had on domestic slavery in Great Britain and its long-term implications in the Anglo-American diaspora. While exposing contemporaneous racial discourse lends itself to graphic scholarly analysis, this unvarnished pedagogy is necessary to properly deconstruct the origins of race in Early Modern Britain. I analyze the socio-cultural and political threat generated as a result of the Black presence in Britain and the legal challenges created by enslaved New World Africans streaming into the metropole in the seventeenth and eighteenth centuries. These multi-disciplinary methodological approaches highlight the rationale behind African bondage and the critical role that Black agency played in the *Somerset* decision, its legal antecedents, and the continued dissemination and elaboration of the verdict over time and space. English moral philosophy and jurisprudence joined hands due to the resolve of Afro-British servants absconding and petitioning the courts which exposed the draconian nature of slavery to an

¹ Peter Novick, *That Noble Dream: The “Objectivity Question” and the American Historical Profession* (Cambridge: Cambridge University Press, 1988), 2.

English populace unaccustomed to witnessing the brutality of bondage close at hand. Vincent Brown uses the term “diasporic warfare” or what Olaudah Equiano called “state of war” to describe the perpetual battle for freedom fought by enslaved African-descended people in the Black Atlantic.²

My narrative shows that as New World captives from the West Indies and mainland North American colonies were imported into England, this diasporic warfare was unleashed in the metropole, leading to an emancipationist impact throughout the Anglo-American diaspora. The Afro-British population rebelled and escaped forming pockets of resistance as metropolitan maroons fighting diasporic warfare in the bosom of the beast. The prominent eighteenth-century English magistrate Sir John Fielding recognized the connect between rebellious Blacks in the colonial peripheries and those in the English metropole. Once in England, Blacks become “intoxicated with liberty” asserted Fielding and when forced back “there is great reason to fear that those blacks who have been sent to the Plantations...have been the occasion of those...recent insurrections in the...West Indies.” With this in mind, the social reformer Fielding concluded under the pretense of moral considerations that it “was a species of inhumanity to the blacks themselves, to bring them to a free country.”³ Enslaved Africans were fighting a multi-

² See Vincent Brown, *Tacky's Revolt: The Story of an Atlantic Slave War* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2020).

³ Sir John Fielding, *Extracts from such of the Penal Laws, as Particularly relate to the Peace and Good order of this Metropolis: With Observations for the better Execution of some, and on the Defects of others.* (London: Printed by H. Woodfall and W. Strahan, Law Printers to the King's most Excellent Majesty; For T. Cadell, opposite Catherine Street in the Strand, and T. Evans, King Street, Covent Gardens., 1769), 144; quoted in M. Dorothy George, *London Life in the Eighteenth Century* (Kegan Paul, Trench, Trubner & Co., Ltd., London, in the History of Civilization series edited by C.K. Ogden, 1925), 135.

front war in the center of the British Empire and along its colonial exterior edges--establishing a trans-Atlantic communique network via backchannel word-of-mouth sources.

The legal and legislative analysis derives from the *English Reports*, British Statutes at Large, provincial West Indian and colonial American Black Codes and Statutes, as well as the common law courts in colonial America and the United States including the Supreme Court. The socio-cultural discourse considers memorials, popular print culture, journals, newspapers, Anglo-American 'runaway' and 'for sale' advertisements, pro-slavery literature, anti-slavery appeals, and oral and visual sources among others. Once considered unorthodox, the use of oral accounts and art-material sources are now firmly established doctrine which allows scholars of New World slavery to undercut and balance the extant written documents. Committed to paper by whites, these traditional primary sources are often biased and rooted in a common racial vernacular. Coupled with traditional sources, word of mouth and visual documentation demonstrate how news of the *Somerset* case quickly punctuated the British Atlantic world and had a profound influence in the long emancipationist struggle against slavery.

The quantitative analysis of 'runaway' and 'for sale' advertisements derive from the Glasgow University "Runaway Slave in Eighteenth-Century Britain project" which catalogues eighty two of the former and 830 of the latter.⁴ This dissertation is the first scholarly treatment which assiduously analyzes these 912 advertisements, applying the data to underscore the impact Afro-British agency had on Anglo-American anti-slavery and legal systems. My breakdown of the individual advertisements consists of documenting the year of each advert, the gender, age, if provided, and the respective publishing organ. Once each component was catalogued my constructed graphs highlight the results and an appendices--with the documented four

⁴ [Runaway Slaves in Britain](https://www.runaways.gla.ac.uk/) : <https://www.runaways.gla.ac.uk/>

components and individual reference number--allows the reader to cross-reference the information with the Glasgow University project. The appendices also contain my dissection of the percentage of 'runaway' and 'for sale' adverts listed in each of the sixty British newspapers.

CHAPTER 2

SOMERSET AND THE HISTORIANS

“The Somerset Case marks the beginning of the end of Slavery throughout the British Empire. For behind the legal judgement lay the moral judgement; and, however different the circumstances on the farther side of the Atlantic...it seemed to the growing number of Englishmen...that only an illogical morality could outlaw Slavery in Britain because it was so “odious” and tolerate it on British soil overseas where the mass of the slaves were far worse treated.”¹

--Sir Reginald Coupland (1933)

“Much has been made of this case, by people constantly seeking for triumphs of humanitarianism. Professor Coupled contends that behind the legal judgement lay the moral judgement and that the Somersett case marked the beginning of the end of slavery throughout the British Empire. This is merely poetic sentimentality translated into modern history.”²

--Eric Williams (1944)

The multidisciplinary literature surrounding *Somerset's* case and its mark on emancipations in the Anglo-American diaspora has provoked sharp historiographical discord among scholars. The 1772 trial, its previous Afro-British legal cases, and the socio-cultural response to the Black presence in seventeenth and eighteenth-century Briton, captured the attention of legal scholars, art-materialist, anthropologists, journalism historians, and Atlanticists focused on watershed moments which profoundly impacted emancipations in the Anglo-American diaspora. The nineteenth and early-twentieth century hagiographic literature champions Lord Chief Justice Mansfield as an abolitionist jurist whose verdict at once emancipated the enslaved Afro-British population. While from 1934 through the 1960s what I label the neo-Fiddes revisionist, assert that the 1772 decision had little, if any, effect on the

¹ Sir Reginald Coupland, *The British Anti-Slavery Movement* (London: Thorton, Butterworth, Limited, 1933), 55-56.

² Eric Williams, *Capitalism and Slavery*, 2nd ed. (1944; repr. Chapel Hill: The University of North Carolina Press, 1994), 45.

unfree status of Blacks in the metropole much less in the slave-holding Atlantic fringes. Yet starting in the mid-1970s, convention reassessed the emancipationist tremor of *Somerset* in both Britain and the Anglo-American diaspora. Much of this discourse involves the “humanitarian” school of thought--scholars who credit emancipation to ethical and disinterested eighteenth-century English liberals including Lord Mansfield. While its detractors place greater weight on economic determinism, arguing that the anti-slavery movement emerged only after the institution was unprofitable. This literature defiles Mansfield as a weak jurist whose adjudication in *Somerset* proved anemic. Chapter two unravels the disparate historiography starting with Emory Washburn’s 1863 comparative article on *Somerset* and villeinage, concluding with the twenty-first century historiographical consensus. In doing so, it situates my arguments within context of this wide body of scholarship.

The Early Hagiographic Literature

The first scholarly treatment of *Somerset’s* case was a comparative analysis of Afro-British domestic slavery and Norman feudal villeinage. Legal scholar and former governor of Massachusetts, Emory Washburn, published an article titled “*Somerset’s* Case and the Extinction of Villeinage and Slavery in England” (1863) outlining the institutions in Britain. He states that similar objections from disinterested English humanitarians demanding the abolition of New World slavery also snuffed out villeinage during the late Elizabethan to early Jacobean period. Washburn posits that by “coincidence” this dovetailed with New World Africans trickling into the British Isles. Published in 1863, Washburn’s myopic narrative fails to recognize the resolve of Afro-British captives protesting their enslaved status via absconding and appropriating the English courts litigating for freedom. Indeed, Black agency does not factor into his analysis of the turgid and unresolved judicial cases involving the *de jure* status of Afro-British domestic

slavery leading up to *Somerset* which Washburn considers “the final settlement of the question.”³ Yet his is the only nineteenth century account to assess bondage in England and the emancipationist import of Mansfield’s 22 June 1772 decision. The legal historian Thomas Shaw’s article “The Enlightenment of Lord Mansfield” (1926) celebrates the Chief Justice as “a great maker, if not the greatest maker, of the English Common Law.” Shaw illuminates Mansfield’s resolute support in defense of human liberties, religious toleration, equality before the law, and his firm belief in *habeas corpus* which the Chief Justice granted James Somerset. This uncritical assessment of Mansfield as an enlightened jurist romanticized the Chief Justice.⁴

The Fiddes Turn

The legal scholar Edward Fiddes first disputed the abolitionist force that Mansfield’s verdict had in England. His treatment “Lord Mansfield and the Somerset Case” (1934) considers *Somerset* a significant “far-reaching” judgement which trumped previous common-law verdicts. Yet rather than a sweeping anti-slavery victory adjudicated with conviction, Fiddes argues that it led to a “limited...modified” and “attenuated” form of domestic bondage.⁵ He points out that judicial trepidation led Mansfield to push the mercantile class to appeal the case before Parliament on two occasions and requested Stewart’s counsel negotiate a pre-trial settlement granting Somerset freedom. Fiddes posits that the decision did not enfranchise a captive once on English soil and the monetary exchange in human chattels continued. He adds that any claim for

³ Emory Washburn, “Somerset’s Case and the Extinction of Villeinage and Slavery In England,” in *Proceedings of the Massachusetts Historical Society* 7 (1863-64), 308, 312-313, 315.

⁴ Thomas Shaw, “The Enlightenment of Lord Mansfield” *Journal of Comparative Legislation and International Law* 3rd Series, Vol. 8, No. 1 (1926), 1, 5, 6.

⁵ Edward Fiddes, “Lord Mansfield and the Somerset Case” *Law Quarterly Review* 50 (1934), 509.

wages by an Afro-British domestic was unenforceable. However, Fiddes affirms that it was “undoubtedly illegal” for enslavers to force Afro-British servants back into colonial bondage although unlawful deportations and legal temporary indentureships continued. Legally striking down the right to compel a servant back to the plantations was an emancipationist boon for captives and the anti-slavery lobby which was “gathering force” from the 1760s. Fiddes notes that prior to *Somerset* many “discontent[ed]” runaways were apprehended and suffered the fate of forced shipment back to the Americas. He concludes that the judgment left three disparate groups of captives from 1772 until the 1833 Slave Emancipation Act. First, fully emancipated African-descended people entitled to complete freedom of movement. Second, enslaved Afro-British servants bound only by residence with considerable social latitude. Third, the enslaved who toiled under the full force of bondage in the British colonies.⁶ To this final point, as I will later illustrate, the issue of colonial bondage sanctioned by an Acts of Parliament was outside the legal purview of *Somerset*. While Fiddes adds that a “not too accurate account” of the judgment was energized by a cadre of expert anti-slavery polemicists, my treatment shows that this fictive legal propaganda resounded throughout the Anglo-American world affecting emancipations into the mid-nineteenth century.

The Humanitarian School: Sir Reginald Coupland and Frank J. Klingberg

Despite Fiddes’ article, the literature during the interwar era pushed the anti-slavery moral determination of Granville Sharp and the emancipationist legacy of *Somerset*. Many scholars also continued to lionize Lord Mansfield as an enlightened abolitionist jurist. Yet, like Fiddes, some cast doubt on his personal resolve and the legal vigor of the 1772 verdict. Sir

⁶ Fiddes, “Lord Mansfield and the Somerset Case,” 502, 499, 505, 506, 507, 508, 510-511.

Reginald Coupland's *The British Anti-Slavery Movement* (1933) highlights the humanitarianism of Sharp and claims the *Somerset* case provoked the decline of slavery in the British Atlantic. Paired with the shifting moral surge, Mansfield's decision marked "the beginning of the end of Slavery throughout the British Empire," exclaims Coupland. The changing ethical climate and Granville Sharp's humanitarianism rallied a nation "to its ultimate triumph in 1833."⁷

Coupland's monograph and Frank J. Klingberg's *The Anti-Slavery Movement in England: A Study in English Humanitarianism* (1926) established the "humanitarian school" of abolitionist historians. This scholarship is rooted in the fundamentalist work of Thomas Clarkson who viewed emancipation as a prodigious feat of English liberalism.⁸ Ruth Ann Fisher's article "Granville Sharp and Lord Mansfield" (1943) also elucidates Sharp's anti-slavery fortitude starting with his involvement in the 1765 high-profile case of the Afro-British servant Jonathan Strong. Fisher clarifies that before the Strong trial "no one gave much thought to the status of the Negro" in England, except the Quakers who opposed slavery on moral grounds, and enslavers who feared that baptized metropolitan and colonial servants legally obtained their freedom.⁹ Sharp was instrumental in defending the servant Thomas Lewis in 1770 whose case was dismissed by Lord Mansfield. The Strong and Lewis hearings involved the issue of property rights, but Fisher asserts that *Somerset* was a clear-cut test case of domestic slavery's legality in

⁷ Coupland, *The British Anti-Slavery Movement*, 55-56; see also Frank J. Klingberg, *The Anti-Slavery Movement in England: A Study in English Humanitarianism*. New Haven: Yale University Press, 1926.

⁸ See Thomas Clarkson, *The History of the Rise, Progress, and Accomplishment of the Abolition of the African Slave-Trade by the British Parliament*, 2 vols. (London: Printed by R. Taylor and Co., Shoe-Lane, for Longman, Hurst, Rees, and Orme, Paternoster-Row, 1808).

⁹ Ruth Ann Fisher, "Granville Sharp and Lord Mansfield" *Journal of Negro History* (1943), 382.

England. Fisher cites Mansfield's reluctance to adjudicate the Lewis or *Somerset* case based on his expertise in the law of property rights. The Lord Chief Justice was concerned with the fiscal ramifications of emancipating 14,000 or 15,000 servants priced at £700 thousand and future lawsuits by formally enslaved Afro-British litigants. While Mansfield determined that only Parliament could sanction slavery in England, Fisher concludes that even "the most deluded and optimistic slave owner knew that there was too much sentiment against it ever to secure such a law in England."¹⁰ In other words, regardless of the legislative outcome by 1772 the humanitarian die was cast in favor of freedom for enslaved Afro-British domestics.

The Marxist Response: C.L.R. James and Eric Williams

Works by Marxist Trinidadian scholars C.L.R. James and Eric Williams answer Coupland and the humanitarian school, dismissing British abolitionism rooted in liberal moral motives and religious faith in favor of geostrategic forces and fiscal motivations. James' published dissertation *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution* (1938) places African agency at the forefront of the Haitian Revolution. His "bottom-up" socio-cultural methodology views slavery from the perspective of the enslaved. This was a provident methodology which "new social historians" embraced in the 1960s. James argues that following the 1791 revolt in San Domingo Prime Minister William Pitt--ostensibly a lifelong anti-slavery defender--supported a planned British "overlordship" to protect the island plantocracy until peacetime when "the *ancien régime* would be re-established, slavery, Mulatto discrimination, and all."¹¹ Yet this proved a Machiavellian subterfuge as the Prime Minister

¹⁰ Fisher, "Granville Sharp and Lord Mansfield," 387, 388, 389.

¹¹ C. L. R. James, *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution* (London: Secker & Warburg, Ltd., 1938), 134fn.

planned to bide time and seize the French “Jewel of the Antilles.” James avers that the British West Indies were underdefended and underproducing, so the schema allowed for an ephemeral Anglo-Spanish alliance keeping the French and Americans out of the Caribbean until England could seize this “island for the ages,” providing future defensive and economic succor for the British Empire. Coupled with an increased French presence of mercantile slavers in Africa, Pitt discovered that Britain was “cutting its own throat” by selling half of its imported captives to planters in the French West Indies. This, in turn, enabled a strong French colonial footprint in the European market exchange. Pitt sought to stem French economic and strategic influence in the Antilles using the anti-slavery bona-fides of William Wilberforce to spearhead a campaign ending the Trans-Atlantic Slave Trade. James considers the British anti-slavery movement and its early-nineteenth century leading protagonists like Wilberforce and Thomas Clarkson sincere. Yet he adds that the alliance served as a humanitarian marionette to English geopolitical and economic scheming.¹²

In *Capitalism and Slavery* (1944) the “Williams” or “decline thesis” links the economic vicissitudes of British slavery with the nascent free-market industrial capitalist system in late eighteenth-century western Europe. Williams contends that the Trans-Atlantic Slave Trade provided the monies which bankrolled the Industrial Revolution in Great Britain. “The triangular trade...gave a triple stimulus to British industry” via manufacturing, transportation, and the cultivation of staples claims Williams. This aided industry in the English metropole, while feeding captives bolstered agriculture and fisheries in colonial New England and Newfoundland. With this tripartite economic incentive, he adds that by the mid-eighteenth century “there was

¹² James, *The Black Jacobins*, 53, 133, 134.

hardly a trading or a manufacturing town in England which was not in some way connected with the triangular or direct colonial trade.” The English West Indian monopoly enriched the American Middle and New England colonies. Yet this proved economically minuscule to king sugar which lined the pockets of the British Antillean planter class. Williams avers that after 1783 the West Indian plantocracy “one by one” opposed the monopoly that had supported the colonial slave system. Why? In order to increase the trans-Atlantic sale of exported British industrial goods this demanded payment in raw materials. For example, cotton from the United States and Brazil, sugar from Brazil and the island of Cuba, and the subcontinent of India. The West Indian monopoly, which had banned the import of non-British raw materials like sugar and cotton, “stood in the way” of this and led the English special interests from London to Liverpool to unite “in the attack on West Indian slavery and West Indian monopoly.”¹³

William’s declares that this abrupt shift in imperial trade policy--which led to the 1807 Slave Trade Act--was not a result of disinterested humanitarianism. Rather, it was entrenched in the economic benefits of *laissez-faire* capitalism and the increased disbelief in the profitability of unfree labor which Adam Smith articulated in his *Wealth of Nations* (1776). Williams therefore concludes that once the West Indian economy suffered fiscal decline after 1783, this coincided with the embryonic rise of a global free-market capitalist system that increased plantation production. The British colonies benefited from a paid system that outperformed enslaved labor. The incentive of wages rather than torture that led to resistance, rebellion, sickness, and death offered plantation workers a greater sense of productive urgency. In short, Williams asserts that when slavery no longer served its economic purpose the abolitionist called out *en masse*. It was

¹³ Eric Williams, *Capitalism and Slavery*, 2nd ed. (1944; repr. Chapel Hill: The University of North Carolina Press, 1994), 52, 108, 154.

the rise of capitalism and potent economic interest, not altruistic humanitarianism and disinterestedness, that led to emancipation in the British Atlantic.

Williams responds to Sir Reginald Coupland's claim that *Somerset* marked "the beginning of the end" of British slavery calling the declaration "poetic sentimentality" for those "seeking for triumphs of humanitarianism." He adds that Mansfield's attempts to avoid adjudicating the case, his porous verdict, and subsequent judicial involvement in the *Gregson v. Gilbert* (1783) or *Zong* ruling--memorialized in J.M.W. Turner's oil on canvas *The Slave Ship* (1840)--lacked moral resilience and ethical humanism. Yet Williams palliates his economic interpretation, assenting that to scorn humanitarianism "would be to commit a grave historical error...the humanitarians were the spearhead of the onslaught which destroyed the West Indian system and freed the Negro."¹⁴ Numerous scholars cite Mansfield's decision in the *Zong* suit and *Jones v. Schmoll* (1785) to confute his ruling in *Somerset*. Yet the case law shows that neither had a judicial bearing on *Somerset*, but were insurance claims involving trans-Atlantic captives considered chattels under English statutory law.¹⁵ The historiographical debate among the humanitarian school and its detractors continues. Embracing Sir Reginald Coupland and his followers suggests that the anti-slavery alliance and *Somerset's* case rather than Afro-British fortitude led to emancipation with Mansfield playing the great judicial "white savior." Followers of C.L.R. James and Eric Williams place greater emancipatory emphasis on Black agency and the shifting economics and geopolitics of slavery. Yet anti-slavery humanism from the 1760s was paramount to the decline of bondage, which worked in tandem with the diasporic warfare

¹⁴ Williams, *Capitalism and Slavery*, 45-46, 178.

¹⁵ *Gregson v. Gilbert* 3 Doug. KB 232 (1783); *Jones v. Schmoll*, 1 Term. R 130n. (1785).

waged by captives throughout the English metropole and its colonies. Regardless of Mansfield's intent, his unprecedented ruling was a gut-punch to the slavocracy which resonated in the metropole and throughout the Anglo-American diaspora.

In the wake of World War II the ideals of self-determination led to decolonization in the British held territories in Africa and the Caribbean. A post-war survey conducted by the Colonial Office entitled "Public Attitudes Towards Coloured Colonials" revealed that only half of British residents identified a commonwealth colony and a minimum of one-third held views hostile towards people of Afro-Caribbean descent.¹⁶ Working with the Colonial Office, the first general history of the Black experience in Britain by anthropologist Kenneth Little focuses on race relations in his work *Negroes in Britain* (1948). He traces an African presence in Britannia back to the Roman occupation and addresses long-standing social issues like miscegenation, racial prejudice, and Afro-British resistance. Yet the bulk of Little's monograph is limited to an extensive examination of the seafaring Black population in nineteenth-century Cardiff. He spills little ink on Granville Sharp's abolitionist movement and Lord Mansfield's decision in *Somerset's* case. Little states that Somerset's supporters felt the trial settled the issue of *de jure*

¹⁶ Fatima Seck, 'The Negroes in Britain Industry': Race-relations studies at Edinburgh University in the 1950s' *History of Education Society* (6 May 2019). Retrieved 3 September 2021. As West Indians trickled into the English metropole post-war scientific and institutional racism--not unlike that propagated by eighteenth-century polygenic Enlightenment philosophers and pro-slavery lobbyists--resulted in Afro-Caribbean children wrongly placed in so-called Educationally Subnormal Schools (ESN). During the post-war era the British were fixated on Intelligence Quotient (IQ) testing which unfairly placed children of West Indian immigrants into ESN schools. These children had tested twelve points lower than their white British counterparts using the Stanford-Binet intelligence exam. However, this test used colloquial verbiage that was unfamiliar to West Indians, and this cultural bias was later exposed in 1971. ESN schools were abolished a decade later. See Bernard Coard, *How the West Indian Child is Made Educationally Sub-Normal in the British School System* (London: New Beacon Books, 1971); See also Lyttanya, Shannon, director. 2021. *Subnormal: A British Scandal*. Turbine Studios and Amazon Studios. 59m.

slavery in England, despite a narrow verdict that made little impact on the employment and social status of most Afro-British bondspeople, who remained paid servants. He adds that captives who left servitude lacked useful skills and “regarded freedom as including immunity from work” leaving the St. Giles district of London littered with poor Blacks pejoratively called “blackbirds.”¹⁷ This feeds into racial tropes of the lazy and shiftless African whom Edward Long warned would live off the government dole.¹⁸

Little’s characterization of servants bent on remaining with former enslavers fostered a lack of personal agency on the part of an Afro-British population that absconded and appealed to the British legal system seeking freedom in the lion’s den of the Atlantic diaspora. His narrative implies that degrees of slavery existed and the experience of Afro-British servant-slaves differed from plantation slaves in the Americas. The extant literature on domestic slavery in Britain views the Black experience as benign compared to bondage outside of the metropole--that of “war slavery” in the peripheries verses “domestic slavery” in the center. Slavery in England was not embedded in an intensive colonial task-or-gang style plantation work force. Yet in each experience the enslaved lived at the caprice of the enslaver who subjected captives to torture and gashed families apart by selling to the highest bidder at auction blocks in Britain and the Americas alike. My analysis of the 830 Afro-British runaways illuminates the appalling physical description of domestic captives whose condition resembled that of their colonial counterparts.

¹⁷ Kenneth Little, *Negroes in Britain* (London: Routledge & Kegan Paul Ltd, 1948), 200-206, 205.

¹⁸ [Edward Long], *Candid Reflections Upon the Judgment lately awarded by The Court Of King's Bench, In Westminster-Hall, On what is commonly called The Negro-Cause, By a Planter* (London: Printed for T. Lowndes, 77, Fleet Street, 1772), 48-49.

New Social History: The neo-Fiddes Revisionist

While Little's work failed to ignite broader inquiries into Britain's Black presence, by the 1960s the "new social history" in the United States and Peter Laslett's Cambridge Group in Britain prompted Anglo-American scholars to eschew top-down analyses for a bottom-up approach to understanding history from the perspective of marginalized groups and ordinary people. This includes numerous studies claiming that *Somerset's* case did little to alter the condition of enslaved servants in Britain, whose *de jure* status remained intact until the 1833 Abolition Act. These scholars, whom I label neo-Fiddes revisionist, further view *Somerset* as a mixed legal bag with public myth and perception outweighing its emancipationist legitimacy. This historiographic orthodoxy gained momentum in the 1960s by historians and legal specialists. The influential scholarship of Jerome Nadelhaft, Nan Wilson, William Wiecek, James Walvin, and F.O. Shyllon among others redirected the historiography of *Somerset* for the next decade.¹⁹

Jerome Nadelhaft's article "The Sommersett Case and Slavery: Myth, Reality, and Repercussions" (1966) considers the Anglo-American legacy of *Somerset* into the *antebellum* era of the United States. His "Loft-Mansfield" thesis posits that due to incorrect accounts by the

¹⁹ See Anthony Barker, *The African Link: British Attitudes to the Negro in the Era of the Atlantic Slave Trade, 1550-1807* (Totowa, New Jersey: Frank Cass, 1978); Michael Craton, *Sinews of Empire: A Short History of British Slavery* (London: Maurice Temple Smith Ltd, 1974); Jerome Nadelhaft, "The Somerset Case and Slavery: Myth, Reality, and Repercussions" *Journal of Negro History* (1966); F.O. Shyllon, *Black Slaves in Britain* (Oxford: Published for The Institute of Race Relations, 1974); James Walvin, *Black and White: The Negro in English Society* (London: Allen Lane The Penguin Press, 1973); William Wiecek, "Somerset: Lord Mansfield and the Legitimacy of Slavery in the Anglo-American World" *University of Chicago Law Review* 42 (1974); Nan Wilson, "Legal Attitudes to Slavery in Eighteenth-Century Britain; English Myth; Scottish Social Realism and their Wider Comparative Context," *Journal of the Institution of Race Relations* 11 (1970).

British press and a reliance on Capel Lofft's inaccurate court transcript of *Somerset*, generations of attorneys, jurists, and members of the Anglo-American anti-slavery party were misled into believing that the verdict "with one sweeping judicial blow" ended slavery in the English metropole. Like Fiddes, Nadelhaft argues that when the Lord Chief Justice discharged Somerset, the unfree legal status of 15,000 enslaved Afro-British servants remained intact. The judgment also failed to emancipate colonial captives once on English soil. Nadelhaft further diminishes the legal impact *Somerset* had on enslavers pressing domestics back to British colonial plantations. In short, the emancipatory effect of the verdict in the realm was synonymous with a metaphorical empty chair. Yet he adds that when Mansfield declared that only parliamentary law could sanction slavery, this led American legal systems to quickly free bondpeople penetrating states or territories where such legislation never authorized bondage. In response this stimulated the American pro-slavery lobby to introduce fugitive slave legislation into the Federal Constitution and the Northwest Ordinance expanding captivity in the nascent republic. Furthermore, the judgement resulted in select states sanctioning sojourner legislation permitting enslavers to travel in free territories with their servants for specified periods of time. Yet *Somerset* ultimately proved a double-edged sword when the abolitionist movement weaponized it in the 1830s as a formative anti-slavery legal precedent. Rooted in a fallacious and misunderstood judicial ruling, Nadelhaft's "Loft-Mansfield" thesis therefore concludes that since the *Somerset* case failed to emancipate enslaved Blacks in England the American slavocracy "were the victims of the newspapers and of Capel Lofft."²⁰

²⁰Nadelhaft, "The Somerset Case and Slavery," 193, 194, 199, 200, 201-202, 204, 208.

Nan Wilson's "Legal Attitudes to Slavery in Eighteenth-century Britain; English myth; Scottish Social Realism and Their Wider Comparative Context" (1970) relies on Fiddes' and Nadelhaft's analysis of *Somerset* as an Anglo-American "abolitionist myth...fostered in America by inadequate and misleading reports, combined with a measure of wishful thinking."²¹ The corpus of her article is rooted in the disparate legal theories of eighteenth-century English and Scottish law which remained distinct despite the Act of Union of 1707. Wilson dismisses any real legal impact *Somerset* had on emancipation in England, therefore she illuminates the Scottish response to domestic slavery in the United Kingdom. Wilson explains that Scots law is embedded in a modernized adaptation of the Civilian or Roman legalist tradition. It thus allowed for a wider berth in adjudicating personal civil rights in the eighteenth century. England, on the other hand, "had no legal concepts, except those of property" which strictly determined the fiscal connect between enslaver and the enslaved. This unbending English law of property, which fit within Mansfield's legal wheelhouse, equated chattels with commercial property. Such legal ideology, asserts Wilson, was passed on to the English slave-holding colonies where "the actual treatment of slaves...depended very much on the state of economic development there." Wilson concludes that malleable Scottish civilian jurisprudence was responsible for the case of *Knight v. Wedderburn* (1778) abolishing slavery in the kingdom.²² My scholarship emphasizes that while less ambiguous, the *Knight* verdict was heavily predicated on the legal precedent established in *Somerset v. Stewart*. Furthermore, Fiddes, Nadelhaft, Wilson, and other revisionists cite sporadic evidence of residual slavery in post-1772 *Somerset* England. My quantitative data of the

²¹ Wilson, "Legal Attitudes to Slavery in Eighteenth-Century Britain; English Myth; Scottish Social Realism and their Wider Comparative Context," 466fn.

²² *Ibid.*, 464, 469, 473.

published 830 ‘runaway’ and eighty-two ‘for sale’ advertisements illustrates that such proof was the exception to the proverbial rule and does little to erase the broader abolitionist impact of the case in Anglo-America.

The revisionist writings on *Somerset* led to three important works by William M. Wiecek, F.O. Shyllon, and James Walvin, who solidified the neo-Fiddes interpretation of the 1772 case. Yet they offer a fuller treatment of the Afro-British experience by transcending the legal minutia of *Somerset* and consider the unintended ramifications of Mansfield’s decision in the Anglo-American diaspora. Wiecek’s article, “Lord Mansfield and the Legitimacy of Slavery in the Anglo-American World” (1974), illuminates the protean legal meaning that *Somerset* had in England, its North American colonies, and the United States from 1772 until the mid-nineteenth century. He navigates the conflicting pre-*Somerset* case law involving Afro-British servants, and Granville Sharp’s anti-slavery writings, rooted in fundamental or natural law as well as the arguments litigated by Somerset’s defense and the West-Indian backed prosecutorial opposition. Wiecek, much like other neo-Fiddes revisionist, posit that Mansfield’s verdict left a “qualified” form of English domestic slavery intact until 1833. However, he emphasizes that discharging an enslaved Black based on the “Great Writ” of *habeas corpus* “struck a profound blow at slavery” and undermined the legitimacy of English enslavers. Mansfield’s indistinct language further led to a protean verdict which courts quickly seized upon one year later in *Cay v. Crichton* (1773), where the presiding judge “held that the determination had retroactive effect, so that slavery had never had a legitimate existence in England.” In other words, the court concluded that the institution had existed in name only with no connection to legal structures. Wiecek also highlights the Scottish case *Knight v. Wedderburn* (1778) in which counsel for the absconded captive Joseph Knight used Mansfield’s ambiguous wording to the advantage of his client.

Somerset quickly found an eager anti-slavery audience in America as the verdict was extensively covered in provincial newspapers. Wiecek points out that its vague meaning led northern abolitionist jurists to liberally interpret the verdict while attorneys, captives, essayists, and anti-slavery crusaders argued that the judgment spoke to the *lex loci contractus* and should delegitimize colonial bondage and the British Slave Trade. However, following American Independence, and evidence that the case did not abolish slavery in England, this became a moot legal point. Yet Wiecek further differs from the neo-Fiddes revisionist in that he does not see Mansfield's decision as an artificial "abolitionist myth." He concludes that *Somerset's* "influence in the new American nation remained long after its arguably binding authority disappeared," as a "neo-*Somerset*" legacy led radical anti-slavery constitutionalists to contend that natural law usurped man-made common and positive law.²³

Works by James Walvin and F.O. Shyllon provide a larger historical platform to highlight the Afro-British experience. Yet unlike Nadelhaft and Wieck, they fail to explore the emancipationist narrative of *Somerset* beyond 1772 and focus on its impact in the larger Anglo-American diaspora. Since neither consider Mansfield's decision an effective anti-slavery defense in England why investigate its impact outside of the realm? This resonated with scholars in the 1970s focusing on emancipations and accounts for why *Somerset* did not play a larger role in the abolitionist debate. Walvin's *Black and White: The Negro and English Society, 1555-1945* (1973) analyzes Black communities from the mid-sixteenth century leading up to Afro-Caribbean migrants entering England in the post-World War II era of decolonization. Shyllon's *Black Slaves in Britain* (1974) limits his monograph to a discussion of the socio-legal events in

²³ Wiecek, *The Legitimacy of Slavery*, 104, 107-109, 116, 118.

the 1760s, culminating in *Somerset* and concluding with the *Zong*, *Knight v. Wedderburn*, and *Grace Jones* cases. Walvin ignores the extant literature asserting that *Somerset*'s freedom prevented captives from forceful re-exportation from the English metropole.²⁴ While he acknowledges that Mansfield "underwent a change of heart" during the trial, Walvin writes that the Lord Chief Justice's flummoxed indecision, attempts to settle out of court, permissive legal latitude, and a prolonged seven month trial resulted in an ill-defined verdict.

Like his neo-Fiddes counterparts, Walvin cites limited and conflating evidence attacking the legal veracity of Mansfield's verdict including one post-*Somerset* runaway advertisement listed in the *Bristol Gazette and Public Advertiser* (1773), one arranged post-*Somerset* servant sold to English anti-slavery humanitarians to verify the continued existence of slavery in the realm, alleged kidnappings, and legal decisions outside the jurisdictional purview of metropolitan slavery. Walvin, therefore, concludes that until 1833 "the kernel of the black dilemma remained precisely the same, namely that common law decisions designed to improve the blacks' conditions remained practically inoperative."²⁵ Yet in a subsequent monograph *England, Slaves and Freedom, 1776-1838* (1986), he remedies this earlier conclusion and concedes that "we need to recall that, however limited the decision in the *Somerset* Case of 1772, it was without a doubt a defeat for the plantocracy."²⁶ Shyllon takes a hardline toward Mansfield asserting that the Chief Justice's weak personality and fear of challenging the status quo "were responsible for his indecision on African slavery in England." The Lord Chief Justice's concerns were rooted in the

²⁴ Walvin, *Black and White*, 124, 125-129. Chapter seven 117-131, chapter eight 132-143.

²⁵ Walvin, *Black and White*, 124, 125-129, 132-143.

²⁶ James Walvin, *England, Slaves and Freedom, 1776-1838* (Jackson and London: University Press of Mississippi, 1986), 82.

fiscal fallout of freeing 15,000 Blacks and the pressure of the West Indian merchants and planter class. He adds that Mansfield was hesitant to overturn the 1729 pro-slavery *obiter dictum* by Philip Yorke and Lord Talbot both of whom mentored his “meteoric rise at the bar.” Shyllon spotlights Granville Sharp as an early abolitionist “unsung hero” who alone confronted “the accepted morality and inhumanity of the age which believed that ‘Blacks are Property.’”²⁷

Within the scholarship, Walvin and Shyllon’s popular publications cemented the limited role of *Somerset’s* case in England. Yet both monographs underscore the import of the nascent 1760s Sharp led abolitionist movement. While Walvin and Shyllon buttress revisionist neo-Fiddes interpretations of the case, their conclusions triggered the ensuing historiographical response that reassessed *Somerset’s* impact and reignited the humanitarian school of thought.²⁸

²⁷ Shyllon, *Black Slaves in Britain*, xi, 120-121.

²⁸ Stephen J. Braidwood, *Black Poor and White Philanthropists: London's Blacks and the Foundation of the Sierra Leone Settlement, 1786-1791* (Liverpool: Liverpool University Press, 1994) 19, 22; Alfred W. Blumrosen & Ruth G. Blumrosen, *Slave Nation: How Slavery United the Colonies and Sparked the American Revolution* (Naperville, Illinois: Sourcebooks, Inc., 2005); David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Oxford: Oxford University Press, 1975), 497-499; Seymour Drescher, *Capitalism and Anti-Slavery: British Mobilization in Comparative Perspective* (New York: Oxford University Press, 1987), 37, 39, 41, 45, 46; Seymour Drescher, *Enonocide: British Slavery in the Era of Abolition* (Pittsburg, Pa.: The University of Pittsburg Press, 1977); Peter Fryer, *Black People in the British Empire: An Introduction* (London: Billing 7 Sons, Ltd, 1988), 64; Peter Fryer, *Staying Power: Black People in Britain since 1504* (Atlantic Highlands, NJ.: Humanities Press, 1984), 132, 203-7; Gretchen Holbrook Gerzina, *Black London: Life Before Emancipation* (New Brunswick, New Jersey: Rutgers University Press, 1995), 132; Edmund Heward, *Lord Mansfield* (London and Chichester: Sweet & Maxwell, 1979), 147; A. Leon Higginbotham, Jr., *In the Matter of Color: Race and the American Legal Process. The Colonial Period*, 153-355 (Oxford: Oxford University Press, 1978); Philip D. Morgan, "British Encounters with Africans and African Americans, circa 1600-1780" in *Strangers within the Realm: Cultural Margins of the First British Empire*, ed. Bernard Bailyn and Philip D. Morgan (The University of North Carolina Press: Chapel Hill, North Carolina 1991), 165; James Oldham, "New Light on Mansfield and Slavery" *Journal of British Studies* 27 (1988), 68; William R. Cotter, "The Somerset Case and the Abolition of Slavery in England" *History* 79 (1994); Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade: 1440-1870* (New York: Simon & Schuster, 1997), 34-35.

The Humanitarian Resurgence

David Brion Davis's *The Problem of Slavery in the Age of Revolution, 1770-1823* (1975) emphasizes Sharp's burgeoning 1760s anti-slavery humanitarian campaign which led to "a distaste for slave auctions and advertisements for runaways" in the English metropole. He further adds that Mansfield's 1772 decision clarified that "it was no longer possible to take for granted the universal legality of slave property."²⁹ Thus, unlike Shyllon, Davis backs the anti-slavery bone fides of *Somerset*, while like Shyllon and Walvin, credits the early abolitionist push launched by Granville Sharp. Indeed, it was the diasporic warfare in 1760s England which led captives like Joseph Harvey, Jonathan Strong, and Thomas John Hylas to seek a writ of *habeas corpus* via the Sharp led anti-slavery alliance. These cases provoked national attention culminating in a trans-Atlantic *cause célèbre* with *Somerset* profoundly impacting the status of enslaved Anglo-Americans. If not for this reverberating effect would Atlanticists refer to the late-eighteenth and early-nineteenth century as the "golden age" of English abolitionism?³⁰ While my treatment does not discount the importance of the popular anti-slavery campaign in the late-1780s and the push to end plantation slavery in the 1830s, it contends that such movements were molded in the public consciousness decades earlier. The 1760s British moral and legal thrust toward emancipation leading to *Somerset* and its ensuing impact on Anglo-American Black freedom has been largely underappreciated by many historians.

²⁹ Davis, *The Problem of Slavery...Revolution*, 470, 495.

³⁰ This "golden age" is considered by many scholars like Seymour Drescher to begin circa 1787-88 when the mass anti-slavery campaign started and concluded in 1838 with the push to end the apprenticeship of former captives. This apprenticeship was stipulated along with payment of £20 million sterling by the slave compensation committee to enslavers via the Abolition of Slavery Act 1833. Drescher, *Capitalism and Anti-Slavery*, 3.

My quantitative assessment of the documented ‘runaway’ advertisements in eighteenth-century British newspapers demonstrates that it was this Afro-British agency that exposed the brutality of bondage galvanizing the nascent 1760s anti-slavery movement in the metropole. This marked a turning point which led to the death-knell of domestic slavery in England by 1772. Indeed, *Somerset’s* case generated a trans-Atlantic emancipationist alliance crippling slavery in the mainland American colonies and complicating it in the *antebellum* United States. Davis believes that when Mansfield’s oral judgment declared slavery “odious” to English law, this had long been a *fait accompli*. It was judicial “ignorance alone” conflating previous Afro-British judgments that “had little to do with the law of nations, maritime law, or even the legality of slavery in England.” Davis points out that the case law concerned civil claims related to individual captives, many of whom attained *de facto* freedom as employed wage earners once in England. Of those brought to court by enslavers, this involved an action of trover which was an attempt to recompense for personal property and in no way identified with the legality of slavery.³¹

Davis also challenges William’s “decline thesis” which he previously debated in *The Problem of Slavery in Western Culture* (1966), stating that while “persuasively argued that Britain became disenchanted with the slave trade only when her own Caribbean colonies were on the decline” it is desultory to link “economic profit and social values, or to conclude that antislavery attitudes were a direct response to economic change.”³² Therefore, he asserts that Williams economic determinism overstates the degree to which New World slavery funded the

³¹ Davis, *The Problem of Slavery...Revolution*, 475-477.

³² David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, New York: Cornell University Press, 1966), 153.

Industrial Revolution and mass abolitionism coincided with the economic decline of the West Indies. Davis acknowledges that planter debt to English merchants, and the reduced retail price of sugar below production costs, led to the monetary deterioration of the British West Indies. Yet the damage was irreversible by 1822 (not 1783) when England lifted mercantilist barriers on trade. Indeed, as early as 1772, Barbados and the Leeward Islands were fiscally dormant, and white colonists were exiting the British Caribbean *en masse*. English abolitionists and Adam Smith devotees viewed this decline as a foreseeable result of slavery and the special interest. This economic corrosion of the British Caribbean and fallout from the Haitian Revolution, “seemed to support the view that New World slavery was well on the road to extinction” and the dwindling numbers from the Trans-Atlantic Slave Trade support this conclusion.³³ Davis does temper his criticism of Williams, conceding that it is “difficult...to get around the simple fact that no country thought of abolishing the slave trade until its economic value had considerably declined.”³⁴ In other words, emancipation was first linked to rudimentary macroeconomics followed by moral and ethical considerations once the “fall of the planter class” was a *fait accompli*.

Coming off of Davis’s *The Problem of Slavery in the Age of Revolution* (1975) were two salient works by Seymour Drescher, both of which cogently back the “humanitarian” school challenging Eric Williams “wholesale devaluation of the significance of noneconomic forces in his *Capitalism and Slavery* (1944).”³⁵ Provoked by the republishing of Williams “decline” thesis

³³ Davis, *The Problem of Slavery...Revolution*, 55, 55fn.

³⁴ Davis, *The Problem of Slavery...Western Culture*, 153fn.

³⁵ Drescher, *Econocide: British Slavery in the Era of Abolition*, 4.

in 1966 and 1970, Dresher assaults this component of the argument starting with his main title *Econocide* (1977)--that British mass abolitionism peaked in the 1790s just when the profitability of slavery exploded leading to economic suicide.³⁶ The disinterested “abolitionists’ vision of provincial progress” had therefore trumped the “ruthless degradation” of the untrammelled commercial capitalist, prompting Parliament to rescind British participation in the Trans-Atlantic Slave Trade in 1807. Dresher’s dissection of the quantitative data is comprehensive and impressive. For example, he points out that Williams fails to analyze the decades from 1770 to 1820, “the critical period of the great mass campaigns against the slave trade and of the effective closing off of African labor to the British colonies.” During this fifty-year period, both annual exports-reexports from England-Wales to the British West Indies and imports into England-Wales from the Indies markedly climbed. The per annum value of exports and reexports from England-Wales escalated from around 1200 thousands of pounds starting in 1771 to over 4000 from 1791-95. Meanwhile, the per annum value of imports into England-Wales from the Indies doubled from 1771 at 3000 thousands of pounds to 6000 from 1791-95.³⁷ While Dresher does not highlight the connection, the beginning of this era of economic explosion in the British Atlantic economy coincided with Lord Mansfield’s adjudgment to emancipate James Somerset. Yet the case was outside of his central argument rooted in exposing the fiscal growth of British slavery in the face of the mass crusade to end the trade with the latter forces of disinterested English liberalism triumphing over economic greed and moral bankruptcy--for profit trading in

³⁶ Once scholars belatedly appreciated William’s contribution to slavery and the debate on abolitionism *Capitalism and Slavery* was reprinted in 1966 and the “decline” thesis was later included in his *From Columbus to Castro: The History of the Caribbean, 1492-1969* (New York, 1970).

³⁷ Dresher, *Econocide: British Slavery in the Era of Abolition*, 3, 5, 16-17.

human flesh. Of Sharp, Drescher states that his organized “juridical contests...appeared to have assured the civil rights of thousands of slaves or ex-slaves resident in Britain” and offers more analysis of *Somerset* in his follow-up monograph.³⁸

Following the publication of *Econocide* (1977), a decade later Drescher’s *Capitalism and Antislavery: British Mobilization in Comparative Perspective* (1987) focuses on the period from the first mass abolitionist movement in 1787-88 until the end of colonial apprenticeship in 1838-- a fifty-year era he coins the golden “age of British abolitionism.” Drescher argues that the “anthropological roots” of British anti-slavery mobilization stretched deeper than a small cohort of well-heeled activists like Granville Sharp, Thomas Clarkson, James Ramsey, and William Wilberforce. The nameless masses united in opposing slavery from 1788 to 1838, yet the “great flood of petitions that flowed into Parliament has left only scattered manuscript remains.” This dearth of material evidence prompted Drescher to trace these unsung mass abolitionists, most of whom were a “cross-class” of artisan-farmer evangelicals from Northern England like the Yorkshire Wesleyan Methodists, who “canvassed for abolition on a nationwide basis as early as 1791-2...and...in the final stage...achieved a confessionally identifiable adherence to petitions matched by no other group”³⁹ Drescher asserts that of all the slave-trading countries which surfaced after the exploration of the New World, it was the British who felt most ill at ease with the institution. This was evidenced in part by the fact that England never adjudicated domestic slavery only codifying the institution in the colonial Atlantic edges. Yet Drescher’s timeline excludes Medieval era villeinage and the Vagrancy Act of 1547 which introduced chattel slavery

³⁸ Ibid., 12.

³⁹ Drescher, *Capitalism and Anti-Slavery*, 3, 128, 130.

into England via Parliamentary Legislation.

Nonetheless, he contends that *Somerset* had legal and social significance and its impact was responsible for fanning the flames which extinguished *de facto* bondage in England. Legally, to use Drescher's term, it proved "deadly" to enslavers in Britain since Mansfield's unequivocal discharge of Somerset invalidated an assumed contract in bondspeople effectively abolishing capital in them at home and abroad. Enslavers could therefore remove captives from the metropole only as voluntary servants who had signed a contract. Further ingress of slavery into England was deemed illegal since enslavers could no longer hide behind colonial statutory law providing captives a large legal loophole to secure their freedom.⁴⁰ English Marxist writer Peter Fryer adds to this in his pioneering book *Staying Power: Black People in Britain since 1504* (1984), stating that legally Mansfield's verdict "helped... encouraged, and to some extent protected" Blacks who seized such opportunities inciting domestic slavery to "wither away" by the 1790s. While I argue that domestic servitude was collapsing by the 1760s, and wilted almost immediately following *Somerset*, Fryer correctly reveals that the disappearance of post-*Somerset* adverts highlighted enslavers capitulation to defiant Blacks who ever more demanded wages or absconded. The Afro-British population asserted "their dignity as human beings" and escaped the yoke of slavery--a gradual, cumulative process Fryer and other scholars aptly call "self-emancipation."⁴¹ Where Fryer and Drescher disagree is in their analysis of race. Fryer argues that "by the 1770s racism had more than a foothold in Britain" while Drescher fails to even see the West African character rooted in the genesis debate over bondage. This is categorically untrue

⁴⁰ Ibid., 38-42.

⁴¹ Fryer, *Staying Power*, 132, 203.

but I cannot dispute his claim that during the era of mass abolitionism “antislavery proved to be far more potent than anti-black sentiments in Britain.”⁴² The racial rhetoric had backfired against its perpetrators leading to increased sympathy for Blacks in Britain.

By the late 1980s the influential works of Drescher and Fryer along with the other footnoted scholars shifted the historiographical school of thought from the neo-Fiddes revisionist--who consider Mansfield’s decision legally and ethically prostrate--to a seminal event in the history of British abolitionism. In addition to a reinterpretation of the legal impact of *Somerset* and the social impact of the humanitarians, Afro-British agency was belatedly recognized as paramount to their own liberation. One other scholar in this cohort hardened the new historiographical consensus forever distancing it from the neo-Fiddes school--William R. Cotter. His influential article “The Somerset Case and the Abolition of Slavery in England” (1994) takes direct aim at Edward Fiddes, Jerome Nadelhaft, and Nan Wilson all of whom posit that fallacious court reporting in *Somerset* led colonial American and United States legal systems to speciously outlaw slavery in northern courts and include it into the common law--an “abolitionist myth,” remarked Wilson. Cotter claims that if this scholarship is accurate the “entire Anglo-American movement to end the slave trade and abolish slavery may have been based on a false interpretation of *Somerset* and the common law.” Yet he maintains that all six *Somerset* trial reports--including the official court transcript by Capel Lofft which Nadelhaft deemed highly inaccurate--are consistent with Lord Mansfield’s decision and that

Mansfield’s subsequent comments and actions do not undermine the sweep of the *Somerset* decision which by its outcome (*Somerset* was freed) and announced principles (slavery is ‘odious’ and requires specific statutory authority to be enforceable) left no legal basis to support slavery in England; that after *Somerset* English judges (including Mansfield) consistently upheld the rights of former slaves and never, thereafter, held for the masters; that there were, in fact, very few

⁴² Fryer, *Staying Power*, 161; Drescher, *Capitalism and Anti-Slavery*, 20.

cases of attempts to treat blacks as slaves in England after 1772, virtually all of which were unsuccessful, usually because of the well-organized abolitionists and the courts; and that contemporary observers – those closest to the case (both abolitionists and their opponents) – recognized that *Somerset* ended *de jure* slavery in England.⁴³

In other words, when Mansfield considered slavery ‘odious’ before the Court of King’s Bench--the highest common law court in the realm--only Parliament could sanction the institution which it never did notwithstanding a fierce anti-*Somerset* backlash by the sugar baron backed lobby.

The verdict therefore did indeed emancipate the estimated 15,000 Afro-British captives living in England and Wales ending *de jure* slavery in the metropole. While scholars like Nadelhaft question the accuracy of the neophyte lawyer Capel Lofft--who was working below the bar when engaged as a court reporter--Cotter points out that when cited in 1776 in the *English Reports* Lofft’s transcript was never questioned by Mansfield or any of the trial participants. It further proved consistent with independent published accounts in English newspapers, *The Scots Magazine*, and Granville Sharp’s unidentified court reporter. The focal question was whether Mansfield uttered that slavery was ‘odious’ as Lofft dictated. Cotter shows that these detached transcripts “while they vary in detail and language, make it clear that slavery is ‘odious’ or against ‘natural principles’ and that in the absence of any specific positive law there could be no slavery in England.” Two other versions of the trial, which appeared in the *Gentleman’s Magazine* and in Mansfield biographer Lord John Campbell’s *Lives of the Chief Justices*, omit the word ‘odious’ or a reference to ‘natural principles.’ Yet Cotter’s dissection of the language is consistent with legal scholar William Wiecek who stated there was ‘so much at variance with Mansfield’s ascertainable sentiments on the subject of slavery, that it must be

⁴³ Cotter, “The Somerset Case and the Abolition of Slavery in England,” 32, 34.

viewed as spurious.’⁴⁴

Cotter further takes issue with neo-Fiddes scholars James Walvin and F.O. Shyllon, both of whom categorically aver that Mansfield’s narrow decision was limited to preventing the forced removal of captives out of the metropole and sold back into colonial bondage. While this proved true asserts Cotter, it “does not follow that Mansfield believed that all other aspects of the master/slave relationship remained in force in England. His holding that slavery is ‘odious’ to the common law and requires specific ‘positive law’ to authorize it would mean that *no* [emphasis added] aspect of slavery was authorized in England since no positive law ever provided for any form of slavery at home.” Therefore, once a captive set foot on English free soil, this defied Mansfield’s ruling, and without the supremacy of Parliament to trump his decision, legally domestics were bound to no one. If indeed a legal contract remained in force between a servant and slaveholder in the post-*Somerset* era, it would be negotiated on an *ad hoc* basis between the two parties rather than universally recognized by metropolitan law or Acts of Parliament.⁴⁵

The Transatlantic Turn

With the increased interest in Atlantic world history from the 1990s, the scholarship on *Somerset* ever more took on this trans-Atlantic turn. The neo-Fiddes interpretation of Mansfield’s decision had concurrently surrendered, opening the floodgates to salient works which reinterpreted *Somerset* and its impact on the larger Atlantic diaspora. Several studies directly connected the verdict to the American Revolution and later the anti-slavery effort in the United States. The essence of this argument held that since colonials tethered to slavery believed Mansfield’s decision ended domestic servitude in England, this would lead Parliament to close

⁴⁴ Ibid., 36, 37, 38, 39.

⁴⁵ Ibid., 40.

British involvement in the Trans-Atlantic Slave Trade, and legally end plantation slavery in the southern colonies. In turn, with the planter class in a state of panic, the colonies quickly rebelled and fought not for personal freedom from British tyranny, but over the preservation of slavery. Once the American colonists were victorious the doctrine of *Somerset* was embedded into the common law and constitution which reinforced slavery via the Fugitive Slave Law and Northwest Ordinance. Yet the case was later utilized as a legal precedent against slavery leading up to the United States Civil War. Unleashing such a reverberating force from the emancipatory earthquake in the English metropole to the mainland North American colonies, *Somerset* proved anything but a fatigued event having little, if any, effect on slavery in the Atlantic. This final leg of the historiography will first discuss the salient literature highlighting the abolitionist strength of *Somerset* in the English metropole and its ensuing trans-Atlantic impact on race in the colonies and the *antebellum* United States. Second, it synthesizes the scholarship on *Somerset* which speaks to its impact in the Caribbean. While lastly, it underscores a pair of historians whose methodological approach fits within my discourse.

Alfred W. Blumrosen and Ruth G. Blumrosen's *Slave Nation: How Slavery United the Colonies & Sparked the American Revolution* (2005) place the corpus of their attention on the Virginia plantocracy and its response to Lord Mansfield's 1772 decision to free James Somerset. Of the impact *Somerset* had in the English metropole, the Blumrosens agree with Peter Fryer that "the decision was in large measure self-executing as slaves walked away from their masters and the masters gave up" leaving domestic slavery to wither away by the late-eighteenth or early nineteenth century. While the trial and its resolution were covered extensively in the colonial American press, the insulated Old Dominion was limited to receiving mail with minimal newspaper delivery, leaving the southern gentry to discourse on political events in plantation

drawing rooms. Once these planters heard that an unknown-outsider English judge across the Atlantic declared slavery ‘so odious’ that British common law could not support it this placed tobacco in peril and affronted their character. Echoing T. H. Breen, the Blumrosen’s posit that the Virginia plantocracy used their tobacco as a measuring stick to judge personal character and therefore “proud and independent-minded men were given a double wound: to their honor and to their independence, administered by a stranger who appeared to be ignorant about the fundamentals of life in colonial Virginia.” Since Mansfield told Charles Stewart that an appeal to Parliament might serve the planter interest in the future following “*Somerset*, slavery and the colonial life it supported existed at the will of an apparently unfriendly Parliament” whose hegemony was solidified via the unpopular repugnancy clause of the 1766 Declaratory Act. Indeed, the fact that Parliament never intervened and legislated *de jure* slavery in England was as contemptuous to these proud southern slaveholders as *Somerset* itself aver the Blumrosen’s. This all culminated with the committees of correspondence before the House of Burgesses, dominated by the Virginia planter elite, all of whom obtained unimaginable riches under British hegemony. Yet the “*Somerset* decision, with its implications for southern slavery” posit the Blumrosen’s, led these men who were hitherto content as colonial subjects to “spark” a revolution over the protection of slavery and their individual pride.⁴⁶

On top of the Blumrosen’s monograph was legal historian Stephen M. Wise’s *Though the Heavens May Fall: The Landmark Trial That Led to the End of Human Slavery* (2005), whose book starts with the emergence of Granville Sharp and the 1765 Afro-British Jonathon Strong trial and ends with *Somerset*’s case and its transoceanic “ripples of liberty.” Wise analyzes the

⁴⁶ Blumrosen’s, *Slave Nation*, 35, 36, 37, 48.

salient post-*Somerset* case law in England where in all fifteen instances judicial officers adjudicated for Blacks thereby preserving the precedent of Mansfield's verdict. His legal analysis turns trans-Atlantic and Wise shows how *Somerset* "was even more influential in America" and shaped legal systems in the *antebellum* United States. Of the many African-American cases citing *Somerset* was the 1856 dissent of the infamously rendered *Dred Scott v. Sanford* verdict. In a seven to two decision the United States Chief Justice Roger Taney, who represented the majority opinion, denied citizenship rights to Blacks and in the process denied Scott and his spouse Harriot freedom despite their free soil appeal in Illinois. The opinion ignited outrage among anti-slavery activist and Wise argues that "indirectly, the Mansfield judgment led to the abolition of slavery in the United States." He reminds us that James Madison demanded the Fugitive Slave Acts be included in the United States Constitution based on the decision in *Somerset*. In turn, when the South departed from the union they "blackened their own constitution by nullifying *Somerset* and granting Southern owners the right" to enact sojourner laws, which allowed enslavers in transit to travel for a predetermined time on free soil without fear of losing their captives to freedom. Wise sums up *Somerset* and its legal influence on bondage. Both its detractors and supporters agree the case stood for threefold: "Natural law rejected slavery, English common law prohibited it, and only positive local law supported it. This was something for everyone."⁴⁷

The link between *Somerset* and colonial motivations for fighting the American Revolution has grown exponentially since the Blumrosen's and Wise revisited the argument in 2005. Marxist historian Gerald Horne takes a *longue durée* approach and dates the connection

⁴⁷ Stephen M. Wise, *Though the Heavens May Fall: The Landmark Trial That Led to the End of Human Slavery* (Da Capo Press: Cambridge, Massachusetts, 2005), 198, 199, 202.

back to the 1688 Glorious Revolution in England. His thesis is skillfully drawn out in two separate monographs titled *The Counter-Revolution of 1776* (2014) and *The Apocalypse of Settler Colonialism* (2018). The so-called “bloodless revolution” of 1688 arrested Stuart Catholic absolutism placing control in the Crown-in-Parliament under the dual Protestant monarchs William III and Mary II. Yet Horne attests that the 1688 English ideals of free trade and capitalism proved responsible for deregulating the Royal African Company (RAC) in 1698, flooding the mainland North American colonies with enslaved Africans. While the increased number of unfree bondspeople pumped up planter profit, it also provoked intensified rebellion and resistance in the British Caribbean. This heightened insurrection among captives resulted in mainlanders turning their back on the wave of abolitionism in England generated as a result of Lord Mansfield’s anti-slavery decision in *Somerset*. The literate populace in the metropole posits Horne, “had plenty of opportunity to parse the details of what came to be referred to as Somerset’s case” which cemented the idea “that London favored the enslaved over the slaveholder.” He adds that comprehensive coverage of the trial in the Anglo-American press terrified the planter class as “headlines blared about Africans being armed by London and Paris, suing for freedom in Scotland, and, naturally plotting revolt in Jamaica.” These fears of amplified rebellion, and concerns that the 1772 verdict would trump colonial American legal systems and eradicate slavery, led the colonist to spearhead a “counter-revolution” to defend the institution in 1776. Horne avers that *Somerset*, fused with Virginia governor Lord Dunmore’s 1775 “bombshell” proclamation to emancipate southern bondspeople who supported the Crown, “solidified opposition to London, ushered into existence a new republic, and ossified for

decades...a caste like status for Africans.”⁴⁸

I argue that *Somerset* indeed made all who profited from colonial slavery in America ever more angst-ridden. Yet the imperial imbroglio between British North America and the English metropole dates back to 1763 when the colonist via the 1764 Sugar Act begrudgingly paid taxes to fund the Seven Years’ War. Other imperial issues followed, including the 1765 Stamp Act crisis, the 1767 Townshend Acts, and the 1774 Intolerable Acts. Yet despite all of the infighting, three months after hostilities commenced at Lexington and Concord on 5 July 1775 the Second Continental Congress sent the “Olive Branch Petition” to King George III with the hope of maintaining the imperial relationship. This colonial white flag-waving scarcely appeared rooted in a bellicose Continental Congress intent on severing its colonial status in defense of slavery. And Dunmore’s Proclamation was not predicated on *Somerset*, nor rooted in sincere acknowledgment of Black freedom, but served as a military strategy to divide and conquer. In the end, the Black Loyalist were relegated to rear guard duties and rarely experienced armed conflict. They were furthermore treated appallingly by the British army often abandoned without rations and only a few hundred experienced freedom following the war.

The legal politics of slavery is paramount to my treatment and a number of works speak to the machinations of slave law throughout the Anglophone Atlantic. Edward B. Rugemer’s *Slave Law and the Politics of Resistance in the Early Atlantic World* (2018) is a comparative analysis of the disparate politics of slavery, slave law, and resistance in British North America

⁴⁸ Gerald Horne, *The Apocalypse of Settler Colonialism: The Roots of Slavery, White Supremacy, and Capitalism in Seventeenth-Century North America and the Caribbean* (New York: Monthly Review Press, 2018), 9, 174; Gerald Horne, *The Counter-Revolution of 1776: Slave Resistance and the Origins of the United States of America* (New York and London: New York University Press, 2014), 210, 211.

and the Greater Antilles. Rugemer demonstrates that the powerful political plantocracy in these colonial slave societies were well-connected and this like-minded British Atlantic legal discourse ensured stability and profitability. Such fast moving trans-Atlantic conversations among whites also speak to the news, rumor, and supposition shared by Black sailors and captives which will feature prominently in this dissertation. Rugemer shows how mid-eighteenth-century South Carolinian planter-legislators manipulated legal systems to counter the anticipated oncoming politics of a full-throated Anglo-American antislavery lobby. These lawmakers sought to balance “force with humanity” and “domesticate” the slave regime which laid the groundwork for future pro-slavery politics.⁴⁹ On the other hand, with numerous Coromantee-descended Maroons living in the Jamaican foothills, and a Black majority inhabiting the island, violent diasporic warfare led the British to “militarize” its slave population. Rugemer asserts that the politics of resistance coupled with organized abolitionism and slave law worked collectively to create political instability amongst the slavocracy during the imperial crisis. It was in London where this “first became evident in the momentous Somerset case of 1772, the culmination of a series of cases brought by runaway slaves supported by Britain’s first abolitionist, Granville Sharp.” He goes on to posit that as the crisis unfolded it shook pro-slavery politics to the core and created openings for “organized resistance in both South Carolina and Jamaica, which black rebels exploited.” Therefore, during the Age of Revolution Afro-British captives fighting their own diasporic war via absconding and appropriating the legal system in England, along with Sharp’s assistance and Mansfield’s 1772 verdict, reverberated across the British Atlantic and “redefined the meaning of

⁴⁹ Edward B. Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World* (Cambridge, Massachusetts: Harvard University Press, 2018), 118.

a fight for liberty.”⁵⁰ The shifting imperial politics of slavery first predicated on *Somerset’s* case served to “*complicate* [emphasis added] the defense of slaveholding and create new opportunities for slave rebels in the generations that followed.”⁵¹ Despite this language, Rugemer clarifies that *Somerset* played no role in American Independence. Yet the verdict did “endow antislavery ideas with rich political salience, and as the imperial crisis deepened, antislavery calls rang louder.”⁵² Therefore, both imperceptibly and forcefully the undulating effect of Mansfield’s legal decision reshaped the politics of slavery.

Patricia Hagler Minter’s article “‘The State of Slavery’: *Somerset, The Slave, Grace*, and the Rise of Pro-Slavery and Anti-Slavery Constitutionalism in the Nineteenth Century Atlantic World” (2015) dissects the extant *antebellum* case law embedded in *Somerset*. Her analysis shows how Mansfield’s 1772 verdict shaped the politics of legal discourse involving comity among free and slave states, conflict-of-laws doctrine, and temporary captive sojourners entering free territories. Minter argues that by the 1820s due to verdicts in Anglo-American courts *Somerset* was legally revived which weaponized abolitionists in the nineteenth century United States.⁵³ However, as successful anti-slavery verdicts mounted influential pro-slavery jurists seized on the common-law doctrine of “reversion and reattachment” which challenged the legitimacy of *Somerset* from the 1830s until disunion. This legal principle was based on an appellate ruling that involved an Antiguan colonial captive named Grace James who

⁵⁰ Rugemer, *Slave Law*, 171.

⁵¹ *Ibid.*, 172.

⁵² *Ibid.*, 210.

⁵³ Patricia Hagler Minter, “‘The State of Slavery’: *Somerset, The Slave, Grace*, and the Rise of Pro-Slavery and Anti-Slavery Constitutionalism in the Nineteenth-Century Atlantic World.” *Slavery & Abolition* 36 (2015), 603, 604.

traveled with her enslaver to English free soil. The court held in *The Slave Grace* that upon returning to Antigua James had “reverted” back to a state of bondage.⁵⁴ Yet Minter cites subsequent antislavery decrees based on *Somerset* and concludes with a New York appellate judgment in *Lemmon v. The People* (1860) that “used the anti-slavery...interpretation of Mansfield’s opinion as precedent” and overturned reversion and reattachment.⁵⁵ My argument corresponds with Minter’s analysis in that *Somerset* served to upset the balance of slavery in the United States resulting in secession.

Matthew Mason’s article “North American Calm, West Indian Storm: the Politics of the *Somerset* decision in the British Atlantic” (2020), and Trever Burnard’s monograph *Jamaica in the Age of Revolution* (2020), offer divergent interpretations regarding the effect that Mansfield’s judgment had on the British Caribbean and American colonies. Mason posits that in 1772 the American colonials “had bigger fish to fry” which included the imperial crisis and a financial collapse in London which reached its zenith on 22 June 1772 the day Mansfield rendered his verdict.⁵⁶ He claims that *Somerset* received little coverage in the provincial press, the southern plantocracy remained unconcerned--responding neither publicly nor in private to the judgment--and hiding behind Rugemer’s narrative Mason implies that since Mansfield’s adjudication did not lead to the American Revolution, the anti-slavery politics *Somerset* had on bondage in British North America was prostrate. He claims that during the American Revolution it was English “transatlantic abolitionism in general, not to Mansfield” that frightened the slaveocracy which

⁵⁴ Minter, “The State of Slavery,” 605.

⁵⁵ *Ibid.*, 613.

⁵⁶ Matthew Mason, “North American Calm, West Indian Storm: The Politics of the *Somerset* decision in the British Atlantic.” *Slavery & Abolition* 41 (2020), 738.

led to state control over the institution.⁵⁷ Indeed, since *Somerset* was part and parcel of the Anglo-American abolitionist movement from 1772 until disunion, Mason is splitting historical hairs and effectively dismissing its emancipationist impact in colonial America and the United States. He goes on to aver that the West Indian plantocracy had the most to fear from Mansfield's ruling. Trevor Burnard asserts that despite the highly publicized writings of Caribbean planters Edward Long, Samuel Estwick, and Samuel Martin denouncing *Somerset* the case "had less impact...than might have been expected." He cites four reasons why: the judgment came at the apogee of economic output in the Caribbean; British abolitionist failed to utilize the decision to ramp up their cause; Mansfield's reticent language when adjudicating the verdict eased emancipationists concerns; and West Indian loyalty to the metropole which was anathema to increased colonial American dissent guaranteed the planters Parliamentary protection.⁵⁸ Yet Burnard says as English anti-slavery rhetoric intensified with the *Somerset* decision, this "demonized" the West Indian planter class as "immoral" which placed them on the defensive.⁵⁹ In the eyes of British metropolitans, compared to slavery in colonial America the tortuous treatment toward Blacks in the Caribbean was extreme and ever more exposed. Burnard concludes that the out of touch West Indian pro-slavery lobby "were undone by their racism" and "inattention" to Somerset's defense as well as Granville Sharp's anti-slavery assessments.⁶⁰ My

⁵⁷ Mason, "North American Calm," 726, 733, 736.

⁵⁸ Trevor Burnard, *Jamaica in the Age of Revolution* (Philadelphia, Pennsylvania: University of Pennsylvania Press, 2020), 155-156.

⁵⁹ Burnard, *Jamaica in the Age of Revolution*, 154.

⁶⁰ *Ibid.*, 166.

analysis parallels Burnard's evaluation of the impact pro-slavery newspaper editorials and high profile planter-writers had on popular opinion in the wake of *Somerset*. While Burnard provides evidence that the post-*Somerset* pro-slavery invective worked against the sugar barons, my examples illustrate that such racial diatribes included in the pamphlet literature and British press stirred anti-slavery backlash by the 1760s.

The state of "diasporic warfare" borrowed from Vincent Brown's *Tacky's Revolt: The Story of an Atlantic Slave War* (2020) informs the portrayal of the British Atlantic world in this dissertation. Brown emphasizes that this militaristic diasporic warfare in Jamaica led to the 1760-1761 Coromantee revolt and instilled fear in the heart of the colonial population with reverberations that "crisscrossed the Atlantic" diaspora.⁶¹ As colonial bondpeople arrived in England--many of whom came from Jamaica--this state of war quickly took hold in the metropole creating metropolitan maroons. These captives increasingly absconded and used the legal system to obtain freedom which had a trans-Atlantic impact on emancipation. Julius S. Scott's transnational "history from below" *The Common Wind: Afro American Currents in the Age of the Haitian Revolution* (2018) illuminates how black resistance via shared "intelligence" was disseminated throughout port cities in the eighteenth-century Atlantic diaspora. Free African-descended sailors as well as maroons, traders, musicians, runaways, and other "masterless" people who increasingly interacted with whites created an "underground" network that reported on rebellions, abolitionist movements, political currents, and rumors of liberation.⁶²

Scott points out that the Black London inhabitants, whose determined "efforts to avoid

⁶¹ Brown, *Tacky's Revolt*, 7.

⁶² Julius S. Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution* (London and New York: Verso, 2018), xi, 44, 75.

re-enslavement” generated popular opposition to the institution establishing the legal framework for *Somerset’s* case, informed British abolitionists and furnished firsthand reports of the atrocities that bondage and the transatlantic slave trade inflicted on captives. He ties the reverberations of *Somerset* to Granville Sharp’s Society for Effecting the Abolition of the Slave Trade, later popular emancipation petitions, and Parliamentary debates which culminated in the 1807 British Abolition Act. Scott’s “common wind” features oral accounts of British abolitionism coupled with printed anti-slavery pamphlets and woodcuts sailing through the Atlantic keeping colonial captives well-informed. Scott’s fusion of oral and written sources speaks to how I will connect *Somerset* to the larger Black diaspora. The rippling transatlantic importance he places on the 1760s Afro-British captives seeking legal freedom, Sharp, and Mansfield’s 1772 decision, places greater weight on this earlier abolitionist era. Scott’s methodology is considered foundational as numerous Atlanticists like Ada Ferrer have embraced the oral transmission of information. Ferrer’s transnational monograph *Freedom’s Mirror: Cuba and Haiti in the Age of Revolution* (2018) embraces the verbal interconnectivity linking Cuban Blacks with events taking shape in St. Domingue, which roused neighboring solidarity between African descended people on both islands during the period of the Haitian Revolution. Her account of the Cuban autodidact and freedom fighter José Antonio Aponte illuminates how Blacks embraced news from the greater Atlantic world and applied this to diasporic warfare.⁶³

⁶³ See Ada Ferrer, *Freedom’s Mirror: Cuba and Haiti in the Age of Revolution* (New York: Cambridge University Press, 2014).

CHAPTER 3

RACIAL CONSTRUCTION, BRITISH SLAVERY & *SOMERSET* IN HISTORICAL CONTEXT

*“No subject more pleasing than that of the removal of evils—Evils have existed almost from the beginning of the world—but there is a power in our nature to counteract them—this power increased by Christianity—of the evils removed by Christianity one of the greatest is the Slave-trade—The joy we ought to feel on its abolition from a contemplation of the nature of it...”*¹

--Thomas Clarkson (London 1808)

Chapter three proffers a sweeping overview of the ensuing content in this study--motifs that are expounded on and particularized in subsequent chapters. It traces the origins of English xenophobia and racial construction in order to understand the British enslavement of New World Africans beginning in 1562 with the voyages of Sir John Hawkins (Hawkyms). The chapter underscores the rise and fall of the British planter class, delving into the socio-cultural and legal link between enslaved Africans in the colonial fringes and the Black presence in the English metropole. It further advances the political machinations between the British Parliament, crown, and common law judges, which influenced the new mercantile interest and the Stuart era courts. While the politics of slavery also inflated the carrying trade in 1698, leading to an unbroken chain of Africans entering the realm as fashionable domestic servants in the eighteenth century. In turn, this created cultural and legal challenges due to an English population historically fearful of non-Anglo ‘outsiders’ and a legislative and judicial system unprepared for the constitutional issues created by unfree Blacks in the realm. In addition to hinting at the legal see-saw involving

¹ Thomas Clarkson, *The History of the Rise, Progress and Accomplishment of the Abolition of the African Slave Trade by the British parliament* (London: Printed by R. Taylor and Co., Shoe-Lane, for Longman, Hurst, Rees, and Orme, Paternoster-Row, 1808), vol. 1, 5. [emphasis original]

unfree Afro-British servants, this overview touches on the import of English anti-slavery in the 1760s, the impact of *Somerset's* case in the British Empire, and the *antebellum* United States--all scrutinized and reinforced in greater detail in chapters four through six.

The historical context involving race-based Afro-British domestic slavery and the push toward emancipation in England can be traced to the nascent British immersion in the Trans-Atlantic Slave Trade and the economic expansion of the colonial plantation complex. The British Parliament sanctioned the African trade as well as colonial slavery, and numerous provincial Black Codes legally codified captives in the West Indian and mainland North American colonies.² Yet prescient British Acts of Parliament never effectively legislated domestic servitude in the English metropole.³ The Crown-in-Parliament did not envisage the stream of unfree Africans forced into the realm as *au courant* servant-slaves after deregulation of the trade in 1698, leaving the common law lower courts grappling over the legality of Afro-British domestic servitude.⁴ The introduction of New World enslaved Africans into the metropole also stimulated intrinsic racial and xenophobic impulses among the English population protective of

² The British Statutes at Large sanctioned the Trans-Atlantic Slave Trade and granted the West Indian and American colonies the right to human property in three separate statutes: 9 and 10 Will III, c. 26 (1698); 5 Geo. II, c. 7 (1732); 23 Geo. II, c. 31 (1750).

³ British Parliamentary historians Ruth Paley, Cristina Malcolmson, and Michael Hunter untapped evidence of abortive bills in 1674, 1688, and 1691 which sought to address domestic slavery in England and ameliorate conditions for colonial captives as well as deliberate the issue of conversion conferring freedom (see chapter four).

⁴ While this dissertation uses the word “servant” Thomas Clarkson observed that ship’s captains, resident colonial planters, merchants, and government officials brought “certain *slaves* to act as *servants*” [emphasis added] during their sojourn in England. The two words are interchangeable and synonymous. The Blacks forced into the African diaspora in England as “servant-slaves” endured social limitations, family dislocation and separation, and torturous treatment like their unfree counterparts living throughout the Atlantic. See Clarkson, *The History of the Rise...of the African Slave-Trade*, 341-342n.

its Anglo-Saxon complexion and established socio-cultural and sectarian conventions. English involvement in New World bondage was preceded by chattel slavery, which existed during the Roman occupation of Britannia until it petered out--replaced by feudal era bonded tenant farmers or serfs legally known as villeins.⁵ Cultural historian Orlando Patterson posits that a “social death” was inherent to both the Atlantic system and slavery.⁶ Yet the English villein, much like the indebted peon in *postbellum* Jim Crow America, existed in a personal purgatory between slavery and freedom.

The profuse thirteenth through sixteenth-century British Statutes of the Realm prosecuted runaway villeins, the impoverished, and criminals, many of whom resided in the outsider Celtic Fringes of Wales, Scotland, Ireland, and Cornwall where English xenophobia was caustic and endemic.⁷ “Welsh” is a pejorative Anglo-Saxon term that translates to “slave” or “foreigner” and the English were contemptuous of the rustic traditions and language of their Celtic neighbors in western Britain. Ireland and its Catholic churches were assaulted by Oliver Cromwell’s New Model Army during the English Civil War and the ensuing Glorious Revolution of 1688 reduced Éire to an island colony, while leaving Scotland orphaned without a sovereign. In her treatment *Britons: Forging the Nation, 1707-1837* (1992), Linda Colley illuminates “the absolute centrality

⁵ *Villein*. “*Hist.* A person entirely subject to a lord or attached to a manor, but free in relation to all others; a serf. *Villein in gross*. A villein who was annexed to the person of the lord, and transferable by deed from the owner to another. *Villein regardant*. A villein annexed to the manor of land.” Bryan A. Garner, ed. *Black’s Law Dictionary*, 7th ed. (St. Paul, Minnesota: West Publishing Company, 1999), 1563.

⁶ See Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Massachusetts: Harvard University Press, 1982).

⁷ 5 Ed. I, c.3 (1277); 14 Ed. I, c. 4 (1286); 18 Ed. I, c. 3 (1290); 39 Ed. I, c. 4 (1311); 23 Ed. III, c. 7 (1349); 12 Rich. II, c. 7 (1388); 19 Hen. VII, c. 12 (1528); 27 Hen. VIII, c. 25 (1536); I Ed. VI, c 16 (1549).

of Protestantism” to a shared British identity in Scotland.⁸ This proved problematic since the Scottish western Highlands was a Catholic haven for the Old Pretender and Jacobitism where Lord Bute ostensibly colluded with papists, infamously highlighted in the Scottophobic publication *North Briton 45*. Despite parliamentary legislation, numerous rouses and vagabonds roamed the Tudor era highways and the Vagrancy Act of 1547 institutionalized chattel slavery in the kingdom.⁹ Elizabethan constitutional historian G.R. Elton clarifies that “the doctrine of the supremacy and omnicompetence of parliamentary” law meant “statute was remediable only by another statute” and thus the common law courts could never upend or supersede the legislative hegemony of parliament.¹⁰ For even if “the parliament will positively enact a thing to be done which is unreasonable, I know of no power that can control it,” emphasized Sir William Blackstone.¹¹ When the Vagrancy Act was quickly repealed two years later in 1549, only four years before English explorers visited West Africa in 1553, it was therefore through parliamentary legislation.¹² For 500 years various iterations of human bondage existed in the British Isles instituting a positive law exemplar which racially codified New World slaves in the seventeenth and eighteenth centuries.

⁸ Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven and London: Yale University Press, 1992), 18; see also Colin Kidd, “North Britishness and the Nature of Eighteenth-Century British Patriotisms” in *The Historical Journal* 39 (1996), 361-382.

⁹ I Ed. VI, c. 3 (1547).

¹⁰ G. R. Elton, *The Parliament of England: 1559-1581* (Cambridge: Cambridge University Press, 1986), 32.

¹¹ Sir William Blackstone, *Commentaries on the Laws of England I* (Oxford: Clarendon Press, 1765), 91.

¹² 3 & 4 Ed. VI, c.16 (1549).

The First Voyages to West Africa: The Genesis of British Racial Construction

In 1553 Englishmen first explored West Africa and pejorative observations of unfamiliar African blackness, physiognomy, cosmological, and socio-cultural practices led them to justify the legal classification of racial slavery in the emerging British Empire.¹³ During the 1553 expedition, the English translator Richard Eden remarked that the people of equatorial Guinea were “idolatrous” and therefore absent “of any religion, or other knowledge of God.” The first New World Africans were brought to the English metropolis the following year on a 1554 voyage sponsored by Sir John Yorke, Thomas Locke, and Edward Castelyn. In light of testimony from the Eden expedition it is unsurprising that when these eight West Africans disembarked in London, in his *The Principle Navigations, Voyages and Discoveries of the English Nation* (1589), the writer and colonial promoter Richard Hakluyt fixated on the “very black” complexion of these men who appeared put off by the temperate English climate. In 1554 the London merchant William Towrson accompanied by captain John Lok made the first of three voyages to disrupt the Portuguese gold, ivory, and spice monopoly with Africa. Towrson and Lok had imported Ghanaians to London so “they could speak the language” and interpret between English and African traders.¹⁴ Testimony from the Towrson led sojourn associated the “beastly” Guineamen with godlessness and their darkened and scarred complexion was described as His retribution: “so scorched and burned with the heat of the sun, that in many places they

¹³ The historiographical literature on the “origins” question of racism and slavery is immense. When Eric Williams’ stated that “Slavery was not born of racism: rather racism was the consequence of slavery” this set off the debate which continues to illicit disparate historiographic responses. Eric William’s *Capitalism & Slavery* (London: Oxford University Press, 1944), 7.

¹⁴ Richard Hakluyt, *The Principle Navigations, Voyages and Discoveries of the English Nation* (2 vols, London 1589; facsimile edition with and introduction by D. B. Quinn and R. A. Skelton London, 1965), vol. 1, 97, 107-108.

curse it when it riseth.”¹⁵ In addition to depicting Africans as “beastly” and “godless,” Hakluyt’s testimonies described Guineans as “monkeman like” which proved the dawn of the aesthetic simian trope.¹⁶

The ontological racialization of African materialism intersected with skin-color and “Ham’s curse” biblically rationalized the enslavement of Blacks.¹⁷ “This biblical story was the single greatest justification for Black slavery” for over a millennia posits scholar David M. Goldenberg, despite the fact that sub-Saharan Africans played no part in the chronicle. Yet Ham emerged as “the father of black Africa.” Goldenberg challenges the historiographic orthodoxy that within ancient Jewish culture there existed “an underlying anti-Black sentiment.” He examines the period from 800 BCE to the seventh century CE following the rise of Islam and

¹⁵ Hakluyt, *The Principle Navigations*, vol.1, 84, 94. The “scorched” skin mistaken for God’s wrath were “country marks” which identified heterogeneous West African cultures. Michael A. Gomez illustrates once enslaved in the *antebellum* United States West Africans transcended their diverging ethnic identities or “ethnogenesis” never fully assimilating, but emerging as “a polycultural African American community” nurturing “related yet distinguishable life-styles.” See Michael A. Gomez, *Exchanging Our Country Marks: The Transformation of African Identities in the Colonial and Antebellum South* (Chapel Hill, North Carolina: The University of North Carolina Press, 1998), 8, 9.

¹⁶ Hakluyt, *The Principle Navigations*, vol. 2, 525, 526.

¹⁷ Occurring just before the deluge, the biblical story of Ham’s curse was told in Genesis 9:20-27: “Noah, a man of the soil, proceeded to plant a vineyard. When he drank some of the wine, he became drunk and lay uncovered inside his tent. Ham, the father of Canaan, saw his father’s nakedness and told his two brothers outside. But Shem and Japheth took a garment and laid it across their shoulders; then they walked in backward and covered their father’s nakedness. Their faces were turned the other way so that they would not see their father’s nakedness. When Noah awoke from his wine and found out what his youngest son had done to him, he said, ‘Cursed be Canaan! The lowest of slaves will he be to his brothers.’ He also said, ‘Blessed be the Lord, the God of Shem! May Canaan be the slave of Shem. May God extend the territory of Japheth, may Japheth live in the tents of Shem, and may Canaan be his slave.’” Ham’s curse was representative of biblically weaponizing Christianity to justify New World slavery. *The Holy Bible New International Version: Containing The Old Testament and The New Testament* (Grand Rapids, Michigan: Zondervan Bible Publishers, 1978), 9.

argues that “race did not matter” in Judeo-Christian writings. Jewish works associated the color black with malevolence and evil, but the “patristic metaphorical representation of the Black African as demon is not found in Jewish literature.” Goldenberg concludes that anti-Black attitudes developed in the seventh century when Arabia conquered and enslaved Africans.¹⁸

Written under the *nom de plume* “Candidus” a pamphlet opposing the 1787 push to end the Trans-Atlantic Slave Trade--as well as trumpeting pro-slavery Afro-British legal cases--leaned heavily on the Hamitic curse. When the son of Noah “Ham committed a crime for which it pleased God to curse Canaan” He condemned “the whole family of Ham” whose “original settlement...was in Africa, Arabia and Babylon.” In these territories “slavery commenced soon after...where...the curse was denounced upon Canaan.” The author concluded that the carrying trade was “founded upon, and supported by acts of parliament” and this trade “would be a more effectual means of civilizing negroes” condemned under the Hamitic curse.¹⁹ The curse of Ham transcended the era of the Trans-Atlantic Slave Trade in Great Britain and Modesto Brocos’ *Casta* oil on canvas *Ham’s Redemption* (1895) delineated three familial generations, from a dark complected formally enslaved Afro-Brazilian grandmother, to her light complected grandchild

¹⁸ David M. Goldenberg, *The Curse of Ham: Race and Slavery in Early Judaism, Christianity, and Islam* (Princeton: Princeton University Press, 2003), 1, 3, 4, 196, 200. Rather than arguing against Black racism in ancient Jewish culture theologian David M. Whitfield’s work on the curse places greater emphasis on its relationship to the biblical text--Hebrew and Latin Vulgate--and the early dissemination of Ham’s curse in the post-Reformation era. See David M. Whitford, *The Curse of Ham in the Early Modern Era: The Bible and the Justifications for Slavery* (Surrey, England: Ashgate Publishing Limited, 2009).

¹⁹ “Candidus,” *A Letter to Philo Africanus, upon slavery. Together with the opinions of Sir John Strange, and other eminent lawyers upon this subject, with the sentence of Lord Mansfield, in the case of Somerset and Knowles* (London: Printed for W Brown, Booksellers, Corner of Essex-Street, Strand, 1787), 26, 27.

who achieved *branqueamento* or whitening through miscegenation freeing the descendants from the biblical curse.²⁰

While scholars argue that the English Reformation was either a consequence of forced crown conversion from the top down or a new religious dogma spread organically, G.R. Elton submits that “by 1553 England was almost certainly nearer to being a Protestant country than to anything else.”²¹ Richard Eden and his fellow travelers first explored equatorial Guinea in 1553, and Africanist historians Linda M. Heywood and John K. Thornton point out in their book *Central Africans, Atlantic Creoles, and the Foundation of the Americas, 1585-1660* (2007) that in the post-Reformation era Europeans had no latitude for African cosmology. “Of, all the traits that Africans displayed,” the readers of the noted sixteenth-century Eurocentric Anglican cleric and travel writer Samuel Purchas found “the most troubling...was their non-Christian religion.”²² In these instances, English observations were rooted in western European norms with no thought given to African cultural variances. Testimony stating that “Whore women are common: for they contract no matrimony, neither have respect to chastity” scorned traditional family structures still prevalent in the “polygamy belt” of West Africa. While remarks stating that West Africans lived without a “commonwealth,” dismissed African rural communalism devoid of socio-political hierarchies, and were entrenched in English ideas of private property rights defined by sixteenth century Inclosure Acts. Other observations from the 1554 voyages remained fixed on physical

²⁰ I want to thank Dr. José Najar for bringing the *Casta oeuvre* to my attention.

²¹ G. R. Elton, *Reform and Reformation: England 1509-1558* (Cambridge, Massachusetts: Harvard University Press, 1977), 371.

²² Linda M. Heywood and John K. Thornton, *Central Africans, Atlantic Creoles, and the Foundation of the Americas, 1585-1660* (New York: Cambridge University Press, 2007), 305.

differences yoking the African female anatomy with animals and offensive racial odor. Breasts are “very foul and long, hanging down low like...a goate” one observer reported.²³

Whether “very foul” was a negative physical or olfactorial reference or both, olfactory stereotypes crossed racial and gender lines in seventeenth and eighteenth-century English literature. African racial scent was linked to segregating Blacks from Europeans on colonial plantations and jest books used olfaction tropes such as the foul female genitalia to stress the perils of miscegenation.²⁴ “England deodorized...by displacing pungency onto those they deemed inferior” attests Andrew Kettler, and while first rooted in Eurocentric ideas of class, climate, landscape, illness, and religion racial scent “shifted from cultural ideas about inferiority to later inform biological ideas about human difference...to smell-out the perceived animalistic and diseased odors within African bodies.”²⁵ In short, to the Occidental eye and nose Africans “commonly neither looked nor smelt like Europeans” avers G. V. Scammell, adding that from classical personalities such as the French political philosopher Jean Bodin or cosmographer André Thevet “hot climates begat hot passions and so went on to identify Africans with lust and bestiality.”²⁶

²³ Hakluyt, *The Principle Navigations*, vol. 1, 84, 94, 103.

²⁴ William Tullett, “Grease and Sweat: Race and Smell in Eighteenth-Century English Culture” in *Cultural and Social History* 13:3 (2016) DOI 10.1080/14780038.2016.1202008.

²⁵ Andrew Kettler, *Smell of Slavery: Olfactory Racism and the Atlantic World* (New York: Cambridge University Press, 2020), 195-196.

²⁶ G. V. Scammell, “Essay and Reflection: On the Discovery of the Americas and the Spread of Intolerance, Absolutism, and Racism in Early Modern Europe” in *The International History Review* 13 (1991), 506, 507.

The Racial Wedge: Tropes, Planters, Religion, and the Law

Recognized by the nefarious moniker the “father of English racism,” the eighteenth-century polygenist Jamaican judge, politician, and planter Edward Long described the “Negro-land” African as possessing a “dark membrane” topped with a “covering of wool, like the bestial fleece” for hair, while radiating a “bestial or fetid smell” which is “so excessively strong, especially when their bodies are warmed either by exercise or anger, that it continues in places where they have been near a quarter an hour.” Like the testimony from the 1554 voyages to equatorial Guinea, Long connected racial odor to the goat or buck: “The blacks of Africa assign a ridiculous cause for the smell peculiar to the goat.”²⁷ He draws a racial parallel to the secreted “bestial” odor from an aroused or “warmed” animal to the hypersexual and physically endowed African buck, “flattened” nostrils flaring and tapering as he sniffs out his carnal quarry. Polygenic devotes like Long “entered the Atlantic in larger numbers during the eighteenth-century” posits Kettler, and rooted in the past sensory testimonies “African bodies smelled pungent.” Yet he adds that the olfactory “rules that defined Africans as stinking...had little to do with material reality” but were entrenched in “a space of racial domination that included enough nasal wiggle room to define domination through ever-changing forms of false sensory consciousness.”²⁸ In other words, the artificial metanarrative of Black odor was a small

²⁷ Edward Long, *The History of Jamaica or, General Survey of the Antient and Modern State of the Island, With Reflections on Its Situation Settlements, Inhabitants, Climate, Products, Commerce, Laws, and Government* (3 vols, London: Printed For T. Lowndes, In Fleet-Street, 1774), vol. 2, 351-352, 353, 370, 380.

²⁸ Kettler provides a comprehensive definition of anti-monogenism or polygenism and its link to racial odor: “Throughout the Enlightenment, a period that saw many advances in scientific and political thought, many Western Europeans increasingly came to believe that there were multiple races with different origins that were often considered subhuman. This belief is called polygenic racism, or the idea that different races emerged from more than one original human coupling.

component of racial semantics which altered to suit white power as the construction of race evolved over time.

While regarded as a “moderate” planter voice, such olfatoric and racial tropes did not escape the pen of Bryan Edwards whose singular work *The History, Civil and Commercial of the British Colonies* (1793) distinguished him from Long and other contemporaneous pro-slavery writers, establishing Edwards as a conscientious and thoughtful observer of British colonial society.²⁹ Yet the Jamaican planter depicted the Mandingo as a “less glossy black than the Gold Coast Negroes” lacking the “thick lips and flat noses of the more southern Natives” while being “exempt from that strong and fetid odour, which exhales from the skin of most of the latter.” The New World African never escaped the concept of “blackness” and racial odor remained tied to skin color beyond the eighteenth century. An intellectual and eminent fellow of the Royal Society, Edwards was a complicated and contradictory planter-politician whose widely read multi-volume tome went through five editions and included instruction on successful staple cultivation in the British West Indies and its associated “risques and losses.” He added that “nothing is more certain than that the Slave Trade may be very wicked” but stood against abolishing it and felt “the planters in general [are] very innocent” as the majority of the present progeny inherited their West Indian plantations.³⁰ For many second and third generation planters

The sin of embodied racist semantics marked Africans as scented through cultured education and the exchange of ideas within the Republic of Letters, which thereafter modified the everyday and essentially subconscious perceptions of many European noses to smell Africans as a separate race.” Kettler, *Smell of Slavery*, 84, 85.

²⁹ Olwyn M. Blouet, “Bryan Edwards, F.R.S., 1743-1800” in *Notes and Records of the Royal Society of London* 54 (2000), 215.

³⁰ Bryan Edwards, *The History, Civil and Commercial of the British Colonies in the West Indies*, 3rd ed. (London: Printed For John Stockdale, Piccadilly, 1801), vol. 2, 40, 73, 74.

inheritance was true, but did nothing to absolve those whose birthright continued to earn them wealth at the expense of unfree African labor. The innocence proved especially untrue for Edwards' Jamaican planter contemporary Edward Long whom he befriended and served with as a Member of Parliament.

Yet unlike Long, Edwards was not a polygenist, and absent from his tome was the vitriolic pseudoscientific racism in Long's *History of Jamaica* (1774). His behavior and attitude stood at the opposite end of the depraved Jamaican overseer and enslaver Thomas Thistlewood--son of a modest English farmer--whose *nuevo riche* social status stood beneath that of Edward's. In contrast to Long, and the assistant agent for Barbados and later Member of Parliament, Samuel Estwick--also a polygenic--Edwards did not protest the outcome of *Somerset's* case with a pro-slavery polemic condemning the decision and warning of an impending plague of locusts descending upon the English metropole tantamount to the biblical Black Horseman of the Apocalypse. He wrote favorably of the rebellious Afro-Jamaican warlord Tacky and his Coromantee followers whom he compared to the ancient Romans in their "firmness both of body and mind" and "ferociousness of disposition...enabl[ing] them to meet death, in its most horrible shape, with fortitude or indifference."³¹ Yet Edwards recognized the economic importance of the West Indies to the British Empire and was bent on preserving the plantation system. His 1793 publication uncoincidentally corresponded with the first mass anti-slavery movement to end the Trans-Atlantic Slave Trade. In his work *Tacky's Revolt: The Story of an Atlantic Slave War* (2020), Vincent Brown posits that the brutal slave rebellions which led to the bloody *en masse* executions of the African uprisers provoked a cohesive anti-slavery attitude from which Edwards

³¹ Edwards, *The History, Civil and Commercial*, vol. 2, 73, 74.

remained detached. Yet the enslaver and politician “had more sentimental pretensions than most of his fellow planters,” added Brown and despite falling back on familiar racial tropes “he nevertheless retained some sympathy for the Coromantees.”³²

Edward Long later described “Hottentot” African women as “libidinous” possessing a “lasciviousness of disposition” who labored at birth with such ease and frequency they had “no more occasion for midwives, than the female oran-outang, or any other wild animal.” After laboring for at most a “quarter of an hour” Long says the African postnatal period consisted of entering the sea the same day and washing up.³³ This image stands in sharp contrast to the chaste and delicate English female with child fussed over by obstetricians and numerous midwives, while later presented with decorative “birth trays” during a lengthy post-delivery convalescence. Jennifer L. Morgan whose work *Laboring Women: Reproduction and Gender in New World Slavery* (2004) emphasizes the additional burden placed on enslaved African females expected to reproduce to the satisfaction of the avaricious and resourceful planter, who, at the same time, mouthed racial tropes stressing the unnatural physical characteristics of these laboring women. Morgan points out that as European men ever more highlighted the “pain-free reproduction” of the African female this “indicated that they did not descend from Eve and...illustrated their proclivity for hard work through their ability to simultaneously till the soil and birth a child.” The absence of physical discomfort in the face of childbearing and intensive husbandry labor proved a herculean horticultural and parturition feat which fit within the polygenist mindset. Morgan adds that the incapacity to experience pain, which made the African woman unrelatable

³² Vincent Brown, *Tacky's Revolt: The Story of an Atlantic Slave War* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2020), 230-231.

³³ Edward Long, *The History of Jamaica*, vol. 2, 380.

to Europeans, applied to *Maleficarum* since “early modern European women were so defined by their experience of pain in childbirth that an inability to feel pain was considered evidence of witchcraft.”³⁴

During the 1692 Salem witch trials in colonial Massachusetts, the first girl accused was the impregnated and enslaved twelve-year-old alleged ringleader Tituba whose indigenous spiritualism--passed on to her while in Barbados--was mistaken for the “witchcraft” which she and others stood accused in the Salem Town Oyer and Terminer and Court of Judicature. The racialization of African cosmology led to widespread concerns in the British West Indies of “Obeah-men” conjuring up “Deaths, or otherwise in those who are supposed to be influenced by it” of whom possess “weak and superstitious minds.” In 1789 the British Board of Trade postulated that in Barbados “of their Arts we know nothing” except for the “Effects produced by them...a Dejection of spirits, and a gradual Decay” of mind and body.³⁵ It was similarly observed in *The Proceedings of the Governor and Assembly of Jamaica* (1796) that throughout West Africa “they believed...in the prevalence of *Obi* (a sort of witchcraft of most extensive influence) and the authority which such of their old men as had the reputation of wizards, or *Obeah-men*, possessed over them, was...employed in keeping them in subordination to their

³⁴ Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia, Pennsylvania: University of Pennsylvania Press, 2004), 8, 47.

³⁵ *Great Britain. Board of Trade. Report of the Lords of the Committee of Council, appointed for the consideration of all matters relating to trade and foreign planning. The evidence and information they have collected concerning the present state of the trade to Africa, particularly the trade of slaves; and concerning the effects and consequences of this trade, as well in Africa and the West Indies, as to the general commerce of this kingdom* (London, 1789), A. No. 23. Barbados.

chiefs.”³⁶ These descriptions reduced African materialism to base chicanery and superstition laced hocus with no recognition of its authentic indigenous spiritualism. The racialization of “Black religion and its intersection with empire” dates to Portuguese enslavers who “fetishized” African cosmology argues Sylvester A. Johnson. Europeans conflated Orisha or what was pejoratively called “the fetish” with concepts of witchcraft, devil worshiping, *malificus malificarium*, and idols. Johnson is critical of Olaudah Equiano for dismissing indigenous African religion associating it with “heathenism.” To Equiano Africa was “historylessness...a Dark Continent devoid of historical agency” and his Christianity embraced the Hamite curse and sought to extirpate African religions.³⁷ While Johnson rightly laments this scrub of African indigenous religion from the historical record, it was Equiano’s Christianity that spearheaded a trans-Atlantic anti-slavery crucible.

³⁶ *The Proceedings of the Governor and Assembly of Jamaica, In Regard To The Maroon Negroes: Published By Order Of The Assembly. To Which Is Prefixed, An Introductory Account, Containing, Observations On The Disposition, Character, Manners, And Habits Of Life, Of The Maroons, And A Detail of the Origin, Progress, and Termination of The Late War Between Those People And The White Inhabitants* (London: Printed for John Stockdale, Piccadilly, MDCCXCVI), xxix.

³⁷ Sylvester A. Johnson, *African American Religions, 1500-2000: Colonialism, Democracy, and Freedom* (New York: Cambridge University Press, 2015), 1, 154, 155. James Sidbury argues that it was the collective socio-cultural and religious African struggle that started during the Middle Passage and subsequently while living in the diaspora which formed a group identity--therefore, unity came outside of Africa with the common experience of slavery. With the “autobiographical turn” Sidbury posits that Equiano as well as Cugoano were pioneers of the “slave narrative” who served as political activists to abolish the Trans-Atlantic Slave Trade. Yet as Equiano attempted to create a Christian Africa, Cugoano promoted a “back to Africa” movement which disappeared until Marcus Garvey and the pan-Africanist. Sidbury concludes that Blacks had lost sight of their “Africanness” and embraced “Americanness” and the racial descriptor “colored.” See James Sidbury, *Becoming African in America: Race and Nation in the Early Black Atlantic* (Oxford: Oxford University Press, 2007).

The female animalistic sexual archetype depicted by Edward Long evolved into the eighteenth-century uninhibited Black Jezebel lusting after her plantation enslaver. This African female trope, based on the biblical ill-fated false prophet, left the white male blameless for his interracial sexual transgressions since he was defenseless against the prurient and hypnotic temptress Jezebel.³⁸ Edwin Epps enslaved Solomon Northup for a decade on his *antebellum* Louisiana plantation Bayou Boeuf, and in Northup's autobiographical narrative *Twelve Years a Slave* (1855) he writes of the "joyous...light-hearted" and yet "literally excoriated" enslaved Patsey whom Epps lusted after. "It had fallen to her lot to be the slave of a licentious master and a jealous mistress" lamented Northup and trapped between Epps and his begrudged plantation wife Patsey "shrank before the lustful eye of the one, and was in danger even of her life at the

³⁸ The story of Queen Jezebel daughter of Ethbaal, King of the Sidonians, who provoked her spouse King Ahab of Israel to forsake Yahweh and venerate Baal is found in I Kings 16:29-34: "In the thirty-eighth year of Asa king of Judah, Ahab son of Omri became king of Israel, and he reigned in Samaria over Israel twenty-two years. Ahab son of Omri did more evil in the eyes of the Lord than any of those before him. He not only considered it trivial to commit the sins of Jeroboam son of Nebat, but he also married Jezebel daughter of Ethbaal king of the Sidonians, and began to serve Baal and worship him. He set up an altar for Baal in the temple of Baal that he built in Samaria. Ahab also made an Asherah pole and did more to provoke the Lord, the God of Israel, to anger than did all the kings of Israel before him." The story of Jezebel's violent death precipitated by King Jehu of the northern Kingdom of Israel who killed her son Joram and subsequently fed Jezebel's carcass to dogs is found in 2 Kings 9: 30-37: "Then Jehu went to Jezreel. When Jezebel heard about it, she painted her eyes, arranged her hair and looked out of a window. As Jehu entered the gate, she asked, 'Have you come in peace, Zimri, you murderer of your master?' He looked up at the window and called out, 'who is on my side? Who?' Two or three eunuchs looked down at him. 'Throw her down!' Jehu said. So they threw her down, and some of her blood splattered the wall and the horses as they trampled her underfoot. Jehu went in and ate and drank. 'Take care of that cursed woman,' he said, 'and bury her, for she was a king's daughter.' But when they went out to bury her, they found nothing except her skull, her feet and her hands. They went back and told Jehu, who said, 'This is the word of the Lord that he spoke through his servant Elijah the Tishnite: On the plot of ground at Jezreel dogs will devour Jezebel's flesh. Jezebel's body will be like refuse on the ground in the plot at Jezreel, so that no one will be able to say, 'This is Jezebel.'" *The Holy Bible New International Version: Containing The Old Testament and The New Testament* (Grand Rapids, Michigan: Zondervan Bible Publishers, 1978), 378-379, 401.

hands of the other.” The duel enslaved “victim of lust and hate” she suffered from rape at the hands of Epps while his mistress directed added physical and psychological torture toward the plantation “Jezebel” Patsey.³⁹ Patsey escaped impregnation from Epps--as a form of “gynecological resistance” some female captives terminated their pregnancy or paused menstruation via pharmaceutical herbs sparing the unborn a life of enslavement--but she symbolized the formidable appetite for hard work which European males found inexplicable.⁴⁰ While “slim and straight” Patsey “was known as the most remarkable cotton picker on Bayou Boeuf” observed Northup and to cultivate “five hundred pounds a day was not unusual for her.” Her quick and nimble hands avoided the sharp bracts of the boll and Patsy’s daily haul more than doubled that of others either male or female.⁴¹

Another running archetype in Long’s narrative is the biological and sexual link between the orangutang or monkey and African women--the simian trope advanced during the 1553-1554 voyages to equatorial Guinea. The orangutang will on occasion “endeavor to surprise and carry off Negroe women...in order to enjoy them” says Long who describes “a Negress at Loangs in Guiney, who had resided three years with them [orangutangs].” Long implies that this zoophilic and bestial union produced “wonderfully forward” progeny which concerned him since “the credibility of this relationship” might lead to the displacement of human on human sexuality.⁴²

³⁹ Solomon Northup, *Twelve Years a Slave*, Introduction by Philip S. Foner (1855 Reprint, Mineola, New York: Dover Publications, Inc., 1970), 189.

⁴⁰ See Hilary McD. Beckles, *Afro-Caribbean Women and Resistance to Slavery in Barbados* (London: Karnack House, 1988).

⁴¹ Northup, *Twelve Years a Slave*, 166, 188.

⁴² Long, *The History of Jamaica*, vol. 2, 360, 370, 380, 425.

This subhuman simian meta-narrative speaks to the racial component in English metropolitan legal systems. In the late-seventeenth century English common law case, *Chambers v. Warkhouse* (1693), Lord Chief Justice Sir Creswell Levinz stated that since “trover lies of musk-cats and monkies, because they are merchandise; and for the same reason *it has been adjudged, that trover lies of negroes.*”⁴³ This proved an uncoincidental legal analogy as litigation and adjudication involving African bondspeople in English courts was more than a contest pitting sacred property rights against lofty ideals of personal freedom. Rather, like the British colonial Black Codes, skin-color coupled with racial tropes were ever more ensconced in the common laws of England, and the adjudgment process as enslaved Afro-British domestics exponentially appealed before English courts battling diasporic warfare in the seventeenth and eighteenth centuries. Historian Dana Rabin observes that the concept of “race was in fact fundamental to *Somerset’s case*” as well as the colonial Black Codes. “Blackness and property were not equated” within English jurisprudence added Rabin, “but whiteness and freedom were inextricably bound together.”⁴⁴ While race factored into English jurisprudence--due to late Stuart crown interference and the West Indian lobby--as Afro-British runaways seeking legal aid from eighteenth-century liberals persisted this defiance generated a change in moral philosophy which spilled over into the common law courts in the 1760s.

When Samuel Estwick protested Mansfield’s decision in *Somerset* he coupled legal hairsplitting, which included substituting the word “slavery” in favor of “commercial property,”

⁴³ *Chambers v. Warkhouse*, 3. Lev. 335 (1693), 717-718.

⁴⁴ Dana Rabin, “Empire on trial: Slavery, Villeinage and Law in Imperial Britain” in *Legal Histories of the British Empire: Laws, Engagements and Legacies* (Oxfordshire: Routledge Press, 2015), 204, 203-17; see also Dana Rabin, *Britain and its Internal Others, 1750-1800* (Manchester, England: Manchester University Press, 2017), 75.

with the polygenic playbook and his racial defilement was evocative of the 1553-54 testimonies from English explorers in Africa. The attorney and judge Estwick asserted that “Negroes under the law should not be considered as *human beings*” and when Parliament sanctioned the right to property in them one motive was “*physical*, the other *political*.”⁴⁵ Estwick’s statement was in direct opposition to Justice Holt who had adjudicated in *Smith v. Gould* (1706) that property could not be held in slaves for “the common law takes no notice of negroes being different from other men.”⁴⁶ While not all English jurist--like Chief Justice Holt--turned to race when adjudicating Afro-British servitude the planter class resonated and proved a formidable advocate throughout the eighteenth century. Estwick added that the cause “of that remarkable difference in complexion from the rest of mankind, and the woolly covering of their heads so similar to the fleece of sheep” confounded Naturalist for generations. To reinforce his racial rhetoric, Estwick quotes from fellow polygenists Locke, Hume, and English histories of Africa “for histories they [Africans] have none of their own.” Africans lacked a civilized nation-state and “have a religion, it is true: but it is a religion which seems the effect only of outward impressions, and in which neither the head nor the heart have any concern.” In other words, Estwick highlighted the physical emotive in African cosmology and lacking a written theological component dismissed intellect and faith. To further his case for enslavement Estwick argued that African legal systems were morally bankrupt and “judges are judge and executioners at one and the same time. When a criminal is condemned...the Chief Justice first strikes him with a club, and then all the rest of the Judges fall upon him, and drub him to death.” Absent of a written legal code based on precedent

⁴⁵ Samuel Estwick, *Considerations on the Negroe Cause Commonly so Called, Addressed to the Right Honorable lord Mansfield, Lord Chief Justice of the Court of King’s Bench, &c.* 3rd. Ed. (London: Printed for J. Dodsley, in Pall-Mall, 1773), 71.

⁴⁶ *Smith v. Gould* 2 Ld. Raym. 1275 (1706), 338.

and procedure, he paints a neanderthal or subspecies image of the absolutist African jurist--club in hand--who bludgeoned without regard to legal processes such as *habeas corpus*.⁴⁷

To Estwick Africans therefore lived in a perpetual state of martial law where mob rules applied even for judicial officers. He concluded that the Legislature, observing such corporal and intellectual shortcomings and “knowing the irreclaimable savageness of their manners, and of course supposing that they were an inferior race of people,” West Africans “should be considered and distinguished (as they are) as articles of its trade and commerce only.” While the physical motive “supposes a difference of species among men, and an inferiority of that species in Negroes,” Estwick claimed that Englishmen and Africans are one in the same “to all *natural* intents and purposes.” For example, he proposed that had Montesquieu possessed “black skin...and...a flat nose” this would have deprived civilization of his legal and political treatise *Esprit des Loix* (1748). This statement gets at the insidious dark heart of the genesis question—skin-color and physiognomic difference left the New World African invisible to whites and condemned to slavery. Writing over two centuries after first contact with equatorial Guinea, from lacking a commonwealth to expressions of physiognomic features and religion, Estwick injects the tropes first blueprinted during the 1553-54 voyages into his legal defense of African bondage.⁴⁸ His post-1772 polygenic manifesto spoke directly to Lord Mansfield in an effort to prevent *Somerset* from igniting an emancipationist firestorm ending the Trans-Atlantic Slave Trade and colonial bondage. Yet the planter class could have done without Estwick’s racial semantics since the Lord Chief Justice had an interracial grandniece, Dido Elizabeth Belle, the

⁴⁷ Estwick, *Considerations on the Negroe Cause*, 71, 77, 80-81.

⁴⁸ *Ibid.*, 78, 81, 84-85.

daughter to his nephew the Rear Admiral Sir John Lindsey. Mansfield developed a devoted relationship with Belle and upon his death made her an heiress willing Dido an annuity of £500 plus an additional £100 per annum for life.⁴⁹

Gazing at eighteenth-century English art and visual culture the portraiture and satirical prints adorning the walls of elites and in popular publications illuminated a cornucopia of racial tropes. Within paintings of the aristocratic country gentry the fashionable white pasty English skin--an indication of wealth and a life of indoor leisure free from intense *al fresco* labor--highlighted the individual blackness of the dark-complected “exotic” African servant donning extravagant livery and a jewel-encrusted collar tethered to an inscribed leash crafted by silversmiths like Matthew Dyer in Duck Lane, Orchard Street, Westminster who advertised “silver padlocks for Blacks or Dogs; collars, &c” in a 1756 edition of the *London Daily Advertiser*.⁵⁰ In portraiture emphasizing the mistress of the country manner the Afro-British

⁴⁹ From 1763 until 1793 Belle and her half-cousin Lady Elizabeth Murray the daughter of Mansfield’s Jacobite brother David, 7th Viscount Stormont, summered at the Kenwood residence of Lord and Lady Mansfield where Johan Zoffany painted the cousins together in 1779 [See Figure 2.0]. When the American loyalist Thomas Hutchinson visited Mansfield on 29 August 1779 he was aware of Belle noting in his diary “she was called upon by my Lord every minute for this thing on that, and shewed the greatest attention to everything he said.” Hutchinson was quick to add that the relationship was both platonic and well-known: “He [Mansfield] knows he has been reproached for showing fondness for her – I dare not say criminal.” Quoted in Gene Adams, “Dido Elizabeth Belle: A Black Girl at Kenwood,” *Camden History Review* 12 (1984), 10.

⁵⁰ *London Daily Advertiser* (1756); quoted in Gomer Williams, *History of the Liverpool Privateers and Letters of Marque with an account of the Liverpool Slave Trade* (London: William Heinemann, 1897), 477. First cited in *History of the Liverpool Privateers*, Williams along with twentieth-century historians include only the year and title of the newspaper publication in which the Matthew Dyer advertisement is listed. My comprehensive search of the microfilmed editions of the *London Daily Advertiser* for 1756 revealed no such advertisement. Editions 4463 [Jan 6] 4473 [Jan 17] 4496 [Feb 13] 4502 [Feb 20] and 4608 [June 5] are missing. While sections of 4490 [Feb 6] 4540 [Mar 12] 4547 [Mar 23] 4553 [Mar 30] and 4556 [Apr 2] are incomplete. Since the microfilm indicates “this is the best copy available for filming” the advertisement was presumably carried in the missing or incomplete editions.

servant often appeared timorously under foot affectionately gazing up at the slaveholder while attached to a leach situated alongside the family spaniel. Graph 1.0 maps the yearly ‘runaway’ and ‘for sale’ adverts placed in British newspapers spanning from 1700 to 1780, while chapters four and five contrast the ebb-and-flow of these listings with the tenor of Afro-British legal cases. The Glasgow University “Runaway Slave in Eighteenth-Century Britain project” cites eighty two ‘for sale’ advertisements listed in British newspapers in the eighteenth-century and the following from the *London Public Advertiser* in 1769 is for a ten-year-old male (all eighty-two were unnamed) who “has been Years in England...would be very useful in a Family, or a Lady's Foot-Boy. The Price Fifty Guineas.”⁵¹ Eighteenth-century English convention held that it was *de rigueur* for the Afro-British “Foot-Boy” to adorn a decorative sterling choker like this unnamed eighteen-year old “lusty Negro” runaway identifiable by “a Silver Collar about his Neck engraved, Capt. Tho. Mitchel’s Negroe, living in G[r]iffi[n]-street in Shadwel, had on a

Graph 1.0. Eighteenth-Century British ‘runaway’ and ‘for sale’ adverts: 1700:1780



Source: Data compiled and graph constructed by the author from the Glasgow University “Runaway Slave in Eighteenth-Century Britain Project.”

⁵¹ *Public Advertiser* for 8 April 1769.

light colour'd Drugget Coat and red Wastcoat.”⁵² While a runaway named Ann fled Dr. Gustavus Brown's Glasgow lodgings habiting a modest “Brass Collar about her Neck on which are engraved these Words [Gustavus Brown in Dalkieth his Negro, 1726.”].⁵³ The archetype associating plaything “lap-dog” Africans to animals was manifest, transcending literature and effecting racial perceptions in the eyes of artist and jurist alike. Yet a lone Italian-born eighteenth-century painter and keen observer of *Somerset* and anti-slavery, Agostino Brunias, took his life experiences and brush from London to the British West Indies and surreptitiously emerged as a proto-abolitionist via his artistic interpretation of Afro-Caribbeans and Europeans [see chapter six].

The testimonials taken from Richard Hakluyt's *Principle Navigations* trickled down and fostered ideas of racial odor and other denigrating tropes during the seventeenth and eighteenth centuries which fueled the enslavement of Africans laboring in the British colonial peripheries and English metropole. In *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture* (2000) Roxann Wheeler traces the fluidity of race in English literature throughout time and space arguing that “skin color emerges as the most important component of racial identity in Britain during the third quarter of the eighteenth century.”⁵⁴ Fictive pseudoscientific or biological racism was a malleable product of the eighteenth-century ‘Enlightenment’ and when word of mouth statements among the 1553-1554 voyagers channeled

⁵² *Post Man and the Historical Account* for 19 September 1706.

⁵³ *Edinburgh Evening Courant* for 13 February 1727.

⁵⁴ Roxann Wheeler, *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture* (Philadelphia: University of Pennsylvania Press, 2000), 9.

back to the metropole the British crown were prepared at once to include Africans among the English poor and the peoples of the Celtic Fringes previously exploited and codified into enslavement by British positive law. Wheeler's assessment of skin-color is accurate yet the impact of racial identity on English literature dates back to the early sixteenth-century. The combined sixteenth and early seventeenth-century English observations of equatorial Africans led William Shakespeare to describe Othello as "the lascivious moor" of Venice who sexually coveted the "fresh and delicate" Desdemona and Caliban as the "brutish savage" spawned from "thy vile race" blackness.⁵⁵ Written in 1603 less than a half century after the first English explorers landed in West Africa, the doomed inter-racial marriage between Shakespeare's Othello and Desdemona was an early English literary indictment castigating Black and white miscegenation. Winthrop Jordan argues that socio-cultural prejudicial references and the alleged potent carnal appetite of West Africans initiated a "cycle of...debasement" which "dynamically joined hands" with the institution of slavery and "hustled the Negro down the road to complete degradation" fully racializing Africans by circa 1700.⁵⁶ While slavery and racial construction merged fist in glove leading to what Jordan calls a fluid "unthinking decision" to enslave Blacks, it was a static and premeditated *thinking* decision as these early English explorers sized up their "uncivilized" West African hosts and within a decade engaged in the Trans-Atlantic Slave Trade.

⁵⁵ *Mr. William Shakespeares Comedies, Histories & Tragedies Published According to the True Originall Copies*, ed. (London: I. Laggard and E. Blount, 1623), *Othello: 1.1* and *Tempest 1.1*.

⁵⁶ Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill, North Carolina: The University of North Carolina Press, 1968), 44, 80.

Queen Elizabeth I & Sir John Hawkins: The Origins of the British Slave Trade

While unknown if these 1553-1554 English expeditions trafficked in human flesh, the die was cast when Queen Elizabeth commissioned three voyages between 1562-1569 led by the privateer and pioneering profiteer of the triangular slave trade Sir John Hawkins, one of the tripartite of so-called “Sea Dogs” along with cousin Sir Francis Drake and Sir Martin Frobisher (later Lord Thomas Howell).⁵⁷ Yet after brutally transporting 1,163 Sierra Leonean captives “partly by the sword, and partly by other means” to the Spanish Caribbean Hawkins’ unlicensed “semi-piratical” interloping efforts were frustrated during his third voyage.⁵⁸ When Hawkins collided with the ship ferrying the recently appointed Viceroy of New Spain, Martín Enríquez de Almanza, the Armada sunk six of his vessels at San Juan d’Ulloa in 1569 and he lost the confidence of the Queen. While Elizabeth is forever connected to Hawkins’ voyages, the abolitionist Thomas Clarkson claims the Tudor sovereign was the first English anti-slavery

⁵⁷ Hearing that “negroes were very good merchandise in Hispaniola...and might easily be had upon the coast of Guinea” led to Hawkins first expedition [1562-1563] from October 1562 through the following September where he captured three hundred Guineans “partly by the sword, and partly by other means” and exchanged them for “hides, ginger, sugars, and some pearls” in the Spanish Caribbean. Hawkins was “well furnished with men to the number of one hundredth” during his second voyage [1564-1565] which left Plymouth on 8 October 1564. He forcibly seized “certain Negroes...as many as we could well carry away” which led one historian to lament in his *Navel History* “here began the horrid practice of forcing the Africans into slavery...which so sure as there is vengeance in heaven for the worst of crimes, will someone be the destruction of all who allow or encourage it.” Hawkins third voyage [1567-1569] to San Juan d’Ulloa near Vera Cruz, Mexico produced fifty-seven “*optimi generis*” captives ready to sell at £160 sterling each. Hawkins’ interloping was frustrated on 24 September 1569 when Spanish authorities sank six of eight vessels and imprisoned its’ crew at the battle of San Juan d’Ulloa. This led Elizabeth to terminate the “semi-piratical” adventures of Hawkins and discouraged others from engaging in unlicensed foreign commerce with the Spanish Carib colonies. See Thomas Clarkson, *The History of the Abolition of the Slave-Trade*, vol. 1, 40, 41, 554-556; Hakluyt, *The Principle Navigations*, vol. 2, 521-522, 527.

⁵⁸ www.slavevoyages.org/voyage/database. Accessed 23 April 2022.

“coadjutor.” She had ordered Hawkins not to forcibly remove Africans against their free will for providence told her it “would be detestable, and call down the vengeance of Heaven upon the undertakers.”⁵⁹ Yet Elizabeth appointed Hawkins treasurer of the navy and bestowed a knighthood upon him and fellow “Sea Dog” Frobisher on 25 July 1588. Hawkins coat of arms bore the image of an enslaved African dressed in all black with red ear and arm annulets over the crest motto “*a demi Moor in his proper colour, bound and captive.*”⁶⁰

Either she was blind to Hawkins’ slave trading exploits or politically distanced herself from him after the debacle at San Juan d’Ulloa. Operating without license, Hawkins’ presence in the Indies was in violation of the 1494 Treaty of Tordesillas and the incident sullied already tenuous Anglo-Spanish relations ending any chance for a long sought trade agreement. The battle at San Juan d’Ulloa still resonated sixteen years later when war between the English and Spanish Crown commenced in 1585.⁶¹ Elizabethan scholar Wallace T. MacCaffrey claims that “the Queen was at least a sleeping partner” in Hawkins’ slaving expeditions since she underwrote vessels for his second and third voyages.⁶² The Spanish spy and ambassador to England, May Guzman de Silva, reported to Philip II that “I am informed that they are going to fit out four or five fine ships...two of them belonging to the Queen” who took “a very healthy one thousand

⁵⁹ Clarkson, *The History of the Abolition of the Slave-Trade*, vol. 1, 41.

⁶⁰ Nick Hazlewood, *The Queen’s Slave Trader: John Hawkyins, Elizabeth I, and the Trafficking in Human Souls* (New York: HarperCollins Publishers, 2004), 320. See Hazlewood’s unnumbered plates to view a reproduction of Hawkins coat of arms and motto.

⁶¹ G. R. Elton, *England under the Tudors*, 3rd. Ed. (Routledge: London and New York, 1991), 343; Hazlewood, *The Queen’s Slave Trader*, 28, 29, 234-54.

⁶² Wallace T. MacCaffrey, *Queen Elizabeth and the Making of Policy, 1572-1588* (Princeton, New Jersey: Princeton University Press, 1981), 330.

pounds” accounting for one third of Hawkins profits notes biographer Nick Hazlewood.⁶³ In short, just under a decade following the 1553 English expeditions to equatorial Guinea, the enslaved African supply-chain to the New World was linked to the institutional British monarchy with Hawkins serving as a conduit.⁶⁴ Bryan Edwards, who defended the carrying trade, paradoxically summed up Hawkins as “a murderer and a robber” whose slaving was driven by “present profit” and his past occupation as a privateer rooted in “devastation and murder.”⁶⁵ Hawkins dismissed the Queen’s warning leading to his eventual downfall. Yet the rise of fellow “Sea Dog” Sir Francis Drake--whom Elizabeth also bestowed a knighthood--coupled with the English victory during the second Anglo-Dutch War (1665-7) and formation of the Stuart backed Royal Adventures Company forever changed British involvement in the Trans-Atlantic Slave Trade for the next century and a half.

The Stuart Brothers: The Royal African Company and White “Slavery”

Originally recognized as “the Guinea Company” in 1618 during the English Jacobean era, the Royal Adventures was a Restoration era joint-stock Company first chartered on 10 January 1663 to participate in the African slave trade and reorganized as the Royal African

⁶³ Hazlewood, *The Queen’s Slave Trader*, 59, 160.

⁶⁴ Hawkins is not without his scholarly supporters. Yet the evidence cited in his defense is weak and lacking merit. For example, biographer R.A.J. Walling says that a “prodigious quantity of ink and invective has been expended in the denunciation of Hawkins as the pioneer of England’s association with the slave-trade.” Walling argues that it was the aforementioned Jon Lok, the ship’s captain who visited the West Coast of Africa with London merchant William Towrson in 1554, who “is entitled to the honour.” While Lok returned with spices, hundreds of elephant tusks, 400-pounds of gold, and helped perpetuate the racial tropes which led to the English enslavement of New World Africans, there is no evidence that he traded in captives. R.A.J. Walling, *A Sea-Dog of Devon: A Life of Sir John Hawkins, English Naval Commander, Privateer and Slaver of the 16th Century* (Pantianos Classics, 1907), 24.

⁶⁵ Edwards, *The History, Civil and Commercial*, vol. 2, 51.

Company (RAC) on 27 September 1672 under the Stuart sovereign Charles II who awarded it exclusive slave trading rights off the coast of West Africa.⁶⁶ Charles' brother, James, the Duke of York and future King, was appointed company governor-general and held the majority shares in the joint-stock venture making it a crown-controlled enterprise. Provisions in the Royal Charter demanding the prosecution of private interlopers were ignored by the English government, and a 1696 trans-Atlantic merchant led petition drive predicated on a shortage of colonial American bondspeople resulted in a 1698 British Statute ending the RACs quarter-century monopoly.⁶⁷ This parliamentary deregulation proved a catastrophic success for the Trans-Atlantic Slave Trade and more captives branded with the initialism "RAC" were transported into the Anglo-American

⁶⁶ The Royal Adventurers Company was a response to Dutch slavers trading Africans with the North American colonies dating back to 1619 when the first twenty were forced to Jamestown, Virginia aboard the *White Lion*. Following insolvency in 1668 due to Dutch competition and creditor debt of £300,000 under the direction of its principal shareholder and Governor James II the newly formed RAC paid £34,000 for the Adventurers remaining assets. *Great Britain. Board of Trade. Report of the Lords of the Committee of Council, An Account of the Charters and Statutes under the Authority and Protection of which the African Trade first began and has continued to the present time.*

⁶⁷ The 1698 statute stipulated that upon registering their vessels "15 Days before cleared from Port" independent merchants "may trade to Africa, between *Cape Mount* and the *Cape of Good Hope*." Yet to do so required payment of an *ad valorem* tax of 10 percent the avoidance of which led to its suspension in 1712. The statute also required that the RAC "maintain...all their Forts, Castles...and supply the same with Men, Artillery" which placed additional financial burden on the Company. The Treaty of Utrecht allotted the RAC a share of the coveted *Asiento* Royal Contract which provided an exclusive commercial exchange of 4,800 captives a year with the Spanish Crown. Yet decreased trading dissolved the RAC via the Africa Company Act of 1750. The RAC relinquished rights to the *Asiento* and was reorganized under an "Act for extending and improving the Trade to Africa" led by a nine member committee chosen annually. Where the 1698 statute had stipulated that separate traders pay the *ad valorem* 10 percent tax the 1750 statute stated that free trade to Africa be "without any Restraint whatsoever." The "Forts, Settlements, and Factories, &c." remained vested with the Company. But the new scheme called for the RAC to be a regulated Company which allowed individual investors to trade with their own capital. To do so "in their joint Capacity" as a collective body of investors was now "prohibited." 9 and 10 Will. III, c.26 (1698); 23 Geo. II, c. 31 (1750).

diaspora than from any other company.⁶⁸ An early eighteenth-century British ‘runaway’ advertisement in the *London Daily Courant* (1707) for the return of a twenty-one-year-old enslaved male “going lame” and “belonging to the Royal African Company” was possibly marked with the company initials.⁶⁹ While another listing from the *Daily Advertiser* dated 20 April 1736 sought the return of “a black Lad, nam’d Quashy, about 5 Foot 10 Inches high, belonging to the Royal African Company” was also potentially seared with the company brand.⁷⁰ When James, the Duke of York, was its principle shareholder and company governor captives also lived with the initials “DoY.”

In his analysis of English commercial change from the mid-sixteenth to the mid-seventeenth century, Robert Brenner’s *Merchants and Revolution: Commercial Change, Political Conflict, and London’s Overseas Traders, 1550-1653* (1993) tracks the *longue durée* shift from a pre-Civil War traditional anti-colonization merchant class to a new group of trans-Atlantic colonial merchants bent on bringing down crown-regulated overseas monopolies. With this new “dynamic maturing entrepreneurial merchant class” allied with Parliament since 1641 once William III and the Parliamentarians were victorious in 1688, Brenner shows that these free-traders were politically situated to bring “down all barriers to the expansion of their

⁶⁸ William Pettigrew, *Freedom’s Debt: The Royal African Company and the Politics of the Atlantic Slave Trade, 1672-1752* (Chapel Hill: The University of North Carolina Press, 2013), 11.

⁶⁹ *London Daily Courant* for 14 January 1707.

⁷⁰ *Daily Advertiser* for 20 April 1736.

commerce” which included the RAC and its regulation of the Trans-Atlantic Slave Trade.⁷¹ During the seventeenth century the Bristol based white indentured servitude system primarily linked to Barbados--the first British island colony to hold a Black majority--and the mainland colony of Virginia--where labor was in short supply--was cut out of the burgeoning African Trade due to the RAC monopoly. David Harris Sacks deconstructs the Bristol *Register* figures and calculates that white migrants gradually increased in the late-1650s into the early-1660s, “only to drop off during the summer and fall of 1663” which coincides with Charles’ 10 January 1663 royal charter expanding the company’s syndicate into the carrying trade.⁷² After deregulation thirty-five years later in 1698, the Bristol mercantile group competed but at this point the majority of laborers in the English colonies were African (since 1670). Richard S. Dunn posits that in 1660 Barbados and in 1680 Jamaica and the Leeward Islands enslaved Africans had displaced white indentured servants once unprofitable staples like tobacco and cotton were discontinued in favor of lucrative sugar monoculture.⁷³

In 1659, four years prior to the 1663 RAC royal charter the English Parliament had objected to the use of Civil War political prisoners from Salisbury laboring as trans-Atlantic white “slaves” in Barbados. In response Member of Parliament Sir John Lenthall ironically

⁷¹ Robert Brenner, *Merchants and Revolution: Commercial Change, Political Conflict, and London’s Overseas Traders, 1550-1653* (Princeton, New Jersey: Princeton University Press, 1993), 712, 713.

⁷² David Harris Sacks, *The Widening Gate: Bristol and the Atlantic Economy, 1450-1700* (Berkeley and Los Angeles, California: University of California Press, Ltd., 1991), 282.

⁷³ Richard S. Dunn, *Sugar and Slaves: The Rise of the Planter Class in the English West Indies, 1624-1713* (New York: W.W. Norton & Company, 1972), 48, 49.

exclaimed that “I hope it is not the effect of our war to make merchandise of men.”⁷⁴ Of course, Lenthall was referring to white men and Black chattels or “merchandise” soon displaced white migrants once the RAC monopoly was deregulated. The historiography does not explicitly posit that the crown-funded RAC sought to displace the indentured servitude system, but political opposition to white “slavery” and Sacks’ data suggest an effort to exclusively enslave Africans by 1663. Scholar John Wareing stresses that Whig anti-Catholic policies espoused by the overseas merchant wing in Parliament--notably the Exclusion bills seeking to bar the Catholic James, Duke of York, from the throne--provoked the “Stuart Revenge” whereby Charles I stymied the white indentured servitude trade via the English courts. The mass prosecutions for allegedly failing to properly bind and register Exchanged servants who “volunteered” under coercion and even drunkenness “were part of a politically motivated attack on the Whig merchant interest that followed Charles’s dissolution of Parliament and the start of his personal rule in April 1681.”⁷⁵ This Stuart manipulation came as the Jamaican Acts of Assembly were still promoting the importation of white servants “for the Strengthening and better Defense of his Majesty’s Island” since each planter was required to have “such Quantity of White Servants proportionable to the Number of Slaves.”⁷⁶ Due to defiant rebellion, the Indies therefore needed

⁷⁴ *Parliamentary Proceeding and Debates* 1:2; quoted in Hilary McD. Beckles, *White Servitude and Black Slavery in Barbados, 1627-1715* (Knoxville, Tennessee: The University of Tennessee Press, 1989), 52-53.

⁷⁵ John Wareing, *Indentured Migration and the Servant Trade from London to America, 1618-1718* (Oxford: Oxford University Press, 2017), 49, 204, 205.

⁷⁶ *Acts of Assembly, Passed in the Island of Jamaica; From 1681, to 1737, inclusive.* (London: Printed by John Baskett, Printer to the King’s Most Excellent Majesty, 1738), 16.

whites but only for defensive measures since enslaved African labor had taken hold and revolutionized sugar monoculture.

The minority white migrants laboring in the Antilles and North America did so under disparate codified legal structures based on skin-color. In his monograph *White Servitude and Black Slavery in Barbados, 1627-1715* (1989) Hilary McD. Beckles demonstrates once it became clear that enslaved African labor was vital to colonial economic development “officially sanctioned antiblack racist ideologies, which degraded all manual labor by linking it directly with slavery, rapidly pervaded plantation society.”⁷⁷ In other words, he concludes that as the profits from enslaved labor exploded the race-based codes linked to blackness and demeaning intensive labor, torture, and execution led Europeans to view Africans as subhuman racialized perpetual chattels not equal ephemeral servants. While the economic exploitation of enslaved African laborers transformed the colonial plantation system, this was a secondary by-product to racial construction which reared its hydra head during the 1553-1554 English voyages to equatorial Africa leading to the enslavement of New World Africans. Yet the litany of racial tropes which fueled the enslavement of New World captives unleashed unbridled resistance in both the English metropole and its colonial fringes as Blacks forged a trans-Atlantic emancipatory crusade--a multi-front “state of war” from the peripheries to the center of the British Empire.

The Jamaican Acts made a point of noting “Indentured Servants are generally White Servants indentured in England.” With increased diasporic warfare the Jamaican Assembly expanded the legal use of torture and execution as well as protective measures passing a 1696

⁷⁷ McD. Beckles, *White Servitude and Black Slavery*, 3.

“Act for the better Order and Government of Slaves” and “Act for raising Parties to suppress rebellions and runaway Negroes” in 1699. A subsequent “Act for the *better* [emphasis added] suppressing and reducing the rebellions and runaway Negroes” was added in 1730, which speaks to the ineffectiveness of the 1699 Black Code as African resistance remained undeterred and dogged.⁷⁸ The following Act from 1733 is representative of the uneven scale of punishment inflicted on Englishmen and Africans: “White Persons offending to forfeit 10l. or be whipped” whereas “Negroes, Mulattoes, Indians offending, to be whipped; not exceeding Thirty-nine Lashes.” Whites are offered a monetary out of the torture and since corporal punishment for “misbehaving” by either “indentured and hired Servants” was satisfied “such as to...seem convenient” the lashes were minimal or absent altogether.⁷⁹ Furthermore, while enslaved Africans in the Indies were permitted to sell sundries such as calico cloth and vegetables at Sunday market’s, the *Jamaican Acts* passed a 1730 law “preventing Hawking and Peddling” which effectively thwarted payment to spare the captive from the lash.⁸⁰ Indeed, the codification of these differing legal measures grounded in skin-color had a cogent impact on the psyche of enslaved Africans and indentured whites alike. From the beginning, slavery in the British West Indies says Richard S. Dunn was “ruthlessly exploitative” to drive the sugar revolution and “nakedly racial, for only Africans and Indians were enslaved.”⁸¹

⁷⁸ *Acts of Assembly, Passed in the Island of Jamaica; From 1681, to 1737*, 73, 85, 236.

⁷⁹ *Great Britain. Board of Trade. Report of the Lords of the Committee of Council*, Act 103. I 1733. Act 103. II. 1736. Act III. VII.

⁸⁰ *Acts of Assembly, Passed in the Island of Jamaica; From 1681, to 1737*, 236.

⁸¹ Dunn, *Sugar and Slaves*, 224.

1688: A Glorious Revolution For Whom?

The English Civil War restored the Stuart monarchy and the Glorious Revolution of 1688--which installed the protestant joint monarchs William III and Mary II--effected a shift in political power from an absolute to a constitutional monarchy with control vested in the Crown-in-Parliament. "The revolution in 1688 changed the scene," noted Bryan Edwards, since the 1689 *Petition and Declaration of Right* or "Bill of Rights" signed by William and Mary dictated that "the African and all other exclusive companies not authorized by parliament were abolished" and therefore the Trans-Atlantic Slave Trade was "free and open."⁸² The perceived exoticism of Blacks had appealed to English monarchs and King William III proved no different.⁸³ In his ground-breaking work *History of the Liverpool Privateers and Letters of Marque with an Account of the Liverpool Slave Trade* (1897), Gomer Williams points out that William of Orange was known to possess a "favorite slave...a bust of whom may be seen at Hampton Court; the head is of black marble, and the drapery round the shoulders and chest of veined yellow marble, while the throat is encircled by a carved white marble collar, with a padlock, in every respect like a dog's metal collar."⁸⁴ Following the 1685 death of Charles II the traditional Whig orthodoxy

⁸² Edwards, *The History, Civil and Commercial*, vol. 2, 54.

⁸³ James I and his spouse, Ann of Denmark, installed Africans as court minstrels and servants. During the annual "Tournament of the Black Lady" in June 1507 held by the King of Scotland, James IV, and his spouse, Margaret Tudor, the Scottish maker (poet) William Dunbar's court poem *Ane Blak Moir* distinguished the female African: "Lang heffl mad of ladyes quhytt [white]; Nou of ane blak I will indytt [write] That landet furth of the last shippis; Quhou [How] fain [gladly] wald, I descryye perfytt My ladye with the mekle [great] lippes. Note the final stanza emphasizing "merkle [great] lippes" a physiognomic trait among numerous others which led to polygenic racism and slavery. James Kinsley, ed. *The Poems of William Dunbar* (Oxford: Oxford University Press, 1979), 106.

⁸⁴ William's, *History of the Liverpool...Slave Trade*, 477.

viewed the deposition of his brother the absolutist Catholic monarch James II--who ignominiously tossed the Great Seal into the Thames upon fleeing to France--and the ascendancy of Parliament the “glorious” and inevitable culmination to centuries of English progress.⁸⁵ Yet historian Gerald Horne asserts that with the RAC sluices flowing for enslaved people of African descent following deregulation of the trade there was nothing “glorious” about the events of 1688. While ending monarchical control over the RAC diminished the power of the British monarchy--which was imperative for the triumph of democracy, republicanism, and free-trade--Horne concludes that bolstering the influence of the new merchant class and Parliament ramped up the Trans-Atlantic Slave Trade and cemented “the foundation for exponential growth of capitalism...and...white supremacy”⁸⁶ Horne tethers this unencumbered free-trade with Africa to augmented plantation profits in the British West Indian and North American colonies, leading to increased slave revolts thereby giving pause to mainlanders in America embracing Lord Mansfield’s verdict in Somerset’s case which “prompted a tsunami of abolitionism...in June 1772.” In turn, this anti-slavery ‘tsunami’ in the English metropole, generated by the legal emancipation of James Somerset, created a “counter-revolution” to preserve the institution of slavery in 1776 America.⁸⁷ Samuel Estwick had cautioned against a *Somerset* inspired uptick in

⁸⁵ See Thomas Macauley, *The History of England from the Accession of James the Second*, 5 vols. (Chicago, Illinois, 1888); George Trevelyan, *The English Revolution, 1688-1689* (Oxford: Oxford University Press, 1938); David Ogg, *England in the Reigns of James II and William III* (New York: Oxford University Press, 1955).

⁸⁶ Gerald Horne, *The Apocalypse of Settler Colonialism: The Roots of Slavery, White Supremacy, and Capitalism in Seventeenth-Century North America and the Caribbean* (New York: Monthly Review Press, 2018), 9, 174.

⁸⁷ Gerald Horne, *The Counter-Revolution of 1776: Slave Resistance and the Origins of the United States of America* (New York and London: New York University Press, 2014), 210.

rebellion and noted “the decision...in favour of the Negroe...might spirit them up to insurrections in America.” Yet for Estwick there was a silver lining since “it would put a stop to their importation here by their owners, and they would be more usefully kept and employed in the colonies to which they belonged.”⁸⁸ Anglo-Saxon pigment would therefore no longer be threatened by tainted African blood if Blacks remained ensconced as plantation laborers for which they were ‘bred.’

While the Glorious Revolution displaced the Stuart monarch James II, and RAC deregulation proved cataclysmic for enslaved Africans, Holly Brewer asserts that the absolutist sovereign Charles II and his brother James corrupted judges and the common law courts to issue new precedents contrary to English law, sidestepping the supremacy of Parliament in an attempt to adjudicate legal slavery in the metropole with the first Afro-British case *Butts v. Penny* (1677). Brewer’s article “Creating a Common Law of Slavery for England and its New World Empire” (2022) points out that chattel slavery existed in England disappearing in the Late Medieval period. She adds that the eradication of bondage in the metropole initiated a pattern or “consistent policy whereby England tolerated slavery in the colonies, but not at home.” English gentility and the brutality of bondage were incongruous. Yet once the blossoming British Empire colonized the Indies and North America during the respective reigns of Charles and James “the common law became an instrument of crown policy...of absolutism” which the brothers used to influence the adjudication of *de jure* slavery in the metropole. In turn, the colonies looked to the same common laws rather than Parliament to codify unfree plantation labor and the Trans-Atlantic Slave Trade. Brewer claims that it was the late Stuart era judges serving at the “pleasure” of Charles and James as members of the King’s counsel that defined enslaved New

⁸⁸ Estwick, *Considerations on the Negroe Cause*, 92.

World Africans as perpetual and transmissible “infidels” bringing about “the phalanx of English property law to support slavery.” Stuart duplicity was linked to the crown-controlled RAC which teetered in and out of bankruptcy in the seventeenth century until deregulation in 1698. Brewer further states that crown subterfuge and the manipulation of Parliament and the lower courts “reveals the absolutist character of early capitalism, and the extent to which the character of capitalist development depends on the legal rules that define markets and justice.”⁸⁹ To put the human figures in perspective with respect to deregulation of the trade, from the date of Hawkins’ first voyage in 1562 through 1697 the British transported 379,458 Africans to the Spanish Caribbean and its North American and West Indian colonies.⁹⁰ Yet with the rise of the new mercantile class and the end of the RAC monopoly in 1698 until Parliament enacted the 1807 Slave Trade Act legally ending English participation in the triangular trade, 2,870,585 captives were forced into the Atlantic diaspora under the British flag for a total of 3,250,043 persons.⁹¹ These 3,250,043 enslaved Africans represented thirty one percent of the total number of 10,641,971 New World captives forced into the Atlantic diaspora.⁹² The European scramble for

⁸⁹ Holly Brewer, “Creating a Common Law of Slavery for England and its New World Empire” in *Law and History Review* 39 (2022), 766, 767, 768.

⁹⁰ www.slavevoyages.org/voyage/database. Accessed 23 April 2022.

⁹¹ www.slavevoyages.org/voyage/database. Accessed 23 April 2022.

⁹² These figures compiled from the Trans-Atlantic Slave Trade Database have been challenged by Toby Green among other Atlanticists scholars. Green argues that the numbers do not account for the Portuguese contraband trade which began in the 1520s and peaked from the 1550s to 1600. This illegal trade included either smuggling unlicensed slaves or enslavers whose captives exceeded the allotted number of licenses. Green asserts that as a result of the illegal trade twice as many captives (5,000 per annum) were taken from Upper Guinea West Africa to the Americas from 1550 through 1600. See Toby Green, *The Rise of the Trans-Atlantic Slave Trade in Western Africa, 1300-1589* (New York: Cambridge University Press, 2012), esp. chapter seven “Trading

enslaved African labor reached a fever pitch in the eighteenth century with the British Empire dominating eighty percent of the trade.

The Colonial Plantation Complex: Black Codes and Rebellion in the Caribbean

In the West Indies the cultivation of sugar was paramount to British economic development and 2,090 vessels delivered 497,736 enslaved Africans directly to Jamaica from 1702 until 1775 alone with Barbados a distant second.⁹³ Historians dub this economic boom during the first three quarters of the eighteenth century the “plantation revolution.” Yet in 1680 Barbados had produced more wealth than any colony in British North America. However, after Parliament deregulated the trade in 1698 the increased traffic resulted in the British North American mainland colonies absorbing this unfettered and colossal stream of African bondspeople.⁹⁴ The third largest island in the Antilles, Jamaica was an economic juggernaut for the planter class and the English colonial response to Spanish Cuba and French St. Domingue. In 1734 at the height of the First Maroon War, the value of Jamaican exports to Great Britain and Ireland was estimated at £540,000 per annum, reaching £1,076,155 in 1764 and six years later approaching the eve of *Somerset’s* case annual exports figured at £1,538,730 in 1770.⁹⁵ In comparison, exports for the Grenades in 1770 was a third of Jamaican exportations at £506,709

ideas and trading People: The Boom in Contraband Trade from Western Africa, circa 1550-1850.”

⁹³ *Great Britain. Board of Trade. Report of the Lords of the Committee of Council*, 30-31.

⁹⁴ Home, *The Apocalypse of Settler Colonialism*, 164.

⁹⁵ W. J. Gardner, *A History of Jamaica from its Discovery by Christopher Columbus to the Present Time* (London: Elliot Stock, 62 Paternoster Row, E.C., 1873), 155; Edward Long, *The History of Jamaica*, vol. 2, 600.

per annum rating it second among the British sugar islands.⁹⁶ Accounting for nearly seventy-one percent of all English trade in the Indies, in 1774 Jamaican white inhabitants numbered 12,737 and the enslaved populace was 182,778 with free Blacks figuring 4,093. Antigua, on the other hand, held 2,590 white settlers and the majority enslaved population numbered 37,808 during the same year.⁹⁷ Julius S. Scott says Jamaica superseded all British Antillean holdings “in its importance both as a commercial entrepôt and as a staple-producing economy.”⁹⁸ To put Jamaica’s total island population of approximately 200,000 into context, the mainland colony of South Carolina, which held the first Black majority in British North America, bested the 146 mile long island in land mass by eight-fold. Yet the Black and white population in the future Palmetto state superseded the combined number of free and unfree Jamaicans by only 50,000 for a total populace of 250,000.⁹⁹

The Jamaican sugar island was populated by a coterie of English planters like Edward Long, Thomas Thistlewood, and Bryan Edwards all of whom profited from slavery and left scholars a valuable trove of first-person accounts detailing and defending the institution in the

⁹⁶ The following represent the 1770 annual export estimates to Great Britain and Ireland from the Windward islands: Grenades £506,709; Antigua £465,900; Barbados £436,013; St. Kitt’s £427,454; St. Vincent £110,501; Montserrat £102,540; Tortola £71,828; Dominica £62,856; Nevis £57,982; Anguilla £5,857. Winward Islands totals £2,243,730; Jamaican total £1,583,730; Combined total £3,782,460. Long, *The History of Jamaica*, vol. 2, 600.

⁹⁷ *Great Britain. Board of Trade. Report of the Lords of the Committee of Council, Part IV. Population. N 15 Supplement N 1. Jamaica.*

⁹⁸ Scott, *The Common Wind*, 4.

⁹⁹ Edward Wigglesworth, *Calculations on American Population, with a Table for eliminating the annual Increase of Inhabitants in the British Colonies: The Manner of its Construction Explained and its use Illustrated* (Boston: Printed and Sold by John Boyle in Marlboro-Street, 1775), 13.

British West Indies. Long, along with Bajan planter and fellow Member of Parliament Samuel Estwick, attacked Lord Mansfield's 1772 decision in the English press and through popular publications also lobbying for Parliament and the common law courts to either legislate or adjudicate *de jure* domestic slavery in the English metropole.¹⁰⁰ With its mountainous terrain providing a haven for Jamaican warrior maroons, and a Black majority reaching up to ninety percent even the slightest resistance was met with swift torture or death.¹⁰¹ In the British legal tradition of comprehensively codifying slave laws--with the exception of domestic slavery in England--West Indian and colonial American Black Codes were designed to drive labor, torture the enslaved African, and protect the white colonials. The Jamaican Acts of Assembly note in 1696 that "if any Slave shall offer any Violence, by striking or otherwise, to any white Person, such Slave shall be punished at the discretion of Two Justices and Three freeholders, who may inflict death or any other punishment, according to their Discretion."¹⁰² Once colonial slavery expanded executions and torture set an example and were an ineffective attempt to deter diasporic warfare. Yet lost enslaved lives cost money and time as well as labor. This is where the language "punishment... according to their Discretion" applied to planters like Thomas Thistlewood who administered sadistic *ad hoc* torture which was emblematic in Jamaica. Indeed,

¹⁰⁰ Estwick, *Considerations on the Negroe Cause*; [Edward Long], *Candid Reflections Upon the Judgment lately awarded by The Court Of King's Bench, In Westminster-Hall, On what is commonly called The Negro-Cause, By a Planter* (London: Printed for T. Lowndes, 77, Fleet Street, 1772); Long, *The History of Jamaica*, vol. 3. See esp. appendix pp. 921-962.

¹⁰¹ *Great Britain. Board of Trade. Report of the Lords of the Committee of Council*, Part IV. Population. N 15. Supplement N 1. *Jamaica*. By 1787 white Jamaican inhabitants numbered 23,000 and the enslaved population 256,000 for a Black and white ratio of nine to one or ninety percent.

¹⁰² *Acts of Assembly, Passed in the Island of Jamaica; From 1681, to 1737*, 73.

the enslaver held the whip and reigns and despite the Black Codes Giuseppe Patisso and Fausto Ermete Carbone assert that “any slave owner, facing the possibility of losing his/her life *or* seeing his/her interests being severely damaged, would have no hesitation in violating or circumventing the existing laws.”¹⁰³ Planters therefore selectively optioned the codes during times of fiscal or physical threat to protect their pocketbook or person.

Thistlewood arrived in Jamaica in April of 1750 and died on 31 January 1789 infected with the syphilis bacterium *Treponema pallidum* contracted from committing 3,852 acts of rape, with 138 enslaved females, over thirty-seven years while employed as the overseer on a 1,500-acre diasporic plantation in itself aptly named “Egypt” and as proprietor of his own 160-acre plantation “Breadnut Pen” purchased in 1767. The depraved Thistlewood dated each incident in his 14,000 page diary and included coded Latin terminology to rate each carnal encounter.¹⁰⁴ Infamous for the scatological torture forcefully administered by captives Derby and Hector in the mouth of enslaved others known as “Derby’s dose,” within Thistlewood’s diary the following punishment of his bondsman Hazat for absconding was characteristic: “Put him in the bilboes both feet; gagged him; locked his hands together; rubbed him with molasses & exposed him naked to the flies all day, and to the mosquitoes all night, without fire.”¹⁰⁵ However, torture and executions did not prevent Blacks from engaging in daily diasporic warfare on the island; peaking with the Maroon Wars of 1728-1740; followed by Tacky’s War in 1760-1; and the

¹⁰³ Giuseppe Patisso and Fausto Ermete Carbone, “Slavery and Slave Codes in Overseas Empires” chapter in *Modern Slavery and Human Trafficking*, ed. Jane Reeves (London: IntechOpen Limited, 2021).

¹⁰⁴ Trevor Bernard, *Mastery, Tyranny, & Desire: Thomas Thistlewood and His Slaves in the Anglo-Jamaican World* (Chapel Hill: University of North Carolina Press, 2004), 156.

¹⁰⁵ Douglas Hall, *In Miserable Slavery: Thomas Thistlewood in Jamaica, 1750-86* (Mona, Jamaica: The University of the West Indies Press, 1999), 71, 72, 73.

Baptist War of 1831-2 the latter two leading to seventy-four white deaths and hundreds of lost African lives. Thistlewood was approaching forty-years of age when the Akan-speaking Coromantee warrior from the Gold Coast, Tacky, mounted a rebellion on 7 April 1760, during which he died fighting for an autonomous Afro-Jamaican state. Before he fell in combat, a grisly report from Bryan Edwards indicated that Tackey “was wondering in the woods without arms or clothing and was immediately pursued by...[a]...Maroon detachment of the 74th regiment” until “he was shot through the head” which was preserved as a trophy. Edwards exclaimed that maroon boasting led them to cook “*and actually devour the heart and entrails of the wretched victim!*” [emphasis included] ¹⁰⁶

Thistlewood’s diary dated Monday 26 May 1760 noted three men informed him “of Mr Smith at Capt. Forest’s being murdered by the Negroes” during the war and the self-aware sadist Thistlewood realized “I should probably be murdered in a short time.” ¹⁰⁷ Afro-British servants were apprised of insurrection on the island via the British public press and soon after its founding in 1731 the upscale *Gentleman’s Magazine* kept readers (many of whom were absentee proprietors) abreast of rebellion in Jamaica. The Maroon Wars led to countless articles in the periodical many of which were hyped in an attempt to keep Black servants out of the metropole and further racialize the feral African character. A 1733 article warned “That the Negroes were in rebellion, and had killed several white People; but had been driven into the Mountains by of

¹⁰⁶ *The Proceedings of the Governor and Assembly of Jamaica*, xxxvi-xxxviii. Edward’s claimed that the “shocking fact last mentioned [Tacky’s death] was attested by several white people, and was not attempted to be denied or concealed by the Maroons themselves.” *The Proceedings of the Governor and Assembly of Jamaica*, xxxviii fn.

¹⁰⁷ Hall, *In Miserable Slavery*, 97. See also Thomas Thistlewood Papers. James Marshall and Marie-Louise Osborn Collection, Beinecke Rare Book and Manuscript Library, Yale University. [https://archives.yale.edu/repositories/11/resources/Accessed January 29, 2023](https://archives.yale.edu/repositories/11/resources/Accessed%20January%2029,2023).

Body of Sailors sent against them, after a sharp fight; whereon were killed 40 of the former, and 11 of the latter.”¹⁰⁸ This editorial was indicative of the journalistic pattern in the magazine of histrionic English deaths at the hand of Africans followed by whites mustering and brigading their maroon adversaries into a defensive struggle.¹⁰⁹ A fine line was drawn between illustrating African butchery and, at the same time, English moral superiority and hegemony. A 1735 article in the *Gentleman’s Magazine* alerted the public of the freedom fighter Moses Bon Sa’am who inspired Afro-Caribbean self-determination amongst the maroons in Jamaica with a lengthy published speech.¹¹⁰ The caption from the *Gentleman’s Magazine* (1735) tersely read “this is a black, beware of his good Countrymen.”¹¹¹ Yet as Sir John Fielding observed such news passed onto Afro-British servants created ever more resistance in the metropole powerfully resonating throughout the eighteenth-century Anglo-American diaspora.

¹⁰⁸ *Gentleman’s Magazine* III (1733), 606.

¹⁰⁹ “From *Jamaica*, That the run-away Negroes are become very troublesome, having taken a Town in the Mountains which had been forced from them.” *Gentleman’s Magazine*, III (1733), 329. By a Letter from *St. Christopher’s* ‘tis advised, that the Negroes of *St. John’s* had rose and cut off every one of the Whites their masters; but that the Militia of *St. Thomas* had re-taken the Fort, and driven the Negroes into the woods.” *Ibid.*, (1734), 48. “From *Jamaica*, March 22, that the rebellious Negroes about port Antonio, on the north of that Island, were much increased, by the revolt of 10 or 12 together from their masters, that they have destroyed several plantations and estates, that besides what arms and ammunition some time ago they took from the soldiers and sailors, ‘tis feared, they are privately supplied by the Spaniards from Cuba.” *Ibid.*, IV (1734), 277. “From *Jamaica*, That the Negroes desert daily, and are becoming so numerous and well fortified in the mountains, that the chief town is impregnable.” *Ibid.*, (1734), 510.

¹¹⁰ See “Speech of Moses Bon Sa’am” in *The Prompter No. 18* (1735).

¹¹¹ *Gentleman’s Magazine* V (1735), 21.

The Black Presence in England: Servant Life and the Planter Response

An unintended consequence of unfettered free trade after deregulation in 1698 was the increased number of bondspople arriving in the metropole which reached an estimated 14,000 to 15,000 by the time of *Somerset's* case.¹¹² The *de jure* status of Afro-British domestic captives was effectively excluded from parliamentary legislation and England also lacked anything resembling its North American and West Indian Black Codes or the French *Code noir Louis* (1685) and Edict of October (1716) which respectively codified colonial and domestic slavery in France and its West Indian colonies.¹¹³ Edward Long published the third and final volume of his racialized opus *The History of Jamaica* (1774) in the wake of *Somerset's* case when word of the anti-slavery decision had marinated in the uneasy minds of the British West Indian and colonial American planter class. The slavocracy had trembled under the fear that Lord Mansfield's verdict would apply throughout the British Empire, legally ending the trade as well as bondage in the British West Indies and American colonies. Of all the volumes in *The History of Jamaica* the third contained less of Long's racial invective rooted in pseudoscientific Kantian Enlightenment

¹¹² The estimated number of Afro-British servants in England at the time of *Somerset's* case varied from 3,000 to the more probable number of 14,000 or 15,000. The appraised price of £700,000 sterling based on a population of 14,000 at £50 sterling a person was cited numerous times during the trial by Charles Stewart's co-counsel John Dunning (later Lord Ashburton), James Somerset's co-counsel William Davy, and Chief Justice Lord Mansfield. 20 How. St. Tr. 1 at 71, 72, 76, 79-80.

¹¹³ The *Code Noir Louis* set the *de jure* standards and conditions for French colonial slavery and the Edit of October did so in the French metropole. When comparing slavery in other nations the *Somerset* trial notes refer to the 1685 *Code Noir* which "permits slavery in the colonies" and the 1716 Edit of October that "recites the necessity to permit [slavery] in France, but under various restraints." The notes further indicate that once French colonial slavery was sanctioned "the edict of 1716 was necessary, to transfer that slavery to Paris; not without many restraints, as before remarked; otherwise the ancient principles." "Somerset v. Stewart," English Reports Full Reprint Vol. 98 - King's Bench: 501.

thought as he narrates the environs of Jamaica detailing the climate, flora, and fauna.¹¹⁴

However, due to unyielding post-*Somerset* planter uncertainty it is uncoincidental that he added an appendix containing a full English translation of the *Code Noir Louis* and Edict Of October.

Long provides a running commentary of both edits via copious footnotes and particular emphasis is placed on the Edict of October with the intent of eliciting the British Parliament to adopt an equal statutory measure ensuring that England does not emerge as a free soil sanctuary for enslaved Blacks.¹¹⁵ Despite the pro-slavery pressure to remedy the impact of *Somerset*, Parliament never acted and within three years of Mansfield’s verdict America declared its independence from the British imperial system. Armed conflict was under way when King George III refused to acknowledge the eleventh hour “Olive Branch Petition” passed by the Second Continental Congress on 5 July 1775. Indeed, a total of twenty delegates from five out of six slave-holding colonies signed the petition--including the Virginian Richard Henry Lee--with Georgia abstaining.¹¹⁶ The delegate from Pennsylvania, John Dickinson, penned the florid petition laced in appeasement and fidelity to King George III who declined it out of hand since he deemed the Continental Congress an illicit governing organ. The Hanoverian sovereign affectionately known as “Farmer George” was at the height of his popularity and while anti-war

¹¹⁴ See Joris van Gorkom, “Skin color and phlogiston Immanuel Kant’s racism in context” in *History and Philosophy of the Life Sciences* 42 (2020). <https://doi.org/10.1007/s40656-020-00311-4>

¹¹⁵ Long, *The History of Jamaica*, Appendix to vol. 3, 921-962. Within Long’s bulky footnotes is an analysis of the Edit of October as it was litigated during the *Somerset* case by lead attorney for James Somerset. See pp. 935-936.

¹¹⁶ *Journals of the Continental Congress, 1774-1779*, vol. II. ed. from the original records in the Library of congress by (Worthington Chauncey Ford; Chief, Division of Manuscripts. Washington, D.C. Government Printing Office, 1905), 158-172.

sentiment was strongest in the metropolis where the majority of dailies were published when the King appeared at the opening of Parliament on 26 October 1775 to speak on the “present Situation of *America*” the *London Public Advertiser* (1775) commented on the dearth of “hissing” and “the affection of his people.”¹¹⁷ While only one component within the larger debate on colonial motivations for rebelling against the British empire the petition belies the historiographical orthodoxy prosecuting 1776 as a “counter-revolution” bent on preserving the institution of slavery in the mainland British colonies.¹¹⁸

African descended captives were imported into the English metropole from its Caribbean and North American colonies by ship’s captains seeking extra capital from their human cargoes as well as absentee planters, merchants, and government officials who enslaved Blacks as fashionable domestics serving as footmen, coachmen, pageboys, maids, and cooks during the seventeenth and eighteenth centuries. These ship’s captains, explained Thomas Clarkson, were permitted one or more slaves and once their cargo was marketed in England “the sum total fetched is put down, and this being divided by the number of slaves sold, gives the average price of each” which the ship’s officials collected rather than the actual captives who were auctioned off as domestics to elites in London, Bristol and Liverpool.¹¹⁹ Pushback and resentment against the early Black presence led to newspaper articles which fostered racial tropes questioning the intellect and utility of African descended people. Reporting on the augmented importation of Blacks into the metropole, the *Gentleman’s Magazine* exclaimed in 1746 that “Scarce one in a

¹¹⁷ *London Public Advertiser* (1775); quoted in David McCullough, *1776* (New York: Simon & Schuster, 2005), 10.

¹¹⁸ See Horne, *The Counter-Revolution of 1776*, 234-253.

¹¹⁹ Thomas Clarkson, *The History of the Abolition of the Slave-Trade*, vol. 1, 63.

thousand of these new negroes...can count 20, or tell his fingers and toes!"¹²⁰ This characterization is reflective of the simian trop espoused by Edward Long who sought at every opportunity to modulate the import of enslaved Africans in the realm. Long stated in his *Candid Reflections Upon the Judgment Lately awarded by The Court Of King's Bench* (1772) that the African presence was a mere frill or luxury "retained in families more for ostentation than any *laudable* use." Like his proslavery ilk, Long felt "the public good of this kingdom requires that some restraint should be laid on the unnatural increase of *blacks* imported into it," and protested "the quirks of Negroe solicitors, and the extra-judicial opinions of some lawyers" which prevented owners' who "endeavored to send them back" to the colonies after these servants were "brought hither upon motives of absolute necessity, for want of other attendants in the voyage."¹²¹

Long's judicial criticism was directed toward Mansfield's legal emancipation of Somerset as the only Afro-British extra-judicial opinion was the infamous proslavery Yorke-Talbot (1729) *obiter dictum*. Long again devalues African domestics imported into England overlooking the numerous colonial whites who were anxiously queuing up for departure home to the safety and familiar environs of the metropole. Indeed, at this precarious legal moment after Mansfield emancipated Somerset the Jamaican judge was petitioning to ensure Africans remained segregated from the metropole and enslaved in the islands cultivating the sugar that sweetened the tea and coffers of the British Empire. In a similarly worded 1764 editorial in the *London Chronicle* a member of the pro-slavery cabal criticized "the folly which [has] become

¹²⁰ The *Gentleman's Magazine* XVI (1746), 479.

¹²¹ [Edward Long], *Candid Reflections*, 46, 48.

too fashionable, of importing negroes into this country for servants” which the anonymous writer explained had long been discussed “as a growing piece of ill policy that may be productive of much evil.” Much like Edward Long, the unknown author felt the “ill policy” of African importation was rooted in the tripartite “evil” of blackness, freedom, and miscegenation which stood to pollute future generations of English progeny.¹²²

The same year another anonymous editorial in the *Gentleman's Magazine* (1764) noted that continued African ingress had pushed the Black population in London alone to “20,000” and “the main objection to their importation is, that they cease to consider themselves slaves in this free country, nor will they put up with an inequality of treatment, nor more willingly perform the laborious offices of servitude than our own people, and if put to it, are generally sullen, spiteful, treacherous, and revengeful.” In other words, during the 1760s when Afro-British servants like Joseph Harvey, Jonathan Strong, and Thomas John Hylas were demanding their freedom in *cause célèbre* trials, others too were refusing to “put up with an inequality of treatment” by demanding wages or walking away from their enslavers. The inflated number of “20,000” Blacks in the metropolis--when the estimated figures ranged from 3,000 to 15,000 spread across the British Isles--intended to spark fears that an African incursion was imminent. The commentary ends by stating that “It is therefore highly impolitic to introduce them as servants here, where that rigour and severity is impracticable which is absolutely necessary to make them useful.” This impresses on those importing African servants to cease doing so because of the degree to which Blacks were self-emancipating and claiming England as a free soil domain. The writer further cautions that it is unwise or “impolitic” to introduce unfree Africans into the realm since

¹²² *The London Chronicle* XIII (1764), 317.

they refused to bow down to white demands and the “severity” to which the West Indian planter class dealt with such insubordination was ineffective and unacceptable in genteel England. Unlike the British colonial slave societies the English metropole was a society with slaves and lacked the countless Black Codes which via torture and execution dictated captives’ quotidian lives. Finally, for those Afro-British servants who “cease to consider themselves slaves in this free country” much like John Fielding testified the writer feared that if shipped back to the colonies this taste of freedom was verbally passed on to counterparts and anti-slavery advocates in the West Indies and American colonies.¹²³ Diasporic warfare was waged not just along the Atlantic colonial fringes but in the heart of the British Empire--metropolitan maroons were challenging their captivity and via word of mouth conducting a trans-Atlantic movement within the realm. Once anti-slavery activity increased in the 1760s like editorials laced in racist and proslavery invective were often shrouded under anonymous a *nom de plume* or *nom de guerre*. It is no accident that the language contained in these statements calling for fewer Afro-British servants in the kingdom appeared taken from the same slavocracy script and rubber stamped in numerous print organs. The abolitionist tide was turning and the angst ridden proslavery palaver by Edward Long and Samuel Estwick, among others, backfired, leading to increased sympathy for captives and a push to end the Trans-Atlantic Slave Trade.

The number of seventeenth-century domestics were initially imperceptible in the capital and other English port destinations. Yet the famous memoirist and nascent investor in the Royal African Company Samuel Pepys--whose diary contains numerous anecdotes involving his Afro-British domestics--observed in 1669 that “Negro servants were not uncommonly employed,

¹²³ *Gentleman's Magazine* XXIV (1764), 493.

especially in London.”¹²⁴ The diaries of Pepys provide a rare glimpse into the experiences of seventeenth-century Black servants--in particular during the years 1662 to 1669. His journals only note superficial references to the actual duties of domestics who appear to serve as foot men, pageboys, servant-maids, and cooks. Pepys offers fascinating, tragic, and sometimes humorous--from *his* perspective--personal anecdotes which reveal the guise of Blacks in seventeenth-century England. On 14 February 1661 Pepys called on the English Civil War naval officer and later Surveyor of the Navy, Sir William Batten, whose servant Mingo approached the door prompting him to ask, “whether they that opened the door was a man or a women?” Mingo, recalled Pepys, answered “a women” which “with his tone, made me laugh.” The following month found Pepys and the Batten family enjoying a late night of singing, dancing, and fiddling before joined by Mingo who did all “with a great deal of skill.”¹²⁵ Pepys and several friends again “fell to dancing” until the wee hours accompanied by a servant named Therbo who played the best violin in town. W. Batelier’s “blackmore and blackmore-maid” appeared at 2am whereupon they all “jigged” to a “country-dance” which gave Pepys such “extraordinary pleasure, as being one of those days and nights of my life spent with the greatest content, and that which I can but hope to repeat again a few times in my whole life.”¹²⁶

While Pepys, who was known to excessively imbibe, found these anecdotes pleasurable and humorous what were the servants thinking? How were they feeling? The humor was undoubtably one-sided as Mingo, Therbo, and the unnamed “blackmore-maid” played the part of

¹²⁴ R.C. Latham and William Matthews, eds., *The Diary of Samuel Pepys* (11 volumes, London: Bell and Hyman, 1970-83), vol. 9, 510fn.

¹²⁵ Latham and Matthews, eds., *Diary of Pepys*, vol. 2, 36, 61.

¹²⁶ Latham and Matthews, eds., *Diary of Pepys*, vol. 9, 464.

court jester--appeasing their enslaver not unlike captives living in the British slave-holding colonies or later in the *antebellum* United States. For example, the bibulous southern planter who summoned his field hands late at night for dancing and music--at *his* caprice and for *his* pleasure. While playing along--in itself a form of resistance--captives were often preparing to abscond or rebel once the trustful enslaver lowered his guard. Prior to escaping his twelve years in captivity, Solomon Northup wrote that no “matter how worn out and tired we were...whenever [master] Epps came home in one of his dancing moods” all were ordered into the “great house” where Epps with whip in hand was “ready to fall about the ears of the presumptuous thrall, who dared to rest a moment.”¹²⁷

The similarity between the experience of Afro-British servant-slaves and colonial or African-American captives is manifest--the drunken and sedentary enslaver be it Pepys or Epps humoring himself at the expense of the enslaved. Pepys’ references often discussed the deaths of Blacks with indifference. He and Captain Christopher Myngs contemplated why “Negroes drowned look white and lose their blacknesse.” To this postmortem curiosity Pepys concluded that “the removal of the epidermis by putrefaction makes the body paler, but not white.” In 1665 Pepys observed Sir R. Viner’s “black boy” who “died of consumption; and being dead, he [Viner] caused him to be dried in a [sic] Oven, and lies there entire in a box.” It was the plague which left the English “mighty full of fear” during the mid-1660s noted Pepys--a pestilence causing the remainder of Black deaths he recorded.¹²⁸ Upon hearing from Batten that Captain Cocke’s Black servant succumbed to the disease Pepys apathetically noted that “I had heard of

¹²⁷ Northup, *Twelve Years a Slave*, 181.

¹²⁸ Latham and Matthews, eds., *Diary of Pepys*, vol. 3, 62, 63, 63fn, 283, 285.

[this] before but took no notice.” Yet when Cocke arrived for dinner two days later Pepys’ indifference turned to fear after the Captain confessed to dismissing Pepys message urging Cocke to steer clear from “his black dying” to avoid exposure. Pepys wrote that he “would have been glad [if Cocke] had been out of the house” but allowed his friend to remain.¹²⁹

While Pepys’s words illustrated implicit abuse of Afro-British servants in the seventeenth-century; the diary of the Solicitor-General to the Leeward Islands, John Baker, often provided instances of torture in graphic detail. Baker started his daily journal in 1751 at age thirty-nine while an enslaver and planter in Basseterre, St. Kitts. His Caribbean connection accounts for severe treatment and indifference toward enslaved colonials. One eighteenth-century observer stated that when presented with an alternative captives elected “a crust of bread and liberty in Old England to slavery in the West Indies.”¹³⁰ Jack Beef was Baker’s servant in England and did not experience the same violent handling and indifference that the Solicitor-General expressed toward Afro-Caribbean captives. Yet Beef spent all but perpetuity in bondage pantomiming and performing menial tasks for Baker after being uprooted from friends and family. He died on 7 January 1771 only five days after Baker manumitted him as a token gesture. Just as Pepys’s captives put on a *faux* smile while dancing and fiddling into the ‘wee hours’ Beef did the same yet we only hear of his experience as an Afro-British captive from the musings of his enslaver Baker. Whether a “domestic slave” in England or “war slave” in the Indies bondage was bondage and Atlanticists scholars fail to emphasize the diasporic warfare fought by the enslaved Afro-British population and metropolitan maroons. Living in St. Kitts Baker discussed

¹²⁹ Latham and Matthews, eds., *Diary of Pepys*, vol. 6, 214, 215.

¹³⁰ Quoted in Edward Scobie, *Black Britannia: A History of Blacks in Britain* (Chicago, Illinois: Johnson Publishing Company, Inc., 1972), 15.

violence and the execution of captives unsympathetically as his six years in the Indies left him desensitized toward Black humanity. On 30 July 1752 he recorded that his “negro wench Lais died at three” and the following year Baker casually wrote of “Mr. Warton’s negro man, Devonshire” who had been “tried and hanged.” On 21 February 1755 he discovered an “infant mulatto child of Samuel Matthews, the mason” who had been nocturnally “eat and killed by the rats” when “left alone...in the night.” After an enslaved child belonging to Captain Dromgoole was determined to have “drowned in a tub of water” in the early morning hours of 2 October 1755 the youngster was evidently “brought back to life by lighting a pipe of tobacco and sticking the small end in its fundament, and blowing it at the bowl.” Baker’s last diary entry before departing St. Kitts for the metropole in the summer of 1757 logged a bondsman named “Chocolate” who was “thrown into the sea” following his execution.¹³¹

Once Baker returned to England on 26 July 1757 the absentee proprietor made frequent trips back to St. Kitts to inspect his plantation and enslaved African workforce. Beef operated as his sole servant in England and with properties in the Indies a spouse and five school-aged children Baker delegated all of his extraneous tasks to Beef. On 18 October 1762 he “bottled off port-wine at Mr. Jones’s” and considered an epicure Beef aided in dinner parties where he “dressed turtle demain” for Sir T. Heathcote on the night of 31 August 1763. Baker’s account of 7 August 1770 stated that Beef attended “a Ball of Blacks.” While this appears at face value an occasion for entertainment the Afro-British population often gathered at these events to discuss the politics of slavery and plot escape or other forms of resistance. Indeed, Black ball dances proved popular throughout the diaspora. Like most servants forced to play the role of court jester

¹³¹ Philip C. Yorke, ed., *The Diary of John Baker* (London: Hutchinson, 1931), 67, 72, 80, 83, 85, 208.

in fashionable attire Baker called on the tailor to “measure of...Jack Beef for a livery” and a decade before he “went off and died in his sleep” after living as a free man for one week he was fitted for a second-hand hat on 10 April 1770.¹³² While appearances suggest a relatively benign existence for Beef in England we will never know his perspective living a life in bondage. Beef like other Afro-British servants were forced to live for their enslavers. Yet as captives ever more absconded in the 1760s and into 1770 this provoked the English legal system and abolitionist to push harder for their defense in the lower courts. Only two years after Beef passed away domestic bondage quickly succumbed to wounds inflicted by indomitable captives who incessantly absconded and an English public embracing the nascent anti-slavery atmosphere of the 1760s.

Bristol Voyage Iron, Pero Jones, and Planter Life in the Caribbean

As Pepys noted by the late-seventeenth century enslaved Africans were a visible presence and ever more trickling into the metropole as the British seizure of the West Indies and North America starting with the first slave society of Barbados [1605] and concluding forty years later with the sugar-island behemoth Jamaica [1655] expanded the truant planter class.¹³³ The eighteenth-century West Indian absentee landlord like Baker engaged in commercial

¹³² Yorke, *The Diary of John Baker*, 163, 167, 181, 133, 201, 206, 208.

¹³³ The colonization of the West Indies and North America occurred during the first half of the seventeenth century. In the Indies the British took possession of what emerged as the first slave society Barbados in [1605]; Saint Kitts and Nevis in [1623]; Saint Christopher and Santa Cruz in [1625]; Antigua and Montserrat and Barbuda in [1632]; the Bahamas in [1647]; and Jamaica in [1655]. The British West Indian plantocracy cultivated sugar--previously supplied to Europe from Brazil--and African captives soon replaced white indentured servants transported from England. The cultivation of tobacco in Virginia (from 1614) and rice in North (from 1660) and South Carolina (from 1670) increased the demand for enslaved labor in British North America. Except for Barbados, captives were seldom used until after 1660; they then rapidly spread in all colonies south of Maryland.

“aristocratic” or “gentlemanly capitalism” and embraced an extended patriarchal household which comprised the dependable and ‘favorite’ body servant who accompanied family back to the English metropole.¹³⁴ Yet the extreme tropical Caribbean climate and intensified diasporic warfare among the defiant Black majorities ever more forced fearful plantation owners with their servants in tow back to the English metropole which visibly swelled the Afro-British population in the port cities of London, Cardiff, Bristol, and Liverpool the most prosperous entrepôt in the British Empire. The Bristol mercantile elite had dominated the commercial exchange in enslaved Africans, West Indian sugar and Virginian tobacco leaf until eclipsed by Liverpool from where half of the 11,000 slaving vessels departing England to Africa originated in the eighteenth century.¹³⁵ With the end of the RAC syndicate in 1698 Bristol had prospered due to high grade mineral deposits. Yet in the mid eighteenth-century the deep water ports in Liverpool utilized large slaver vessels--such as the infamous Liverpoolian constructed slaver *Brooks* and *Zong*--which increased human payload size and profits. The inexpensive Bristol iron forged into quality pots served as currency for captives in the Euro-African trade until the supply and demand for muskets increased. The local mineral source kept the price of Bristol “voyage iron” low but

¹³⁴ Keith Mason, “The Absentee Planter and the Key Slave: Privilege, Patriarchalism, and Exploitation in the Early Eighteenth-Century Caribbean” *The William and Mary Quarterly* vol. 70 (January 2013), 79. The term “gentlemanly capitalism” was first advanced by P.J. Cain and A.G. Hopkins in their revolutionary study of nineteenth-century British “New” Imperialism. These gentlemanly capitalist were the offspring to members of the fading landed gentry who found themselves lacking financial means following the Industrial Revolution. Dismissing strategic motivations Cain and Hopkins proclaim that the colonization of Asia, South America, the Indian subcontinent, and the “scramble for Africa” was rooted in underlying financial factors--filling the employment void offering respectable “jobs for the boys” whose landed wealth was taken over by industrial capitalist. See P.J. Cain and A.G. Hopkins, “The Peculiarities of British Capitalism: Imperialism and World Development,” in Shigeru Akita, ed., *Gentlemanly Capitalism, Imperialism, and Global History* (London: Longman, 2002): 207-255.

¹³⁵ David Richardson, “Liverpool and the English Slave Trade,” undated article, 73.

quality high as the discerning West African buyer demanded a superior product to resell along the coastal marketplace. While containing different properties sub-Saharan iron was of superior grade and Chris Evans and Göran Rydén argue that “voyage iron, for all its apparent banality, initiated a process of African—European technological interaction.”¹³⁶ This coincided with the beginning of the Industrial Revolution in Britain and the wealth from Bristol’s participation in the Trans-Atlantic Slave Trade funded its Georgian-style infrastructure and the estates of the mercantile elite like John Pretor Pinney.

When the third generation Bristol sugar merchant and Nevis plantation owner Pinney departed from the Caribbean he had amassed a fortune much of which was earned exploiting plantation foreclosures. His firm “House of Pinney and Tobin” handled loans, recovered debt, and negotiated mortgages and liquidation. The decline of the planter class proved highly profitable and Pinney’s combined fortune upon his death in 1818 was £267,000. His ‘favorite’ Afro-Caribbean body servant Pero Jones with whom Pinney and his family returned to England soon died in 1798. Like many of Pero’s enslaved Afro-British counterparts once removed from familiar environs, family, friends, and acquaintances he sank into alcoholism which Pinney recognized writing to a friend that family members “visit him three or four times a week. He has waited on my person upwards of thirty-two years...almost ever since we left Nevis in 1794 his conduct has been very reprehensible--insomuch, that his mistress and every branch of my family have urged me to discharge him and send him back to Nevis with an annual allowance.” Pinney later notified his family that “Pero,...died a few months ago, after being almost useless, caused

¹³⁶ Chris Evans, Göran Rydén, “‘Voyage Iron’: An Atlantic Slave Trade Currency, its European Origins, and West African Impact,” *Past & Present*, Volume 239, Issue 1, May 2018, Pages 41–70. <https://doi.org/10.1093/pastj/gtx055>

by drunkenness and dissipation.” Alas, Pinney failed to heed the advice of his family and Pero died an enslaved man four years after departing Nevis.¹³⁷ Afro-British agency represents the locus of this treatment, yet in the end the unspeakable trappings of enslavement understandably consumed some like Pero Jones, Solomon Northup--who fell into alcoholism after freedom--and possibly James Somerset who vanished from the historical record post-1772.

For however hard the planter class tried to replicate “little England” in the West Indies, the sugar-islands were inhospitable and whites progressively emerged as the minority race. The Irish-born London society physician, naturalist, collector and absentee proprietor via marriage to a plantation heiress, Sir Hans Sloane’s seminal collection of Jamaican biota and numerous curiosities helped establish the British Museum in 1759. Sloane spent fifteen months in Jamaica from 1688 into 1689 collecting *naturalia* with Akan guides--whose invaluable assistance he dismissed--serving as the personal physician to the governor of Jamaica the Duke of Albemarle. His case histories of violent alcohol related deaths, including that of his benefactor, the governor, are legion and the ascetic-minded Sloane incredulously observed that once in Jamaica whites were “more debach’d than in England” and proceeded to “kill themselves by adding fewell to the fire and drinking strong intoxicating liquors.” Sloane biographer James Delbourgo clarifies that inebriates were required to ease the island monotony and steady planter nerves: “Caribbean hospitality demanded violently inebriated excess to enliven the mind-numbing boredom of plantation life and also as a rite of white bonding to dull the fear of death from disease or slave rebellion.”¹³⁸ Sloane happily never returned to Jamaica remaining an absentee proprietor for over

¹³⁷ Richard Pares, *A West-India Fortune* (London: Longmans, Green and Co., 1950), 130, 328.

¹³⁸ James Delbourgo, *Collecting the World: Hans Sloane and the Origins of the British Museum* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2017), 47, 53.

sixty years until his death in 1753 and due to his link to slavery Sloane's contribution to the British Museum is spoken of in hushed tones.

By the time James Somerset was on trial in 1772 one-third of the Jamaican plantocracy were absentee planters and this number increased on the smaller islands like Granada where Black majorities even more dominated the racial landscape.¹³⁹ While fear of rebellion and the unfamiliar environs of the tropical Caribbean led to increased absenteeism, Lowell Joseph Ragatz breaks down West Indian absentee proprietorship from 1750 until 1833 into three disparate periods. From 1750 until 1775 the wealth of the planter class allowed the absentee to permanently retire outside of the Atlantic and educate their children in Europe. From 1775 until 1815 West Indian estates were inherited by planter progeny who resided throughout the English metropole. While from the end of the Napoleonic Wars until the 1833 Abolition Act most estates were remanded to London creditors as the English West Indies transitioned into the five year apprenticeship phase until full emancipation following the Slave Compensation Act of 1837.¹⁴⁰

Racial Remapping: Fears of Black and white Miscegenation in the Metropole

Along with concerns among pro-slavery apologists that Black and white miscegenation would culturally re-racialize the Anglo-Saxon based English population were fears that intermarriage would financially burden the state since black men would soon forsake their new spouse and "mulatto progeny to the care of the parish" prognosticated Edward Long.¹⁴¹ Such

¹³⁹ *Great Britain. Board of Trade. Report of the Lords of the Committee of Council, Part IV. Population. N 15.* In 1785 Granada the white inhabitants numbered 996 and enslaved population was 23,926 for a Black and white ratio of twenty four to one.

¹⁴⁰ Lowell Joseph Ragatz, "Absentee Landlordism in the British Caribbean, 1750-1833," *Agricultural History* 5 (January 1931), 7.

¹⁴¹ [Edward Long], *Candid Reflections*, 48-49.

socio-cultural anxieties were embedded in insecure white male masculinity coupled with a sexual power dynamic projected by West Indian planters like Thomas Thistlewood who raped enslaved Africans at will.¹⁴² The law never protected captives from rape and Sharon Block reminds us that in America “no rape conviction against a white man...for raping an enslaved woman has been found between at least 1700 and the Civil War.”¹⁴³ While European males feared the prospect of Blacks forcefully violating respectable English females disquietude over those who freely engaged in such carnal pleasures *as they had* played into their worst nightmares. The acceptance of miscegenation among whites was based on gender and geographical location like the crude West Indies in short supply of European women and far removed from *haute* societal norms in the English metropole. “White men had sexual intercourse with Negro bond-women throughout the Americas” asserts David Brion Davis and the English planter in Barbados and Jamaica resided “openly with Negro mistresses who were often accorded many of the privileges of legitimate wives.” Yet Davis clarifies that in the English metropole and other European countries

¹⁴² To conclude that enslaved Caribbean women were “raped at will” does not diminish the agency females utilized in manipulating male enslavers, weaponizing their mind and body to avoid labor, gain access to monies, secure manumission, prevent displacement of family members, and even murder slaveholders often via poison to avoid detection. Yet in her study of eighteenth-century enslaved Bajan females Marisa J. Fuentes argues that these women were left with limited social and economic options in the face of patriarchy and their enslaved status. Such “unequal power relations and violence” among colonials scrubbed agency from the lives of women in the Caribbean as the entrenched white male junta held sway. See Marisa J. Fuentes, *Disposed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia, Pennsylvania: University of Pennsylvania Press, 2016), 10.

¹⁴³ Sharon Block, *Rape & Sexual Power in Early America* (Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia: University of North Carolina Press, 2006), 23.

“it took centuries...for the power of sex to dissolve the color line.”¹⁴⁴ Olaudah Equiano, who married a white Englishwoman, had observed that little notice was given to West Indian English planters with Black paramours. Yet in the metropole separate rules applied for men and women and were rooted in class distinctions as well as pigmentation and for most discretion. In his autobiographical account *The Interesting Narrative of the Life of Olaudah Equiano* (1815) Equiano detected that “Soon after my arrival in London, I saw a remarkable circumstance relative to *African* complexion” to which he further remarked “A white negro women, that I had formally seen in *London* and other parts, had married a white man, by whom she had three boys, every one mulattos, and yet they had fine light hair.”¹⁴⁵

The wealthy third-generation plantation owner John Pinney--who settled in Bristol in 1794 as a successful sugar merchant upon returning from Nevis--had married a West-Indian named Miss Jane Weeks in 1772 with whom he had seven children despite initially entertaining “too great an opinion of my own country ladies, for to give the preference to Creoles, for they are in general an indolent set of people.”¹⁴⁶ While Pinney married a Creole with European features he never entertained the prospect of matrimony with an Afro-Caribbean due to pigment and African physiognomic features. Married inter-racial couples publicly sauntering throughout the metropolis with ‘mulatto’ progeny at hand struck a dagger in the heart of Edward Long and his ilk who were surrounded by defiant and angry Black majorities in the West Indies. Yet the irony

¹⁴⁴ David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, New York: Cornell University Press, 1966), 273, 274.

¹⁴⁵ *The Interesting Narrative of the Life of Olaudah Equiano; or Gustavus Vassa, the African* (Penryn: Printed by and for W. Cock; And Sold By His Agents Throughout the Kingdom, 1815), 303, 304.

¹⁴⁶ Pares, *A West-India Fortune*, 74.

that this ‘white negro’ mother--likely the result of planter rape--contributing to the racial re-mapping of England was not lost on Long and his Caribbean proslavery counterparts. Once in the metropole old sexual habits lived on for absentee planters who fetishized dark complected African women in underground London Black brothels. The procuress to one went by the sobriquet “Black Harriot” a formally enslaved Afro-Caribbean purchased and forced to England by a Jamaican planter with whom she had two children. While left destitute upon his death Harriot was self-taught and started a bordello where it was anxiously reported that twenty of her seventy clients held a peerage.¹⁴⁷

While the social status of Equiano’s female London acquaintance is unknown white prostitutes or “unfortunates” and the lower classes engaging in sexual relationships with Blacks were simply written off as morally corrupt due to their impoverished and improper upbringing. Edward Long protested that once in England African servants abscond and bond with a “knot of blacks” reposing “themselves here in ease and indolence, and endeavor to strengthen” their lot

by seducing as many of these strangers into the association as they can work to their purpose. Not infrequently, they fall into the company of vicious white servants, and abandoned prostitutes of the town; and thus are quickly debauched of their morals, instructed in the science of knavery, fleeced of their money, and driven to commit some theft or misdemeanor, which makes them ashamed or afraid to return to their master.¹⁴⁸

Long’s discourse dismissed these lower class domestics and prostitutes as ‘vicious white servants’ and ‘abandoned prostitutes’ since only Englishwomen of their socio-economic station could sexually associate with ‘a knot of blacks.’ Yet the African is still condemned for loosening

¹⁴⁷ Peter Fryer, *Staying Power: Black People in Britain since 1504* (Atlantic Highlands, NJ.: Humanities Press, 1984), 76.

¹⁴⁸ Long, *Candid Reflections*, 47.

morals, debauching, and bringing dishonesty upon these women incapable of saving face with white employers amidst their debased sexual proclivities. The Black male is, in short, a malignancy upon the metropole and growing in strength and numbers infecting lower class white women leaving them ruined and irredeemable in the eyes of respectable elites. To these elites lower class whites and prostitutes had no “social set” yet for upper-class females to participate in an interracial relationship--as the Duchess of Queensbury infamously did with her former Afro-Caribbean servant Julius Soubise--meant complete ostracization from polite and commercial English society. The affair provided fodder for satirists and upon the Duchesses’ death in 1777 the *Morning Post* excoriated her husband the Duke of Queensbury for allowing “a miscreant of a negro to live under his roof...and thereby enabling him [Soubise] to indulge the most vicious appetite that perhaps ever was implanted in the heart of a vile slave.”¹⁴⁹

While the relationship which was supported by the Duke did not produce progeny and contribute to Long’s fear of re-racializing the country--unlike the inter-racial Londoner whom Equiano befriended--the fixation remained on the perceived animalistic ‘vicious appetite’ of a concupiscence Black male sexually eviscerating an upper-class white female.¹⁵⁰ To the eighteenth-century memorialist Hester Thrale Piozzi interracial affairs like that of Soubise and

¹⁴⁹ The full obituary reads: “The late Duchess of Queensbury finding her dissolution approach fast, earnestly recommended her favorite black, Soubise, to the protection of the Duke. Our correspondent expresses his surprise, how the head of such a noble family should suffer a miscreant of a negro to live under his roof, spending large sums of money, and therefore enabling him to indulge the most vicious appetite that perhaps ever was implanted in the heart of a vile slave.” *The Morning Post, and Daily Advertiser*, no. 1482 (July 1777), 2a.

¹⁵⁰ For a full treatment of the relationship between the Duchess of Queensberry and Julius Soubise see Gretchen Holbrook Gerzina, *Black London: Life before Emancipation* (New Brunswick, New Jersey: Rutgers University Press, 1995), 54-57; see also Peter Fryer, *Staying Power*, 73, 95.

the Duchess represented “success toward breaking down the *wall of separation*.” Yet her pen was filled with revulsion rather than multi-racial progress. “I am haunted by *black shadows*” erected by “Men of colour in the rank of gentlemen; a black Lady, cover’d with finery, in the Pit at the Opera, and tawny children playing in the Squares” which provided Piozzi “ample proofs of Hannah More and Mr. Wilberforce’s” effective destruction of racial barriers.¹⁵¹

Prelude to *Somerset’s Case* and its Impact in Anglo-America

The social difficulties posed by an upsurge in the Afro-British population was coupled with intermittent legal cases involving Blacks who ever more turned to the English court system challenging their enslaved status. Like their bonded counterparts in the British colonies Afro-British servants refused to bow down at the altar of enslavers in the English metropole. These servant-slaves were rebelling and fighting diasporic warfare with their feet and minds via absconding and networking with other metropolitan maroons as well as anti-slavery legal advocates or abolitionists like Granville Sharp. A legal teeterboard ensued as no less than five extant seventeenth-century and nine eighteenth-century cases concerning enslaved Africans in England were adjudicated leading up to *Somerset*. In response to anti-slavery common law verdicts the legal community in collusion with an ever growing anxious West Indian pro-slavery lobby issued dubious extrajudicial decisions based on opinion rather than legal precedent. The fictive 1729 Yorke-Talbot *obiter dictum* asserted that neither Great Britain nor Ireland was free soil to West-Indian captives, baptism did not alter their enslaved status, and the enslaver had

¹⁵¹ Oswald G. Knapp, ed. *The Intimate Letters of Hester Piozzi and Penelope Pennington, 1788-1822* (London: John Lane, 1914), 243-244; quoted in Dana Y. Rabin, *Britain and its Internal Others, 1750-1800* (Manchester: Manchester University Press, 2017), 128.

rights to return his property to the plantations.¹⁵² Indeed, the trans-Atlantic legal reach of colonial slaveholders in particular vexed Lord Mansfield who was fed up with the West Indian merchants by 1772. Other judgements which hinged on legal trifles reflected the growing trepidation of slave merchants and the plantocracy who witnessed the diasporic warfare in the Caribbean-- notably the Coromantee in Jamaica. After captives throughout the British West Indies and mainland American colonies were forced to England their rebellious attitudes caught on which increased the number of runaways and legal challenges once in the British Isles. As Sir John Fielding and Bryan Edwards observed Black servants who returned to the Antilles shared the legal news from England as well as changing public opinion opposing slavery which provoked an uptick in resistance. Afro-Caribbean maroons settled in the foothills and Afro-British metropolitan maroons formed intercity communities and appealed to the English legal system and eighteenth century liberals.

Thomas Clarkson pointed out that in 1700, two years after deregulation of the RAC, the “cruel and wicked practices” once levied only on West Indian bondspeople “had arrived at such a height, and had become so frequent in the metropolis” that in response the nascent English anti-slavery alliance gained numerous coadjutors supporting the cause. Slave auctions and cash rewards for runaways were promoted “in the same brutal manner as we find them advertised in the land of slavery.” Clarkson further added that upon recapture Blacks were publicly “dragged from thence to the ships” and sent back to the Americas auctioned off to the highest bidder.¹⁵³

¹⁵² 33 Dict. Of Dec. 14547, 1729, “Opinion of Sir Philip York[e], then Attorney-General, and Mr. Talbot, Solicitor-General,” cited in Helen Tunncliffe Cattrell, ed. *Judicial Cases Concerning American Slavery and the Negro, I* (Washington, D.C.: Carnegie Institution of Washington, 1926), 12.

¹⁵³ Thomas Clarkson, *The History of the Rise...of the African Slave-Trade*, vol. 1, 72, 74, 81.

Sending an unseasoned Afro-British domestic to the West Indies meant certain death and in the case of the kidnapped wife to the Black servant Thomas John Hylas--who was litigating for his freedom--family separation. Indeed, bondage and torture in the Caribbean had been far removed from the metropole, but the increased sight of captured runaways trodden and flogged in the streets of London--which had become the hub of the Black Atlantic--was a new and distressing sight of which refined English society disapproved.¹⁵⁴ For identification purposes the ‘runaway’ adverts revealed the deformed physical condition of Afro-British captives often pitted with smallpox and suffering debilitating injuries. In 1707 the *Post Boy* listed a 16 year old with a “flat nose and thick Lips” possessing “several Scars about his Throat” and a 1744 advert in *The Daily Advertiser* sought a captive named Joe “shot throu’ the Thigh with a Musket-Ball.” Two years later in 1746 *The Daily Advertiser* posted for the return of Peter Paul “very much disfigur’d with the Small-Pox, whereby one of his eyes is almost lost.” While in 1750 another listing in *The Daily Advertiser* called for the return of Hercules who “has lost Part of his right Nostril”¹⁵⁵ This represents a small sample of ‘runaway’ captives in physical distress while at the same time battling diasporic warfare in the metropole. My breakdown of British newspapers indicate that the London-based *Daily Advertiser* topped all of its competitors with twenty five percent of the 830 ‘runaway’ postings with the *Public Advertiser* a distant second at fourteen percent. The

¹⁵⁴ O.A. Sherrard, *Freedom From Fear: The Slave and His Emancipation* (New York: St. Martin’s Press, 1959), 104.

¹⁵⁵ *The Post Boy* for 4 September 1707; *The Daily Advertiser* for 17 May 1744; *The Daily Advertiser* for 21 April 1746; *The Daily Advertiser* for 19 July 1750.

Daily Advertiser also exceeded its counterparts listing twenty seven percent of ‘for sale’ adverts and again the *Public Advertiser* followed with eleven percent.¹⁵⁶

While *Somerset* became a nationwide *cause célèbre* in 1772 its high profile preceding cases--notably those involving Joseph Harvey (1762), Jonathan Strong (1765), and Thomas John Hylas (1768)--had provoked a new-found moral resentment against enslavement and vaulted Granville Sharp into the abolitionist arena.¹⁵⁷ The determination of Afro-British captives fleeing and utilizing the British legal system along with succor from white abolitionists had ignited an embryonic emancipationist cause in England which further stirred resistance in the British slave holding colonies. Diasporic warfare had indeed landed on English soil and the 1760s provoked an emancipationist *zeitgeist* which generated an unprecedented volte-face condemning human trafficking in the Anglo-American diaspora. If the late-eighteenth and early nineteenth century mass petition movement to end the trade and colonial slavery proved the “golden age” of abolitionism the events of half to a quarter century earlier culminating with *Somerset* made possible the triumphant years of 1807 and 1833. The figures show that the British West Indian trade remained highly profitable in the 1760s and 1770s preceding what scholars call “the fall of the planter class.” Sharp and his coadjutors were therefore disinterested humanitarian members

¹⁵⁶ See appendix B and C.

¹⁵⁷ *Shanley v. Harvey*, 2 Eden 125 (1762); *minutes of the case of J. Strong* quoted in Prince Hoare, *Memoirs of Granville Sharp, Esq. Composed from His Own Manuscripts And Other Authentic Documents In The Possession Of His Family And Of The African Institution* (London: Printed for Henry Colburn and Co., 1820); *Hylas v. Newton* cited in Granville Sharp, "Copy of the Trial before Lord Chief Justice Wilmont, 3 December 1765" in *Letter Book 1768-1773*, 18.

of an anti-slavery crucible colluding with obstreperous Afro-British servants rejecting their unfree condition.¹⁵⁸

When the seven month long freedom suit involving the plaintiff James Somerset was adjudicated on 22 June 1772 it was particularly exceptional to Black emancipation. Like an increasing number of his fleeing counterparts, Somerset had absconded from his enslaver Charles Stewart and upon recapture was imprisoned aboard a moored vessel the *Ann and Mary* in London before shipment to Jamaica. However, Lord Mansfield granted legal recourse to Somerset after his three godparent's applied for a *writ of habeas corpus* and on a June Monday morning just after 10 o'clock at the beginning of a humid English summer he proclaimed slavery "odious" to the immutable principles of natural law in his oral summation:

The state of slavery is of such a nature, that it is incapable of being introduced on any reasons, moral or political, but only by positive law, which preserves its force long after the reasons, occasion, and time itself from whence it was created, is erased from memory. It is so odious, that nothing can be suffered to support it, but positive law.¹⁵⁹

The common law courts therefore did not support domestic slavery and since the Lord Chief Justice claimed that only positive law could sanction the institution, he utilized natural law theory to abolish *de facto* slavery in England and Wales. Parliament had never successfully legislated domestic enslavement; therefore, *de facto* slavery existed illegally in name only. Once in the kingdom were Blacks not entitled to all the natural rights granted to Englishmen under Magna Carta? Granville Sharp had immersed himself in natural law theory and Somerset's

¹⁵⁸ Eric Williams claims that by 1783 the British sugar trade was unprofitable and it was only then that abolitionist pushed *en masse* for a campaign to end slavery and the slave trade. See Eric Williams, *Capitalism and Slavery*, 2nd ed. (1944; repr. Chapel Hill: The University of North Carolina Press, 1994).

¹⁵⁹ 20 How. St. Tr. 1 at 81-82.

lawyers leaned on the principles during the extended trial. It is clear the decision legally mandated that Afro-British domestic servants could no longer be forced back into the full rigor of plantation slavery in the Americas which proved unprecedented. Charles Stewart had unsuccessfully attempted to deport Somerset due to Mansfield's unparalleled acceptance of the "Great Writ" and his common law judgement unshackled the determined plaintiff from the coffles of bondage. Somerset was emancipated and numerous organs in the English metropolitan and provincial American press claimed that the decision freed an estimated 15,000 Blacks in Britain.

Before 22 June 1772 many young Black domestics suffered the fate of deportation upon reaching puberty. Once prized as faithful servants to elites which included members of the royal family and displayed in portraits brushed by the hand of William Hogarth, Thomas Gainsborough, and Sir Anthony Van Dyck among others, upon adolescence these Black servants became a deviant sexual threat to English society. Indeed, in an effort to quickly facilitate recapture verbiage used to describe post-pubescent runaway males in England included "lusty" or "rogue" which gave credence to the insecure sexual psyche of Englishmen.¹⁶⁰ To protect English virgin pigmentocracy Afro-British domestics approaching adulthood were jettisoned from the realm and this "fear of being sold was always with them" notes Ruth Ann Fisher.¹⁶¹ Evidence of this fear comes from a 11 December 1744 announcement in the *London Daily*

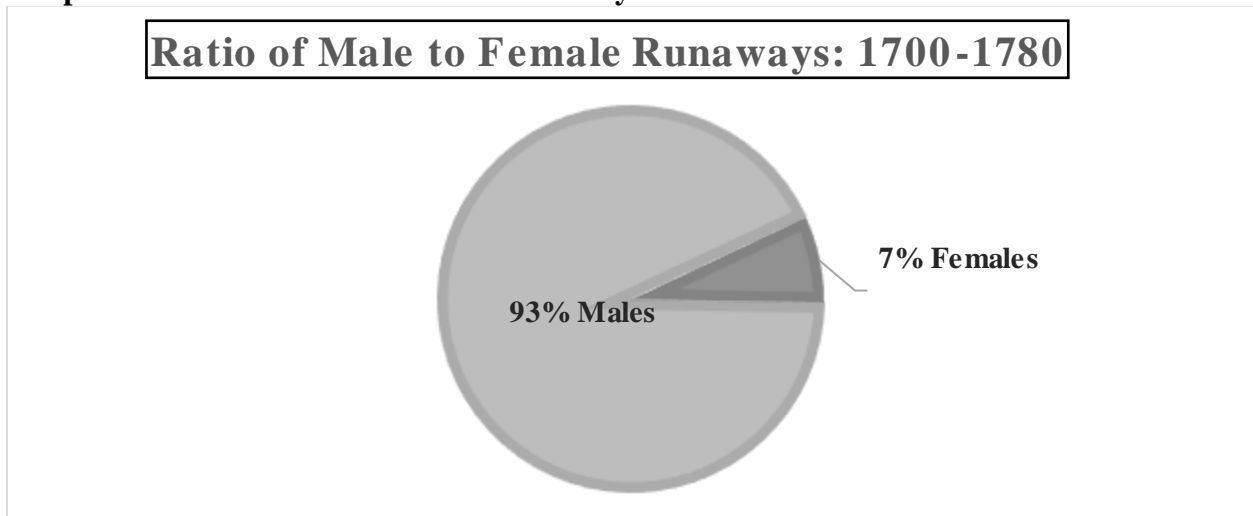
¹⁶⁰ This is one of numerous adverts with the adjective "lusty" included which always involved a post-pubescent 'runaway': "On the 4th Instant run away from the Bristol Brigantine, Capt. Daniel Hubbard Commander, Jos. James a young Man, about 18 Years of Age, light curl'd Hair; and a Negro Man, about 28 Years of Age, of a very gram Countenance, and very lusty Stature." *London Gazette* for 17 January 1710.

¹⁶¹ Ruth Ann Fisher, "Granville Sharp and Lord Mansfield" *Journal of Negro History* (1943), 381.

Advertiser offering up a nine-year old who “If not disposed of, is to be sent to the West Indies in six Days Time.”¹⁶² This enslaver or his legal intermediary probably used the six-day window to gain leverage for a high price (no value is stated in the advertisement) and to elicit a fast reply in order to quickly rid himself of the servant who was potentially resisting while at the same time aware of his potential fate in Jamaica.

My breakdown of the 830 runaways reveal 770 males and sixty females--a gender ratio of ninety three percent male and seven percent female and combined average age of twenty years-old. Based on gender the average age of male runaways was twenty with a slight uptick for

Graph 1.5. Ratio of Male to Female Runaways: 1700-1780



Source: Data compiled and graph created by the author from the Glasgow University “Runaway Slave in Eighteenth-Century Britain Project.”

females who averaged twenty-one-years of age. Yet without exception the advertised age was an approximate valuation. Coupled with name and family of origin date of birth was one of many unknowns for the enslaved. The youngest recorded runaway at seven-years-old named Dover was listed in the *Daily Advertiser* (1743) and several of these young captives were under the age

¹⁶² *London Daily Advertiser* for 11 December 1744.

of ten.¹⁶³ A constant fear amongst many remained the inevitable return to the Caribbean. As a conspicuous sign of wealth the convention among elites was a young dark complected African male or “boy” servant which accounts for the gender gap. Most African females served in less visible roles as a cook, housekeeper or maid-servant. While having roots among eighteenth century Afro-British and East Indian servants, Julia T. Martinez, Claire K. Lowrie, Frances Steel, and Victoria Haskins point out in *Colonialism and Male Domestic Service across the Asian Pacific* (2019) that derisively referring to servants as “boy” emerged as a degrading and racialized trope in the colonial Asian Pacific once the British colonized India and employed servants from the subcontinent.¹⁶⁴

When scrutinizing the ‘for sale’ advertisements listed in eighteenth-century British newspapers, enslavers often used the language “to be disposed of” instead of “for sale,” claimed the captive was “indentur’d” and attached information stating: “this advertisement not to be repeated.” Since the English common law courts were unable to firmly adjudicate Afro-British domestic slavery these enslavers were cautious via the euphemistic wording in adverts and when the anti-slavery tide turned were quick to disconnect from their human chattels. The Virginia planter Henry Laurens and son John visited London in June 1772 just before Mansfield’s adjudgment--dining with the Chief Justice at Kenwood--and anticipated a favorable verdict for Somerset which prompted him to sell off his captive locked in the hull of a moored vessel in London: “I have a Negro on board of the *Fisher*, a very orderly quiet Lad named Andrew

¹⁶³ *Daily Advertiser* for 31 December 1743.

¹⁶⁴ Julia Martinez, et al, *Colonialism and Male Domestic Service across the Asian Pacific* (London: Bloomsbury Academic, 2019), 25.

Dross...be so kind as to dispose of him...as you think best of my interests.”¹⁶⁵ Laurens therefore had a front-row seat for the unfolding finale of the seven-month hearing and likely shared his thoughts on the potential socio-economic repercussions the verdict might have in colonial America and on the Trans-Atlantic Slave Trade. He had concluded that the judicial outcome of Mansfield’s decision would legally end domestic slavery in England evidenced by selling off his own servant Andrew Dross. Yet Laurens did not quiver at the thought of a *Somerset* induced trans-Atlantic emancipatory impact in the American colonies. The owner of no less than eight plantations covering 3,000 prime acres suitable for indigo cultivation in South Carolina, Laurens accrued a fortune at the expense of African enslaved labor. The “conservative” revolutionary--whose ties to England dated to 1744 as a West Indian merchant apprentice in London--eventually deplored the institution of slavery. Historian Philip M. Hamer posits that “the spirit of liberty in the land” during the American Revolution led Laurens to pledge manumitting all of his human chattels which reached into the hundreds after the war. Correspondence with his patriot son John--who fell against the British at the Battle of Tar Bluff on 27 August 1782--revealed a desire of both men to free their captives.¹⁶⁶ Despite convention rooted in the “Southern theory” slavery was equally despised on both sides of the Mason-Dixon during the Revolutionary War. Laurens wrote “You know, my dear son, I abhor slavery. I was born in a country where slavery had been established by British kings and parliaments” with the “Christian religion and slavery growing

¹⁶⁵ George C. Rodgers and David R. Chesnutt, eds. *The Papers of Henry Laurens* (13 vols, The University of South Carolina Press, for the South Carolina Historical Society: Columbia, South Carolina, 1980), vol. 8, 370.

¹⁶⁶ Philip M. Hamer, “Laurens of South Carolina: The Man and His Papers” in *Proceedings of the Massachusetts Historical Society* 77 (1965), 6.

under the same authority” a hypocrisy which the planter recognized.¹⁶⁷ The death of John left Laurens prostrate and there is no evidence that he ever followed through and manumitted a single enslaved African. Yet the reluctant revolutionary who questioned the moral philosophy of the institution was not of the mind-set to “spark” a revolution based on the preservation of slavery.¹⁶⁸

Following Mansfield’s 1772 adjudication Black servants were inconspicuously painted out of portraits and a penchant for orientalism among elites led to people of Asian-descent from the “mysterious orient” replacing Africans from the “dark continent” as fashionable domestics. South Asians from the Indian subcontinent had been enslaved with Africans as domestics in seventeenth and eighteenth century Britain appearing in ‘runaway’ and ‘for sale’ advertisements. East-Indian chattels were notably less expensive than Africans (as much as five-fold) and the second extant listing in the *Tatler* dated 11 February 1710 offered up a twelve-year-old “Black Indian Boy...fit to wait on a Gentleman” and the *Daily Advertiser* for 22 May 1761 posted a nineteen-year old “beautiful black Girl, a Native of Bengal” described as “perfectly good natured” and “well qualified to wait upon a Lady.” While three years later in the *Gazetteer and London Daily Advertiser* for 24 January 1764 an enslaver marketed a twenty-two year old “EAST INDIA GIRL, a Native of Bombay...who has been Eight Years in England, who works

¹⁶⁷ *A South Carolina Protest Against Slavery: A Letter from Henry Laurens, Second President of the Continental Congress, to his son, Colonel John Laurens; Dated Charleston, S.C., August 14th, 1776* (New York: G. P. Putnam, 1861), 20.

¹⁶⁸ See Alfred W. Blumrosen & Ruth G. Blumrosen, *Slave Nation: How Slavery United the Colonies & Sparked the American Revolution* (Napierville, Illinois: Sourcebooks Inc., 2005).

well at her Needle and who is very handy in the Business of a House.”¹⁶⁹ Since an “exotic” dark complexion was the convention among elites the “black” hue of these enslaved people of South Asian-descent was highlighted in the 1710 and 1761 adverts to increase their aesthetic appeal and monetary value. Martinez, et al. clarify that “Following the Somerset Ruling of 1772...the importation of African slaves as servants declined, but Indian servants remained popular” while the *chinoiserie* Asian art fad from the 1760s to 1790s led the English upper-classes to employ Chinese servants during this period all of whom were in debt-bondage.¹⁷⁰ The impulse for East Asians is evident from a March 1773 post-Somerset advert in the *Glasgow Journal* which offered a one guinea reward for the return of “A BLACK Asiatic Bond servant, called RODERIC RANDOM, about 17 years” who absconded near Hamilton, Scotland.¹⁷¹ Indeed, my analysis of the fifty-seven post-Somerset runaways from 27 June 1772 until 3 July 1780 indicate twenty or thirty-five percent were identified as Black Asiatic, East-Indian, or varied South Asian iterations. The remaining thirty seven equates to four percent of post-Somerset ‘runaways’ identified as Black or African.

The *Somerset* verdict was celebrated in the legal field as well as public court of opinion as a legitimate jurisdictional victory for Black abolition in Britain. When Mansfield discharged Somerset, Edward Long, the plantocracy, and public opinion, felt that the decision unequivocally ended *de jure* slavery in England. Regardless of its legal intent, some Blacks walked away from service taking on wages as blackjack mariners in port cities and others denied the skills for

¹⁶⁹ The *Tatler* for 11 February 1710; The *Daily Advertiser* for 22 May 1761; the *Gazetteer and London Daily Advertiser* for 24 January 1764.

¹⁷⁰ Julia Martinez, et al., *Colonialism and Male Domestic Service*, 28, 29.

¹⁷¹ *Glasgow Journal* for 4 March 1773.

gainful employment remained as paid servants while many fed up with former enslavers were forced to survive in intercity poverty squatting as so-called “blackbirds” in the St. Giles district of London.¹⁷² The suit had not only profoundly impacted servitude in the English metropole, but the slavocracy feared that *Somerset* would lead to emancipation throughout the British Atlantic diaspora and end the Anglo-American slave trade. News of Mansfield’s verdict quickly travelled across the Atlantic and twenty-two of twenty-four colonial American newspapers extensively covered the trial and its potential effect on enslavers as well as the anti-slavery response.¹⁷³ On 1 August 1772 Rhode Island’s *Providence Gazette* predicted that the verdict would be “extremely detrimental to those gentlemen whose estates consist of slaves: It would be a means of ruining our African trade.”¹⁷⁴ While an article appearing in *The London Chronicle* was prescient in stating that continued abolitionism would spell “fatal mischief” since “enthusiastic notions of liberty...may occasion revolutions in our colonies.”¹⁷⁵

Before declaring independence in 1776 this is exactly what happened as news of the verdict via the provincial press and word of mouth quickly percolated in the American colonies.

¹⁷² W. Jeffrey Bolster’s maritime study of Black sailors remains the preeminent treatment on the subject. See W. Jefferey Bolster *Black Jacks: African American Seaman in the Age of Sail* (Cambridge, Massachusetts: Harvard University Press, 1997).

¹⁷³ Patricia Bradley, “Colonial Newspaper Reaction to the Somerset Decision,” Paper presented at the annual Meeting of the Association for Education in Journalism and Mass Communication (67th, Gainesville, FL, August 5-8, 1984): 1-29. Despite journalism historian Patricia Bradley’s overwhelming evidence that Somerset was comprehensively reported on in colonial America a recent article by Matthew Mason claims that the verdict received little coverage in the American provincial press. See Matthew Mason, “North American Calm, West Indian Storm: the Politics of the *Somerset* decision in the British-Atlantic” *Slavery & Abolition* 41 (2020), 726, 733.

¹⁷⁴ *The Providence Gazette* for Saturday, August 1, 1772.

¹⁷⁵ *The London Chronicle* from Saturday, March 13, to Tuesday, March 16, 1773, 249-250.

While droves of enslaved Africans successfully appealed to the courts in America based on the legal rationale of *Somerset*, runaway advertisements in the colonial press explicitly read that the verdict prompted captives to abscond across the Atlantic and seek freedom on English free soil. The transatlantic legal effect of Mansfield's decision led numerous blacks in colonial Massachusetts to collectively litigate enslavers upon hearing of the *cause célèbre* and secure freedom and fiscal damages. This prompted the Chief Justice of the Massachusetts Supreme Court Lemuel Shaw to assert that "Somerset, of its own force, potentially abolished bondage in Massachusetts." While Shaw was technically incorrect, his conclusion speaks to the trans-Atlantic legal legacy that Mansfield's 1772 decision had in America.¹⁷⁶ The verdict also incited up to twenty thousand abolitionists in the provinces of Virginia, Massachusetts, New Jersey, Pennsylvania, New York and North Carolina to petition their respective assemblies and British parliament to end the importation of captives into the colonies and eradicate the Atlantic trade altogether.¹⁷⁷ Once fugitives in the *antebellum* South began to abscond into free jurisdictions in the northern states, abolitionist attorneys cited the precedent of *Somerset* which often led to their successful emancipation. Even Supreme Courts in many heavily populated slave owning southern states such as Louisiana extended legal comity to northern antislavery cases involving fugitives litigating for freedom. Despite being contrary to Louisiana's economic dependence on unfree

¹⁷⁶ *Commonwealth v. Aves*, 35 Mass. (18 Pick.) 193, 209 (1836). Quoted in William Wiecek, "Somerset: Lord Mansfield and the Legitimacy of Slavery in the Anglo-American World" *University of Chicago Law Review* 42 (1974), 115.

¹⁷⁷ Hoare, *Memoirs of Granville Sharp*, 116-119.

labor, the justices generally upheld such rights since they were trained in English common law and were familiar with similar legal doctrine applied in *Somerset v. Stewart*.¹⁷⁸

Somerset had instilled planter panic in the southern American colonies, and less than a century later the case continued to resonate with the United States anti-slavery alliance. Did Mansfield's verdict play a substantial role, first, in inciting the American Revolution in 1775 based on the preservation of southern slavery and, second, in leading to disunion in 1861? While the issue of colonial motivations for seeking independence is outside the scope of this work it is a difficult topic to escape in light of the recent publicity surrounding Nikole Hannah-Jones' contentious *The 1619 Project* (2019) and her follow-up *The 1619 Project: A New Origin Story* (2022) which evoked disparate historiographic responses from academics and non-academics alike.¹⁷⁹ Yet the argument is not recent to the historical record and dates back to 1947 in John Hope Franklin's *From Slavery to Freedom: A History of Negro Americans*.¹⁸⁰

¹⁷⁸ Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court In Louisiana* (Louisiana State University Press: Baton Rouge and London, 1994), 263.

¹⁷⁹ Hannah-Jones' introductory essay in *The 1619 Project* (2021) turns to *Somerset's* case and Dunmore's Proclamation to explain the coming of an American Revolution rooted in the defense of slavery. She points out that the "Somerset ruling sent reverberations through the colonies" and the settlers felt Mansfield's verdict was "an insult, as signaling that they were of inferior status, and feared that it would encourage their most valuable property to stow away to Britain seeking freedom." Two and a half years after *Somerset* in 1775 Founding Father James Madison inferred based on word-of-mouth supposition that Parliament advanced a petition to emancipate captives in the mainland American colonies. Yet notwithstanding Mansfield's 1772 decision "two events in 1775 turn[ed] the rebellion into a revolution" argues Hannah-Jones. The first which galvanized men like John Adams was the 19 April 1775 battles of Lexington and Concord where the American patriots first experienced combat against the British Red Coats. The second event was Dunmore's Proclamation. White Virginians already feared the increased number of Blacks in "Old Dominion" therefore when the governor allied Loyalist captives with the British these colonists "morphed from 'restorers' to revolutionaries." Nikole Hannah-Jones, et al., *The 1619 Project* (New York: One World, 2021), 15, 16.

¹⁸⁰ Franklin emphasized the abolitionist import of *Somerset* stating that Mansfield's 1772 decision "made it clear...that slavery was too odious an institution to exist in England itself without specific legislation which sanctioned it." He further recognized its spring board effect on

Nevertheless, at a minimum, the echoing transatlantic effect which the case had on emancipation in the American colonies and subsequently the United States was immediate and long term. As chapter five illustrates it served to free colonial captives and complicate *de jure* bondage for the *antebellum* slaveocracy leading up to the American Civil War.

Unlike in the American colonies, due to pressure from the planter class in the British West Indies where diasporic warfare ever increased amongst the Black majorities, newspapers often expurgated “politically sensitive information” argues Andrew Lewis. Such coverage included rebellion, absconding *en masse*, maroons, emancipationist movements, and the case of James Somerset and its legal antecedents. Lewis adds that the Caribbean slaveocracy took pride in an independent press which proved difficult due to the “basic instability of West Indian society.”¹⁸¹ Yet vessels embarking from the metropole and elsewhere arrived with news, rumor, and inference which included the legal push for Black freedom in England. Bryan Edwards acknowledged before the Jamaican Assembly that “Means of information were not wanting” since oral reports of emancipationists activity from “the black servants continually returning from England” often reached the Antilles and galvanized the slave warfare which erupted soon after captives appeared in British controlled Jamaica.¹⁸² While such reverberations of *Somerset*

emancipation in the Anglo-American diaspora stating that while “the decision was not acceptable in the colonies, it encouraged those persons who were interested in abolishing slavery everywhere.” John Hope Franklin, *From Slavery to Freedom: A History of Negro Americans* (New York: Alfred A. Knopf, 1947), 346.

¹⁸¹ Andrew Lewis, “‘An incendiary press’: British West Indian newspapers during the struggle for abolition,” *Slavery & Abolition* 16 (1995), 346.

¹⁸² *The Proceedings of the Governor and Assembly of Jamaica, in Regard to the Maroon Negroes: Published by Order of the Assembly. To which is Prefixed, An Introductory Account, Containing, Observations on the Disposition, Character, Manners, and Habits of Life, of the Maroons, and a Detail of the Origin, Progress, and Termination of the Late War between those*

are palpable, the historical record illuminates the nuanced legacy that the case had in the West Indies. When a British Jamaican schooner landed on the coast of Haiti in 1817 carrying sixteen stowaway captives, the 44th article of the Haitian Constitution ensured their freedom. What does this have to do with *Somerset's* case? The decision had no direct or indirect bearing on Haitian Constitutional law, but when the British enslavers demanded the return of their human cargo a letter from Haitian president Alexander Pétion explicitly clarified that sovereign Haiti, like England, had constitutional and legal precedents which banned slavery and emancipated captives once on free soil.¹⁸³ By effectively throwing Mansfield's verdict back at both the enslavers and later the British colonial undersecretary, Henry Goulburn, one sees in this instance *Somerset* and the Haitian Constitution working in tandem which led to freedom for the Jamaican crew. The case therefore served as a significant and pervasive emancipationists catalyst which rippled throughout the Anglo-American world.

People and the White Inhabitants London: Printed for John Stockdale, Piccadilly, 1796); quoted in Julius S. Scott's, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution* (New York: Verso, 2020), 90.

¹⁸³ Richard B. Sheridan, "From Jamaican Slavery to Haitian Freedom: The case of the Black Crew, Deep Nine" *Journal of Negro History* 67 (1982), 328-339.

CHAPTER 4

ENGLISH LAW AND AFRICAN DIASPORIC WARFARE IN THE METROPOLE

*“They [blacks] no sooner arrive here, than they put themselves on a Foot-ing with other Servants, become intoxicated with liberty, grow refractory, and either by Persuasion of others, or from their own Inclinations, begin to expect Wages according to their own Opinion of their Merits.”*¹

--Sir John Fielding (London 1769)

Chapter four analyzes the English proclivity to condemn the poor and indolent in the British Isles to various systems of enslavement and torture, an ethos which also led to the use of legal organs legislating and codifying New World Africans as caste enslaved laborers. Just as the peasantry in England and the Celtic Fringes stood up to the system of villeinage and chattel slavery leading to its eradication, when a racialized form of New World bondage rooted in skin-color, physiognomic, and socio-cultural differences enslaved Africans the bondspeople forced into the English metropole engaged in diasporic warfare “stealing themselves” and petitioning the English courts commanding freedom. This section explores the intersection of English case law which confronted Afro-British captives and the politics of slavery which flummoxed the lower courts from the last quarter of the seventeenth century leading up to *Somerset’s* case in 1772. The quantitative data reveals that eighteenth-century Afro-British resistance remained resolute with runaway patterns consistent with pro- and anti-slavery common law verdicts--in the main pro-slavery adjudication led to a decrease in ‘runaways’ and the opposite held true for anti-slavery verdicts. From the late 1750s through the 1760s the data reflects a marked surge in runaways when

¹ Sir John Fielding, *Extracts from such of the Penal Laws, as Particularly relate to the Peace and Good order of this Metropolis: With Observations for the better Execution of some, and on the Defects of others.* (London: Printed by H. Woodfall and W. Strahan, Law Printers to the King’s most Excellent Majesty; For T. Cadell, opposite Catherine Street in the Strand, and T. Evans, King Street, Covent Gardens., 1769), 144. [emphasis original]

the high profile Afro-British freedom suits involving Jonathan Strong (1762), Thomas Lewis (1765), and Thomas John Hylas (1768) led to the emergence of the anti-slavery campaigner Granville Sharp and his coadjutors. This suggests shifting attitudes opposing the institution well before the mass petition “golden age” of abolitionism in the late eighteenth and early nineteenth centuries. Of greater import, the initial flood of runaways through the 1760s demonstrates that domestic slavery in England was hemorrhaging and quickly bleeding out. The dramatic post-1772 plunge highlights the emancipatory influence of *Somerset* in England and its reverberating force in the Anglo-American diaspora explored in chapters five and six.

Late Medieval Villeinage & The Vagrancy Act: A Blueprint for New World Slavery

Following contact and conquest of the Americas, scholar G. V. Scammell notes a moral watershed in behavior as western absolutism, intolerance, xenophobia, and racism intensified against non-European peoples. Occidental arrogance inflated in the 1500s and Scammell posits that non-Christian West Africans who “were black because of the enormity of the sins of their ancestors” suffered the greatest, and it became “the divinely ordained destiny of Africans to labor as slaves for Europeans.”² For their transgressions, this intensive labor was imposed under the biblical curse of Ham. The historical record reveals that within the realm the English were long predisposed to harsh treatment of exploitable, impoverished, and indolent peoples centuries before involvement in the Trans-Atlantic Slave Trade; therefore, the enslavement of African ‘others’ was a natural next step in the process.³ The numerous British Statutes that punished

² G. V. Scammell, “Essay and Reflection: On the Discovery of the Americas and the Spread of Intolerance, Absolutism, and Racism in Early Modern Europe” in *The International History Review* 13 (1991), 508.

³ The severe socio-cultural and legal treatment toward the English poor and the Old English population in Ireland has been accessed by the following: C.S.L. Davies, “Slavery and Protector

vagabonds and criminals, from the thirteenth century to the eve of New World slavery, served as a blueprint to codify enslaved Africans once colonial expansion took root in the mid-seventeenth century.⁴

Chattel slavery first appeared in the realm during the Roman occupation of Britannia from 43 CE until 410 CE. Slavery proved integral to the social structure and enslaved lower-class criminal Roman *humiliores* labored in lead mines.⁵ According to historian F.M. Stenton, the Norman era Domesday Book lists twenty-five thousand *servi* and *ancillae* slaves who were “regarded as part of the equipment of the lord’s demesne.” In Anglo-Saxon England even the *ceorl* who ranked at the bottom of free society owned captives. Prisoners of war from the Celtic Fringes in western Britain were shipped via the Bristol to the Dublin slave trade under the direction of Anglo-Saxon monarchies.⁶ Included were African captives whom the Norse labeled “blue men” which reflected their dark complexion during the period prior to Black and white

Somerset; The Vagrancy Act of 1547” *Economic History Review* 19 (1966), 533-549; Paul A. Slack, ‘Vagrants and Vagrancy in England, 1598-1664” *Economic History Review* 27 (1974), 360-379; Nicholas Canny, “Identity Formation in Ireland: The Emergence of the Anglo-Irish,” in *Colonial Identity in the Atlantic World, 1500-1800*, ed. N.C. and Anthony Pagden (Princeton: Princeton University Press, 1989); Nicholas Canny, “The Marginal Kingdom: Ireland as a Problem in the First British Empire,” in *Strangers within the Realm: Cultural Margins of the First British Empire*, ed. Bernard Bailyn and Philip D. Morgan (Chapel Hill, North Carolina: The University of North Carolina Press, 1991), 35-66.

⁴ 5 Ed. I, c.3 (1277); 14 Ed. I, c. 4 (1286); 18 Ed. I, c. 3 (1290); 39 Ed. I, c. 4 (1311); 23 Ed. III, c. 7 (1349); 12 Rich. II, c. 7 (1388); 19 Hen. VII, c. 12 (1528); 27 Hen. VIII, c. 25 (1536).

⁵ Peter Salway, *Roman Britain* (Oxford: Oxford University Press, 1981), 512, 633.

⁶ F. M. Stenton, *Anglo-Saxon England*, 3rd Ed. (Oxford: Oxford University Press), 314, 315, 476-481, 515; Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave trade: 1440-1870* (New York: Simon & Schuster, 1997), 32.

miscegenation.⁷ Yet the conquering Norman ruling elites restructured the estates of their Anglo-Saxon predecessors, and by 1200 chattel slaves vanished and were replaced with bonded tenant farmers or serfs who labored under the system of villeinage. The villeins were populated by numerous able-bodied beggars and vagabonds, many of whom absconded as Norman feudal serfdom was dying out at the onset of the Early Modern period. Runaway villeins worked as free copyhold tenants and others acquired freedom via a false certification of illegitimacy or bastardy since villeinage was hereditary and passed down the paternal line.⁸ Some utilized an ecclesiastical law codified by William the Conqueror which imparted *de jure* freedom on those who accepted Christianity.

While select villeins secured their freedom via Christian apostasy or by other means a population increase in fourteenth-century England created a food shortage leading to an uptick in crime. The British monarchy responded with a statute offering payment “to inquire of and punish the misbehavior of villeins and land tenants.”⁹ The 1381 Peasant’s Revolt, triggered by a poll tax, resulted in peasant demands to abolish villeinage and eradicate barriers denying them the God given natural rights accorded to all Englishmen. Yet the highways and villages in Tudor England were plagued with impoverished masterless people and a 1547 statute introduced chattel

⁷ Paul Edwards, et al., “The History of Blacks in Britain,” *History Today* 31 (1981), 33.

⁸ “The tenant (speaking of copy-holders) was anciently a bondsman, and his tenure; *but time hath changed both*, and now, he and his estate both are so far free, that if he pays his rents, and do his services according to the custom of the place, the lord cannot hurt him or his estate.” William Sheppard, *The Court-Keeper’s Guide* (London: William Birch and Gabriel Collins), 96; quoted in Granville Sharp, *A Representation on the Injustice and Dangerous Tendency of Tolerating Slavery; or of Admitting the Least Claim of Private Property in the Persons of Men, In England* (London: Printed For Benjamin White, (No. 63) In Fleet-Street, And Robert Horsfield, (No. 22.) In Ludgate-Street, 1769), 120-121.

⁹ 1 Rich II, c. 6 (1379).

slavery. The Vagrancy Act adjudged that loiterers and the idle who avoid work for three consecutive days are

marked with a hot iron, the mark of V. and adjudge the same person living so idle, to such presenter, to be his slave, to have and to hold the said slave unto him, his executors, or assigns for the space of two years then next following, and to order the said slaves as follows; that is to say, to take such person adjudged a slave with him, and onely giving the said slave bread and water, or small drink, and such refuse of meat as he shall think meet, cause the said slave to work by beating, chaining, or otherwise, in such work and labor (how vile so ever it be) as he shall put him unto.¹⁰

The similar treatment and legal codification of enslaved New World Africans was manifest, from the brand or ‘mark’ to a meager diet as well as ‘vile’ labor and torture, all at the enslavers caprice. Yet race-based African bondage was perpetual and passed down via the maternal line and the justification to enslave rooted in blackness rather than idleness and poverty. The ‘mark of V’ was intended to debase the enslaved vagrant and apprise others of indolence. The difference between blackness and whiteness was obvious, and enslaved Africans were often branded conspicuously and humiliatingly on the face to identify company or individual ownership and administer punishment. To offer a socio-legal comparative between the English chattel slavery legislated in 1547 and race-based New World African slavery is imprudent. The intent is to show the groundwork for an established legal scheme erected and perpetrated by the English against exploitable and marginalized groups which included enslaved New World Africans. Within two years in 1549 the English Parliament rescinded the Vagrancy Act.¹¹

The eighteenth-century English jurist Sir William Blackstone remarked in his *Commentaries on the Laws of England* (1765) that it was agreed “the spirit of the nation could

¹⁰ I Ed. VI, c. 3 (1547).

¹¹ 3 & 4 Ed. VI, c.16 (1549).

not brook this condition, even in the most abandoned rogues” and the statutory law was repealed.¹² Four years after the Vagrancy Act was rescinded, English explorers sailed to equatorial Guinea, and in 1562 Captain Hawkins with the tacit consent of the British sovereign Queen Elizabeth I strong-armed his way into the Trans-Atlantic Slave Trade. Yet centuries before English involvement in the carrying trade and the late-nineteenth century “scramble” for Africa, Thomas Pakenham reminds us that “ever since Roman times, Europe had been nibbling at the mysterious continent to the south.”¹³ The English were aware during the First Atlantic system that the Portuguese had forced West Africans across the Atlantic in the mid-1520s, almost sixty years after the explorer Captain Dinis Dias discovered the vital Sénégal River a wet conduit to gold fields and later access to West Africans.¹⁴ Therefore, when the first English slave colony of Barbados emerged in 1605 followed by the Windward Islands, Nevis in 1623 and St. Christopher and Santa Cruz in 1625, and Jamaica in 1655 the British had an exploitable labor force to pull from that manipulated civil wars in West Africa not in the British Isles or on the European continent. The white “slaves” plucked from English Civil War prisoners--who labored as indentured servants in Barbados prompting Sir John Lenthall’s trepidation--soon dissipated once the Royal African Company trafficked in captives and financed slave forts, castles, and

¹² Sir William Blackstone, *Commentaries on the Laws of England I* (Oxford: Clarendon Press, 1765), 412.

¹³ Thomas Pakenham, *The Scramble for Africa: White Man’s Conquest of the Dark Continent From 1876 to 1912* (New York: Avon Books, 1991), xxi.

¹⁴ Thomas, *The Slave Trade*, 57.

factories as holding pens along the Gold coast of West Africa.¹⁵ The interior of these dungeons represented the silent walls and the exterior referred to as the “the door of no return” proved the last image viewed by enslaved Africans forever forced from home into the Middle Passage.¹⁶

Cartwright’s case (1569): “England was too pure an Air for Slaves to breath in.”

While the English poor were living under the last tatters of villeinage a 1569 common-law court decision cited by John Rushworth--an erstwhile record assistant of the House of Commons--in his voluminous political parliamentary account of the Civil War titled *Historical Collections* (1680)--confirmed that slavery was repugnant to the laws of England. When an English merchant named Cartwright forced a slave from Russia to the English metropole and flagellated him, “it was resolved, That England was too pure an Air for Slaves to breath in,” a quote often misattributed to Lord Mansfield. Rushworth cited *Cartwright’s case* as an aside to a 1637 trial involving the Star Chamber King’s Attorney-General against the English Leveller leader and Civil War Parliamentarian Lieutenant-Colonel John Lilburne, who stood accused of publishing unlicensed and seditious books condemning Dutch Low Country bishops in his pamphlet *News from Ipswich, &c.* On 13 February, Lilburne resolutely stood before the Bar of the Court at Star Chamber and protecting himself against self-incrimination refused to take the oath *ex Officio* to answer interrogatories declaring “that no free-born *English* man ought to take it” after which he was forever called “Free-born John.” Upon repeated refusals to take the legal

¹⁵ *Parliamentary Proceeding and Debates* 1:2; quoted in Hilary McD. Beckles, *White Servitude and Black Slavery in Barbados, 1627-1715* (Knoxville, Tennessee: The University of Tennessee Press, 1989), 52-53.

¹⁶ See Edmund Abaka, *House of Slaves and “Door of no Return:” Gold Coast/Ghana Slave Forts, Castles & Dungeons and the Atlantic Slave Trade* (Trenton, New Jersey: Africa World Press, 2012).

oath, Lilburne was adjudged guilty and ordered to pay £500. On 8 April 1637 he was “whipt through the Streets, from the Prison of the *Fleet* unto the *Pillory*” and imprisoned for three years. Yet impeachment charges of the House of Commons attained on Lilburne’s behalf against the Star Chamber judiciary led to his acquittal:

Whipping was painful and shameful, *flagellation* for Slaves. In the Eleventh of *Elizabeth*, one *Cartwright* brought a Slave from *Russia*, and would scourge him, for which he was questioned; and it was resolved, That England was too pure an Air for Slaves to breath in. And indeed it was often resolved, even in *Star-Chamber*, That no Gentlemen was to be whipt for any offense whatsoever; and his whipping was too severe.¹⁷

The judicial managers of the notorious, high-dungeon, and smoke-filled Star-Chamber were therefore held to the same legal standard as *Cartwright*. Despite his exoneration, Lilburne was subsequently expelled for libel and twice unsuccessfully tried for treason while imprisoned a final time by Lord Protector Oliver Cromwell in 1655 all of which fed into his reputation as a defiant defender of freeborn natural laws.¹⁸

During *Somerset’s* case *Cartwright* is cited by counsel for the plaintiff James Somerset and is placed within context of the 1637 Lilburne trial. Yet the suit was excluded from the *English Reports* which began collecting judgements in 1220 during the early Henrician period. Its omittance led attorneys to question *Cartwright’s* authenticity.¹⁹ The only extant treatment of

¹⁷ John Rushworth, *Historical Collections: 1637* (3 of 5), in *Historical Collections of Private Passages of State: Volume Two, 1629-38*, (London: D. Browne, 1721), 461-481, *British History Online*, accessed August 18, 2022, <http://www.british-history.ac.uk/rushworth-papers/vol2/pp461-481>.

¹⁸ Andrew Sharp, ed. *The English Levellers* (Cambridge: Published by the Press Syndicate of the University of Cambridge, 1998), 206.

¹⁹ Francis Hargrave, *An Argument in the Case of James Sommersett a Negro wherein it is attempted to demonstrate the present Unlawfulness of Domestic Slavery in England to which is prefixed a State of the Case* 2nd ed. (London: Printed for the Author: And told by W. Otridge,

the case is in Rushworth's *Historical Collections* and recently uncovered in John Cook's *Vindication of the Professors and Profession of the Law* (1646) by scholar Krista J. Kesselring where in both publications the name, gender, and ethnic origin of the slave was unstated. Considering the time period and the country of origin where Cartwright forced the captive, he or she was likely a Russian serf of European or Central Eurasian and not African descent. Most Somerset scholars either do not mention *Cartwright* or make only a passing reference to the case failing to connect it to Lilburne who as a champion of "freeborn rights" penned *England's Birthright Justified* and co-wrote the Constitution *An Agreement of the People of England* which established the only English republic. Like Lord Mansfield, Lilburne was a strong advocate for religious liberty whose imprisonment during the Star Chamber trial was a result of his printed condemnation of Lowland bishops in the Netherlands. The fact that *Cartwright* was crucial to personal civil liberties and linked to "Free-born John" Lilburne was likely not lost on Mansfield when he determined that slavery was 'odious' to the laws of nature.²⁰

Cartwright's case (1569) had explicitly declared slavery incompatible with English law and the last extant case involving villeinage in England was adjudicated in *Pigg v. Calley* (1618) which placed restrictions on the time a manorial lord had to reclaim his absconded villein. Lord Chief Justice Hubbard stated, "if a man hath not seisen of a villein in grosse [annexed to the lord]

opposite the New Church, in the Strand; and G. Kearsly, near Serjeant's-Inn, Fleet-street, 1775), 50-52.

²⁰ Kesselring's recently untapped second reference to *Cartwright* in John Cook's *Vindication of the Professors and Profession of the Law* (1646) also places historical significance on the association between personal rights in Lilburne and *Somerset*. Yet the only unknown information tapped in the Cook reference is Cartwright's vocation (merchant) and the Rushworth citation remains the more comprehensive one. Krista J. Kesselring, "Slavery and Cartwright's Case Before Somerset" in *Legal History Miscellany* 2018: 1-7. <https://legalhistorymiscellany.com/2018/10/10/slavery-and-cartwrights-case-before-somerset/>

within 6 years, he shall be barred by 32 H. 8. Of limitation, in *nativo habendo*, [about a serf to be held] for liberty is granted.”²¹ Outside of the six-year absence the villein was therefore emancipated from servitude to the manner and no longer subject to transference from one owner to another. Villeinage was weaponized in the English common law courts by litigators defending and attacking New World domestic slavery during the century and a half long judicial back and forth leading up to *Somerset’s* case. Granville Sharp dedicated the final part of his *A Representation of the Injustice of Tolerating Slavery in England* (1769) to legally deconstructing villeinage in preparation for the next Afro-British case which was *Somerset v. Stewart* three years later in 1772. Sharp explains that villeinage was local and immemorial often remaining in the hereditary bloodline while New World slavery emerged “from a very different source, and therefore heredity right by descent is excluded, especially since this modern bondage did not even commence, *until the former had been many years extinct.*”²² The modern African slavery was therefore not local but sourced from West Africa and once in England these captives were sold outside of their ancestry. Sharp focused on separating the local and extinct system of Old World feudal villeinage from that of New World African slavery. Yet the Hubbard verdict in *Pigg* only considered the time allotted before an unclaimed villein was emancipated and did not serve as a common law test-case litigating the eradication of villeinage *writ large*. The pro-slavery lobby used this technical point as a legal defense when enslaved Afro-British servants appealed to the English court system demanding freedom.

²¹ *Pigg v. Calley*, 1 Noy 27 (1618), 997.

²² Granville Sharp, *A Representation of the Injustice...of Tolerating Slavery*, 133.

While the legal system was biased against the English poor, who were often enslaved or laboring as villeins, the populace from the Celtic Fringes experienced racism and xenophobia which affected all classes. During the apogee of the seventeenth century white servant trade the impoverished in Scotland, Wales, Cornwall, and Ireland were targeted for indentured servitude in the West Indian and American colonies. These exploitable immigrants included parish and street children, the “kidded away” or kidnapped, runaways, convicts, illiterates, laborers, and yeoman while some were taken advantage of and recruited when intoxicated.²³ Once these ‘outsiders’ arrived in the colonies, English xenophobia created a socio-cultural rift between the Anglo-born servants and those from the Celtic Fringes.²⁴ Furthermore, Scottish and Irish Catholics were denied employment at English universities and Roxann Wheeler points out that in the eighteenth-century “religious difference constituted the most significant barrier to marriage in Britain.” This was reinforced by the 1753 Marriage Act which “banned interfaith marriages between members of the Church of England and Catholics.”²⁵

Following the 1715 Jacobite Rebellion Scottish families supportive of the Old Pretender had fled Caledonia and settled in the Caribbean. Numerous Scottish emigres disproportionately accepted governmental bureaucratic posts and sought wealth in the British West Indies or

²³ John Wareing, *Indentured Migration and the Servant Trade from London to America, 1618-1718* (Oxford: Oxford University Press, 2017), 208.

²⁴ Richard S. Dunn, *Sugar and Slaves: The Rise of the Planter Class in the English West Indies, 1624-1713* (New York: W.W. Norton & Company, 1972), 71.

²⁵ Roxann Wheeler, *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture* (Philadelphia: University of Pennsylvania Press, 2000), 16, 145.

American colonies due to their ‘outsider’ status living in the unrefined Celtic peripheries.²⁶ In the county of Fife located along the south-eastern coast of Scotland lower-class colliers and salters had labored under a form of bondage and English statutory law denied them the right of habeas corpus in 1701. If caught absconding these coal-miners and salt-pans suffered imprisonment where they would “be whipt and kept to hard Labour” throughout lengthy jail terms.²⁷ In 1708 the statutes expanded the punitive scope for escaped colliers who were imprisoned if captured within an eight-year period.²⁸ It was almost thirty years after *Somerset’s* case (1772) and twenty one years since *Knight v. Wedderburn* (1778) settled Afro-British domestic slavery in Scotland that Parliament repealed the system in 1799 abolishing all colliers and salters “from their servitude.”²⁹ The quasi-enslavement of Scottish colliers and salters was illuminated in *Somerset* when Mr. Francis Hargrave one of Somerset’s co-counsel argued against a lifetime contract for servitude pointing to the Scottish exception: “law of Scotland annuls the contract to serve for life; except in the case of colliers, and one other instance of a similar nature.”³⁰

²⁶ See Douglas J. Hamilton, *Scotland, the Caribbean and the Atlantic World, 1750-1820* (Oxford: Oxford University Press, 2009); James Horn, *Adapting to a New World: English Society in the Seventeenth-Century Chesapeake* (Chapel Hill & London: University of North Carolina Press, 1994).

²⁷ 1 Anne, c. 21 (1701).

²⁸ 7 Anne, c. 11 (1708).

²⁹ 39 Geo. III, c. 56 (1799).

³⁰ 20 How. St. Tr. 5 at 24.

William Murray, 1st Earl of Mansfield, PC, SL

Scottophobia affected the Perthshire-born William Murray, the future Lord Mansfield, and influenced his personal character and professional ideology. When a young Murray gained admittance in May 1723 at Christ Church, Oxford, the eighteen-year-old self-aware matriculate recognized that his Caledonian heritage might foil acceptance to an elite Anglican university with close episcopal connections. Mansfield biographer John Lord Campbell posits that to avoid discrimination Murray listed the Roman built English spa-town Bath not Perth as his birthplace and “misled the registrar by aiming at an English pronunciation” to conceal his Gaelic brogue. The father to Lord Mansfield, David, 5th Viscount Stormont, along with siblings James and Margery, were incarcerated for supporting the Old Pretender whom all followed into exile after the 1715 Jacobite Rebellion.³¹ It was in 1752 “that Murray was specifically accused of Jacobitism” avows biographer Norman S. Posner when he and former Westminster classmate Andrew Stone were suspected of “implanting Jacobite doctrines into” the mind of the fourteen-year-old Prince of Wales the future King George III. Three committee members investigated and cleared both men but continued rumors of Murray instructing the Prince’s education and “actually govern[ing] the country” with the Duke of Newcastle as a puppet prime minister persisted, adds Posner.³² Yet when Murray was appointed Chief Justice of the Court of King’s Bench in 1756, Campbell claims he was “a sincere friend to the Church of England.”³³ He

³¹ John Lord Campbell, *The Lives of the Chief Justices of England* (2 vols, Philadelphia, Pennsylvania, 1851), vol. 2, 246-247, 388.

³² Norman S. Posner, *Lord Mansfield: Justice in the Age of Reason* (Montreal & Kingston: McGill-Queen’s University Press, 2013), 107.

³³ Since *Somerset* and other Afro-British cases were adjudicated in the Court of King’s Bench it deserves a brief history. Born out of the singular Norman era *curia regis* [king’s court] and

further illuminates Mansfield's latitudinarian beliefs stating that "he was actuated by the enlightened principles of toleration" and steadfastly defended "by the shield of the law, both dissenters and Roman Catholics from the assaults of bigots who wished to oppose them."³⁴

Yet despite lifelong membership in the established Church of England, Mansfield's mainline religious credentials were questioned due to his legal tolerance of all faiths and family association with Jacobitism.³⁵ When Murray was Solicitor General for England and Wales, he

initially consisting of five justices "these greater and wiser men...were in constant attendance upon the King." The court held sweeping unrestricted powers in the name of the monarch with whom the court traveled. During the Early Modern Era the Court of King's Bench--also known by its medieval title "The Justices Assigned for the Holding of Pleas before the King Himself" -- was adjudicated by one Chief Justice and three Assisting Justices. By the eighteenth century, it reigned supreme as the highest common law criminal court in the kingdom superseding the Court of Common Pleas, Chancery, and Exchequer. Theodore F.T. Plucknett, *A Concise History of the Common Law*, 2nd ed. (Rochester, New York: The Lawyers Co-Operative Publishing Co., 1936), 137, 181.

³⁴ Campbell, *The Lives of the Chief Justices of England*, vol. 2, 246-247, 388.

³⁵ Mansfield was the first judge in the history of English jurisprudence who extended the *writ of mandamus* forcing the established church to admit a non-Anglican minister in *Rex v. Barker* (1772). 97 E.R. 823. Out of what Mansfield biographer and legal scholar Cecil Fifoot described as "intellectual indifference, if not spiritual conviction" the Chief Justice dismissed popular opinion and upheld the civil rights of a man who accepted the Eucharist as a Roman Catholic priest. "In the face of cogent evidence" Fifoot asserts that Mansfield adjudicated for the defendant since this albeit certain ceremony "might not have been a mass, and that, though the defendant had certainly officiated, he might not have been a priest." The verdict left a number of fervent Protestants incredulous to the point that "rumors were spread that the Chief Justice was not only a Jacobite but a Papist, and some even asserted that he was a Jesuit in disguise" noted John Lord Campbell. In *Atcheson v. Everitt* (1775) Mansfield protected the rights of a Quaker who had refused to recite the established witness oath. The Lord Chief Justice adjudged that upon basic principles "I think the affirmation of a Quaker ought to be admitted in all cases, as well as the oath of a Jew or Gentoo" or any other capable human serving as a witness. Mansfield then reprimanded the legislature for considering Quakers "obstinate offenders" and other Nonconformists "criminals" in particular during "the more generous and liberal notions of the present age." In *Atcheson*, the Chief Justice further cited the ideals of "charity" and the rights of "conscience...and...liberal notions" and stated that "there is nothing certainly more reasonable, more inconsistent with the rights of human nature...than persecution." Mansfield's association with tolerance, fairness, and the laws of nature are undeniable. Yet the Chief Justice's Jacobite

anonymously penned a thirty-five page treatise in the Anglo-Caledonian journal *The Thistle* entitled *A Dispassionate EXAMINE of the Prejudice of Englishmen in general to the Scotch Nation; and particularly of a late arrogant Insult offered to all Scotchmen, by a Modern English Journalist* (1746). His tract attempted to quench English prejudice against the Scottish people in the wake of the 1745 Jacobite Rebellion. “There have been two Rebellions since the *Union*, and both were happily quelled. But were they not quelled by...the Wisdom and Valour of *Scotchmen?*,” Mansfield emphatically and rhetorically asked.³⁶ Due to his place of birth and legal ideology the Chief Justice endured xenophobia and racism experiences that would shape his lifelong moral and judicial philosophy.

The Legal Teeterboard: Somerset’s Afro-British Judicial Antecedents

Cartwright’s case (1589) and its connection to the Lilburne trial in all probability did not involve an enslaved African. The feudal system of villeinage died a slow death just as the blossoming British Empire colonized in the Americas. The last known case involving a villein in *Pigg v. Calley* (1618) served particular points of the law for pro- and anti-slavery legal advocates starting with *Butts v. Penny* (1677) the first Afro-British case adjudicated in the English metropole. When enslaved New World Africans first appeared in English courts lacking precedent, judges relied in part on *Calvin’s Case* (1608). The case was rooted in citizenship and

upbringing and his speciously perceived “demerits as a friend of liberty” resulted in Lord John Gordon and members of his Scotch anti-popery party incinerating Mansfield’s beloved Kenwood manor during protests of the Roman Catholic Relief Act of 1778. While the dissidents destroyed his personal papers and almost took his life, Mansfield declined financial reimbursement from the government. Cecil Fifoot, *Lord Mansfield* (Oxford: Oxford University Press, 1936), 41; Campbell, *The Lives of the Chief Justices of England*, vol. 2., 388-389, 390, 392.

³⁶ *The Thistle; A Dispassionate EXAMINE of the Prejudice of Englishmen in general to the Scotch Nation; and particularly of a late arrogant Insult offered to all Scotchmen, by a Modern English Journalist* (London: Printed for H. Carpenter, in *Fleetstreet*, 1746), 10, 11.

addressed the issue of birthright. If born in Scotland after its King, James VI, became James I and VI of England and Scotland following the union of the crowns on 24 March 1603, would they qualify as an English subject of the realm? In *Calvin v. Smith* (1608) Chief Justice of the Court Of Common Pleas, Sir Edward Coke, adjudged that any person born on territory maintained by the English sovereign was a subject entitled to full protection under English laws.³⁷ Coupled with citizenship, state Christianity was embedded in the verdict and Coke added that all "infidels are in law *perpetui inimici*, perpetual enemies for between them, as with the devils, whose subjects they be, and the Christian, there is perpetual hostility, and can be no peace."³⁸ Samuel Estwick later interpreted this maxim to declare that infidel Africans "purchased when captives of the nations with whom they are at war" were consequently slaves by the rules of the *jus gentium*.³⁹ Since the case law in each involved the right to citizenship *Calvin v. Smith* was cited 250 years later in the infamous United States slavery trial involving *Dred Scott v. Sanford* (1857).⁴⁰

In the Court of King's Bench Lord Chief Justice Sir Creswell Levinz reported an action of trover in *Butts* for the return of two hundred slaves but ten were mentioned in the court roll.⁴¹

³⁷ Polly J. Price, "Natural Law and Birthright Citizenship in Calvin's Case (1608)" in *9 Yale J.L. & Human* (1997), 73.

³⁸ *Calvin's Case*, 7 Co. Rep. (1609), 397.

³⁹ Samuel Estwick, *Considerations on the Negroe Cause Commonly so Called, Addressed to the Right Honorable lord Mansfield, Lord chief Justice of the Court of King's Bench, &c.* 3rd. ed. (London: Printed for J. Dodsley, in Pall-Mall, 1773), 66-67.

⁴⁰ Price, "Natural Law and Birthright Citizenship in Calvin's Case," 143fn.

⁴¹ *Butts v. Penny*, 2 Lev. 201 (1677), 518; 3 Keb. 785, 1011. This discrepancy regarding an action of trover against ten and not two hundred slaves is cited in *Somerset*. 20 St. Tr. 1 at 51n.

Levinz was knighted by Charles II in 1678 and served as a member of the King's counsel that same year. A matriculant at Trinity College, Cambridge, in 1648 Levinz failed to graduate and was called to the bar in November 1661 after reading the law at Grey's Inn since November 1655.⁴² Historian Holly Brewer posits that Levinz colluded with Charles II and his brother James II "to circumvent Parliament, to ignore laws and to effectively create new ones" which included *de jure* slavery in England and its colonies in order to financially fuel the struggling Stuart controlled Royal African Company.⁴³ Levinz proved a good pro-slavery foot soldier and was rewarded with his title and appointment one year after *Butt's v. Penny*. The plaintiff *Butt's* argued that the captives in question were his property citing maritime precedent allowing for ownership in Africans sold and purchased in India via the international slave trade. By way of special verdict, Chief Justice Levinz affirmed that "property could not be in villeins but by compact and conquest" however "*negroes* being usually bought and sold among merchants, as merchandise and also being infidels there might be a property in them sufficient to maintain trover" and gave judgment for the plaintiff. Levinz effectively adjudicated the legality of slavery in England citing the legal principles of international mercantile law which legislated Blacks as commodities. The Chief Justice also injected race into the lower court by explicitly distinguishing the white villein from the Black slave. The issue of Christianity and enslavement was explicit since Levinz adjudged that as "infidels there might be a property" in Blacks implying that if Christians this legal maxim was without force or effect. Yet Levinz's final

⁴² Sir Creswell Levinz in *Dictionary of National Biography, 1885-1900, Vol 33*. ed. Sidney Lee (London: Elder Smith & Co., 1893).

⁴³ Holly Brewer, "Creating a Common Law of Slavery for England and its New World Empire," in *Law and History Review* 39 (2022), 768.

verdict was *nisi causa*, or no judgement at all, and held over until the next legal term but there is no record the case was relitigated.⁴⁴ *Butts* (1677) was a first among many Afro-British judicial hearings where such a narrow and ultimately unresolved legal action avoided a slavery test-case and only upheld the enslavers right to recover the value of personal property under the circumstances of a case. In his legal treatment *In The Matter of Color: Race and the American Legal Process The Colonial Period* (1978) A. Leon Higginbotham avers that the “issue before the courts...was not one based on philosophical or legal arguments for or against slavery, but simply on whether or not and under what conditions Negroes constituted personal property to the extent that an action in *trover* could be maintained.”⁴⁵

Through the year 1677 the number of bondspople transported under the British flag numbered 65,637.⁴⁶ This equaled seventeen percent of the 379,458 carried before deregulation of the RAC in 1698 and two tenths of one percent of the 3,250,043 captives shipped after deregulation until 1807.⁴⁷ Indeed, the RAC had struggled to maintain solvency while crown-controlled and was insolvent for four years from 1667 to 1671.⁴⁸ In the face of growing pressure from the new merchant class to open the trade, the company published a 1680 treatise resisting privatization stating in part: “Trade and Commerce cannot be maintained or increased without

⁴⁴ 2 Lev. 201 (1677), 518.

⁴⁵ A. Leon Higginbotham Jr., *In The Matter of Color: Race and the American Legal Process The Colonial Period* (New York: Oxford University Press, 1978), 321.

⁴⁶ www.slavevoyages.org/voyage/database/. Accessed 29 April 2022.

⁴⁷ www.slavevoyages.org/voyage/database/. Accessed 29 April 2022.

⁴⁸ Holly Brewer, “Creating a Common Law of Slavery for England and its New World Empire” in *Law and History Review* 39 (2022), 765.

Government, Order, and regular Discipline; for in all confused Traffique it must necessarily happen, that while every single person pursues his own particular Interest, the Publique is deserted by All, and consequently must fall to Ruine.”⁴⁹ Yet regulation was financially destroying the RAC since the company was responsible for financing the West African coastal slave castles and factories--dispersed every three miles along the Gold Coast--with no help from the so-called “ten percenters” who refused to pay the *ad valorem* tax leading to its suspension in 1712. In short, the privateers reaped the benefits of the RAC infrastructure and trading network with no monies going into the company coffers. Yet in the early stages of the First Atlantic system under the absolutist Parliament-in-Crown the English were too vested in the Trans-Atlantic Slave Trade to risk adjudicating the legality of domestic slavery in *Butts* (1677) putting at risk the trade and colonial bondage as *Somerset* would in 1772.

Levinz presided over a similar unresolved case, *Chambers v. Warkhouse* (1693), sixteen years later in an action of trover stating that “since trover lies of musk-cats and of monkies, because they are merchandise; and for the same reason *it has been adjudged, that trover lies of negroes.*”⁵⁰ Yet again Levinz rendered a *nisi causa*, or no judgement verdict for the plaintiff *Chambers* accounting for another unresolved case. The simian racial tropes first perpetuated during the 1553-1554 English voyages to West Africa and espoused by Edward Long among other Europeans found its way into the quotidian lexicon of the English courts where skin-color held a visceral presence. The inability to adjudicate a domestic slavery test-case in *Butts* (1677)

⁴⁹ *Certain Considerations Relating to the Royal African Company of England In Which The Original, Growth, and National Advantages of the Guiney Trade, are Demonstrated: As Also That the Same Trade cannot be carried on, but by a Company and Joint-Stock* (Printed in the Year MDCLXXX), 1.

⁵⁰ *Chambers v. Warkhouse*, 3 Lev. 335 (1693), 717-118.

or *Chambers* (1693) began a century-long struggle in the English common law courts which served as a legal battleground for the minority Afro-British population fighting diasporic warfare in the interior of the British Empire. The jurisdictional references to infidels also provoked a full-throated campaign among the American and West Indian pro-slavery lobby to prevent conversion for if “infidelity sanctioned slavery than, conversely, baptism would confer freedom,” posits Carol Phillips Bauer.⁵¹ This double-edged conversion sword was the result of a 1656 legal loophole in mainland colonial Virginia which permitted enslaved Afro-Virginians to succeed in bringing a claim for freedom predicated on embracing Christianity.⁵² Yet the 1656 precedent setting freedom suit involving Elizabeth Key Grinstead was subsequently quashed via a 1677 Statute at Large:

Whereas some doubts have arisen whether children that are slaves by birth, and by the charity and pity of their owners made partakers of the blessed sacrament of baptism, should by virtue of their baptism be made free; *it is enacted and declared by this grand assembly and the authority thereof* that the conferring of baptism does not alter the condition of the person as to his bondage of freedom; that diverse masters, freed from this doubt, may more carefully endeavor the propagation of Christianity by permitting children, though slaves, or those of greater growth, if capable to be admitted to that sacrament.⁵³

⁵¹ Carol Phillips Bauer, “Law, Slavery, and Sommerset’s Case in Eighteenth-Century England: A Study of the Legal Status of Freedom.” (Ph.D. diss., New York University, 1976), 6.

⁵² Despite examining Henning’s Virginia statutes I could not locate the 1656 case which involved Elizabeth Key Grinstead an enslaved Virginian whose conversion made her a subject of the realm. Her name and the brief circumstances of the case are in Holly Brewer, “Debating Status and Power for Subjects—through the Religious Debates of the Early British Atlantic” chapter in *State and Citizen: British America and the Early United States*, ed. Peter Thompson and Peter S. Onuf (Charlottesville and London: University of Virginia Press, 2013), 33, 47-48fn.

⁵³ William Waller Henning, *The Statutes at Large being a Collection of all the Laws of Virginia, from the first Session of the Legislature in the year 1619*. (Richmond, Virginia: Printed by and for Samuel Pleasants, Junior, Printer to the Commonwealth, 1810), vol. 2, 260 Act III.

Once the Virginia plantocracy established that baptism in itself did not legally relieve captives of their enslaved status, Christian conversion was added to church services. The 1667 statute was further legislated in 1670 and in 1682 which declared “*it is enacted* that all servants not being Christians, being imported into this country by shipping shall be slaves.”⁵⁴ The 1682 statute settled any legal ambiguity and clarified that Black servants brought into Virginia were *eo instanti* classified as racial slaves.

Similar positive law measures protecting against Christian conversion were codified in the West Indies. The Jamaican Assembly passed a 1696 Black Code that stated without qualification “Slaves shall not be free by becoming Christians” and indistinguishable measures followed in the British sugar-islands.⁵⁵ In the first trans-Atlantic British slave society of Barbados--whose comprehensive Black Codes featured as a legal blueprint throughout the British West Indies--planters discouraged captives from attending church but later encouraged Sunday worship “provided it is not made a mere pretense for going abroad.”⁵⁶ Whites were

⁵⁴ Henning, *The Statutes at Large*, vol. 2, 280, 490. 1670 Act V and 1682 Act 1. The 1670 code stated “whereas it hath been questioned whether Indians and negroes manumitted, or otherwise free, could be capable of purchasing Christian servants, *it is enacted* that no negro or Indian though baptized and enjoyed their own freedom shall be capable of any such purchase of Christians, but yet not debarred from buying any of their own nation.”

⁵⁵ *Acts of Assembly, Passed in the Island of Jamaica; From 1681, to 1737, inclusive*. (London: Printed by John Baskett, Printer to the King’s Most Excellent Majesty, 1738), 80. 1696 Act XXXIX.

⁵⁶ *Great Britain. Board of Trade. Report of the Lords of the Committee of Council, appointed for the consideration of all matters relating to trade and foreign planning. The evidence and information they have collected concerning the present state of the trade to Africa, particularly the trade of slaves; and concerning the effects and consequences of this trade, as well in Africa and the West Indies, as to the general commerce of this kingdom* (London, 1789), Part III: treatment of Slaves in the West Indies, and all Circumstances relating thereto, digested under certain Heads.

therefore aware that conversion among enslaved colonials was not necessarily sincere but used as a tool for escaping the islands and seeking sanctuary in the Continental colonies. Whether his religious transition was dogmatic or not when James Somerset arrived in England from Boston harbor via Virginia with his enslaver Charles Stewart on 10 November 1769, he was baptized thirteen months later on 10 February 1771. Somerset was eight-years-old when acquired in Virginia by the Scottish merchant and colonial customs officer Stewart on 1 August 1749. The two men travelled throughout the Atlantic rim together and were in Boston when Stewart's health dictated a leave of absence in England.⁵⁷

Even after the Virginia Statutes at Large legislated against conversion conferring freedom, some planters disregarded the law and manumitted enslaved Christians.⁵⁸ With this conflict between the Statutory Laws of Virginia and extra-legal manumissions among slaveholders the formally enslaved Virginian James Somerset was led to believe that adopting the Trinity might improve his chances for freedom once in England. Like many Afro-British servants Somerset was quickly "intoxicated with liberty" once in the English metropole due to the anti-slavery fervor generated by diasporic warfare leading to the Strong (1762), Lewis (1765), and Hylas (1768) trials as well as the activity of Granville Sharp and his coadjutors and an equivocating legal system unable to effectively rule on the *de jure* status of Afro-British servants.⁵⁹ Following *Chambers* (1693), one year later in *Gelly v. Cleve* (1694) another action led the court to adjudge that "trover will lie for a negro boy; for they are heathens" a legal

⁵⁷ Ruth Paley, "Somerset, James (b. c. 1741, d. in or after 1772), slave" *Oxford Dictionary of National Biography* 23 September 2004 Accessed 20 July 2022.

⁵⁸ Higginbotham, *In the Matter of Color*, 38.

⁵⁹ Sir John Fielding, *Extracts from such of the Penal Laws*, 144.

standard that upheld property rights in non-Christian slaves. This was a shaky legal standard since contrariwise trover would not apply to bound Christians.⁶⁰

The End of Stuart Court Absolutism: The Era of Lord Chief Justice John Holt

Two years after *Gelly* the trespass case of *Chamberline v. Harvey* (1696/7) adjudged by Lord Chief Justice Sir John Holt--who was invested with the coif in 1689--hung on the status of a captive once on English soil and highlighted the courts' fluctuating opinion on the legality of slavery. Subsequent to the death of a Bajan plantation owner, Edward Chamberline, his widow Mary inherited his enslaved African whom she later transported to England after a second marriage to John Witham. Mary's own death led her widower John to subcontract or hire out the captive to others before "retained in the actual service of Robert Harvey" which prompted the son of Mary and Edward, William Chamberline, to issue an action of trespass against Harvey claiming inheritance in his deceased mother's servant. The court first ruled that although Bajan law stated that enslaved Africans "shall descend unto the heir or widow of any person dying" the *lex loci* [colonial law] was separate from the laws of the metropole which prohibited bondage "so that the bringing him to England discharges him of all servitude." Second, the court denied the analogous link to Bajan slavery and ancient villeinage for to hold the defendant as a villein, "the plaintiff and his ancestors must be seised of this *negro* and his ancestors out of the memory of time" proving impossible since Barbados "was acquired within time of memory." Third, the court qualified the ruling in *Chamberline* noting that if the defendant Harvey sued *per quod servitum amisit* [whereby he lost the service of his servant] he could have recovered for the loss

⁶⁰ 3 Ld. Raym. 129 (1694), 604, 605.

of service but not for the actual value or damages to the servant.⁶¹ The legal efforts either associating or isolating English metropolitan law from provincial colonial law and Old World villeinage from New World slavery foreshadowed courtroom legal strategies for pro- and anti-slavery attorneys in the eighteenth century. Furthermore, the suggestion that enslavers employ an alternative legal action obtaining some relief set a precedent that benefited future claims. This legal hairsplitting was a technical tactic, claims William M. Wiecek, since “trover would treat the slave as a chattel, a thing so utterly unfree that it was vendible” and similarly “trespass *per quod servitum amisit* would liken the slave to a bound...laborer...a human being whose freedom was restricted.”⁶²

Chamberline v. Harvey (1696/97) contained a number of legal points of law and similarities consistent with *Somerset* who--like the unnamed enslaved Bajan to Edward and Mary Chamberlin--was brought from the British colonies where slavery was legally codified to England where neither the British Parliament nor common law had legislated or adjudicated domestic slavery. Had the British Statutes at Large sanctioned slavery in the metropole this legislation would trump the provincial statutes and Black Codes since Parliamentary law reigned supreme over colonial legal systems. Chief Justice Holt’s decision flew in the face of *Butts* (1677), and *Gelly* (1694) and was indicative of the frustrating judicial back and forth. The introduction of questionable precedents rooted in legal minutia and incompetence contributed to the judicial pandemonium. Yet the Holt era proved a turning point since his 1689 post-Glorious Revolution investment ended the absolutist judicial corruption between the Stuart crown and

⁶¹ 1 Car. 397 (1696/7), 830.

⁶² William Wiecek, “*Somerset*: Lord Mansfield and the Legitimacy of Slavery in the Anglo-American World” *University of Chicago Law Review* 42 (1974), 90-91.

common law courts. While Gerald Horne was critical of 1688 unleashing free trade eliminating these unscrupulous pro-slavery judges carrying water for the Stuart brothers proved an important anti-slavery victory for the Afro-British population. Tutored by the highly regarded “moderate royalist” Sir Matthew Hale, legal scholar Theodore F.T. Plunkett asserts that this “early training...had made him [Holt] a sound lawyer with a contempt for trickery, while as a judge he restored the credit of the bench after the evil days of Charles II and James II.”⁶³ The 1689 “Convention Parliament” admonished and dismissed the Stuart appointed high court and common law judges while the new “cadre of justices...led by Sir John Holt...sought to overturn the court’s decisions on slavery from Charles II’s reign...however, these reversals would be in turn countermanded.”⁶⁴ While no longer under the yoke of Stuart absolutism the courts faced a powerful adversary in the West Indian pro-slavery lobby.

Following the adjudgment of *Chamberline* (1696/7) Justice Holt presided over his own flawed suit a decade later in *Smith v. Brown and Cooper* (1706) which likewise echoed a number of facts reminiscent of *Somerset*. The plaintiff Smith purchased an enslaved Virginian and transported him to England selling the unknown captive in the market district of Cheapside in London to the defendants *Brown and Cooper* later suing the pair in an *indebitatus assumpsit* for non-payment of £20. Since the sale was alleged to have occurred in London, Holt seized on this error dismissing the suit based on the principle “as soon as a negro comes into England, he becomes free” further qualifying that one might “be a villein in England, but not a slave.” Yet Holt subsequently acknowledged had Smith’s defense clarified “that the sale of the negro was in

⁶³ Plucknett, *A Concise History of the Common Law*, 220, 252.

⁶⁴ Brewer, “Creating a Common Law of Slavery,” 768.

Virginia” rather than London the debt would have fallen on *Brown and Cooper* since “negroes by the laws and statutes of Virginia may be sold as chattels. Yet the laws of the metropole did not apply to Virginia: being a conquered country their law is what the King pleases; and we cannot take notice of it but as set forth.” Once again the court drew a line dichotomizing English metropolitan and colonial law which was increasingly complicated since provincial Black Codes sidestepped Parliament and codified slavery during the reign of the Stuart brothers Charles I and James II. Justice Holt noted that if the plaintiff “amend and alter” the grievance proving the defendant owed for a captive purchased in Virginia and not London he could be compensated for the purchases price.⁶⁵

A. Leon Higginbotham observes that Holt’s judgement at once “sustained the ‘purity of the English air’ and simultaneously supported the impurity of racial slavery by utilizing the technical nuances of common law pleadings.”⁶⁶ The credibility of Holt’s verdict was further crippled when Puisne [Assisting] Justice Powell dissented and declared the right to property in an inherited villein but English “law takes no notice of a negro.”⁶⁷ This dissentient opinion was later seized upon by Edward Long to mean that since enslaved Africans were not considered subjects of the realm, “this class of people were neither meant, nor intended, in any of the general laws...made for the benefit of its genuine and natural born subjects.”⁶⁸ Yet Granville

⁶⁵ *Smith v. Brown and Cooper*, 2 Salk. 666 (1706), 566; 1 Holt 495, 1172-1173.

⁶⁶ Higginbotham, *In the Matter of Color*, 326.

⁶⁷ 1 Holt 495 (1706), 1173.

⁶⁸ Long, *Candid Reflections*, 13.

Sharp prepared for this response in *Somerset* when he legally dissected Old World villeinage from New World slavery in 1769.⁶⁹

In the same legal term when he presided over *Smith v. Brown and Cooper* (1706), Chief Justice Holt adjudged his third action of trover at Guildhall in London involving Afro-British servants in *Smith v. Gould* (1706), which included the return of “among several things” a singing slave.⁷⁰ Since enslaved Africans were legal chattels “by the law of the plantations” counsel for the plaintiff Smith, Mr. Salkeld, relied on the numerous colonial statutes and argued that trover would lie for him in England. Salkeld further cited the Old Testament and conflated Old World villeinage with New World slavery: “that by the Levitical law the master had power to kill his slave, and in Exodus xx. Ver. 21 it is said, he is but the master’s money; that if a lord confines his villein, this Court cannot set him at liberty.” Salkeld also cited the *nisi causa*, or no judgement verdict in *Butts* (1677) quoting Chief Justice Levinz’s adjudgment that “trover would lie for negroes.” Yet Justice Holt rejected the plea and maintained that property could not be held in slaves for “the common law takes no notice of negroes being different from other men.” The court added that “the taker” of either the villein or war captive “cannot kill him, but may sell them to ransom them: there is no such thing as a slave by the law of England.” Holt addressed Chief Justice Levinz’s trover case in *Butts* (1677) asserting that “judgement was given for the

⁶⁹ Granville Sharp, *A Representation of the Injustice ...of Tolerating Slavery*, IV: “Some Remarks on the ancient Villenage, showing that the obsolete Laws and customs, which favored that horrid Oppression, cannot justify the Admission of the modern West Indian Slavery into this Kingdom, nor the least Claim of Property, or Rights of Service, deductible therefore.” Pp. 107-167.

⁷⁰ *Smith v. Gould*, 2 Salk. 666 (1706), 567, 1275; 2 Ld. Raym. 1274, 325n, 326, 328. Because the legal tenor of this case is similar to *Smith v. Brown and Cooper* (1706) and directly follows it in the *English Reports* the two cases might be one in the same.

plaintiff, for all but the negro, and as for the damages for him, *quod querens nil capiat per billam* [that the plaintiff take nothing by his bill]”⁷¹

In his *Commentaries on the Laws of England* (1765) the English jurist and legal scholar Sir William Blackstone reinforced Justice Holt’s dictum from *Smith v. Brown and Cooper* (1706) and *Smith v. Gould* (1706):

Very different from the modern constitutions of other states, on the continent of Europe, and from the genius of the imperial law; which in general are calculated to vest an arbitrary and despotic power of controlling the actions of the subject of the prince, or in a few grandees. And this spirit of liberty is so deeply ingrained in our constitution, and rooted even in our very soil, that a slave or a negro, the moment he lands in England, falls under the protection of the laws, and with regard to all natural rights becomes *eo instanti* a freeman.⁷²

Similar to Holt, Blackstone rooted freedom in the common laws and “all natural rights” of any “slave or negro” once on English soil. While Mansfield too acknowledged that bondage was anathema or “odious” to natural rights, he clarified that only parliamentary law could legislate the institution which it never did. In the intervening decades leading up to *Somerset* pro-slavery advocates used the technical inconsistencies in Holt’s three cases to their advantage arguing that the rulings were ambiguous and unresolved. The verdict never directly adjudicated “the great

⁷¹ 2 Ld. Raym. 1275 (1706), 338.

⁷² Sir William Blackstone, *Commentaries on the Laws of England I*, 123. This was reiterated in the fourteenth chapter entitled "Of Master and Servant" in which Blackstone stated: "As to the several sorts of servants: I have formerly observed that pure and proper slavery does not, nay cannot, subsist in England; such I mean, whereby an absolute and unlimited power is given to the master over the life and fortune of the slave. And indeed it is repugnant to reason, and the principles of natural law, that such a state should subsist any where. Upon these principles the law of England abhors, and will not endure the existence of, slavery within this nation... And now it is laid down, that a slave or negro, the instant he lands in England, becomes a freeman; that is, the law will protect him in the enjoyment of his person, his liberty, and his property." Blackstone, *Commentaries I*, 411,412.

question of slavery,” treating it as a legal adjunct for the loss of the service. For the patrons of freedom who viewed *Smith v. Brown and Cooper* (1706) and *Smith v. Gould* (1706) as victorious for the Afro-British population W.S. Holdsworth asserts in his *A History of English Law* (1926) that the judgements were “of little avail unless means [were] provided to assert them.”⁷³ In other words, since the social climate in early-eighteenth-century England was unreceptive to an anti-slavery alliance, Holt’s decisions received little public attention or support leaving thousands of Afro-British servants in a state of *de facto* bondage.

Graph 2.0 reveals that Afro-British captives were absconding on a yearly basis from 1700 through 1728 with an uptick in 1707 following Holt’s anti-slavery verdicts in *Smith v. Brown*

Graph 2.0 Number of yearly Afro-British ‘runaway’ and ‘for sale’ adverts documented in British newspapers: 1700-1728.



Source: Data compiled and graph created by the author from the Glasgow University “Runaway Slave in Eighteenth-Century Britain Project.”

⁷³ W.S. Holdsworth, *A History of English Law* (London: Methuen and Company, 1926), vi, 265.

and *Cooper* (1706) and *Smith v. Gould* (1706). Yearly runaways numbered five in 1706 and more than doubled to eleven in 1707 once word of the verdicts spread. With some ebbing the number of yearly runaways continued to climb reaching twelve in 1711. The figures peaked in 1719 and 1721 as runaways numbered fourteen each year--an almost three-fold increase from 1706. A breakdown of the data from 1700 through 1729 illustrated in graph 4.0 [p. 176] shows the average number of runaways per decade exponentially increasing with seventy-one from 1700-1709, eighty from 1710-1719, and eighty-six from 1720-1729. Blacks were engaged in diasporic warfare and the abolitionist Thomas Clarkson attested that ever more captives “prevailed upon some pious clergyman” for baptism and located a godparent both of which James Somerset did in 1771. Clarkson further remarked that English slave hunters “made search after them, and often had them seized” while some Afro-British runaways called on clerics “who had taken possession of them, to send them out of the kingdom.”⁷⁴ My dissection of the ‘for sale’ advertisements shows a total of eleven from 1700 to 1728 with three of these posted in 1719 all in the first British daily the *Courant* established in 1702. These eleven represent thirteen percent of the total number of eighty-two for sale advertisements from 1705 until 1779. While the *Daily Courant* accounted for seventy or eight percent of all published runaway advertisements from 1700 to 1780.

With servants absconding clerics were aware that the courts had not firmly adjudicated domestic slavery or the issue of baptism conferring freedom. A 1740 runaway advertisement in

⁷⁴ Thomas Clarkson, *The History of the Rise, Progress and Accomplishment of the Abolition of the African Slave Trade by the British Parliament*, vol. 1 (London: Printed by R. Taylor and Co., Shoe-Lane, for Longman, Hurst, Rees, and Orme, Paternoster-Row, 1808), 64.

the *Daily Advertiser* for a twenty-one-year-old “Mulatto black” domestic named George Roberts indicated that he had:

absconded from his said Master; this is to inform the Publick, that the said Roberts applied himself on Tuesday last to be baptiz'd at the Parish Church of St. Leonard in Shoreditch, and was then seized by a Clerk of a Parish and a Constable, and in a forceable and unwarrantable Manner, without any Examination, or any Charge against him otherwise than as above, as there is great Reason to apprehend, sent on board a Ship for Abroad: Whoever can give any Information what is certainly become of the said Roberts, is desir'd to do it by a Line left for S.T. at the Swan Tavern in Shoreditch.⁷⁵

Roberts was accosted by a church clerk and constable then forced onto a vessel, but the advertiser, who was possibly a godparent or proto-abolitionist clergy member seeking to protect him from shipment to the West Indies and certain death, viewed the conversion as conferring freedom maintaining the ‘forceable and unwarrantable Manner’ in which George was apprehended. While it remains unclear if the arrest occurred after the baptism, this is evidence of a small ecumenical anti-slavery contingent which Clarkson described. Runaway adverts often warned against sheltering or hiring escaped captives. For example, a 1742 offer of two guineas for the return of a runaway named “Dorum” gave “Notice to all Commanders of Ships, and all other Persons, not to harbour, employ, or entertain the said Negro, if they do, they will be prosecuted as the Law directs.”⁷⁶ Whether the clergy, or a vessel looking to take on a wage earning “Blackjack” mariner, the threatening advert is evidence that there were some willing to offer succor to escaped Afro-British servants prior to the rise of Granville Sharp and his coadjutors.

⁷⁵ *London Daily Advertiser* for 11 December 1740.

⁷⁶ *The London Daily Advertiser* for 10 February 1742.

The 1700s represented a watershed in terms of the sheer numbers of Africans transported during the Trans-Atlantic Slave Trade. In the eighteenth-century 4,999,865 or forty seven percent of the total number of 10,641,971 captives were forced into the Americas.⁷⁷ From the 65,637 enslaved Africans embarked under the British flag leading up to *Butts* (1677) a total of 373,313 embarked leading up to *Smith v. Brown and Cooper* (1706) and *Smith v. Gould* (1706) eight years after the RAC deregulated the trade--a five-fold increase.⁷⁸ With the anti-slavery decisions adjudicated by Chief Justice Holt, had the British taken the road less travelled, the original sin of slavery in the Anglophone world could have legally ended a century before the 1807 Slave Trade Act. In W. N. Wesley's *Lives of Eminent English Judges of the Seventeenth and Eighteenth Centuries* (1846), he asserts that Holt kept his judicial philosophy above the partisan fray far "from any direct interference in the conflict of politics," which included the British crown or West Indian pro-slavery lobby that colluded with English court officials and judges. Wesley highlighted Lord Chief Justice Holt's anti-slavery decision in *Smith v. Brown and Cooper* (1706), stating that "as a criminal judge and an interpreter of constitutional law, he has no less a title to the veneration of every philanthropist, as the first judge who declared the soil of Britain incapable of being profaned by slavery." Wesley concluded that despite Holt's judgement, not until "the solemn decision of the same Court in Somerset's case, in 1772, that this became an unquestioned principle of law."⁷⁹ Yet the neo-Fiddes revisionist historians

⁷⁷ www.slavevoyages.org/voyage/database/. Accessed 7 September 2022.

⁷⁸ www.slavevoyages.org/voyage/database/. Accessed 7 September 2022.

⁷⁹ W.N. Wesley, ed. *Lives of Eminent English Judges of the Seventeenth and Eighteenth Centuries* (Philadelphia: T. & J. W. Johnson, 197 Chestnut Street, 1846), 98, 132.

challenged this legal history despite recent syntheses on eighteenth-century British history stating that post-1772 England was free soil for enslaved people of African descent.⁸⁰

While the early 1700s witnessed missed opportunities to settle the *de jure* status of Afro-British domestic servitude via Chief Justice Holt's anti-slavery verdicts, materials from around this time period recently untapped by parliamentary historian Ruth Paley and co-authors Christina Malcolmson and Michael Hunter uncovered evidence of several abortive British Statutes at Large which, first, sought to legislate domestic slavery in England, second, addressed the treatment of enslaved colonials, and third put forth efforts in the English metropole allowing for conversion to manumit Blacks from their enslaved status. In "Parliament and Slavery, 1660-1710" (2010) Paley, Malcolmson, and Hunter write the attempts to enact these abortive bills occurred in February 1674, sometime during the pre-Revolution months of 1688, and in December 1691. The authors posit that this parliamentary evidence directed toward domestic slavery and conversion conferring freedom in the West Indies and American colonies validates the formation of a debate albeit a "largely invisible" one in England addressing bondage in the burgeoning British Empire "when the racialization of slavery in England was still very fluid and

⁸⁰ In the Oxford History of England Series edited by Sir George Clark republished ten times from 1960 until 1992 J. Stephen Watson writes "he [Mansfield] established the doctrine (in Somersett's Case) that slaves enjoyed the benefits of freedom while they stood on English soil." See J. Stephen Watson, *The Reign of George III: 1760-1815* (Oxford: Oxford University Press, 1992), 57. In the New Oxford History of England Series edited by J.M. Roberts scholar Paul Langford similarly writes that "Though he [Mansfield] hedged his judgement about with qualifications, it is widely taken to signify that slavery was illegal in England itself." See Paul Langford, *A Polite and Commercial People: England, 1727-1783* (Oxford: Oxford University Press, 1992), 517.

that the English in England were far less engaged in erecting enduring barriers to converting slaves to Christianity than the English in the colonies.”⁸¹

These attempts to legislate bondage during this critical period, when attitudes towards skin-color and slavery remained open in the English metropole, had therefore come at an opportune time before the racialized window closed on enslaved Africans. Scholars hitherto assumed that Parliament never attempted to intervene in English domestic slavery and this untapped evidence stands as a critical contribution to the historiography of *Somerset* and British slavery. The materials uncovered in this treatment and Paley’s recent biographical information on James Somerset stress the increasing import of the case on emancipations in the Anglo-American diaspora.⁸² Yet the racialization of Africans began during the 1553-1554 voyages and in 1663 when the RAC trafficked in the Trans-Atlantic Slave Trade--effectively demonetizing and emasculating the white indentured servitude system--New World bondage was fully racialized in the British colonies and English metropole alike. It is therefore unsurprising that these parliamentary musings were ‘largely invisible’ never to be formally debated much less legislated by each House of Parliament.

⁸¹ Ruth Paley, Cristina Malcolmson, and Michael Hunter, “Parliament and Slavery, 1660-1710” in *Slavery and Abolition* 31 (June 2010), 257-258.

⁸² Ruth Paley, “After Somerset: Mansfield, Slavery, and the Law in England 1772-1830” in *Law, Crime and English Society 1660-1830*, ed. Norma Landau (Cambridge: Cambridge University Press, 2002); Ruth Paley, “Somerset, James (b. c. 1741, d. in or after 1772), slave” *Oxford Dictionary of National Biography* 23 September 2004 Accessed 20 July 2022.

The Pro-Slavery Turn: Yorke-Talbot, *Pearne v. Lisle*, and the *Crofts* case

With Afro-British servants ever more forced into the British Isles as the trans-Atlantic Slave Trade exploded in the eighteenth century, an increasing number were fighting diasporic warfare absconding and appealing to the courts or fleeing to members of the clergy in the hope that conversion conferred their freedom. The three anti-slavery verdicts adjudicated by Chief Justice Holt, the escalation of runaways, and discussion among Members of Parliament (MP) addressing Christian conversion unsettled the planter class, many of whom were judges and or MPs. Enslavers had become “afraid of taking their slaves away by force, and they were equally afraid of bringing any of the cases before a public court...in this dilemma...they applied to Yorke and Talbot” noted Clarkson.⁸³ The infamous 14 January 1729 joint-opinion uttered by two of the most respected legal minds in the history of English jurisprudence, Attorney General Philip Yorke (later 1st Earl of Hardwicke) and Solicitor General Charles Talbot (later 1st Baron Talbot), attempted to settle the issue of domestic slavery with an *obiter dictum* which read:

We are of opinion, that a Slave by coming from the West-Indies to Great Britain, or Ireland, either with or without his master, doth not become free, and that his master’s property or right in him, is not thereby determined or varied; and that baptism doth not bestow freedom in him, not make any alteration in his temporal condition in these kingdoms: we are also of opinion, that the master may legally compel him to return again to the plantations.⁸⁴

Yorke and Talbot delivered the *opinion* at the request of many anxious slaver merchants and planters but neither held a judgeship at the time; therefore, it held no legal force being merely an

⁸³ Clarkson, *The History of the Abolition of the Slave Trade*, vol. 1, 65.

⁸⁴ 33 Dict. Of Dec. 14547, 1729, “Opinion of Sir Philip York[e], then Attorney-General, and Mr. Talbot, Solicitor-General,” cited in Helen Tunnicliff Cattrell, ed. *Judicial Cases Concerning American Slavery and the Negro, I* (Washington, D.C.: Carnegie Institution of Washington, 1926), 12.

extra-judicial opinion voiced “after dinner” at Lincoln’s Inn Hall one of four Inns of Court in London.⁸⁵ Yet the British mercantile class and slavocracy “gave it of course all the publicity in their power” exclaimed Clarkson.⁸⁶ The English merchant lobby published the opinion in *Wilford’s Monthly Chronicle* (1730) and in an extensive pro-slavery article in the *Gentleman’s Magazine* (1741) entitled “Case of the Planters and Negroes.”⁸⁷

The public promotion of Yorke-Talbot by the West Indian interest eclipsed the anti-slavery adjudication in Holt’s cases reviving enslavers’ rights just as they were fearful of reclaiming runaway Afro-British servants. Graph 2.5 indicates a significant drop in runaways.

Graph 2.5 Number of yearly Afro-British ‘runaway’ and ‘for sale’ adverts documented in British newspapers: 1729-1749.



Source: Data compiled and graph created by the author from the Glasgow University “Runaway Slave in Eighteenth-Century Britain Project.”

⁸⁵ 20 How. St. Tr. 1 at 70.

⁸⁶ Clarkson, *The History of the Abolition of the Slave Trade*, vol. 1, 65.

⁸⁷ *Wilford’s Monthly Chronicle* (1730), 218; *Gentleman’s Magazine* XI (1741), 145-147, 186-188.

Where publications from 1727 and 1728 indicated twelve and eleven runaways per year when Yorke-Talbot was adjudicated in 1729, the yearly number dropped to four and did not reach eleven again until 1731. While the data reveals an uptick in 1735 the numbers receded to five in 1738 and remained relatively flat until 1744 when the return of twenty-two servants was advertised followed by a two decade high of twenty-six in 1746. The 1741 highly publicized article “Case of the Planters and Negroes” therefore did little to inhibit captives from fleeing. While 1747 proved an outlier, being the only year that a runaway return was not advertised from 1700 to 1779. Viewing the decade spanning from 1730 through 1739 graph 4.0 [p. 176] illustrates the average number of runaways dropped by two over the previous decade from eighty-six in 1720 through 1729 to eighty-four from 1730 to 1739 the first decade that did not see an increase. Lacking firm Afro-British population figures, it is safe to assume that this decrease accompanied an increase in the number of servants forced into the realm due to the ever growing eighteenth-century carrying trade.⁸⁸ The number of ‘for sale’ advertisements from 1729 to 1749 increased to fourteen from the eleven postings from 1705 to 1728. An inconsequential jump yet such transactions also occurred between the seller and buyer without the need to advertise. Yet, at the same time, with the increased demand for fashionable domestics and enslavers feeling secure in the legal status of servants owners were possibly loathe to part from their chattels. Indeed, Yorke-Talbot methodically closed every legal dodge in their 1729 joint-opinion including pro-slavery concerns that conversion through baptism would not free or alter captives enslaved status in any way.

⁸⁸ While an Act of 1800 established a crude census the first ‘modern’ population census was adapted by the registration service in 1841. Yet individual ethnicity was not included until 1991. See ons.gov.uk.

Katharine Gerbner's *Christian Slavery: Conversion and Race in the Protestant Atlantic World* (2018) points out that although Yorke-Talbot intended to assuage planter angst of Christianity threatening slavery, the real peril to enslavers was education "closely connected to Christian baptism...and that slave owners did not want to provide their slaves with tools--like literacy--that could help them advocate for their own rights." It was therefore the pedagogy associated with religious instruction rather than Christian conversion itself that planters feared. Gerber avers that the Society for the Propagation of Gospel (SPG) had long pushed for converting enslaved Africans and an instrumental member named Edmund Gibson was dismayed when he discovered through a written questionnaire to the colonial Anglican clergy that conversion was hindered due to concerns that it may affect the unfree condition of captives. Therefore, in 1729, the same year that Yorke-Talbot was opined, Gibson had the SPG disperse ten thousand letters to the Anglophone and Francophone slave-holding colonies emphatically supporting conversion and its legality while ensuring that an enslaved Christian captive was a submissive one. In turn, when a colonial Reverend from Nevis named Robert Robertson heard of Gibson's campaign, Gerber asserts that his heated response stated no slaver worth his salt believed that conversion conferred freedom but, "education and baptism provided slaves with dangerous tools that they could use to navigate the legal system to their own benefit...allowing enslaved men and women to be educated and baptized *was*, in fact, a threat to slavery, but not for the reasons that Gibson had assumed."⁸⁹ Indeed, the 1677, 1670, and 1682 colonial Virginia Statutes at Large, as well as the 1696 Jamaican Black Codes, made clear to planters that Christianity did not confer freedom so Robertson was correct in stating that planters were aware

⁸⁹ Katharine Gerbner, *Christian Slavery: Conversion and Race in the Protestant Atlantic World* (Philadelphia, Pennsylvania: University of Pennsylvania Press, 2018), 133, 134.

that the act in itself did not emancipate enslaved Africans in the British colonies. Yet in the English metropole, despite the influential Yorke-Talbot opinion, it was not a bone-fide judicial decision and the common law remained unsettled. Once the years extended beyond 1729 the Yorke-Talbot opinion--without a judicial pro-slavery case to support it--fluttered, and lost its legal influence. Graph 4.0 [p. 176] illustrates that from 1740 through 1749 the average decade long figures exploded with 126 runaway adverts. The wording in advertisements reveal that many enslavers remained fearful of prosecution in the 1740s. When one Captain Dewer's eighteen-year-old servant named George absconded in 1743, Dewer added in his runaway narrative that "He is an indentur'd Servant, therefore if anyone who harbors him they will be prosecuted."⁹⁰ Dewer was potentially shielding himself from prosecution by claiming George as an indentured servant, but either way his statement implied that if enslaved the owner feared prosecution from the lower courts. Yet in 1749 another pro-slavery decision emerged just as the twenty-year-old Yorke-Talbot opinion was fading from public discourse, but this time the verdict was properly adjudicated in an English court of law.

While Yorke-Talbot held no legal weight, its influence was widespread, appearing to settle the issue of Afro-British domestic slavery for two decades. *Pearne v. Lisle* (1749) heard before the court of equity by Philip Yorke (now Lord Chancellor Hardwicke) twenty years after his dual opinion with Charles Talbot who died on 14 February 1737 as 1st Baron Talbot solidified Yorke-Talbot.⁹¹ On 18 April 1748 an agent for the plaintiff *Pearne* leased (at £100 Antigua capital per annum) fourteen captives to the defendant *Lisle* who denied *Pearne* payment

⁹⁰ *London Daily Advertiser* (1743).

⁹¹ *Pearne v. Lisle*, 1 Amb. 75 (1749), 47-49.

“for two years service.” Lord Chancellor Hardwicke relied on *Butts* (1677) and adjudged that “a man may hire the servant of another, whether he be a slave or not, and will be bound to satisfy the master for the use of him. I have no doubt but trover will lie for a negro slave; it is as much property as any other thing.” Hardwicke then shrewdly rejected Justice Holt’s ruling in *Smith v. Brown and Cooper* (1706), adjudicating that the verdict “has no weight with it” since Holt used the legal term “trover” for *una Aethiope cocat negro* as a replacement for slave and “negro did not necessarily imply slave.” Holt, claimed Hardwicke, had furthermore drawn an improper distinction between the laws of the colonies and the laws of England. The Lord Chancellor disingenuously posited that if slaves were free once in the metropole why should they “not be equally so when they set foot in *Jamaica*, or any other *English* plantation” for those territories are “Subject to the laws of *England*.”⁹² As a learned jurist Hardwicke knew full-well that Parliament had never legislated slavery in England while it had codified the institution in the slave-holding colonies. Samuel Estwick used the same logic almost a quarter of a century later when he protested *Somerset*. “If property...in Negroes was repugnant to the law of England, it could not be the law of America” since metropolitan legal systems trumped colonial law, asserted Estwick.⁹³

Hardwicke later recounted his spurious joint 1729 opinion with Talbot at Lincoln’s Inn Hall to resolve the issue of baptism:

there was once a doubt, whether, if they were christened, they would not become free by that act, and there were precautions taken in the Colonies to prevent their being baptized, till the opinion of Lord *Talbot* and myself, then *Attorney* and *Solicitor-General*, was taken on that point. We were both of opinion, that it did not at all alter their state.

⁹² I Amb. 75 (1749), 48.

⁹³ Estwick, *Considerations on the Negroe Cause*, 51.

Hardwicke's pro-slavery judgement then addressed villeinage and the Lord Chancellor asserted that since "at this time" no law abolished the feudal system he considered it an extension of New World slavery. Trover, in other words, applied to both villeinage and "the new species of slavery" adjudged Hardwicke.⁹⁴ This argument exemplified pro-slavery judges like Hardwicke who took advantage of the fact that the system was never legally interdicted even though villeinage was separate from New World bondage and had died out in the early seventeenth century. While the verdict initially impacted the cause for Afro-British freedom in the English lower courts, the publication of *Pearne* did not appear in the *English Reports* until 1790 and the wording of Hardwicke's adjudication was questionable due to Charles Ambler's dubious court reporting.⁹⁵

Yet another 1749 Afro-British case not listed in the *English Reports* nor in Somerset histories involved a West-Indian planter and army captain named Dudley Crofts, esq. serving in a military expedition against Canada. Research for this dissertation uncovered the case hiding in plain sight. In route to England following the Canadian expedition Crofts and his unnamed body servant--who at the request of the company colonel served as the regimental drummer--boarded a French merchant commissary ship and received a passport at which point captain Crofts ordered him locked in chains and re-enslaved in Barbados. Yet the captive escaped and found his way to England where he claimed to have "been baptized by the permission of his master" captain Crofts. The case hinged on whether "the captain's property is altered by his slaves being in England" or if appointed as company drummer and holding a passport "alters the case?" At

⁹⁴ I Amb. 75 (1749), 48.

⁹⁵ Wiecek, "*Somerset: Lord Mansfield*," 94.

further query the court asked if captain Crofts could force the servant back to the Indies, “or does a slave, by being in England, become a free man, so as to maintain an action for his wages, or can the owner sue any person who detains him for the loss of service?” A written opinion adjudicated during the same month as *Pearne* dated 10 April 1749 and signed by Edmund Hoskins, Lincoln Inn held that:

I am of opinion that Captain Crofts’ negroe, by his coming to, and residing with his master in England, or by being baptized, does not gain his freedom; and that the owner of a negroe in England has a right to send him to the plantations, or wherefoever else he thinks fit; and that such owner, in case the slave will not obey his commands, has a right to use all necessary force. I am also of opinion, that the captain’s negroe, by serving as a drummer in his company, did not thereby gain his liberty, as he was never enlisted in his majesty’s service, according to the articles of war; nor do I think that the negroe’s being returned by the French commissary, as one of the king’s officers, makes any alteration in the case; as in fact, he was not then an officer of the king, nor could such negroe, if he had run away from that service, have been punished by martial law, therefore I am of opinion, that such negroe is the captain’s property, and that he may sue any person who detains him for loss of service.⁹⁶

This was therefore another trover suit involving loss of service and not a slavery test-case. Yet the comprehensive pro-slavery tenor and timing of the verdict within a fortnight of *Pearne* leaves it suspect. Since the *Pearne* case was associated with the noted pro-slavery jurist Hardwicke, *Crofts* (1749) was possibly manufactured by the West-Indian interest to prove its legal mettle and establish an independent judicial pro-slavery precedent unrelated to the Lord Chancellor. The jurist Sir John Strange, a former pupil of Hardwicke who was Master of the Rolls, had forcefully confirmed the ruling in *Crofts*.⁹⁷ Yet the case did not receive publicity until 1787 when

⁹⁶ “Candidus,” *A Letter to Philo Africanus, upon slavery. Together with the opinions of Sir John Strange, and other eminent lawyers upon this subject, with the sentence of Lord Mansfield, in the case of Somerset and Knowles* (London: Printed for W Brown, Booksellers, Corner of Essex-Street, Strand, 1787), 29-32.

⁹⁷ “Candidus,” *A Letter to Philo Africanus*, 33.

it was anonymously published during the first mass anti-slavery movement in a pro-slavery tract written under the *nom de plume* “Candidus.”

Once absentee planters and the large port-city mercantile exchanges in London, Liverpool, Bristol, and Cardiff heard of Yorke-Talbot and Hardwicke’s subsequent pro-slavery verdict in *Pearne v. Lisle* (1749), the celebrity of the two law officers and the widespread promotion of these opinions provided enslavers a favorable “constitutional amendment.” The unofficial 1729 *obiter dictum* was viewed as legal gospel and the official 1749 verdict further discouraged Afro-British litigation due to Hardwicke’s extended tenure and influence as Lord Chancellor. Graph 3.0 reveals that following *Pearne* (1749) and *Crofts* (1749), the number of reported runaways plunged and remained flat with some fluctuation through the mid-1750s. Graph 4.0 [p. 176] shows the average number of published runaways from 1750 through 1759 dropped to ninety eight from 126 a decade earlier. If you take away the dramatic leap in runaways starting in 1758, the eight-year average is reduced to sixty five the lowest decade of the century. In the meantime, the number of ‘for sale’ advertisements soared to twenty from 1750 to 1761 or twenty four percent of the eighty two total adverts. The *Pearne* and *Crofts* verdicts had indeed assuaged fears of publicly listing captives for individual sale or via auction.

The 1760s Anti-Slavery Fulcrum: Harvey, Strong, Hylas and Granville Sharp

When Hardwicke retired in 1762, his successor Lord High Chancellor Robert Henley, 1st Earl of Northington, soon challenged *Pearne* (1749) thirteen years later in *Shanley v. Harvey* (1762) which proved to be the first of three high profile freedom suits in the 1760s involving Afro-British domestics who escaped their enslaved status and engaged in diasporic warfare. Like many servants Joseph Harvey was shipped to England at the young age of nine by his enslaver Edward Shanley as a gift for his niece Margaret Hamilton. Harvey had Anglicized his name once

Graph 3.0. Number of yearly Afro-British ‘runaway’ and ‘for sale’ adverts documented in British newspapers: 1750-1761.



Source: Data compiled and graph created by the author from the Glasgow University “Runaway Slave in Eighteenth-Century Britain Project.”

in England preceding Hamilton’s death and she bequeathed him “£700 or £800” in her will which stated: “God bless you, make good use of it.” This incited Shanley, who was the estate administrator for his niece Hamilton to sue for the return of Harvey. Yet Lord High Chancellor Henley adjudged that “as soon as a man sets foot on English ground he is free” adding that “a negro may maintain an action against his master for ill usage, and may have a *habeas corpus* if restrained of his liberty.”⁹⁸ This language mimics the decision in *Cartwright* since the merchant-enslaver was condemned for flagellating his captive. While a strong dissenting opinion from the Attorney-General wounded Henley’s anti-slavery verdict an increased interest in Afro-British

⁹⁸ 2 Eden 125 (1762), 844-845.

legal cases was a boon for opponents of bondage and provoked ever more captives to flee from enslavers.

Shanley v. Harvey (1762) was followed three years later by a suit involving the Afro-British servant Jonathon Strong and his enslaver David Lisle which raised an even greater resentment against slavery and vaulted Granville Sharp into the abolitionist arena. The grandson of the Archbishop of York, Thomas Sharp, the younger Sharp joined the Ordnance department as a junior clerk in 1758 but seven years later, a moral epiphany “directed his attention toward the sufferings of a race of men who had long been the sport and victim of European avarice” as Clarkson later recalled.⁹⁹ While Sharp was a pivotal English anti-slavery advocate, his sense of *noblesse oblige* illustrated racial attitudes consistent with many eighteenth-century white abolitionists. “I am far from having any particular esteem for the negroes,” wrote Sharp in a letter to the English academic Jacob Bryant, “but as I think myself obliged to consider them as men, I am certainly obliged, also, to use my best endeavors to prevent their being treated as beasts.”¹⁰⁰ His attitude toward the intellect of African-descended people also aligned with contemporaneous eighteenth century racial views. Sharp considered the issue on an *ad hoc* basis crediting individual Blacks with sporadic “symptoms of ingenious” but collectively described them as unfavorable “to genius of any kind.”¹⁰¹

⁹⁹ Clarkson, *The History of the Abolition of the Slave Trade*, vol. 1, 78.

¹⁰⁰ Granville Sharp, “A letter from Granville Sharp, to Jacob Bryant, Esq. Concerning the defense of the Negroes” in *An Appendix to the Representation, of the Injustice and dangerous Tendency of Tolerating Slavery, or of Admitting the Least claim of Private Property in the Persons of men in England* (London: Printed For Benjamin White, (No 63) In Fleet-Street, and Robert Horsefield, (No 22.) in Lugate Street, 1772), 45.

¹⁰¹ Granville Sharp, *The Just Limitation of Slavery in the Laws of God, Compared with the unbounded claims of the African traders and British American Slaveholders* (London: Printed by B. White, and E. and C. Dilly, 1776), 30.

In 1765 Sharp immersed himself in the Jonathon Strong case when visiting his brother, Dr. William Sharp, at his medical offices at Mincing Lane, London. When Granville encountered the enslaved Afro-British servant he had received severe beatings from his enslaver, a Bajan lawyer named David Lisle, who abandoned Strong leaving him for dead after repeated pistol-whippings “occasioned his head to swell” and impaired his vision. With the help of William and Granville Sharp, Strong obtained employment under a Quaker apothecary named Brown after a four-month convalescence at Bart’s Hospital in West Smithfield, London. Yet two years later in 1767 Lisle fortuitously identified his now healthy former captive and employed slave hunters John Ross and William Miller from the Lord Mayor’s office to seize him. Strong sent for his godfathers, John and Stephen Nail, to obtain relief but they were denied access by the keeper of the Poultry Compter prison located in Cheapside, London. He then recollected the past assistance of Sharp and sent him a letter seeking additional aid. Sharp arrived at the Poultry Compter and claimed that Strong was incarcerated without a warrant. In the meantime, Lisle sold his now fully convalesced and once liberated captive for £30 to a Jamaican planter and lawyer named James Kerr who secured Strong aboard the slaving vessel *Thames* before agreeing to submit payment to Lisle. The bill of sale was presented as evidence during the *Strong* hearing on 18 September 1767 and the Lord Mayor, Sir Robert Kite, released Strong stating “the lad had not stolen any thing, and was not guilty of any offense and was therefore at liberty to go away.” The Sharp brothers were present at the hearing and the high drama surrounding the case continued following the verdict when the captain of the *Thames*, David Lair, attempted to seize Strong and “take him as the property of Mr. Kerr.” Granville Sharp cited Lair with assault, which prompted

the entitled Lair and Kerr to issue a trespass against Sharp for the amount of £200 for being denied possession of Strong.¹⁰²

Historian Christopher Leslie Brown points out that those involved in the early anti-slavery movement including Granville Sharp “did not begin life as abolitionist” or as a “humanitarian” but it was the “antics of slaveholders [that] made him one.” In his *Moral Capital: Foundations of British Abolitionism* (2006), Brown traces the nascent abolitionist movement in Britain emphasizing the gap between “moral opinion” and “moral capital,” the difference being “the mere perception of a moral wrong from decisions to seek a remedy.” Brown argues that it was not in 1765 when Sharp encountered the half blind Jonathan Strong standing at the door of death that provoked him to jump the crevasse and land on moral *terra firma* leading to his resurrection as a bona fide abolitionist. Rather, he adds that it was two years later in 1767 when Lisle had the temerity to reclaim ownership in a recuperated and free Strong and attempted to force him out of the metropole into re-enslavement in Jamaica. Sharp’s ire peaked when he learned that even if unfree colonials fled to England, enslavers could legally reclaim their human chattels.¹⁰³ Eighteenth-century British newspapers reported two trans-Atlantic maritime captives who absconded on the high seas and fled the North American colonies for English soil. The first advertisement posted in the *Daily Post* for 17 December 1724 sought the return of “Scipio” who absconded from “his Master Philip Reynolds of James River Virginia, and suppos’d to have

¹⁰² Prince Hoare, *Memoirs of Granville Sharp, Esq. Composed from his own Manuscripts, and other Authentic Documents in the Possession of his Family and of the African Institution* (London: Printed for Henry Colburn and Co., 1820), 32, 33, 35.

¹⁰³ Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: The University of North Carolina Press, 2006), 2, 25, 93.

come over into England”¹⁰⁴ While in 1766, as the number of runaways were surging and attitudes toward slavery changing, the *Daily Advertiser* dated 8 July posted the return of “Hercules” who “RAN away last February, supposed to be concealed in some Vessel for England, from Charles-Town, South Carolina, a Negro Boy, aged 17 or 18 Years.”¹⁰⁵ This trans-Atlantic legal reach left Sharp incredulous as “Servitude in itself did not anger” him, avers Brown, but the “apparently unrestricted power of slaveholders residing in England did.”¹⁰⁶ Mainland North American colonials were, therefore, forcing provincial Black Codes onto the English metropole--a tactic used by pro-slavery judges--inconsistent with the legal status of Afro-British captives. The colonial Blacks risking their life absconding across the Atlantic reveals their resolve coupled with the widespread word of mouth dissemination in mainland America of domestics in England running away *en masse* and the changing anti-slavery moral and legal developments germinating in the locus of the British Empire.

Following the post-trial Lair-Kerr suit, Granville Sharp retained Sir James Eyre, the recorder of London, who “brought him a copy of the opinion given in the year 1729” and despite almost four decades removed from Yorke-Talbot, it was still considered among legal professionals a licit court decision.¹⁰⁷ Undaunted and determined, Sharp posted a letter to Lord Hardwicke admitting to his legal ignorance, and, over the next two years he voraciously read the law and published his four-part tract *A Representation of the Injustice...of Tolerating Slavery*

¹⁰⁴ *Daily Post* for 17 December 1724.

¹⁰⁵ *Daily Advertiser* for 8 July 1766.

¹⁰⁶ Brown, *Moral Capital*, 93.

¹⁰⁷ Hoare, *Memoirs of Granville Sharp*, 36, 37.

(1769) which opposed perpetual or absolute service, arguing that Africans like all “other aliens...when resident” in England were subjects of the crown entitled to equal protection under the law--in particular the 1679 *writ of habeas corpus act* also known as the “Great Writ of Liberty.”¹⁰⁸ In part one Sharp further cited the principles of positive and natural law explicitly refuting Yorke-Talbot and pointed to ethical and legal arguments from the Old Testament, Montesquieu, and the anti-slavery cases adjudicated by Chief Justice Holt and Henley. In the next three parts he claimed that bondage was “a toleration of inhumanity” and insufferable “crime of tyranny” emphasizing the import of civil liberties. Sharp concluded his book with an attack on the system of villeinage, stating that the common-law courts had repeatedly discouraged the “detestable practice” and that not “a *single* villein...has been known for many ages.”¹⁰⁹

¹⁰⁸ “The one...great legal reform of the reign of Charles II was the passing of the *Habeas Corpus Act* in 1679” says the English legal scholar Theodore F.T. Plucknett who adds the writ “has played such a large part in the struggle for liberty” that it stands alone in the history of jurisprudence. The common law writ went through numerous legal iterations. During the reign of Edward I it served to ensure that a defendant or jury member appear before the court “but it was in the seventeenth century that *habeas corpus* fought its greatest battle.” This involved imprisonment without a trial the warrant of which was signed by the Secretary of State along with a select number of Privy Councilors for reasons determined by the State. With state absolutism rampant during the monarchy of Charles, the seventeenth-century legal historian John Seldon asserted that *habeas corpus* represented ‘the highest remedy in law for any man that is imprisoned.’ In the Stuart period *habeas corpus* “was steadily used and improved” by common law courts until the *habeas Corpus Act* of 1679 was passed by the House of Lords and determined “any judge during term or vacation must issue the writ unless the prisoner is obviously committed by lawful means...Prisoners are not to be imprisoned beyond the realm and the writ is to run in all privileged places.” Plunknett points out that the legislation improved and cites a “striking example of its use in more modern times are *Sommersett’s Case*, where a writ of *habeas corpus* released a negro slave from confinement on a ship on the Thames, on the ground that an allegation of slavery was not a sufficient return.” Theodore F.T. Plucknett, *A Concise History of the Common Law*, 56-57.

¹⁰⁹ Sharp, *A Representation of the Injustice...of Tolerating Slavery*, 79, 80, 119-120.

Sharp presented his research to Blackstone who circulated over twenty copies to colleagues at the heady Oxbridge inspired four Inns of Court--Lincoln's, Inner Temple, Middle Temple, and Grey's Inn. Blackstone was well aware of the legal quandary over domestic slavery and informed Sharp that it would be "up-hill work in the Court of King's Bench."¹¹⁰ Blackstone had accepted the legal principle that an enslaved African who arrives on English soil "becomes *eo instanti* [at that very instant] a freeman." Yet he later added a qualifier reading "though the master's right to his service may probably [possibly] still continue."¹¹¹ This was intended to maintain the integrity of a voluntary contract between a Black or white indentured servant and their employer. Blackstone further argued against the right to deny captives the Trinity:

Hence too it follows, that the infamous and unchristian practice of withholding baptism from negro servants, lest they should thereby gain their liberty, is totally without foundation, as well as without excuse. The law of England acts upon general and extensive principles: it gives liberty, rightly understood, that is, protection, to a jew, a turk, or a heathen, as well as to those who protects the true religion of Christ.

Again, to safeguard the legality of a written contractual agreement, Blackstone qualified the passage stating that such conversions do not "dissolve a civil contract, either express or implied" since the labor a "heathen negro owed to his English master, the same [was] he bound to render when a Christian."¹¹²

Yet New World captives, most of whom were unable to read and write due to anti-literacy laws, were forced or deceived into signing a temporary contract upon arriving on English soil, a

¹¹⁰ Hoare, *Memoirs of Granville Sharp*, 39, 40.

¹¹¹ Blackstone, *Commentaries on the Laws of England I*, 123; Blackstone, *Commentaries III*, 127.

¹¹² Blackstone, *Commentaries I*, 413.

tactic used after Lord Mansfield ruled in *Somerset* that bondspeople could not be re-enslaved once in the metropole. F.O. Shyllon argues that Lord Mansfield who “would head any list of Blackstone’s learned friends” was culpable for the changes in order to appease his mentor Hardwicke.¹¹³ Shyllon therefore backs his claim that the learned jurist, judge, and politician Blackstone sacrificed his judicial independence due to a friendship with Mansfield. Yet in his *Commentaries*, Blackstone had explicitly refuted Yorke-Talbot over the legality of slavery and the issue of baptism, while in his oral summary Mansfield paid “all due attention to the opinion of Sir Phillip Yorke and lord chancellor Talbot” and then proceeded to disregard the *dictum* and emancipate Somerset.¹¹⁴ Early in his career Blackstone was known for taking a political hardline and proved no legal lackey as the Duke of Newcastle denied the jurist a law professorship at Oxford, because he refused to play the role of political puppet in the Newcastle-Pelham regime.¹¹⁵ Granville Sharp eventually won his trespass defense at the Lord Mayor’s court and Kerr’s lawyers “were [so] intimidated” by his erudition of the law they refused to litigate and consequently Kerr “was compelled to pay treble costs for not bringing forward the action.”¹¹⁶ Yet this inadvertently crippled the case and the anti-slavery cause since the unresolved suit was dropped before its conclusion.

The Jonathan Strong case was still pending when Sharp aided Thomas John Hylas, an Afro-British servant, whose kidnapped wife Mary had been taken by her former enslaver, John

¹¹³ F.O. Shyllon, *Black Slaves*, 62.

¹¹⁴ 20 How. St. Tr. 1 at 81-82.

¹¹⁵ Thomas Shaw, “The Enlightenment of Lord Mansfield” *Journal of Comparative Legislation and International Law* 3rd Series, Vol. 8, No. 1 (1926), 4.

¹¹⁶ Hoare, *Memoirs of Granville Sharp*, 40.

Newton, and forced back to Barbados where she was resold into Bajan bondage. In 1754 Thomas and Mary were shipped to England as servants to Newton and Miss Judith Alleyne. With their enslavers' consent the Hylas' married four years later which led Alleyne to manumit Thomas. This legally empowered Hylas to claim his spouse and is indicative of the legal acumen of Afro-British servants using the law to their advantage. Yet after living in freedom as a wedded couple for eight years his former enslaver, John Newton, abducted Mary in 1766 promptly shipping her to Barbados. Families were indeed torn apart as a result of Afro-British slavery just like enslaved colonials and Hylas jettisoned all hope of reclaiming his spouse after two years. Yet he contacted Sharp after hearing of the Strong trial and the abusive legal power displayed by Newton echoed that of Lisle and Kerr which first galvanized Sharp in 1767. *Hylas v. Newton* was heard before Lord Chief Justice Wilmot in the Court of Common Pleas on 3 December 1768 where Thomas John Hylas sued John Newton for damages and the return of his wife Mary. Sharp attended the entire hearing and witnessed a verdict "in favor of the plaintiff" Hylas for pecuniary damages of one shilling and the defendant Newton "was bound, under a penalty, to bring back the woman, either by the first ship, or at farthest within six months." When the court inimically asked Hylas if "he would have his Wife or Damages?" he declined the paltry one-shilling award which was never his concern and simply "desired to have his wife."¹¹⁷ Yet the decision by Wilmot only confirmed the freedom which both Hylas and his spouse already enjoyed and once again did not resolve the broader dispute of slavery in England.

The trial involving Thomas Lewis in *Rex v. Robert Stapylton, John Moloney, & Aaron Armstrong* in 1771 was the last freedom suit before *Somerset* and the first Afro-British case

¹¹⁷ Granville Sharp, "Copy of the Trial before Lord Chief Justice Wilmot, 3 December 1765" in *Letter Book 1768-1773*, 18.

heard by Lord Mansfield.¹¹⁸ Mansfield's trial notes indicate that the plaintiff Lewis was born on the Gold Coast of Africa which he left "to go to sea with the Captain of a Danish Ship." The defendant, Robert Stapylton, later traveled from the Florida seaport city of Pensacola and seized Lewis, then residing in New York. Lewis was forced to England, living with Stapylton in Chelsea until he absconded on 2 July 1770 when Stapylton and two harbor watermen named John Malony and Aaron Armstrong

In a dark night seized the person of Lewis, and, after a struggle, dragged him onto his back into the water, and thence into a boat lying in the Thames, where, having first tied his legs, they endeavored to gag him, by thrusting a stick into his mouth; and then rowing down to a ship bound for Jamaica, whose commander was previously engaged in the wicked conspiracy, they put him on board, to be sold for a slave on his arrival in the island.

The unfolding story of Hylas or Lewis is reminiscent of the circumstances involving free or unfree colonial American or *antebellum* Blacks. Indeed, many were promised succor via a vessel heading to the northern colonies or free states, yet ending up in Savannah harbor or the port of New Orleans enslaved and standing on the auction block. The Lewis abduction occurred near a garden to the mother of explorer and naturalist, Sir Joseph Banks, whose servants attempted to aid Lewis until "the ruffians [Malony and Armstrong] pretended to have a warrant from the lord mayor for his apprehension." The following morning, Sharp noted in his diary that Mrs. Banks "called on me in the Old Jewry" where the two went to Justice Welch and secured a warrant

¹¹⁸ Lord Mansfield's trial notes mention one unreported Afro-British case in *John Powell, et al v. John Coghlan* (1770). While the plaintiff entered a suit of *non assumpsit* for "sending & Delivering a Less Quantity of India Bafts to Be Bartered in Exchange for Negroes & of inferior Quality & Worse Colour Than Agreed for" Mansfield "referred" or arbitrated the case to another court officer. Trial notes of Lord Mansfield, 12 December, 1770, London, 472nb., 86; quoted in James Oldham, ed., *The Mansfield Manuscripts and the Growth of English Law in the Eighteenth Century* (2 vols, Chapel Hill and London: The University of North Carolina Press, 1992), vol. 2, 1236-1237, 1241-1242.

which “the captain refused to obey.” Yet with resolve and an unbroken will “at the request and at the expense of Mrs. Banks” on 4 July 1771 a *writ of habeas corpus* was issued on behalf of Lewis. Two days later the “ship having fortunately been detained in the Downs by contrary winds, the writ was served” and this time the ship’s captain complied and turned Lewis over to the authorities.¹¹⁹

The Grand Jury hearing in Middlesex indicted Stapylton and his two slave hunters Malony and Armstrong. The cause of *Rex v. Stapylton* went to the Court of King’s Bench on 20 February 1771 and the defendant Stapylton claimed property in the person of the plaintiff Lewis. On redirect, Lewis’s attorney John Dunning insisted “upon a position, which I will maintain in any place and in any court of the kingdom, that our laws admit no such property.”¹²⁰ During the trial, Mansfield hoped the broader question of slavery “would never be finally discussed” and “avoided bringing the question at issue” which incited anger in Sharp. Mansfield presented the jury with the following instructions:

If you are of opinion he was his [the Defendant’s] slave and property, you will find a special verdict, and that will leave it for a more solemn discussion concerning the right of such property in England; but if you find he is not the slave, nor property of the defendant, you will find the defendant guilty of this indictment.

The jury foreman stated, “we don’t find he was the defendant’s property” and a collective shout of “no property no property” from his jurors followed. Four months later Dunning pressed for a judgement but Mansfield expressed “great doubts on the evidence” and discharged “the Negro

¹¹⁹ Hoare, *Memoirs of Granville Sharp*, 52, 53.

¹²⁰ Clarkson, *A History of the Abolition of the Slave-Trade*, vol. 1, 74.

on some other pretense.”¹²¹ Yet one year after *Rex v. Stapylton* Lord Mansfield sat in judgement of the plaintiff James Somerset and Charles Stewart where the judicial outcome differed and the legal ramifications impacted slavery throughout the Anglo-American diaspora.

Leading up to the 1760s the number of yearly advertised ‘runaways’ quickly escalated starting in 1758 and the freedom suits involving *Shanley* (1762), *Strong* (1767), *Hylas* (1768) and *Rex v. Stapylton* (1771) encouraged others to flee as graph 3.5 reinforces. One year after

Graph 3.5. Number of yearly Afro-British ‘runaway’ and ‘for sale’ adverts documented in British newspapers: 1762-1772.



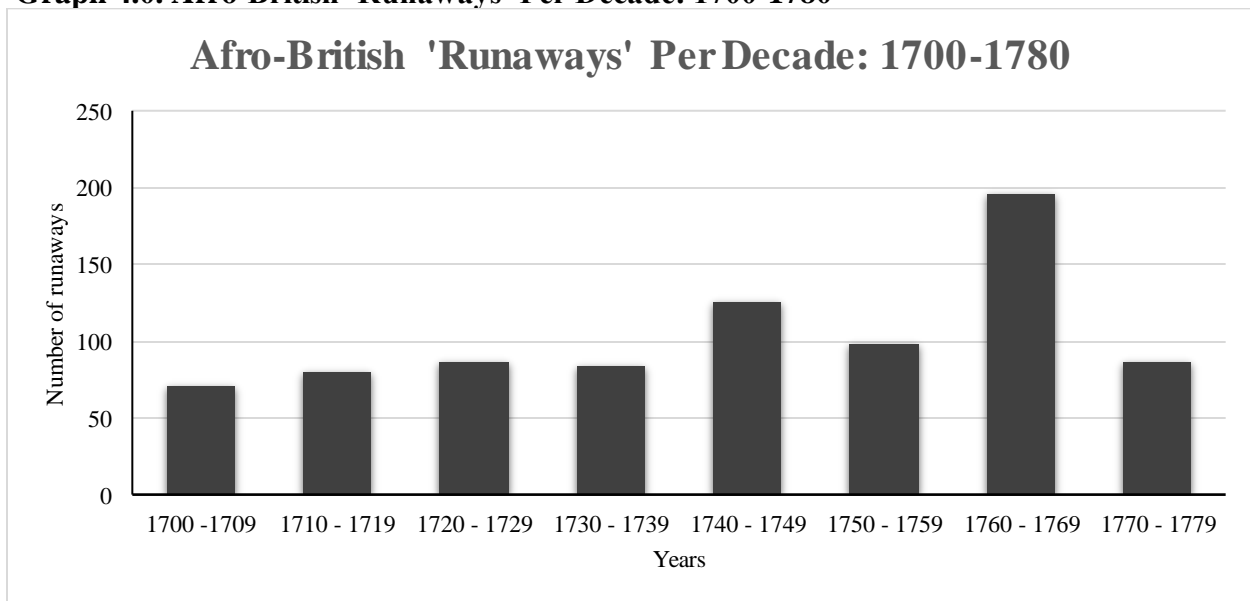
Source: Data compiled and graph created by the author from the Glasgow University “Runaway Slave in Eighteenth-Century Britain Project.”

Shanley the number of runaways ascended to over twenty per year and a record twenty-nine Afro-British captives absconded in 1765. Following the *Strong* and *Hylas* trials nineteen absconded in 1768 with the figures ebbing slightly until *Rex v. Stapylton* (1771)--never dipping

¹²¹ Hoare, *Memoirs of Granville Sharp*, 55, 60, 61.

below eleven per year. The anti-slavery ether provoked an explosion of runaways in the 1760s. As a result, slave hunting in the metropolis “was so common that kidnapers seldom bothered to conceal themselves from witnesses” asserts Simon Schama.¹²² While a record number of thirty seven ‘for sale’ ads out of a total of eighty two or forty five percent were listed from 1760 to 1772 as enslavers were anxious to sell off their chattels due to the anti-slavery *zeitgeist*. Graph 4.0 highlights the average number of runaways per decade from 1700 to 1780. The data

Graph 4.0. Afro-British ‘Runaways’ Per Decade: 1700-1780



Source: Data compiled and graph created by the author from the Glasgow University “Runaway Slave in Eighteenth-Century Britain Project.”

dramatically shows that more domestics fled during the decade 1760 to 1769 than any other with 196 runaways which doubled the ninety-eight from 1750 to 1759 following Hardwicke’s 1749 pro-slavery decision in *Pearne* and the Edmund Hoskins adjudicated *Croft* case. While the equally dramatic plunge from 1770 to 1779 demonstrates that few fled post-*Somerset* since most felt the anti-slavery decision settled the issue of domestic bondage. While discussed in greater

¹²² Simon Schama, *Rough Crossings: Britain, The Slaves and the American Revolution* (New York: HarperCollins Publishers, 2005), 45.

detail in chapter six, from 1772 until the last posting in 1780 sixty-three of the total number of 830 runaways were recorded (or eight percent). Yet when those ‘runaways’ with non-Black racial descriptors are removed the figure drops to four percent. While two out of a total number of eighty-two ‘for sale’ advertisements or two point four percent were listed in 1776 and 1779. Each graph is indicative of the enslaved Afro-British servants who resisted their unfree status appealing to the courts culminating in judicial decisions which ever more placed a spotlight on the brutality of the institution.

The Afro-British population in the English metropole was an unintended consequence of the devastating success of the carrying trade and proved a legal albatross among the lower common law courts adjudicating their legal status. The extent to which judges disagreed throughout the eighteenth century underscored the legal complexities of domestic slavery. The Stuart codology of Charles and James resulted in corrupt lower court judges serving the crown and its RAC joint-stock venture. Furthermore, permitting the West Indian and American colonies to codify slavery via provincial Black Codes ignored the supremacy of Parliament and ever more complicated and colluded English law from colonial legal systems. In 1766 the *Gentleman’s Magazine* reported on the ubiquitous planter-politician lobby in Parliament that included “upwards of forty members who are either *West-India* planters themselves, descended from such, or have concerns that entitle them to this pre eminence.”¹²³ The powerful and wealthy pro-slavery syndicate managed by the West Indian sugar barons influenced the judiciary leading to legal tergiversation and diasporic warfare in the streets and lower courts of the English metropole. The pro-slavery verdicts in *Butts* (1677), *Chambers* (1693), *Gelly* (1694), *Pearne*

¹²³ *Gentleman’s Magazine* XXXVI (1766), 229.

(1749), and *Crofts* (1749) merely considered whether trover was an appropriate legal action for recovering damages for captives purchased outside of England. While the anti-slavery verdicts in *Chamberlaine* (1696/7), *Smith v. Brown* (1706), and *Smith v. Gould* (1706) did not directly deliberate the legality of slavery in England, but narrowly adjudicated against loss-of-service damages for captives obtained in the colonies. There was added confusion for both the pro-slavery opposition and anti-slavery advocates due to the unresolved nature of these cases and the courts' suggestion that an enslaver's defense might benefit by modifying the wording of his initial pleading after the action commenced. In 1729 the circumscribed legal value of the Yorke-Talbot extra-judicial opinion benefited from favorable publicity and it was considered a legitimate court judgement. This attention shifted with the death of Hardwicke in 1764 and the ascent of Granville Sharp. The high profile freedom suits involving Strong, Hylas, and Lewis lost out to legal minutiae. Yet the exposure generated by these cases further aroused determined captives and late eighteenth-century liberals.

CHAPTER 5

SOMERSET AND ITS EMANCIPATIONIST REVERBERATIONS IN ANGLO-AMERICA

“I am disappointed by Mr. Dubin who has run away. He told the servants that he had rec’d a letter from his Uncle Somerset acquainting him that Lord Mansfield had given them their freedom and he was determined to leave me as soon as I returned from London which he did without even speaking to me. I don’t find that he has gone off with anything of mine. Only carried off all his cloths which I don’t know whether he had any right to do so. I believe I shall not give myself any trouble to look after the ungrateful villain. But his leaving me just at this time rather proves inconvenient.”¹

--Letter from John Riddell to Charles Stewart dated 10 July 1772

“Run away the 16th instant, from the Subscriber, a Negro man named BACCHUS, About 30 Years of Age... He will probably endeavor to pass for a Freeman by the Name of John Christian, and attempt to get on Board some Vessel bound for Great Britain, from the Knowledge he has of the late determination of Somerset’s Case.”²

--*Virginia Gazette* 30 June 1774

Chapter five provides a judicious examination of *Somerset’s* case--probing the various arguments of the lawyers and explicating the legal as well as extralegal impact of Lord Mansfield’s verdict. It considers the public reaction to Somerset’s emancipation from the Anglo-American press, the West-Indian proslavery syndicate, anti-slavery advocates, and many actors associated with the trial including James Somerset himself--all of whom believed the case ended *de jure* slavery in England. Coupled with the contemporaneous written sources an assiduous dissection of the post-*Somerset* ‘runaway’ and ‘for sale’ adverts provide material evidence that

¹ National Library of Scotland, MS 5027, John Riddell to Charles Stewart; quoted in James Oldham, "New Light on Mansfield and Slavery" *Journal of British Studies* 27 (1988), 65-66.

² *Virginia Gazette* 30 June 1774; partially quoted in Sidney Kaplan and Emma Nogrady Kaplan, *The Black Presence in the Era of the American Revolution*, 2nd ed. (Amherst, Massachusetts: The University of Massachusetts Press, 1989), 72-73; full quotation in Alfred W. Blumrosen & Ruth G. Blumrosen *Slave Nation: How Slavery United the Colonies & Sparked the American Revolution* (Sourcebooks, Inc.: Naperville, Illinois, 2005), 24-25.

Afro-British servitude effectively disappeared in the kingdom soon after the verdict. Of the 830 eighteenth century ‘runaways’ Blacks represented only four percent in the era following *Somerset*. While two or two point four percent of the eighty-two ‘for sale’ listings were posted after the trial. This section also assesses the subsequent Afro-British cases adjudged by Chief Justice Mansfield--none of which conflicted with his 1772 ruling in *Somerset*--as well as the ensuing English case law which unsuccessfully challenged the legal strength of the verdict. It lastly highlights the trans-Atlantic response to the case in mainland colonial America and later the *antebellum* United States. In doing so, the chapter underscores the long-term emancipatory effect *Somerset* had on slavery and anti-slavery in the Anglo-American diaspora.

The First Hearing: Michaelmas Term 23 January 1772

Less than a year after *Rex v. Staphylton* (1771) James Somerset visited Granville Sharp “to complain of Mr. Stewart” just as his Afro-British counterpart Thomas John Hylas appealed to the anti-slavery advocate upon hearing of the Strong trial.³ Word of Sharp had quickly reached servants who were ever more rebelling against enslavers and appropriating him as a legal conduit to seek individual or collective freedom, since the abolition of one possibly meant emancipation for every Afro-British servant in the kingdom. James Somerset was born in West Africa circa 1741 and arrived in North America on 10 March 1749 after seasoning in Jamaica. He was sold to the Scottish merchant Charles Steuart [whose surname was anglicized to Stewart] in Virginia on 1 August 1749 when near eight-years-old. Until recently scholars were unaware of his correct surname which was variously spelt. While enslaved in Virginia Somerset did not possess the

³ Prince Hoare, *Memoirs of Granville Sharp, Esq. Composed from His Own Manuscripts And Other Authentic Documents In The Possession Of His Family And Of The African Institution* (London: Printed for Henry Colburn and Co., 1820), 70.

forename “James.” The tithable records of Norfolk County list him as “Somerset” or under the iterations “Sumerset” and “Summerset.” He received his Christian name James after Stewart displaced him to England in November 1769 where Somerset was baptized at the church of St. Andrew, Holborn in August 1771. With his West African roots and footprint in the Caribbean and American colonies—including the urbane port city of Boston--Somerset was far more cosmopolitan than his white English contemporaries. James absconded two months after his baptism on 1 October 1771 thinking that his confirmed Christianity freed him from service to Stewart and relieved the threat of forced shipment back to the Americas.⁴

Yet Somerset was seized less than two months later on 26 November 1771 and his captures locked him in irons aboard the ship *Ann and Mary* “in order to be carried to Jamaica, and there to be sold for a slave.”⁵ A fortnight later on 9 December Somerset’s Godparents--Thomas Walkin, Elizabeth Cade, and John Marlow--issued affidavits in the Court of King’s Bench allowing for a writ of *habeas corpus* against the ship’s captain John Knowles. The official who served the document “saw the miserable African chained to the mainmast, bathed in tears, and casting a last mournful look on the land of freedom” from which he lived for just over two years. While captain Knowles at first glance “became outrageous,” he quickly recognized the legal implications of contesting the “Great Writ” and offered “up his prisoner, whom the officer

⁴ See Mark S. Weiner, “New Biographical Evidence on *Somerset’s Case*” *Slavery and Abolition* 23 (April 2002), 121-122, 133fn; see also Ruth Paley, “After Somerset: Mansfield, Slavery, and the Law in England 1772-1830” in *Law, Crime and English Society 1660-1830*, ed. Norma Landau (Cambridge: Cambridge University Press, 2002).

⁵ Hoare, *Memoirs of Granville Sharp*, 70.

carried safe, but now crying for joy” to the mainland.⁶ Knowles read the court return at the conclusion of Michaelmas term in 1771:

I, John Knowles...do most humbly certify...at the time herein after-mentioned of bringing the said James Sommerset from Africa, and long before, there were, and from thence hitherto there have been, and still are great numbers of negro slaves in Africa; and that during all the time aforesaid there hath been, and still is a trade, carried on by his majesty’s subjects, from Africa to his majesty’s colonies or plantations of Virginia and Jamaica in America...for the necessary of the aforesaid colonies and plantations with negro slaves; and that negro slaves, brought in the course of the said trade from Africa to Virginia and Jamaica...by the laws of Virginia and Jamaica...have been and are saleable and sold as goods and chattels...and are the slaves and property of the purchasers thereof, and have been, and are saleable and sold by the proprietors thereof as goods and chattels. And I do further certify...that James Sommersett...was a negro slave in Africa...and...being such a negro slave, was brought in the course of the said trade as a negro slave from Africa aforesaid to Virginia...to be sold...on the first day of August in the year last aforesaid, the said James Sommersett...was sold in Virginia aforesaid to one Charles Steuart, esq...who departed from America aforesaid, on a voyage for this kingdom...brought the said James Sommersett, his negro slave and property, along with him...from America to his kingdom...to attend and serve him...with an intention to return to America.⁷

In other words, because Somerset was purchased in Africa through the Trans-Atlantic Slave Trade, which the British Parliament sanctioned, and resold in colonial Virginia, where the laws permitted such property, Knowles was entitled to continued ownership on English soil. Since colonial American laws categorically codified domestic slavery, the suit also called into question the primacy of provincial law over municipal law in England. The court deliberated whether Stewart who held legal ownership of Somerset in the American colonies was entitled to sell and force him out of England or was obliged to recognize his freedom once in the metropole. This

⁶ Thomas Clarkson, *The History of the Rise, Progress and Accomplishment of the Abolition of the African Slave Trade by the British parliament*, vol. 1 (London: Printed by R. Taylor and Co., Shoe-Lane, for Longman, Hurst, Rees, and Orme, Paternoster-Row, 1808), 75.

⁷ 20 How. St. Tr. 1 at 7-22.

legal conundrum was apparent from Capel Lofft's trial notes which emphasized the significance of the case including the "rights over the person of a negro resident here, and, supposing such rights to exist, secondly, the extent of them" and third "the means of enforcing them."⁸

Senior counsel for the defendant James Somerset included John Glynn and Mr. Serjeant William "Bull" Davy.⁹ Three junior counselors also litigated for Somerset--Mr. J. Alleyne, James Mansfield (later Sir James Mansfield), and Mr. Francis Hargrave the publisher of the eminent *State Trials*. The sugar-baron backed defense of plaintiff Charles Stewart were William Wallace and John Dunning (later Lord Ashburton) the former counsel to the Afro-British servant Thomas Lewis. That five attorneys litigated for the *pro bono publico* [for the public good] defense of Somerset reveals the importance of the case and the anti-slavery ethos which pervaded the ether of 1772. Simon Schama points out that upon hearing of *Somerset* Sharp paid six guineas to retain counsel; however, "Hargrave declined any fee for his services--as did Somerset's other four lawyers."¹⁰ While *Somerset* was not a slavery test case--although a case is in part representative of how it evolves over time--Hargrave stated in the opening arguments that

⁸ 20 How. St. Tr. 1 at 1. There are six extant reports of *Somerset's* case: Capel Lofft's Report, *Scot's Magazine*, *Gentleman's Magazine*, Granville Sharp's Manuscripts, Serjeant Hill's Manuscripts, and Dampier Ashurt's Manuscripts with the latter two discovered in Lincoln's Inn Library in 1988. I mainly rely on Lofft's based on William Cotter's comparative analysis of all six. Cotter adds that not one major trial participant including Lord Mansfield questioned the wording in Lofft's account following its 1776 publication in the *English Reports*. See William R. Cotter, "The Somerset Case and the Abolition of Slavery in England" *History* 79 (1994).

⁹ Serjeant-at-law. "A barrister of superior grade; one who had achieved the highest degree of the legal profession, having (until 1846) the exclusive privilege of practicing in the Court of Common pleas." Bryan A. Garner, ed. *Black's Law Dictionary*, 7th ed. (St. Paul, Minnesota: West Publishing Company, 1999), 1372.

¹⁰ Simon Schama, *Rough Crossings: Britain, The Slaves and the American Revolution* (New York: HarperCollins Publishers, 2005), 46.

the “question on that is not whether slavery is lawful in the colonies, (where a concurrence of unhappy circumstances has caused it to be established as necessary;) but whether in England? Not whether it has existed in England; but whether it be not now abolished?”¹¹ In an effort to dismiss the anti-slavery impact of *Somerset* or the sentiment of Mansfield historians who point to the three post-1772 Afro-British cases adjudicated by the Chief Justice--the *Zong* (1783) suit, *Jones v. Schmoll* (1785), and *Rex v. Ditton* (1785)--would do well to remember Hargrave’s statement. The first two cases involved the Trans-Atlantic Slave Trade and *Rex v. Ditton* concerned parish poor relief.¹²

The Second Hearing and First Adjournment: Hilary Term 7 February 1772

Davy requested a lengthy continuance after Knowles’ return “on account of the importance of the case” to which Mansfield objected.¹³ With the approval of assisting justices Sir Richard Aston, Sir John Willes, and William Henry Ashurst the Chief Justice scheduled the next hearing for 7 February allowing for two weeks preparation. The previous freedom suits involving Harvey, Strong, and Hylas had increased public awareness of Afro-British cases but the recent arguments of Granville Sharp, whom his biographer Prince Hoare described as the “distinguished...protector of distressed Africans” gave the trial immediate attention in British newspapers.¹⁴ The following excerpt from the *General Evening Post* typifies press statements when the suit first came to trial the previous day on 24 January 1772:

¹¹ 20 How. St. Tr. at 1.

¹² *Gregson v. Gilbert* 3 Doug. KB 232 (1783); *Jones v. Schmoll*, 1 Term R. 130n. (1785); *Rex v. Ditton* 4 Dougl. K.B. 302 (1785), 892-893.

¹³ 20 How. St. Tr. at 23.

¹⁴ Hoare, *Memoirs of Granville Sharp*, 53.

On Friday came on before Lord Mansfield, in the court of King's Bench, a cause, wherein a gentleman from Jamaica was plaintiff, and his negro servant defendant. The cause of trial was, to know how far a black servant was the property of the purchaser by the laws of England, as the black refused going back with his master to Jamaica. But as this was thought by the court a very important decision, it was postponed till towards the end of the term, when his Lordship said he would take the opinions of the rest of his brother judges.¹⁵

After the two-week adjournment Davy and Glynn argued against the return on 7 February. Davy spoke for over two and a half hours relying heavily on Sharp's arguments that villeinage was prohibited and that anyone setting foot on British soil "immediately becomes subject to the laws of this country" and are "so entitled to the protection" of substantive and procedural *due process*. The conflicts between the common laws of England and the colonial laws of Virginia dominated the arguments of both Davy and Glynn. The crux of Stewart's return held that the laws of the Old Dominion permitted property in his captive in the American colonies and in England. Davy submitted that if Somerset "remains, upon his arrival in England, in the condition he was in abroad, in Virginia" the enslaver's power should continue. Yet colonial legislation was secondary to the municipal laws of England and therefore it would be impossible to introduce American slavery in part: "either *all* the laws of Virginia are to attach upon him here, or *none*." Davy then stressed this distinction observing that Virginia's legal codes had "no more influence, power, or authority in this country" than Japanese law.¹⁶

Upon the conclusion of Davy's speech Glynn followed for about an hour and re-emphasized that slave institutions were not permanent but geographical, determined by local law. Indeed, "slavery [was] created by colony government;" however, once in England "the very air

¹⁵ *The General Evening Post*, From Saturday, January 25, to Tuesday, January 28, 1772.

¹⁶ Hoare, *Memoirs of Granville Sharp*, 76.

he breathed made [the captive] a free man” since colonial law was secondary to the common law of England which prohibited domestic servitude. *Somerset’s* Afro-British legal antecedents demonstrated time and again this conflict between positive law in the metropole and colonies complicated ever more when the latter usurped the hegemony of Parliament and legislated *ad hoc* statutory Black Codes in British North America and the West Indies. Following Glynn’s comments Mansfield adjudged that the complexity of the arguments justified a break until the beginning of the court’s next term.¹⁷

This adjournment in the legal proceedings was the first of two delays which Mansfield’s critics claim the Chief Justice called for in order to reach an out of court settlement. He had proposed that Somerset’s abolitionist defenders purchase him from Stewart in addition to twice pressing Stewart to manumit him. Mansfield, similar to Granville Sharp, loathed colonials like Charles Stewart who walked into British courts attempting to trump English law with provincial legislation. His previous Afro-British cases left the Chief Justice “exasperated” with the West Indian merchants and Mansfield--who strongly believed in the supremacy of Parliament--warned Stewart that he would lose the case. In short, the customs official was in the wrong arena and the Chief Justice suggested he appeal to Parliament following the verdict.¹⁸ Legal scholar and Mansfield biographer Norman S. Poser emphasizes that “the West Indian planters and merchants, who had taken over Stewart’s legal expenses, had extracted a promise from him [Stewart] not to settle the case.” The pro-slavery syndicate were frustrated with the previous

¹⁷ Ibid., 77-78; *The General Evening Post* from Thursday, February 6, to Saturday, February 8, 1772.

¹⁸ Alfred W. Blumrosen and Ruth G. Blumrosen, *Slave Nation: How Slavery United the Colonies & Sparked the American Revolution* (Sourcebooks, Inc.: Naperville, Illinois, 2005), 10.

Afro-British case law which repeatedly left domestic bondage unsettled. While the anti-slavery advocates were aware that the wave of servants absconding coupled with the attention from the previous four Afro-British freedom suits had shifted attitudes among the public. They felt the time was ripe for Afro-British freedom. With this in mind, Poser adds that both “the abolitionists and the West Indians wanted a clear decision whether slavery was legal under English law.”¹⁹

The Third Hearing and Second Adjournment: Easter Term 9 May 1772

When the third hearing began in early May, Sharp was on a public crusade for abolition. He sent Somerset on errands to potential supporters and garnered additional backing through a letter-writing campaign that included a bold plea to Lord North which the prime minister preoccupied with the imperial crises never responded.²⁰ In the meantime the ubiquitous Sharp was conspicuously absent from the courtroom. Yet his truancy was calculated since he publicly reprobated Mansfield’s ruling in *Rex. v. Stapylton* (1771). Sharp biographer Prince Hoare wrote that his absence was an effort to avoid “irritat[ing] a Judge whom he conceived to be

¹⁹ Norman S. Poser, *Lord Mansfield: Justice in the Age of Reason* (Montreal & Kingston: McGill-Queen’s University Press, 2013), 293.

²⁰ The letter text stated: “My Lord, Presuming that information, concerning *every question of a public* nature, must of course be agreeable to your Lordship, considering your present high office, I have ventured (and hope without offence) to lay before you a little tract against tolerating slavery in England; because the subject (being at present before the Judges) is now become a public topic; and admitting of it, or otherwise, is certainly a point of considerable consequence to this kingdom. His Majesty has been pleased, lately, to recommend to Parliament ‘the *providing new laws for supplying defects or remedying abuses in such instances where it shall be requisite;*’ and I apprehend, my Lord, that there is no instance whatever which requires more *immediate redress* than the present miserable and *deplorable slavery* of Negroes...I say immediate redress, because, *to be in power*, and to neglect (as life is very certain) even a day in endeavoring to put a stop to such monstrous injustice and abandoned wickedness, must necessarily endanger a man’s *eternal* welfare, be he ever so great in *temporal*...office.” Quoted in Hoare, *Memoirs of Granville Sharp*, 78-79.

prepossessed against his attempt” to dismantle domestic slavery.²¹ Yet such thinking by Sharp was misguided and he later discovered that Mansfield held to the Latin axiom *Fiat Justitia, ruat coelum*: “Let justice be done though the heavens fall.” On 9 May Mr. James Mansfield opened for Somerset and stated that as a human the plaintiff was incapable of living as a slave in England “unless by the introduction of some species of property unknown to our Constitution.” While Somerset never presented testimony before the court, Mansfield read an impassioned statement from him written in the first person. In it Somerset declared that he was enslaved in Africa before “first put in chains on board a British ship, and carried from Africa to America,” where he survived “under a master, from whose tyranny I could not escape.” Somerset exclaimed that if caught absconding “I should have been exposed to the severest punishment” further commenting that since birth freedom alluded him. Yet he concluded that “I am now in a country where the laws of liberty are known and regarded; and can you tell me the reason why I am not protected by those laws, but to be carried away again to be sold?”²² This first-person statement establishes that the case hinged on forcing Somerset ‘to be carried away again’ and resold into colonial slavery.

In Gretchen Holbrook Gerzina’s work *Black London: Life before Emancipation* (1995) she asserts that failing to utilize Somerset’s presence in the courtroom--when his assistance to Sharp outside of the court proved valuable--was a dire legal misstep especially since Mansfield’s litigation had explicitly appealed to the sympathies of the viewers. Having the white Mansfield

²¹ Ibid., 61, 71.

²² Ibid., 83, 84.

as a stand in was “as though Somerset were a generic black slave” posits Gerzina.²³ Yet with over two hundred years of pejorative African tropes and stereotypes embedded in the English consciousness, counsel possibly feared that Somerset would botch the reading and spark a negative racial reaction from the bar or public observers. Following the first-person Somerset statement counsel cited the example of a captive who escaped from Germany to metropolitan France, where the institution was illegal, and obtained instant emancipation.²⁴ Mansfield also noted instances of galley-slaves who fled and were never again placed under the yoke of human bondage. After the final remarks from counsel Chief Justice Mansfield postponed the case for a second time until 14 May due to the illness of one of Somerset’s lawyers.²⁵

The Fourth Hearing: Easter Term 14 May 1772

When Francis Hargrave heard of *Somerset v. Stewart* he contacted Granville Sharp indicating his support for anti-slavery and further offered “to communicate any arguments that occur to me on the subject, with as much pleasure as if I had been retained as one of the counsel in the cause.”²⁶ The son of Christopher Hargrave, a chancery solicitor, the younger Hargrave

²³ Gretchen Holbrook Gerzina, *Black London: Life Before Emancipation* (New Brunswick, New Jersey: Rutgers University Press, 1995), 132.

²⁴ One case to which Mansfield referred was *Jean Boucaux v. Verdelin* (1738) considered the French equivalent to *Somerset*. Historian Sue Peabody has written extensively on domestic slavery and slave law in France. Her work *There Are No Slaves in France* (1996) includes a chapter examining the freedom suit and its impact, or lack thereof, on the importation of Blacks in metropolitan France. The verdict in *Boucaux* contained a gaping legal loophole which allowed slaveholders to continue forcing servants into the French metropole as *de facto* “apprentices.” See Sue Peabody, *There Are No Slaves in France: The Political Culture of Race and Slavery in the Ancien Régime* (New York: Oxford University Press, 1996), esp. chapter two.

²⁵ *The Middlesex Journal*, from Tuesday, May 12, to Thursday, May 14, 1772.

²⁶ Letter text quoted in Hoare, *Memoirs of Granville Sharp*, 72.

was a legal neophyte when he defended Somerset having never litigated a case in his brief career. The thirty-one-year-old had only been called to the bar in 1771. Hargrave's abilities as a rigorous writer and researcher were described as "painstakingly accurate" while his skills as an orator "prolix and tortuous" and others would benefit from his behind-the-scenes legal work writing speeches, drafting statutes, and publishing the *English Reports* considered the legal source of public record since the Norman era.²⁷ Yet at the fourth hearing Hargrave the recondite researcher delivered a penetrating discourse on the legal history of slavery, the amorality of the institution itself, and the consequences for New World West Africans and European enslavers. His own published account of the trial went through multiple editions, which speaks to Hargrave's erudition and of greater import the wide interest that *Somerset* stirred in the English-speaking world.²⁸ Samuel Estwick, the Bajan planter whose treatise *Considerations on the Negro Cause...Addressed to the Right Honorable Lord Mansfield* (1772) directly refuted Mansfield's decision, attended the trial and remarked that Hargrave's sweeping and impressive legal discourse "is said to have been delivered in the particular Case of Somerset a *Negroe*, yet it is meant and intended as a course of reasoning upon the general question of the state and condition of *Negroes*." Estwick therefore recognized that Hargrave was taking on more than domestic bondage in England but also questioning the moral philosophy of New World enslavement *en*

²⁷ J. H. Baker, "Hargrave, Francis (bap. 1741, d. 1821), legal writer." *Oxford Dictionary of National Biography*. 23 Sep. 2004; Accessed 29 Dec. 2022. <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-12313>.

²⁸ See Francis Hargrave, *An Argument in the Case of James Sommersett a Negro wherein it is attempted to demonstrate the present Unlawfulness of Domestic Slavery in England to which is prefixed a State of the Case* 2nd ed. (London: Printed for the Author: And told by W. Otridge, opposite the New Church, in the Strand; and G. Kearsly, near Serjeant's-Inn, Fleet-street, 1775).

toto which terrified the merchants and planter class. When Estwick published the second edition of his treatise, Hargrave had released his book covering the trial to which the planter offered continued praise: “The late publication of Mr. Hargrave’s argument...I confess I know not which most to admire, the labour of this Gentleman’s researches, or the ingenuity with which his collected materials are systemized and disposed.”²⁹

Hargrave began his defense by strongly arguing that if the defendant’s right to hold Somerset “is here recognized, domestic slavery, with its horrid train of evils, may be lawfully imported into this country” at the free will of any foreign individual.³⁰ This was a calculated legal maneuver for it undermined a possible defense argument that imported captives did not threaten English liberties in general, but only concerned the non-English individuals who transported them in the metropole.³¹ Hargrave further opined that the importance of the case not only concerned James Somerset but “the whole community” since the pernicious nature of slavery corrupted the morals of the enslaver allowing him to “alienate the person of the slave” and to the enslaved “it communicates all the afflictions of life, without leaving for him scarce any of its pleasures.”³² Hargrave’s legal maneuvering therefore forced the court to confront how slavery was anathema to the high moral principles expected of white Englishmen. If no one cared how enslavement impacted Blacks it might awaken those who viewed the institution as eroding

²⁹ Samuel Estwick, *Considerations on the Negroe Cause Commonly so Called, Addressed to the Right Honorable lord Mansfield, Lord Chief Justice of the Court of King’s Bench, &c.* 3rd. Ed. (London: Printed for J. Dodsley, in Pall-Mall, 1773), 20fn, 22fn.

³⁰ 20 How St. Tr. 1 at 24.

³¹ A. Leon Higginbotham Jr., *In The Matter of Color: Race and the American Legal Process The Colonial Period* (New York: Oxford University Press, 1978), 337.

³² 20 How St. Tr. 1 at 23, 26.

the moral fabric of whites. The fact that slavery's corruption of Englishmen was even a problem proved a profound revelation for many whites observing the proceedings. When illuminating the unethical nature of slavery Hargrave appealed to natural law and his far-reaching pedagogy covering the legal history of bondage in England allowed him to recount the separation of the "old slavery" of villeinage from the "new slavery" present in the English colonies. While Somerset's other lawyers had claimed that villeinage was illegal according to common law, Hargrave admitted that English jurisprudence never abolished the system. The last reported case involving the system in *Pigg v. Calley* (1618) did not legally upend villeinage but limited the time a lord had to retrieve his absconded serf.³³

Hargrave reiterated Holt's claim that one might be a villein in England but the moment an unfree Black steps foot on English soil he is free. This statement "contains the whole of the proposition, for which I am contending" pronounced Hargrave for it "assent[s] to the old slavery of the villein" but "disallow[s] the new slavery of the negro."³⁴ Because English villeinage had not been "buried in oblivion" Hargrave proceeded to forcefully distinguish it from contemporary slavery. From the derivation of villeinage during the Norman Conquest to its disappearance at the time of James I:

The condition of a villein had most of the incidents...of slavery in general. His service was uncertain and indeterminate, such as the lord thought fit to require; or, as some of our ancient writers express it, he knew not in the evening what he was to do in the morning, he was bound to do whatever he was commanded. He was liable to beating, imprisonment, and every other chastisement his lord might prescribe, except killing and maiming. He was incapable of acquiring property for

³³ *Pigg v. Calley*, 1 Noy 27 (1618), 997.

³⁴ 20 How. St. Tr. 1 at 55.

his own benefit...He was himself the subject of property; as such salable and transmissible.³⁵

Yet Hargrave litigated that unlike Somerset and his enslaved counterparts the villein was only seized via a title or prescription and the burden of proof fell on the manorial lord to demonstrate that the service was “ancient and immemorial” and locally passed down by generations “whereof no memory runs to the contrary.” Hargrave reinforced this and defined the conditions which colonial and other foreign captives were bonded:

In our American colonies and other countries slavery may be by capacity or contract as well as by birth; no prescription is requisite; nor is it necessary that slavery should be in the blood and family immemorial. Therefore the law of England is not applicable to the slavery of our American colonies, or of other countries. If the law of England would permit the introduction of a slavery commencing out of England, the rules it prescribes for trying the title to a slave would be applicable to such a slavery; but they are not so; and from thence it is evident that the introduction of such a slavery is not permitted by the law of England. The law of England then excludes every slavery not commencing in England, every slavery though commencing there not being ancient and immemorial. Villeinage is the only slavery which can possibly answer to such a description, and that has long expired by the deaths and emancipations of those who were once objects of it.³⁶

Hargrave’s legal tactic removed an important plank from the enslavers’ argument, demonstrating that villeinage was both different from New World slavery and as a local, prescriptive, and immemorial system, inapplicable to foreigners. Sharp pointed to these clear-cut distinctions in his *A Representation of the Injustice...of Tolerating Slavery* (1769) which prepared Somerset’s attorneys once counsel for Stewart analogized villeinage.

Hargrave further disarmed opposing counsel reminding the court that earlier unfavorable Afro-British legal decisions were incomplete and narrowly adjudicated. He vigorously pointed

³⁵ 20 How. St. Tr. 1 at 36.

³⁶ 20. How. St. Tr. 1 at 41, 48.

out that the pro-slavery judgements in *Butts* (1677) and *Gelly* (1693) concerned captives purchased abroad and therefore did not “shew the lawfulness of having negro slaves in England.” Hargrave added that although three separate Statutes at Large sanctioned colonial slavery “it would be a strange thing to say, that permitting slavery there, includes a permission of slavery here.”³⁷ This segued into a detailed discussion of the *lex loci* in which Hargrave powerfully enforced the arguments by co-counsel Davy and Glynn concerning the distinctions between colonial and municipal law. He explained that it “is a general rule” that the *lex loci* cannot predominate over England’s municipal laws if “great inconveniences” occur from its implementation:

Now I apprehend, that no instance can be mentioned, in which an application of the *lex loci* would be more inconvenient, than in the case of slavery. It must be agreed, that where the *lex loci* cannot have effect without having the thing prohibited in a degree either as great, or nearly as great, as if there was no prohibition, there the greatest inconvenience would ensue from regarding the *lex loci*, and consequently it ought not to prevail...To prevent the revival of domestic slavery effectually, its introduction must be resisted universally, without regard to the place of its commencement; and therefore in the instance of slavery, the *lex loci* must yield to municipal law.³⁸

Hargrave litigated that similar policies with regard to the *lex loci* were adopted by other European countries including Scotland, the Dutch territory, Brabant, and parts of the Austrian Netherlands and France. He stated that legal precedent similarly prohibited slavery in England.

Hargrave exclaimed that English law barred “any man to enslave himself by contract:”

It may be contended that though the law of England will not receive the negro as a slave, yet it may suspend the severe qualities of the slavery whilst the negro is in England and preserve the master’s right over him in the relation of a servant, either by presuming a contract for that purpose, or, without the aid of such a

³⁷ 20. How. St. Tr. 1 at 53, 59.

³⁸ 20. How. St. Tr. 1 at 60.

refinement, by compulsion of law grounded on the condition of slavery in which the negro was previous to his arrival here.³⁹

This statement was related to the principles of Blackstone who altered the wording in his *Commentaries* to avoid nullifying a legal contract that an indenture or hired servant might be held to for an extended period. Yet Hargrave sought to argue that even if Somerset were discharged, enslavers could not circumvent Blackstone by placing future servants under a temporary contract for service while in England only to have their full-blown status as captives reinstated once returned to the colonies. Such a practice was tantamount to perpetual bondage since it merely replaced “the open character of a slave” with the “disguised one of an ordinary servant.” This was reinforced by enslaver control since he still claims, “the benefit of the relation between him and the negro in the full extent of the original slavery,” clarified Hargrave.⁴⁰

Counsel closed his argument and returned to the subject of villeinage. In order to quell efforts on the part of the opposition to use the obsolete system to justify New World slavery, Hargrave illustrated the critical legal differences between the two. Yet in the event that the court accepted Stewart’s defense that the new form of slavery was a by-product of villeinage, like Sharp, he highlighted the local requirements for a villein. If once in the English metropole, Somerset remains enslaved under Stewart “he must be content to have the negro subject to those

³⁹ 20 How St. Tr. 1 at 49, 64.

⁴⁰ Despite attempts to prevent enslavers from circumventing the law a quarter of a century after *Somerset* in *Keane v. Boycott* (1795) a seventeen-year-old captive from St. Vincent named Toney entered into a five-year indenture which was upheld by Lord Chief Justice Eyre who adjudged that had the contractual agreement occurred in England this would have invalidated it for “as soon as a slave arrives here, the yoke of slavery is dissolved by operation of law.” This was a technical point that Hargrave and Mansfield highlighted in *Somerset. Keane v. Boycott*, 2 H. B1. 511 (1795); quoted in Helen Tunncliff Cattrell, ed. *Judicial Cases Concerning American Slavery and the Negro, I* (Washington, D.C.: Carnegie Institution of Washington, 1926), 21, 21fn.

limitations which the laws of villeinage imposed on the lord” for example that such customs “restrained the lord from forcing the villein out of England.”⁴¹ Therefore, even if the status of a captive were legally analogous to that of a villein enslavers like Stewart would forfeit the right to remove and sell them out of England. This proved a crucial legal point especially since Mansfield determined that once on English soil captives could never be sold back into colonial bondage. Hargrave’s lengthy litigation was followed by his co-counsel Mr. J. Alleyne who--anticipating opposing arguments--stressed that traditional Aristotelian justifications of slavery drew precedent “from barbarous ages and nations” that are unsuitable for “civilized times and countries.” Alleyne relied on a fuller understanding of the laws of nature--in particular from Montesquieu and Rousseau--who condemned the institution of slavery. Contemporaneous interpretations of nature law theory imbued humans with a greater sense of divine justice personified in the moral ideals of right and wrong. Alleyne then elaborated on contract law and natural law:

As a contract: in all contracts there must be power on one side to give, on the other to receive; and a competent consideration. Now what power can there be in any man to dispose of all the rights vested by nature and society in him and his descendants? He cannot consent to part with them, without ceasing to be a man; for they immediately flow from, and are essential to, his condition as such: they cannot be taken from him, for they are not his, as a citizen or a member of society merely; and are not to be resigned to a power inferior to that which gave them...slavery is not natural, it is a municipal relation; an institution therefore confined to certain places, and necessarily dropt by passage into a country where such municipal regulations do not subsist.⁴²

Alleyne effectively indicated that a mutual and beneficial agreement or *quid pro quo* must be present in a contractual relationship whereas a contract to perpetual enslavement was unilateral--

⁴¹ 20 How. St. Tr. 1 at 66.

⁴² 20 How St. Tr. 1 at 68.

only benefiting the slaveholder. In such a compact there was no “competent consideration” for the enslaved but a state of powerlessness. He added that bondage in the American colonies via positive law was anathema to the laws of nature and therefore the contract was not binding once the enslaver and enslaved landed on British soil. William Wiecek claims that this final point proved “compelling, and was to be adopted by Mansfield as the heart of his opinion.”⁴³

The opposition presented its case at the fourth hearing with junior counsel William Wallace opening for Stewart. His initial statements addressed the larger question of the *de jure* right to enslave captives in England. In doing so, Wallace challenged the arguments of Somerset’s counsel on three counts. First, as anticipated the defense analogized villeinage to defend the legality of New World slavery in England: “villeinage itself has all but the name: for villeins were in this country, and were mere slaves, in Elizabeth.” The assertion that “villeinage itself has all but the name” of African bondage reinforced that the system served as a legal template for New World slavery which allowed for a prompt transition once English explorers appraised West Africans during the 1553-1554 expeditions. Second, counsel challenged the validity of the anti-slavery decision in *Smith v. Brown and Cooper* (1706) and argued that Justice Holt’s judgement was an action for trover “appropriated to mere common chattels” and a “mere dictum, a decision unsupported by evidence.” Wallace added that while *Smith v. Brown and Cooper* and *Chamberlayne’s case* ruled against enslavers the judges suggested other legal options to obtain damages for the loss of service such as *per quod servitium amisit*. Counsel further emphasized the 1729 pro-slavery opinion of Yorke-Talbot and the ensuing decision by Hardwicke in *Pearne v. Lisle* (1749). Last, in another legal maneuver anticipated by Somerset’s

⁴³ William Wiecek, “*Somerset*: Lord Mansfield and the Legitimacy of Slavery in the Anglo-American World” *University of Chicago Law Review* 42 (1974), 105.

counsel, Wallace asserted that the laws of Virginia were fungible or interchangeable with the laws of England. “It is necessary” that absentee proprietors who “cannot trust the whites, either with the stores or the navigating the vessel” be allowed to ship captives over to ensure a safe trans-Atlantic journey. Wallace intended to illustrate that this succor, paramount to a safe voyage dictated that colonial captives remain enslaved once in England. Yet his comment fell in the face of those like Edward Long who dismissed Blacks entering the realm as lacking any utilitarian value. Once Wallace completed his defense, Chief Justice Mansfield seized on his use of Yorke-Talbot and stated “the case alluded to was upon a petition in Lincoln’s Inn Hall after dinner; probably, therefore, might not, as he believes the contrary is not usual at that hour, be taken with much accuracy.”⁴⁴ Mansfield’s statement was ignored by the neo-Fiddes revisionist F.O. Shyllon who argues that the Chief Justice was hesitant to reverse an opinion “at the behest and insistence of an obscure layman” in Granville Sharp when Mansfield “owed his meteoric rise at the bar” to Yorke and Talbot.⁴⁵

The Fifth Hearing: Easter Term 21 May 1772

The fifth hearing opened on Thursday 21 May with Dunning speaking for Stewart and Davy delivering the redirect for Somerset. When he decided to support the proslavery cause, Dunning apostatized since he had previously represented the civil rights of Thomas Lewis in *Rex v. Stapylton* (1771) arguing that slavery was repugnant to English law. This about-face vexed Granville Sharp who considered it “an abominable and insufferable practice” for any lawyer “to undertake causes diametrically opposite to their own declared opinions of law and common

⁴⁴ 20 How St. Tr. 1 at 69, 70.

⁴⁵ F.O. Shyllon, *Black Slaves in Britain* (Oxford: Published for The Institute of Race Relations, 1974), 121.

justice.”⁴⁶ Yet attorneys were too often known for placing financial considerations above personal ethics and Dunning was no different. Unlike the legal novice Hargrave the savvy Dunning was a seasoned litigator who after struggling was at the peak of his professional career earning an astonishing £8,015 in 1771 posits legal scholar Stephen M. Wise. He added that this income exceeded the second highest paid English litigator by half during a period when one in twenty British attorneys had “thrown in the towel” including the barrister Blackstone who closed his practice in 1753 after struggling for seven years. Simply put “the West Indies interests paid handsomely” and Dunning “knew he had just a few years to make his fortune” until the anti-slavery tide altered course for good, asserts Wise.⁴⁷

Yet Dunning’s opening statements reflected guilt for his tergiversation repeatedly admitting his personal objection to slavery but avowing that he was “bound by duty to maintain those arguments which are most useful” to Stewart. He began his defense by harping on the economic and social consequences of Black freedom. With all the detachment of a stockyard overseer Dunning charged that “at £50 a head” the emancipation of England’s 14,000 captives would cost proprietors £800,000.⁴⁸ He further warned the court that if domestic slavery were abolished in England a deluge of the 166,000 captives on Jamaican plantations which included “a number of wild negroes in the woods” [maroons] would descend upon British free soil:

The means of conveyance, I am told, are manifold; every family almost brings over a great number; and will be the decision on which side it may. Most negroes who have money (and that decision I believe will be nearly all) make interest with the common sailors to be carried hither. These are negroes not failing under the

⁴⁶ Hoare, *Memoirs of Granville Sharp*, 88f.

⁴⁷ Stephen M. Wise, *Though the Heavens May Fall: The Landmark Trial That Led to the End of Human Slavery* (Da Capo Press, Cambridge, Massachusetts, 2005), 118, 119.

⁴⁸ 20 How. St. Tr. 1 at 71, 72.

proper denomination of any yet mentioned, descendants of the original slaves, the aborigines, if I may call them so; these have gradually acquired a natural attachment to their country and situation; in all insurrections they side with their masters; otherwise the vast disproportion of the negroes to the whites, (not less probably than that of 100 to one) would have been fatal in its consequences. There are very strong and particular grounds of apprehension, if the relation in which they stand to their masters is utterly to be dissolved on the instant of their coming into England.⁴⁹

This race-based fearmongering prevalent in eighteenth-century newspaper articles and the West Indian literature written by Edward Long, Samuel Estwick, Bryan Edwards, and numerous anonymous sources dates back to Elizabeth I whose 11 July 1596 proclamation expelled “ten of those blackamoors that were brought into this realm...of which kind of people there are already too many here” depriving the English of bread.⁵⁰ The Queen’s letter drafted to the Lord Mayor of London was in response to a series of bad harvests, but as Winthrop D. Jordan argues her motivations were “embedded in the concept of blackness.”⁵¹ Dunning sought to sanitize the geographically remote Caribbean plantation network implying that “nearly all” captives were financially secure and could contract with sailors should Britain become free soil. Emancipation in Great Britain would create a sanctuary, implied Dunning, and bringing in droves of these Blacks living off the dole stood to contaminate English society. He further illuminated the Black majorities in the West Indies to show that the enslaved population was content otherwise the

⁴⁹ 20 How. St. Tr. 1 at 72.

⁵⁰ *Acts of the Privy Counsel of England*, n.s. XXVI 1596-7, 16-17; quoted in Peter Fryer, *Staying Power: Black People in Britain since 1504* (Atlantic Highlands, NJ.: Humanities Press, 1984), 10.

⁵¹ Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill, North Carolina: The University of North Carolina Press, 1968), 7, 8.

situation would have proved “fatal in its consequences.”⁵² Of course, Dunning failed to mention the frequent rebellions in the Indies and mainland North America which the British press extensively covered to discourage importing Blacks into the metropole.

Dunning next sought to downplay the pernicious nature of slavery as described by Hargrave claiming that he “should decline...to defend” a client whose intent was, for example, to murder or cannibalize his captive, or sell his descendants. Stewart’s only claim was to enforce Somerset’s legal contract of servitude, an obligation to which English laborers were not uncommonly held. Dunning then challenged the contention made by opposing counsel that Somerset’s bondage was illegal and pointed to African laws and customs which warranted enslaving prisoners-of-war or those committing crimes against property whose debt or insolvency left them bound in perpetuity. Pamphlet literature condemning Mansfield’s decision emphasized this African supply-chain: “The slaves sold from the estates of the [African] grandees, whose sole property they are, but the principle source of the slave trade are the captives taken in war.” While the writer recognized that New World bondspeople were ‘sold from the estates of the [African] grandees’ the genesis of the trade emerged from war captives. “When a tribe is conquered they become tributary to the conquer, and upon failure in the payment...the captives on either side are made slaves” a practice dating back to the states of Carthage to whom African princes paid tribute.⁵³ Dunning was on ever more shaky legal ground in his defense of natural laws, personal liberty, and slavery. “Freedom has been asserted as a

⁵² 20 How. St. Tr. 1 at 72.

⁵³ “Candidus,” *A Letter to Philo Africanus, upon slavery. Together with the opinions of Sir John Strange, and other eminent lawyers upon this subject, with the sentence of Lord Mansfield, in the case of Somerset and Knowles* (Printed for W Brown, Booksellers, Corner of Essex-Street, Strand, 1787), 3, 4.

natural right,” yet unalienable and unrestrainable “there is perhaps no branch of this right, but in some at all times, and in all places at different times, has been restrained: nor could society otherwise be conceived to exist.” In short, personal freedom was reserved for the few and unfettered liberty for all was incompatible in civilized cultures. Somerset’s offenses led him to live outside these truncated laws of nature and legally sold to English merchants which was sanctioned by “the statutes of the British legislature.”⁵⁴

Counsel concluded with a rebuttal to Alleyne’s understanding of contract law, ignoring Blackstone’s maxim regarding *en instanti* emancipation for an enslaved individual who steps foot on English soil, yet highlighting his qualifier regarding indentured or other forms of contractual servitude. Indeed, a natural relationship echoed Dunning was not the only consideration when determining a forcible contract. Municipal laws dictated marriages, wartime conscription, bound apprentices to serve a parish, and empowered English magistrates “to oblige persons under certain circumstances to serve [i.e. beggars or the dissolute].” If such contracts for service were broken a legal crisis would ensue in England and create a “great...inconvenience” for a visiting foreigner with a servant at hand.⁵⁵ David Brion Davis asserts that Dunning’s examples therefore sought to reinforce the argument that even in England, the land of personal freedom, unappealing contractual agreements were commonly imposed to encourage voluntary labor. “The actual status of many British workers could be described ‘as if by contract’ they had accepted perpetual dependency,” says Davis.⁵⁶ To avoid the technical pitfalls which plagued the

⁵⁴ 20 How. St. Tr. 1 at 72, 73.

⁵⁵ 20 How St. Tr. 1 at 60.

⁵⁶ David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Oxford: Oxford University Press, 1975), 494.

previous Afro-British case law, Dunning emphasized that Stewart was not suing for an action of trover or trespass. He reminded the court of Wallace's earlier contention that if allowed in previous cases the writ *per quod servitium amisit* "only declare[d] them [captives] not salable; but [did] not take away from their service."⁵⁷ This clarification was emphasized at the behest of the West Indian interest who insisted that Stewart's counsel avoid another provisional or muddled verdict awash with technicalities.

Five months after opening statements the trial closed with a brief response from Davy. He endorsed Dunning's reference to the "great importance" of the question before the court "but not for those reasons principally assigned by him." Davy contradicted Dunning on two counts. First, he responded to the race-based scare tactics counsel had used, principally warning that Somerset's release might lead to a massive influx of enslaved Jamaicans demanding freedom in England. Davy suggested that the return of England's "14,000 or 15,000" captives to Jamaica was both perilous and inconsiderate to the white population: "The increase of such inhabitants, not interested in the prosperity of a country, is very pernicious; in an island, which can, as such, not extend its limits, nor consequently maintain more than a certain number of inhabitants." This was a savvy legal maneuver since Davy turned the tables and accused slave apologists of placing colonial whites in danger if the court allowed English enslavers to compel their Black servant population "back as [plantation] slaves." In effect he beat Dunning at his own game by appealing to racial fears--the difference being that the intent of Davy's disingenuous claim was only designed to benefit his client. Davy later added while "foreign superfluous inhabitants

⁵⁷ 20 How. St. Tr. 1 at 76.

augmenting perpetually” in the West Indies was “ill allowed” it was “still worse” if Blacks were “enemies in the heart of a state,” referring to the English metropole.⁵⁸

Davy next attacked Dunning’s comparison of contracts for servitude between a captive and his enslaver and a marital contract between spouses. Davy expostulated that in nation-states while marriages are “governed by...municipal laws” the contractual relationship is also rooted in morality and “I know not any law to confirm an immoral contract.” In the “case of master and slave” Davy added, “being no moral obligation, but founded on principles, and supported by practice, utterly foreign to the laws and customs of this country, the law cannot recognize such relation.” His elucidation of natural law theory on the last day of the trial provided a necessary counterbalance to Hargrave’s brilliant and calculated arguments rooted in the fundamentals of English jurisprudence. Davy expounded on this strategy and explicitly introduced race or skin-color into the trial. To enslave a Black “who is one by complexion’ is an ethical abomination that would “make England a disgrace to all the nations under heaven.” Davy ended his litigation stating that the “air of England...has been gradually purifying since the reign of Elizabeth,” an assertion that Mr. Dunning “seems to have discovered so much, as he finds it changes a slave into a servant; though unhappily he does not think it of efficacy enough to prevent that pestilent disease” once in the English metropole. Before Lord Chief Justice Mansfield adjourned until Trinity term on Monday 22 June he pondered the significance and consequences of the trial:

The question is, if the owner had a right to detain the slave, for the sending of him over to be sold in Jamaica...Contract for sale of a slave is good here; the sale is a matter to which the law properly and readily attaches, and will maintain the price according to the agreement. But here the person of the slave himself is immediately the object of inquiry; which makes a very material difference. The now question is whether any dominion, authority or coercion can be executed in this country, on a slave according to the American laws? The difficulty of adopting the relation, without adopting it in all its consequences, is indeed

⁵⁸ 20 How. St. Tr. 1 at 76.

extreme; and yet, many of those consequences are absolutely contrary to the municipal law of England.⁵⁹

While acknowledging that a contract to sell and purchase a slave is legally valid in England, Mansfield exclaimed that it is the existence of the contracted captive in the metropole which is ‘the object of inquiry.’

The second half of his statement foreshadowed the Chief Justice’s final adjudication for he finds ‘any dominion, authority or coercion’ which might uphold the sale and transference ‘absolutely contrary to the municipal law of England.’ Mansfield expressed concern over proprietor compensation of £700,000 sterling. Would former enslavers abandon their servants in the streets of London, Liverpool, Cardiff, or Bristol without the means to support themselves? There was no planned apprenticeship period to integrate free Blacks into metropolitan society. His prescient reservations held true and in the wake of *Somerset* when most interpreted the case as ending domestic slavery in England, Hoare observed that “having now no masters to support them...and having besides no parish which they could call their own” Blacks soon “fell by degrees into great distress, so that they were alarming conspicuous throughout the streets as common beggars.”⁶⁰ The estimated 25,000 Afro-British loyalist returning from America following the Revolution--divided between Nova Scotia, Sierra Leona, and London--compounded the situation since they too lacked a parish to petition *in forma pauperis* [in the character or manner of a pauper]. Indeed, forty-two years after *Somerset* in 1814 a Parliamentary Committee was formed to address the numerous Blacks--many of whom were formerly enslaved

⁵⁹ 20 How. St. Tr. 1 at 78, 79.

⁶⁰ Hoare, *Memoirs of Granville Sharp*, 259-260.

in Anglo-America--who remained unemployed and impoverished.⁶¹ Historian James Oldham observes that these deliberations offer evidence that Mansfield's "concerns seemed to relate more to domestic implications" than to the West India interest.⁶² Following his ruminations Mansfield exclaimed that "we cannot in any of these points direct the law" for the law must rule us: "*fiat Justitia, ruat coelum.*" He closed by complimenting Somerset's co-counsel Alleyne and Hargrave on their legal erudition, expressing pleasure at witnessing these two "young gentlemen rise at the bar, who are capable of reading so much to advantage."⁶³ The Chief Justice conspicuously omitted any adulation for Stewart's defense.

Lord Mansfield's Oral Verdict: Trinity Term 22 June 1772

Despite the length of *Somerset's* case the British press followed the seven-month trial treating it as a *cause célèbre*. When the Chief Justice approached the bench on the morning of 22 June at approximately ten o'clock and proceeded to repeat the return to the writ of *habeas corpus* the *Morning Chronicle* described the packed courtroom as standing-room only including "several Negroes...to hear the event of a cause so interesting to their tribe."⁶⁴ While the *Daily Advertiser* remarked that "a great number of blacks" occupied Westminster-Hall to listen in on the judgement.⁶⁵ Once the return was read Lord Mansfield spoke for the bench and ruled that:

⁶¹ M. Dorothy George, *London Life in the Eighteenth Century* (Kegan Paul, Trench, Trubner & Co., Ltd., London, in the History of Civilization series edited by C.K. Ogden, 1925), 138.

⁶² James Oldham, "New Light on Mansfield and Slavery" *Journal of British Studies* 27 (1988), 65.

⁶³ 20 How. St. Tr. 1 at 79-80.

⁶⁴ *The Morning Chronicle* for Tuesday, June 23, 1772.

⁶⁵ *The Daily Advertiser* for Tuesday, June 23, 1772.

We pay all due attention to the opinion of Sir Phillip Yorke, and lord chancellor Talbot, whereby they pledged themselves to the British planters, for all the legal consequences of slaves coming over to this kingdom or being baptized, recognized by lord Hardwicke, sitting as chancellor on the 19th of October, 1749, [when he found] that trover would lie [for slaves]; that a notion had prevailed, if a negro came over, or became a Christian, he was emancipated, but [it had] no ground in law; that he and lord Talbot, when attorney and solicitor-general, were of opinion that no such claim for freedom was valid; that though the statute of tenures had abolished villeins regardant to a manor, yet he did not conceive but that a man still might become a villein in gross, by confessing himself of such in open court. We are so well agreed, that we think there is no occasion of having it argued (as I intimated an intention at first), before all the judges, as is usual, for obvious reasons, on a return to a Habeas Corpus. The only question before us is, whether the cause on the return is sufficient? If it is, the negro must be remanded; if it is not, he must be discharged. Accordingly, the return states, that the slave departed and refused to serve; whereupon he was kept, to be sold abroad. So high an act of dominion must be recognized by the law of the country where it is used. The power of the master over his slave has been extremely different in different countries. The state of slavery is of such a nature, that is incapable of being introduced on any reasons, occasions, and time itself from whence it was created, is erased from memory. It is so odious, that nothing can be suffered to support it, but positive law. Whatever inconveniences, therefore, may follow from the decision, I cannot say this case is allowed or approved by the law of England; and therefore the black must be discharged.⁶⁶

The Immediate Response to Mansfield's Verdict

Once the verdict was read amongst the crowded spectators a number of Somerset's fellow Africans "went away greatly pleased" reported the *Middlesex Journal*.⁶⁷ Other Afro-British observers "bowed with profound respect to the Judges, and shaking each other by the hand, congratulated themselves upon their recovery of the right of human nature, and their happy lot that permitted them to breath the free air of England" noted the *London Chronicle*.⁶⁸ Black ballroom dances were prominent among the Afro-British community and the *London Packet*

⁶⁶ 20 How. St. Tr. 1 at 81-82.

⁶⁷ *The Middlesex Journal* from Saturday, June 20, to Tuesday, June 23, 1772.

⁶⁸ *The London Chronicle* from Saturday, June 20, to Tuesday, June 23, 1772.

reported on 29 June 1772 that “near 200 Blacks, with their ladies, had an entertainment at a public house in Westminster.”⁶⁹ Numerous other Blacks celebrated Mansfield’s verdict by leaving their enslavers at will including a servant from Bristol named Mr. Dublin the nephew of James Somerset. Dublin fled upon receiving a letter from Somerset explaining the emancipationist impact of the case. His enslaver, John Riddell, contacted Charles Stewart on 10 July 1772 complaining that Dublin spread word to his fellow “servants that he had rec’d a letter from his Uncle Somerset acquainting him that Lord Mansfield had given them their freedom & he was determined to leave me as soon as I returned from London which he did.” While Riddell asked Stewart to counsel him how to approach the matter the enslaver eventually concluded that he “shall not give” himself “any trouble to look after the ungrateful villain.”⁷⁰ Blacks like Dublin were absconding *en masse* without incident and enslavers like Riddell--unsure of the law following Mansfield’s verdict--failed to prosecute which in part explains the plummeting post-*Somerset* ‘runaway’ advertisements.

It was inevitable that the British press release pejorative racial responses to the verdict. The following from *The Morning Chronicle* satirized the Black reaction sarcastically commenting on their comportment:

Yesterday two blacks, discoursing on the subject of their right to liberty, by the determination of the long depending cause in favour of Somerset, one of their fraternity, one cried out in great extasy, ‘Ah ah, we be no more mungo here, mungo dere, mungo every where, we be made white by the gentlemen in the black gown, and we go here, and dere, and every where, dat is if we like it.’⁷¹

⁶⁹ *The London Packet* for June 26 through 29, 1772; reprinted in the *Pennsylvania Chronicle* for August 8, 1772.

⁷⁰ National Library of Scotland, MS 5027, John Riddell to Charles Stewart; quoted in Oldham, “New Light on Mansfield,” 65-66.

⁷¹ *The Morning Chronicle* for Wednesday, June 24, 1772.

This caricature laced reaction was entrenched in numerous racial tropes including the unsophisticated and dim-witted African incapable of properly speaking the King's English, and unable to assimilate news of personal advancement without hysterically spewing out 'in great extasy' a knee-jerk 'uppity' reaction. While the phrase 'we made white by the gentlemen in the black gown' was in reference to Mansfield and assisting judges Aston, Willes, and Ashurst. The English press and Afro-British observers therefore felt that Somerset's cause liberated all captives in England. Following the trial, even Granville Sharp praised Mansfield for "very ingeniously...in the small compacts of two short sentences" adjudging that Stewart's claim was inimical to English law. He further asserted that "there is nothing doubtful or inexplicit in this judgement" and therefore "by the solemn determination in the court of King's Bench...slavery is not consistent with the English constitution, nor admissible in *Great Britain*."⁷² Yet the odd newspaper accurately interpreted the case. The following day the *Morning Chronicle* observed that Mansfield's speech "as guarded, cautious, and concise, as it could possibly be drawn up", narrowly adjudicated that an enslaver could not withhold *habeas corpus* and force his captive out of England as a slave.⁷³ Meanwhile Benjamin Franklin--who was in the metropole when Mansfield announced his decision--commented on the hypocrisy of the court's judgement in the *London Chronicle*. In his editorial "*Pharisaical Britain*," the colonial printer chided the

⁷² Granville Sharp, "An essay on Slavery, Proving from Scripture its Inconsistency with Humanity and Religion," in Sharp, *An Appendix to the Representation, of the Injustice and dangerous Tendency of Tolerating Slavery, or of Admitting the Least claim of Private Property in the Persons of men in England* (London: Printed For Benjamin White, (No 63) In Fleet-Street, and Robert Horsefield, (No 22.) in Lugate Street, 1772), 6-7; Sharp, "Remarks on the Judgement of the Court of King's Bench, in the Case of Stewart verses Somerset," in *ibid.*, 74-75.

⁷³ *The Morning Chronicle* for Tuesday, June 23, 1772.

insignificance and hypocrisy of the decision. How could a country which continued to sweeten its tea with enslaved labor “pride thyself in setting free *a Single Slave* that happens to land on thy coasts!”⁷⁴

“Published in a hurry” during the trial of *Somerset* the locus of Samuel Estwick’s *Considerations on the Negro Cause...Addressed to the Right Honourable Lord Mansfield* (1772) sought to distinguish slavery from personal property leaning on the British statutes which sanctioned private ownership in human chattels: “*The right* which Mr. Steuart claims in the Negroe, Somerset, is a *right* given him by act of parliament.” Estwick sought to interfere with Mansfield’s verdict and upon failing to do so in his second edition the rattled planter asked that “a Bill originate in the House of Lords, under your Lordship’s formation: let slavery, so far as property is such in Negroes, be held in America: let the importation of them be prohibited to this country.” Estwick recognized that post-*Somerset* England was free soil for captives; therefore, he feared that Blacks would hemorrhage into the metropole unless Parliament bared them from ingress. His distress extended to the colonies since he dreaded the reverberating emancipatory force of Mansfield’s decision in the West Indies and mainland North America even more. Estwick sought the hegemony of British Parliament as an umbrella to preserve bondage in the empire and applied a pharmacological metaphor to make his point: “whatever property America may have in its drugs, it is Great Britain that receives the essential oil extracted from them.”⁷⁵

In England there was an eleventh hour bid to circumvent the impending effects of the decision when the “concerned” Jamaican planter and Member of Parliament for Rye, Rose

⁷⁴ William B. Wilcox, ed., *The Papers of Benjamin Franklin* (vol, 19, New Haven and London: Yale University Press, 1975), 187-188.

⁷⁵ Samuel Estwick, *Considerations on the Negroe Cause*, v, xvii, 30.

Fuller, put a motion to the House of Commons on 25 May 1772 for “Securing Property in Negroes, and other Slaves in this Kingdom.”⁷⁶ Yet the summer of 1772 proved untimely for the bill failed to garner backing as a result of increased popular anti-slavery agitation precipitated in part by Mansfield’s emancipation of Somerset. Indeed, an anonymous “London Gentleman” asserted that if Fuller “and the other West Indian Merchants” attempted to reprieve the petition he was prepared to assemble “what few friends” he had “in Parliament for an Opposition to such a destructive Measure.”⁷⁷ No subsequent attempt was made and even Edward Long amidst protesting *Somerset* admitted that “the laws of *Great Britain* do not authorize a master to reclaim his fugitive slave, confine, or transport him out of the kingdom. In other words; that a negro slave, coming from the colonies into *Great Britain*, becomes, *ipso facto*, Free.”⁷⁸ This was a stinging acknowledgement from the zealous Whig who had long criticized the imperial dominance of the metropole. Following *Somerset*, Long sought to further distance West Indian from English metropolitan law since he recognized that the legality of the Trans-Atlantic Slave Trade and colonial bondage was in jeopardy.

The Black Presence in Post-Somerset Britain

While Granville Sharp, James Somerset, Edward Long, the British press, and Black and white Englishmen exaggerated the significance of Mansfield’s ruling, Franklin underestimated the ramifications since it accomplished more than emancipating James Somerset. First, when the

⁷⁶ *Journal of the House of Commons*, 33 (12 Geo. III, 25 May 1772); quoted in Hoare, *Memoirs of Granville Sharp*, 104-106.

⁷⁷ Reprinted in *The Pennsylvania Gazette* for January 13, 1773.

⁷⁸ [Edward Long], *Candid Reflections Upon the Judgment lately awarded by The Court Of King's Bench, In Westminster-Hall, On what is commonly called The Negro-Cause, By a Planter* (London: Printed for T. Lowndes, 77, Fleet Street, 1772), 56.

Chief Justice stated that Yorke-Talbot had “no ground in law” he destroyed a metastatic malignancy which plagued the cause of Afro-British freedom for forty two years. Second, when Mansfield exclaimed via natural law that slavery was “so odious that nothing can be suffered to support it but positive law” he confirmed Hargrave’s contention that parliamentary legislation sanctioning colonial bondage was local and accordingly the *lex loci* could not countermand the municipal laws of England. Third, by holding that “the cause on the return” was sufficient Mansfield did not determine a legal definition of slavery in England but still confirmed captives’ rights to *habeas corpus* preventing enslavers from selling unfree Blacks abroad. This deemed a contractual agreement unenforceable and while theoretically their *de jure* status remained intact in practice this point of law proved the death-knell for slavery in England. In no case following *Somerset* did English courts rule in favor of a domestic enslaver over his captive. David Brion Davis asserts that in establishing entitlement to refuge for galley slaves, Mansfield ensured their protection under the law and proved that “the universal legality of slave property” could not be taken for granted.⁷⁹ A letter from several formerly-enslaved Blacks in Britain posted to Granville Sharp in 1788 indicated that in the post-*Somerset* era all experienced personal freedom in England. The correspondence offered “grateful thanks” to Sharp “who has been the great source and support of our hopes. We Need not use many words. We are those who were considered as slaves, even in England itself, till your aid and exertions set us free.”⁸⁰ In 1808 Clarkson observed that while numerous Blacks lived in poverty all were emancipated and none feared forced deportation due to “the glorious result of the trial:”

⁷⁹ Davis, *The Problem of Slavery...Revolution*, 470, 497-498, 500.

⁸⁰ Hoare, *Memoirs of Granville Sharp*, 333.

The poor African ceased to be hunted in our streets as a beast of prey. Miserable as the roof might be, under which he slept, he slept in security. He walked by the side of the stately ship, and he feared no dungeon in her hold...we are no longer distressed by the perusal of impious rewards for bringing back the poor and the helpless into slavery, or that we are prohibited the disgusting spectacle of seeing man bought by his fellow man...we owe this restoration of the beauty of our constitution--this prevention of the continuance of our national disgrace.⁸¹

When Prince Hoare published his *Memoirs of Granville Sharp* in 1820, he observed that “we no longer see our public papers polluted by hateful advertisements of the sale of the human species” due to the abolitionists efforts of Sharp and the judgement by Lord Mansfield.⁸²

The Quantitative Evidence: *Somerset*'s Impact on 'Runaway' and 'For Sale' Adverts

If the legal tenor of the ruling in *Somerset* is pushed aside and Mansfield's sentiments are deemed inconsequential the post-1772 'runaway' and 'for sale' quantitative data is dramatically revealing. Graph 4.5 illustrates that notwithstanding the narrowly defined verdict or reservations on the part of Mansfield the decision hastened a remarkable plunge in 'runaways' with the last reported advert coming on 3 July 1780. Graph 5.0 reinforces that spanning the calendar year 1772 through 1780 sixty five runaway adverts were placed in British newspapers which is eight percent of the 830 total number from 1700 to 1780. Yet of the eighteen runaways in 1772, eight preceded Mansfield's 22 June 1772 decision leaving a total of fifty-seven or seven percent of post-*Somerset* adverts [see graph 5.0]. From 1772 until 1780 yearly runaways dropped exponentially with two exceptions: eighteen runaways in 1772; seventeen runaways in 1773; eight runaways in 1774; five runaways in 1775; three runaways in 1776; six runaways in 1777; two runaways in 1778; three runaways in 1779; and three runaways in 1780. A detailed examination of each runaway advert provides evidence that of the fifty-seven post-*Somerset*

⁸¹ Clarkson, *The History of the Abolition of the Slave-Trade*, vol. 1, 78-79.

⁸² Hoare, *Memoirs of Granville Sharp*, 93.

runaways from 27 June 1772 until 3 July 1780, twenty or thirty-five percent were identified as East-Indian or various South Asian iterations, tawney, which was often combined with East-Indian, and one Asian servant held in debt bondage. Graph 5.5 underlines these figures which equate to a ratio of thirty-five percent non-Black and sixty-five percent Black from 27 June 1772 until 3 April 1780. A breakdown of the year by year data listing captives identified with a non-

Graph 4.5. Number of yearly Afro-British ‘runaway’ and ‘for sale’ adverts documented in British newspapers: 1772-1780.



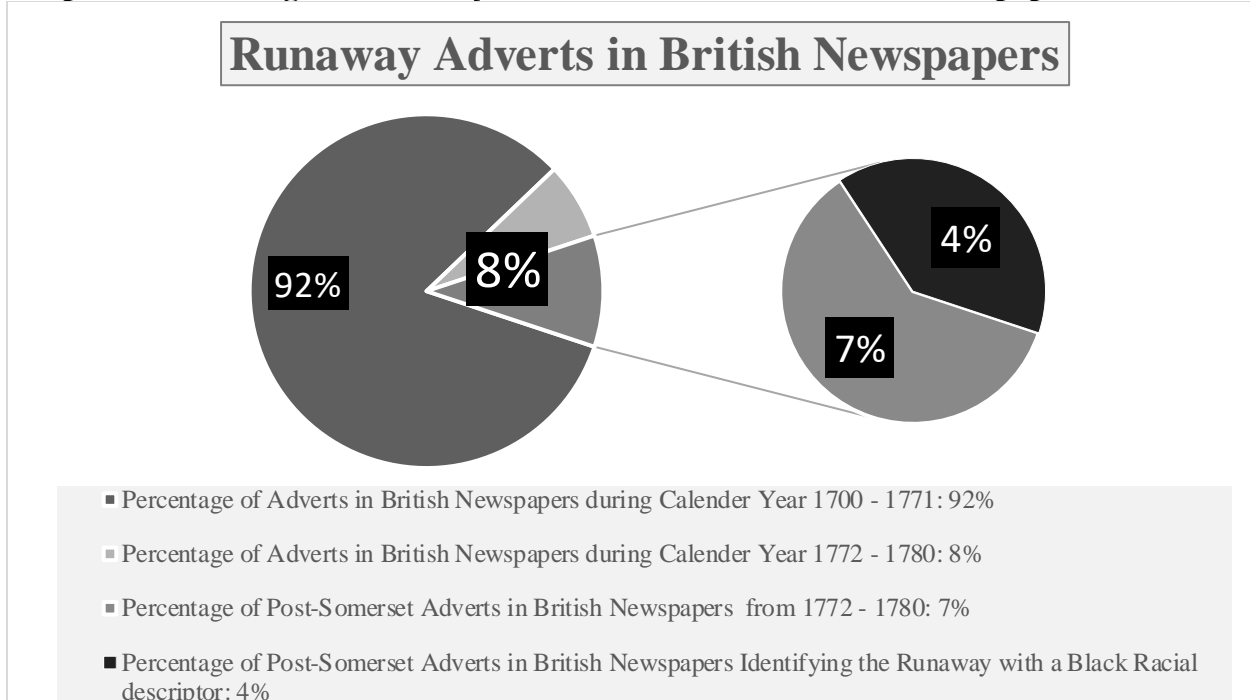
Source: Data compiled and graph designed by the author from the Glasgow University “Runaway Slave in Eighteenth-Century Britain Project.”

Black racial descriptor include “a tawney Boy, an Apprentice” listed on 21 August; an “East India Black Servant about 16 or 17 years of age” who absconded from Edinburgh on 17 December; and “a little black Indian Boy, about 11 or 12 Years old” from 18 December 1772 for a total of three non-Black runaways out of ten or thirty percent.⁸³ The yearly figures for 1773 list

⁸³ *Daily Advertiser* for 21 August 1772; *Glasgow Journal* for 17 December, 1772; *Daily Advertiser* for 18 December 1772.

“a Malabar black Boy, about 13 Years of Age” on 13 January; a “Black Asiatic Bond servant” from Bellfield, Scotland on 4 March; an “East- India Negro Lad” who “eloped from a

Graph 5.0. Percentage of ‘runaway’ adverts documented in British newspapers: 1772-1780.



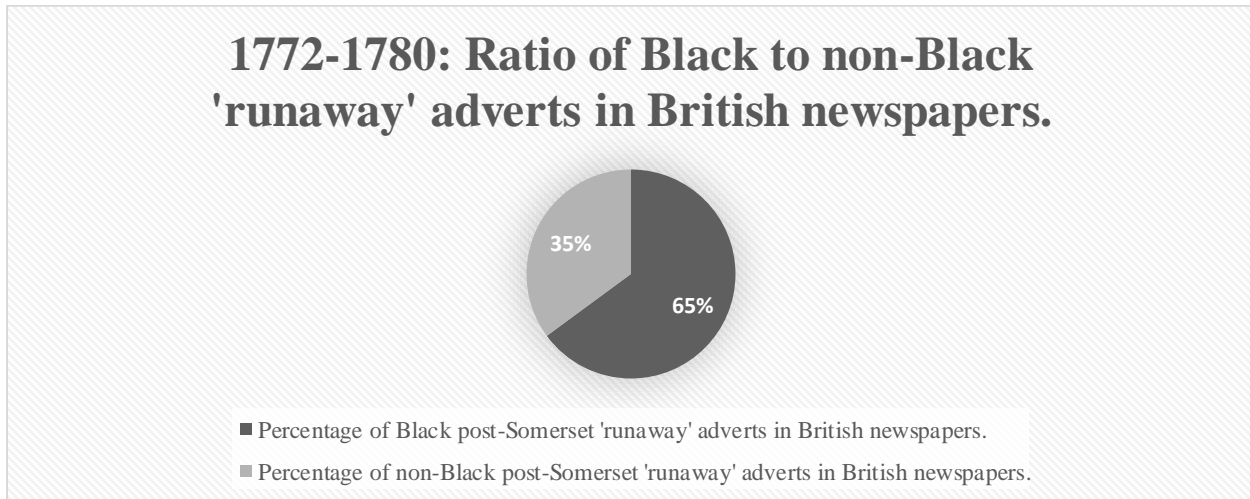
Source: Data compiled and graph created by the author from the Glasgow University “Runaway Slave in Eighteenth-Century Britain Project.”

family of distinction” near Edinburgh identified on 15 March; the same “EAST INDIA NEGRO LAD” posted again on 15 March; “an East-India Black Boy, his Left Leg much bigger than the other, having been sore any years” listed on 7 April; with the 7 April advert repeated again on 14 April 1773 for a total of six non-Black runaways out of seventeen or thirty-five percent.⁸⁴ The yearly numbers for 1774 include an “East Indian Boy, named George Ganges” on 5 September; “A Mulatto Boy, 14 Years of age” on 25 October; and “Robert Campbell an Indian Boy, turned

⁸⁴ *Daily Advertiser* for 13 January 1773; *Glasgow Journal* for 4 March 1773; *Edinburgh Evening Courant* for 15 March 1773; *Caledonian Mercury* for 15 March 1773; *Daily Advertiser* for 7 April 1773; *Morning Chronicle and London Advertiser* for 14 April 1773.

of 14 Years of Age” on 4 November 1774 for a total of three non-Black runaways out of eight or thirty-eight percent.⁸⁵ The yearly figures for 1775 identify “AN EAST INDIAN BOY, dark

Graph 5.5. Ratio of Black to non-Black ‘runaway’ adverts in British newspapers: 1772-1780.



Source: Data compiled and graph created by the author from the Glasgow University “Runaway Slave in Eighteenth-Century Britain Project.”

complexion” who “answers to the name of Campbell” on 26 May; an “East-India Black Boy, about 12 years of age, has a large Scar on his Temple” on 19 August; and “a MULATTO MAN SERVANT, named Dick” posted on 28 August 1775 for a total of three non-Black runaways out of five or sixty percent.⁸⁶ The numbers for 1776 identify “an East-India Mulatto lad, aged about fourteen years” on 6 February; and the following day “JOHN CORNISH, an East India Mulatto Lad” posted 7 February 1776 totaling two non-Black out of three or sixty six percent.⁸⁷ The

⁸⁵ *Daily Advertiser* for 5 September 1774; *London Evening Post* for 25 October 1774; *Daily Advertiser* for 4 November 1774.

⁸⁶ *Edinburgh Advertiser* for 26 May 1775; *Daily Advertiser* for 19 August 1775; *Hampshire Chronicle* for 28 August 1775.

⁸⁷ *Gazetteer and New daily Advertiser* for 6 February 1776; *Public Advertiser* for 7 February 1776.

figures for 1777 recognize an “East-India Black Boy, named Juba” on 21 August for a total of one non-Black or African out of six or sixteen percent.⁸⁸ In 1778 on 6 February an advert was posted for “an EAST INDIA LAD, about 17 Years of Age” which totaled fifty percent or one of two with a non-Black racial descriptor.⁸⁹ The data for 1779 detected one “MULATTO GIRL. FRANCES GREGORY” from 2 April equaling one of three or thirty three percent non-Black.⁹⁰ In 1780, a total of three runaway ads from 4 May, 5 May, and 3 July identify as Black all of whom listed as either an “apprentice” or “indentured servant” with two recorded in Scottish newspapers.⁹¹

If these twenty runaways identified as non-Black are deducted from the fifty-seven total post 22 June 1772 adverts that leaves thirty seven post-*Somerset* runaways identified as Black or *four percent* of the total count of 830 eighteenth-century British newspaper listings [Graph 5.0]. Yet as graph 6.0 reinforces there is more to this unfolding quantitative story. The post-*Somerset* through 1780 adverts reveal that twenty one out of the fifty seven or thirty seven percent were cited in Scottish newspapers--a disproportionate representation. My analysis of the 830 runaway adverts identified the percentage placed in each listed British newspaper.⁹² The *Edinburgh Evening Courant* topped all Scottish publishing organs printing four percent of the total number

⁸⁸ *Daily Advertiser* for 21 August 1777.

⁸⁹ *Public Advertiser* for 6 February 1778.

⁹⁰ *General Advertiser and Morning Intelligencer*, 2 April 1779.

⁹¹ *Williamson’s Liverpool Advertiser, and Mercantile Chronicle*, 4 May 1780; *Liverpool General Advertiser, or the Commercial Register* for 5 May 1780; *Public Advertiser* for 3 July 1780.

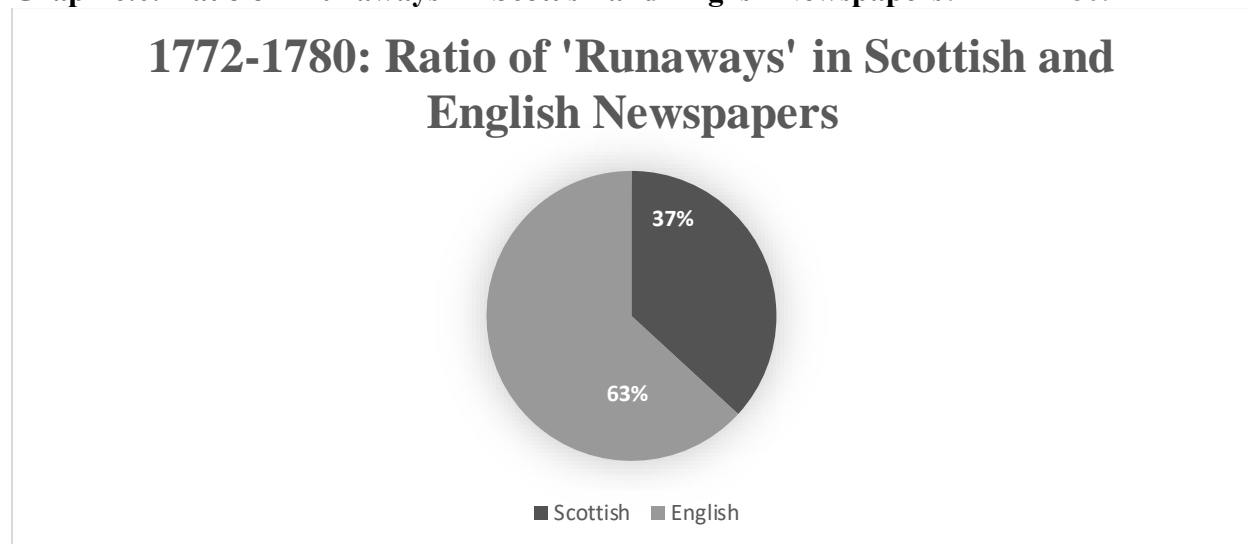
⁹² The percentage of ‘runaway’ and ‘for sale’ adverts listed in each individual British newspaper spanning 1700-1780 are located in appendices B and C.

of 830 followed by the *Caledonian Mercury* with two percent; the *Glasgow Journal* with two percent; and the *Edinburgh Advertiser*, *Williamson's Liverpool Advertiser*, and *Mercantile Chronicle*, *Liverpool General Advertiser*, or the *Commercial Register* all with one percent and the remainder less than one percent. Why is this significant? Despite the 1707 Act of Union Scotland and England held distinct legal systems. Unlike the English, Scots law was embedded in an updated variation of the Civilian or Roman legalist custom. When the Scottish adjudicated the Afro-British case *Knight v. Wedderburn* (1778) it strongly echoed the precedent of *Somerset* declaring that colonial laws “concerning slaves, do not extend to this kingdom” where the “state of slavery is not recognized” and therefore the defendant and enslaver John Wedderburn “had no right to the Negro’s service for any space of time, nor to send him out of the country against his consent.”⁹³ During this period between *Somerset* (1772) and *Knight* (1778) slavers therefore avoided English harbors and utilized the major Scottish ports of entry in Glasgow and Edinburgh to circumvent Mansfield’s 1772 verdict which explains the remarkable increase in Scottish runaway listings. Following *Knight* there were eight published ‘runaways’ or one percent of the 830 total adverts in eighteenth-century British newspapers and one dubious ‘for sale’ posting or one point two percent of the eighty two listings.

Of the total number of eighty-two post-*Somerset* ‘for sale’ listings in eighteenth-century British newspapers two occurred in 1776 and 1779 which equals two point four percent. The

⁹³ *Joseph Knight* (a negro) v. *Wedderburn*, 33 Dict. Of Dec. 14545 (Scottish Case); quoted in Helen Tunnickliff Catterall, *Judicial Cases Concerning American Slavery and the Negro*, vol 1, *Cases from the Courts of England, Virginia, West Virginia, and Kentucky* (Washington, D.C. 1926), 18-19. James Boswell noted that Samuel Johnson followed the *Knight* trial with great interest noting in his diary “he dictated to me an argument in favour of the negro who was then claiming his liberty, in an action in the Court of Session in Scotland.” Birkbeck Hill, ed. *Boswell's Life of Johnson: Including Boswell's Journal of a Tour to the Hebrides and Johnson's Diary of a Journey into North Wales* (Oxford: Clarendon Press, 1887), 200.

Graph 6.0. Ratio of 'Runaways' in Scottish and English Newspapers: 1772-1780.



Source: Data compiled and graph created by the author from the Glasgow University “Runaway Slave in Eighteenth-Century Britain Project.”

1776 listing in the *Public Advertiser* offered an eight-year-old “Black Servant Boy, just arrived from America, to be bound out in any regular genteel Family, for six or seven Years.” He was described as “healthy and well made, good Countenance and fine Disposition” whose skills enabled him to “tend a Table, go of Errands, and do the usual Business of a Kitchen, such as clean Knives, Candlesticks, &c.” The listing carefully characterized him as indentured and the process of inquiry was judicious: “Any Lady or Gentleman desirous of seeing him shall be waited on next Thursday, by leaving their Address at the Bar of the Chapter Coffee-house, directed to Mr. O. Owen.”⁹⁴ Whether this advert was posted under the guise of an indenture or a legitimate contract the cautiously worded narrative and coffee-house intermediary indicates fear of prosecution if the former were discovered. Yet in stark contrast the 1779 listing in the

⁹⁴ *Public Advertiser* for 25 June 1776.

Liverpool General Advertiser, or the Commercial Register brazenly stated: “To be Sold by Auction, At George Dunbar’s office, or Thursday next, the 21st instant, at one o’clock, A Black BOY about 14 years old, and a large Mountain Tyger CAT.” The listing was posted not in England but Scotland in the immediate wake of *Knight v. Wedderburn* (1778) and therefore the law potentially remained unclear. Prince Hoare made particular note of the 1779 outlier advert. A suspect hand-written copy of it was sent to Granville Sharp three years after the publication date in 1782 and the original still remains unavailable.⁹⁵

Coupled with the contemporaneous written narrative the quantitative data demonstrates that few Black captives ran away post-*Somerset* since a) formerly-enslaved Afro-British servants were emancipated based on the popular assumption that *Somerset* ended *de jure* domestic slavery b) the anti-slavery zeitgeist generated by *Somerset* led enslavers to manumit servants and pay wages c) Afro-British servants walked away from service without prosecution d) if enslavers still held runaway domestics there was a reluctance to advertise for their return and e) South-Asian and Asiatic servants were replacing African domestics.⁹⁶ There were exceptions as some Blacks

⁹⁵ Hoare, *Memoirs of Granville Sharp*, 140, 140fn.

⁹⁶ Servants from the Indian subcontinent appeared in the early eighteenth-century British ‘runaway’ and ‘for sale’ listings. Yet M. Dorothy George observes that the Indian mariners known as *lascars* who served onboard British vessels “began to be conspicuous in London about 1783, [and] were in many ways in a more unfortunate position than the Negroes.” Disembarking in the metropole on board ships owned by the East India Company, once discharged in London the *lascars* went unpaid for months and were often reduced to begging near the waterside slums of Poplar and Wapping. “Ignorant of English and of the ways of English people, they were exploited by each other and by the worst products” of the Thames riverside shantytowns, added George. From 1812 the Christian missionaries seeking to proselytize the *lascars*--which at this time were arriving at a rate of 2,500 per year--viewed them as “utterly depraved.” With Whitehall’s connection to the East India Company the *lascars* were an imperial responsibility. Yet an 1814 Parliamentary Committee seeking to ameliorate their overcrowded and impoverished living conditions accomplished little. M. Dorothy George, *London Life in the Eighteenth Century*, 143-145.

continued to enter Britain under the pretense of being indentured and reported instances of kidnapping kept anti-slavery activists on alert, but the data provides quantitative evidence that *Somerset* ended *de facto* if not *de jure* bondage in the kingdom.

Somerset's Impact on English Law

Less than a year after Mansfield's decision on 11 May 1773 in *Cay v. Chrichton* the Prerogative Court discharged a captive inherited in 1769 on the grounds that Blacks enslaved either *before* or after 1772 "were declared [by the Court of King's Bench] to be free in England."⁹⁷ In other words, every Afro-British verdict from *Butts v. Penny* (1677) was legally retroactive or *ex post facto* and therefore *de jure* slavery never existed in the realm. James Walvin asserts that the *Cay* case illustrated "the specific ruling made by Mansfield was regularly flouted."⁹⁸ Yet the captive was introduced from abroad prior to 1772, and when tested the precedent set in *Somerset* held up to judicial scrutiny. When a former Grenadian captive in *Williams v. Brown* (1802) signed an agreement for life, the court stated that a perpetual "contract could not be considered as valid in England if the stipulation had been that the Plaintiff should serve the defendant for life...the plaintiff in the present case being" upon arrival in this country "as free as any one of us while in England." The court further stipulated that although "a freeman in all other parts of the world" he remained a "runaway slave" in Granada, but the captive likely had no desire to return.⁹⁹ Therefore, if enslaved colonials imported after 1772 agreed to an

⁹⁷ MS transcript, NYHS; *The Scot's Magazine*, XXXVI (1774), 53; quoted in Davis, *The Problem of Slavery...Revolution*, 500-501fn.

⁹⁸ James Walvin, *England, Slaves and Freedom, 1776-1838* (Jackson and London: University Press of Mississippi, 1986), 41.

⁹⁹ *Williams v. Brown*, 3 Bos. And Pul. 69 (1802), 39-42, 41.

indenture it was for limited not perpetual servitude. This proved no different than arrangements between white apprentices or indentures and their masters. It was common for indentured whites to abscond once in England and Blacks also seized the opportunity to leave service never again bridled by colonial bondage. In the case of *The Slave Grace* (1827), Grace voluntarily returned to Antigua with her plantation mistress, Mrs. Allen, after serving her for a year in England. Grace was seized by customs officials as “she being a free subject of his Majesty was unlawfully imported as a slave; and slaves never have been deemed and considered as free persons on their return to Antigua, or the other colonies.”¹⁰⁰ This geographical restriction of freedom in *Williams* and *Grace* deflated the impact of *Somerset* amongst some scholars. Yet since the suits applied only to captives who returned to the colonies, they were legally inapplicable in the English metropole.

Lord Mansfield’s Post-Somerset Afro-British Case Law

What of the three post-Somerset Afro-British cases adjudicated by Lord Mansfield? Two were insurance claims involving captives shipped from Africa to the West Indies--the *Zong* (1783) and *Jones v. Schmoll* (1785). While in route from the West Coast of Africa to São Tomé in 1781 the Liverpool slaver *Zong* lost its way and running low on water the ship’s captain, Luke Collingwood, jettisoned over 130 captives into the Atlantic to save his crew. While rain would soon replenish the water supply--making the mass murder even more egregious--Collingwood’s crew interlocked the captives in a coffle condemning them to a watery grave since the underwriters (Gilbert, et al) were responsible for drowned captives. Expenses incurred by ‘natural causes’ on the other hand fell on Collingsworth and the ship owners William Gregson

¹⁰⁰ *The Slave Grace*, 2 Hagg. 94. (1827), 179-193.

and George Case. The *Jones* (1785) case which followed was another insurance claim involving captives murdered in a mutiny.¹⁰¹ Prince Hoare asserted that Mansfield was “shocked” when the *Zong* jury considered “the case of the slaves...the same as if horses had been overthrown” and supported the slavers, but his only legal option was to adjudicate the suit as a mercantile legal matter.¹⁰² These instances therefore did not concern domestic slavery in England but trans-Atlantic captives considered “property” under statute law. Mansfield had also presided over the trial of *Rex v. Ditton* (1785) which concerned a former pauper-captive named Charlotte Howe, enslaved in America by Captain Howe and forced to England in 1781 where she served him in the parish of Thames Ditton, in Surrey, until his death on 7 June 1783. Charlotte was baptized soon afterwards and continued to reside with the widow to Captain Howe. Once relocated to the parish of St. Luke’s in Chelsea, Middlesex, after a period of five or six months, Howe was abandoned and filed for relief as well as suing for back wages in the Court of Quarter Sessions in Surrey. Yet two justices of the peace from Thames Ditton argued that since Howe had legally settled in Middlesex for at least forty days she was a ward of St. Luke’s parish.¹⁰³ The order was

¹⁰¹ *Gregson v. Gilbert* 3 Doug. KB 232 (1783); *Jones v. Schmoll*, 1 Term R. 130n. (1785).

¹⁰² Hoare, *Memoirs of Granville Sharp*, 241.

¹⁰³ The poor law of 1388 stipulated that “Poor Persons impotent, shall abide in the same Town, or in the next within the Hundred that is able to maintain them.” 12 Rich. II, c. 7 (1388). Yet by 1601 a new “act for the relief of the poor” modified the statute requiring each individual parish be responsible for its own impoverished population. 44 Eliz. I, c. 2 (1601). During the mid-seventeenth century the English civil wars led to a shift in the population which caused many itinerants to go from one parish to another, draining what they could from each coffer placing a heavy burden on individual parishes. To remedy this in 1662 Parliament stipulated “Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful, upon Complaint made by the Churchwardens or Overseers of the Poor of any Parish, to any Justice of the Peace, within forty Days after any such Person or Persons coming so to settle as aforesaid, in any Tenement under the yearly value of ten pounds, for any two justices of the Peace, whereof one to be of the Quorum, of the Division where any Person or Persons that are likely to be chargeable to

overturned and Thames Ditton appealed the decision to the Court of King's Bench on 27 April 1785. Following parliamentary legislation, Mansfield maintained that "for the pauper to bring herself under a positive law she must answer the description it requires" in particular that "there must be a hiring, and here there was no hiring at all. She does not therefore come within the description."¹⁰⁴ In other words, following the death of Captain Howe a contract for "hired" service did not exist; therefore, the pauper Charlotte was not entitled to wages. Indeed, forms of servitude or apprenticeship without regard to race legally existed in Britain "with regard to wages." This was reinforced by Blackstone's qualifier which preserved a written or verbal contract. F.O. Shyllon claims *Rex v. Ditton* proved that "settlement...in a parish, which entitled a hired servant to pauper relief in that parish, was of no avail to the black."¹⁰⁵ Yet William Cotter points out that "Mansfield had not singled out former slaves for such treatment...the law was clear that *no one* could recover wages unless there was an actual agreement between the laborer and the person receiving the benefits."¹⁰⁶ The xenophobic poor laws forbade members of a parish the right to settle as early as the Elizabethan era--specifically foreigners from Ireland, Scotland, or the Isle of Man.¹⁰⁷ An ensuing legislative overhaul of the bill in 1662 stated that these

the Parish shall come to inhabit, by their Warrant to remove and convey such Person or Persons to such Parish where he or they were last legally settled, either as a Native, householder, Sojourner, Apprentice or Servant, for the Space of forty Days at the least, unless he or they give sufficient Security for the Discharge of the said Parish, to be allowed by the said Justices. 14 Charles II, c. 12 (1662).

¹⁰⁴ 4 Dougl. K.B. 302 (1785), 892-893.

¹⁰⁵ Shyllon, *Black Slaves in Britain*, 170.

¹⁰⁶ Cotter, "The Somerset Case," 41.

¹⁰⁷ 14 Eliz. I, c. 5 (1572).

outsiders seeking assistance were to return to their birthplace.¹⁰⁸ Shipping members of the Afro-British community back to their place of origin in West Africa or the Indies proved untenable and illegal which did not escape Mansfield. That such legislation precluded Blacks surely weighed on his mind and accounted for his reluctance to emancipate prior to enacted reforms. Yet without positive law amelioration the Chief Justice was left no alternative and Howe, like white journeymen from the Celtic Fringes, was denied poor relief and a home parish.

Somerset and its Legacy on the Sierra Leone Project

In 1786 one year after *Rex v. Ditton* concerns over the increased number of Black poor like Charlotte Howe led Granville Sharp and the struggling Afro-British population to form “the committee for the relief of the black poor.” Prince Hoare observed that as “their known patron” Sharp had taken on “about four hundred” Black pensioners and despite private assistance this proved overwhelming.¹⁰⁹ Twenty years after *Somerset* the *Gentleman’s Magazine* (1792) spouted racial tropes directed toward the “banditti of lazy, lawless, Negroes” who displaced poor whites and built “crowded nests” as “St Giles blackbirds.”¹¹⁰ The board accepted a scheme to form a British colony in Freetown, Sierra Leone in West Africa. Hundreds of the Black poor were scheduled to immigrate to Sierra Leone and afforded better educational and employment opportunities. Rumors spread amongst the Black communities of London that the Government intended to transport the participants to Botany Bay or an African penal colony which delayed

¹⁰⁸ 14 Charles II, c. 12 (1662).

¹⁰⁹ Hoare, *Memoirs of Granville Sharp*, 4.

¹¹⁰ *Gentleman’s Magazine*, LXII (1792), 384.

the first expedition.¹¹¹ Internecine administrative bickering between Olaudah Equiano, the Black Commissary, and Joseph Irwin the Afro-British Superintendent, led the Navy Board to dismiss Equiano in March of 1787. His removal was racially motivated and scholars contend that Black displacement was an effort by the British Government to maintain the pallidity of English skin.¹¹² Yet Stephen Braidwood asserts that the government acted out of “humanitarianism springing from Christian convictions, by gratitude felt towards the blacks as loyalists, and by abolitionist sympathies.” He adds that racial aspirations proved unwarranted and suggests that the African participants were easily coerced into believing a “white conspiracy” was behind the project. It was in fact a group of concerned Blacks--led by the esteemed Henry Smeathman and Joseph Irwin--who initially proposed the scheme and decided on the destination.¹¹³ Braidwood posits that although the initial settlement was a failure, its re-establishment in 1789 and the Sierra Leone Company in 1791 proved that Blacks were capable of building an urbane community. Freetown and the Company profited in commerce and emerged as a beacon of Christianity. The distinguished schools in the township--such as Fourah Bay College--influenced the cultural development of British West Africa in the nineteenth century. These educational opportunities produced employment for Sierra Leoneans in other British dependencies and attracted numerous Africans. The achievements therefore established a settlement which emerged as “a symbol in the abolitionist crusade...a center...for the suppression of the slave trade.” Braidwood tethers

¹¹¹ Hoare, *Memoirs of Granville Sharp*, 315.

¹¹² F.O. Shyllon, *Black People*, x, 117; James Walvin, *Slavery and the Slave Trade, A Short Illustrated History* (Oxford: University Press of Mississippi, 1983), 135.

¹¹³ Stephen J. Braidwood, *Black Poor and White Philanthropists: London's Blacks and the Foundation of the Sierra Leone Settlement, 1786-1791* (Liverpool: Liverpool University Press, 1994), 269, 270.

Somerset to these triumphs since many of the Black settlers “obtain[ed] their freedom because of [the] judgement.”¹¹⁴

Given the reciprocal relationship between slavery and the press it is unsurprising that newspapers in England and the colonies circulated pro- and anti-slavery responses in print throughout the British Empire.¹¹⁵ *The Providence Gazette; and Country Journal* reported prior to Mansfield’s verdict that the Duke of Richmond “and other worthy persons” were prepared to intervene if *Somerset* was not released as the question before the court concerned the moral well-being of “the whole British nation.”¹¹⁶ First printed in the *London Chronicle* two days before the case was adjudicated, the *Pennsylvania Gazette* reprinted that if *Somerset* was liberated “it is to be wished, that the same humanity may extend among members, if not to the procuring liberty for those that remain in our Colonies, at least to obtaining a law for abolishing the African Commerce in Slaves, and declaring the children of the present Slaves free.”¹¹⁷ A subsequent article in the *London Chronicle* attempted to quell abolitionist rhetoric and venerate the impact of bondage in the British Empire. The commentary claimed that slavery spared Blacks from the “abject” and “arbitrary” system of domestic slavery in West Africa since colonial captives existed under “wholesome laws” and were “regularly fed...at a very great expense...have clothing, warm houses” and an abundance of “fruits, roots, pulse, and vegetables.” The article

¹¹⁴ Braidwood, *Black Poor and White Philanthropists*, 18, 22, 269-275.

¹¹⁵ David Waldstreicher, “Reading the Runaways: Self-Fashioning, Print Culture, and Confidence in Slavery in the Eighteenth-Century Mid-Atlantic,” *William and Mary Quarterly* 56 (1999), 268-270.

¹¹⁶ Reprinted in *The Providence Gazette; and Country Journal* for Saturday, August 1, 1772.

¹¹⁷ *The London Chronicle* for June 20, 1772; reprinted in *The Pennsylvania Gazette* for January 13, 1773.

warned that if “the enthusiastic writers for the freedom of negroes” emancipated colonial Africans then “Britain itself [will] become a poor, wretched, defenseless country” for it is certain to “all the commercial world, that the colonies are much the best branch of trade belonging to this kingdom.”¹¹⁸ Once word of *Somerset* reached William Nelson, the interim royal governor of Virginia, he proclaimed that colonial runaways were no longer “attached by no tye to their Master nor to the Country.” Colonial American plantation owners acknowledged the verdict in ‘runaway’ adverts--a decision which fueled rebellion and anti-slavery. While strong anti-literacy laws impeded some captives from reading news of the decision it metastasized via word of mouth among the enslaved population throughout the mainland colonies. In 1773 the *Virginia Gazette* publicized the escape of two captives bound for Britain “where they imagine they will be free (a Notion now too prevalent among the Negroes, greatly to the vexation and Prejudice of their Masters).” In 1774 a notice appeared calling for the return of a Georgia runaway who intended “to board a vessel for Great Britain...from the knowledge he has of the late Determination of Somerset’s Case.”¹¹⁹ In 1775 *The Pennsylvania Gazette* reported that a captive named George Lux was bent on “going to London” likely because of Mansfield’s judgement.¹²⁰

¹¹⁸ *The London Chronicle* from Saturday, March 13, to Tuesday, March 16, 1773, 249-250.

¹¹⁹ Quoted in Sidney Kaplan and Emma Nogrady Kaplan, *The Black Presence in the Era of the American Revolution*, 2nd ed. (Amherst, Massachusetts: The University of Massachusetts Press, 1989), 72-73.

¹²⁰ *The Pennsylvania Gazette* for April 26, 1775; quoted in Billy G. Smith and Richard Wojtowicz, *Blacks who Stole Themselves: Advertisements for Runaways in the Pennsylvania Gazette, 1728-1790* (Philadelphia, Pennsylvania: University of Pennsylvania Press, 1989), 122.

The trans-Atlantic Impact of *Somerset* in Anglo-America

Pro-slavery interpretations of *Somerset* inscribed in the Anglo-American press failed to frustrate popular views spread among the trans-Atlantic Black communities via word of mouth. The judgement prompted an abolitionist dialogue between Granville Sharp and the French-born Quaker Anthony Benezet, which provided “fresh zeal” to a collective British-American anti-slavery alliance.¹²¹ The *Somerset* verdict triggered the Methodist John Wesley to publish his *Thoughts upon Slavery* (1774) which galvanized his American followers. Shepherded by the presbyter Bishop Francis Asbury, the colonial Wesleyites denounced the Trans-Atlantic Slave Trade as well as unfree labor “in our American plantations,” just as *Somerset*’s lawyers linked slavery with white immorality: “*men buyers are exactly on a level with men stealers.*”¹²² Mansfield’s 1772 verdict provoked abolitionism in northern and southern provinces alike whose assemblies petitioned to end bondage and the Trans-Atlantic Slave Trade. Coverage via provincial newspapers warning that *Somerset* directly compromised the rights of colonial enslavers magnified the significance of the case in British-America. Journalism historian Patricia Bradley claims that the intent fed to the colonial patriot press from British sources was to instill a message of metropolitan indifference to fiery patriots who felt slighted if not consulted on issues affecting the infrastructure of America.¹²³ While *Somerset* was still in session the *New York Gazette* opined that “the attention” generated by the trial would provoke Parliament “to regulate

¹²¹ Hoare, *Memoirs of Granville Sharp*, 103.

¹²² John Wesley, *Thoughts upon Slavery* (London: Re-printed in Philadelphia, with notes, and sold by JOSEPH CRUNKSHANK, 1773), 78.

¹²³ Patricia Bradley, *Slavery, Propaganda, and the American Revolution* (Jackson, Mississippi: University Press of Mississippi, 1998), 66-80.

the African trade.”¹²⁴ Upon the conclusion of the 1772 case, the *Pennsylvania Gazette* sympathetically observed that since “the poor Fellow” Somerset was emancipated the British Government would “dispense Freedom to all around it.”¹²⁵ Rhode Island’s *Providence Gazette* lamented that the “cause seems pregnant with consequences” and predicted it would be “extremely detrimental to those gentlemen whose estates consist of slaves: It would be a means of ruining our African trade.”¹²⁶

The writings of Granville Sharp which claimed the verdict applied to the colonies flooded America and a re-print of Francis Hargrave’s book length treatment of the proceedings was published in Boston. The *Pennsylvania Gazette* stated that “aspersions thrown out against” the West Indian interest prompted a pro-slavery retort which attempted to assuage the legal implications of *Somerset* outside of the metropole.¹²⁷ Still the case incited increased attacks against colonial slavery and the trade--rooted in the divine law of God and the principles of natural law. As Anglo-American relations deteriorated during the imperial crisis colonial anti-slavery tracts ever more associated African bondage with the English enslavement of America: “holding these blacks in slavery, as we do, is an open violation of the law of God, and is so great an instance of unrighteousness and cruelty, that we cannot expect deliverance from present calamities, and success in our struggle for liberty in the *American* colonies, until we repent, and make all the restitution in our powers.” How could good patriots condemn living under the rot of

¹²⁴ *New York Gazette* for Monday, July 27, 1772.

¹²⁵ *Pennsylvania Gazette* for August 26, 1772.

¹²⁶ *Providence Gazette* for Saturday, August 1, 1772.

¹²⁷ *Pennsylvania Gazette* for September 8, 1773.

King George and Parliament if the adage holds “the partaker is as bad as the thief.”¹²⁸ When the nascent republic failed to resolve the paradox of slavery and freedom, Granville Sharp presented a tract to the Maryland Society for Abolition excoriating “the glorious American revolution, which gave to people of one complexion independence and liberty unhappily left those of another to groan under the weight of the most cruel and remorseless slavery.”¹²⁹ Written in 1793, almost thirty years after the 1765 Jonathan Strong trial and more than twenty years since *Somerset*, the tract illustrates Sharp’s trans-Atlantic dedication to anti-slavery which continued until his death in 1813.

The American and French Revolutionary War leader the Marquis de La Fayette corresponded with Sharp and Thomas Clarkson following American Independence. Melvin D. Kennedy first published the letters and asserts that no topic underscored La Fayette’s “adherence to the principle of liberty more staunchly than on that of slavery and its related problems.” La Fayette, who never viewed a Black person until he arrived in Philadelphia in 1777, launched a schema to resolve the American paradox and promoted the gradual emancipation of captives. He sent an outline to General Washington on 3 February 1783, and the future American president humored La Fayette until a face-to-face meeting. Neither La Fayette nor Washington revealed what was said during their *tête-à-tête* and the Frenchman contacted the president three years

¹²⁸ Samuel Chopkins, *A Dialogue, concerning the Slavery of the Africans; Shewing it to be the Duty and Interest of the American Colonies to emancipate all their African Slaves: with an Address to the Owners of such Slaves*. Dedicated to the honorable the Continental Congress. (Norwich: Printed and sold by Judah P. Spooner, 1776), 5, 15.

¹²⁹ Granville Sharp, *Letter from Granville Sharp, Esq. of London, to the Maryland Society for Promoting the Abolition of Slavery, and the Relief of Free Negroes and Others, Unlawfully Held in Bondage* (Baltimore: Printed by D. Graham, L. Yundt, and W. Patton, in Calvert-Street, near the Court-house, 1793), 2.

later in 1786 with his plan to settle emancipated Blacks at Cayenne in Guinea. He joined the Society of the Friends of the Blacks in 1788 which put him in touch with Thomas Clarkson and Sharp with the latter sending numerous volumes on anti-slavery to La Fayette.¹³⁰ Sharp therefore proved a ubiquitous presence reminding America of Mansfield's decision and pushing to end the Anglo-American Slave Trade which he lived to see.

Somerset proved a thorn in the side of slavery in colonial America and the *antebellum* United States--prodding and goading the institution until it cracked wide open on 12 April 1861 at Fort Sumter. "Slavery was, among other things, a legal institution, and attacks on its legitimacy" in America attests William M. Wiecek included "the declaration of Independence, the constitutive documents of the American states and nation, and *Somerset v. Stewart* (1772)."¹³¹ Emory Washburn served as a "model professor" at Harvard Law School and read English constitutional law in Britain.¹³² During his governorship in 1854--to the outrage of the northern abolitionist alliance--the escaped Virginia captive Anthony Burns was put on trial in Boston under the Fugitive Slave Act of 1850.¹³³ The legal doctrine embedded in the *Somerset* case had served as an anti-slavery bulwark in the *antebellum* United States, opposing the

¹³⁰ Melvin D. Kennedy, *Lafayette and Slavery: From His Letters To Thomas Clarkson and Granville Sharp* (Baltimore, Maryland: J. H. Furst Company, 1950), 1, 4, 5, 29.

¹³¹ William M. Wiecek, *The Sources of Antislavery constitutionalism in America, 1760-1848* (Ithaca and London: Cornell University Press, 1977), 20.

¹³² A.P. Peabody, D.D., *Memoir of the Honorable Emory Washburn, L.L.D.* (Cambridge: Press of John Wilson and Son, 1879), 6, 10.

¹³³ See Samuel Shapiro, "The Rendition of Anthony Burns" *The Journal of Negro History* 44 (1959); Jane H. & William H. Pease, *The Fugitive Slave Law and Anthony Burns: A Problem in Law Enforcement*, ed. Harold M. Hyman (Philadelphia: J.B. Lippincott Company, 1975); Paul Finkelman, "Anthony Burns, Judge Loring, Harvard Law School and the Fugitive Slave Law in Boston" *Massachusetts Legal History* 73 (2004).

Fugitive Slave Acts, the first passed by Congress in 1793. In his judicial history of Massachusetts, Washburn cites the freedom suit case of *James v. Lechmere* (1770) which held for the enslaved plaintiff by the Superior Court of Massachusetts.¹³⁴ While *James* predates *Somerset* in his *Sketches of the Judicial History of Massachusetts: From 1630 to the Revolution in 1775* (1840) Washburn asserts that the decision--which entailed a captive absconding to free soil--was predicated “upon the same grounds, substantially, as those upon which Lord Mansfield discharged Somerset, when his case came before him.”¹³⁵ Both the *James* and *Somerset* case were named in the New York Supreme Court of Appeals verdict in *Lemmon vs. People* (1857) which upheld the rights of eight captives sojourning in New York from Virginia to Texas.¹³⁶ The opinion defied the 1850 Fugitive Slave Law and was in part responsible for sparking disunion in 1861.¹³⁷

¹³⁴ *James v. Lechmere* was one of thirty freedom suits successfully adjudicated during the Revolutionary War era which led the commonwealth of Massachusetts Supreme Judicial Court to effectively abolish slavery in *Commonwealth vs. Jensen* (1783). Ironically, Massachusetts was the first English mainland colony to legalize the institution in 1641. See Emily Blanck, “Seventeen-Eighty Three: The Turning Point in the Law of Slavery and Freedom in Massachusetts” in *The New England Quarterly* 75 (2002), 27.

¹³⁵ Emory Washburn, *Sketches of the Judicial History of Massachusetts: From 1630 to the Revolution in 1775* (Boston, Massachusetts: C.C. little and J. Brown, 1840), 202.

¹³⁶ *Lemmon v. People* ex rel. Napoleon, 26 Barb. 270, 1857 N.Y. App. Div. LEXIS 173 (Supreme Court of New York, General Term December 30, 1857, Decided). <https://advance-lexis-com.proxy.lib.siu.edu/api/document?collection=cases&id=urn:contentItem:5HM5-7VP1-F04H-V3S5-00000-00&context=1516831>.

¹³⁷ United States antebellum slavery cases citing *Somerset* included: *Commonwealth v. Aves*, 35 Mass. (18 Pick.) 193 (1836); Salmon P. Chase, *Speech of Salmon P. chase, in the case of the colored woman, Matilda, who was brought before the Court of Common Pleas of Hamilton County, Ohio, by writ of habeas corpus; March 11, 1837* (Cincinnati 1837); Horace Gray and John Lowell, Jr, *A legal review of the case of Dred Scott, as decided by the Supreme Court of the United States* (Boston 1857); New York. Court of Appeals. *Report of the Lemmon slave case; containing points and arguments of counsel on both sides, and opinions of all the judges* (New

York 1860); *In re Kirk* 1 Parker 67 (N.Y. Cir. Ct. 1846); Alvin Stewart, *Legal argument before the Supreme Court of the State of New Jersey, at the May term, 1845, at Trenton, for the deliverance of four thousand persons from bondage* (New York 1845); *The case of William L. Chaplin; being on appeal to all respectors of law and justice, against the cruel and oppressive treatment to which, under color of legal proceedings, he has been subjected, in the District of Columbia and the state of Maryland* (Boston 1851); cited in Paul Finkleman, *Slavery in the Courtroom: An Annotated Bibliography of American Cases* (Washington, D.C.: Library of Congress, 1985), 6, 31, 52, 57, 76, 77, 153, 154, 186.

CHAPTER 6

SOMERSET AND THE ART OF ANTISLAVERY IN THE BRITISH WEST INDIES

“I received a letter from him [Dewez] from Dover telling me that as I had used him as a slave he imagined I had authority to do so and says he always suspected some paper that I had desired Brunias and him to sign witness to when you was in London in February was a paper that made him a slave and that till such time as I would send him an attestation by the hand of a notary public that no writing made in England could be brought against him he would not return back.”¹

--Letter from Robert Adam dated 11 December 1758

While chapter five emphasizes the traditional primary source literature and quantitative data to uncover the impact of *Somerset* in the metropole, the mainland English colonies, and the United States, chapter six examines visual culture and word of mouth evidence to resolve its effect in the British West Indies. The corpus of this section is the eighteenth-century Italian born artist Agostino Brunias who traveled with the architect and friend of Lord Mansfield, Robert Adam, from Italy to England and later resided in St. Vincent with his benefactor the future Governor of Domenica Sir William Young, 1st Baronet. This chapter argues that Brunias experience with Adam and in London during the nascent 1760s anti-slavery movement influenced the tenor of his paintings once in the Indies. Brunias surfaced as a proto-abolitionist ethnographic artist in the Caribbean due to his own likely indenture and self-described treatment as a “slave” under the aegis of Adam. While Adams’ London residence and network of friends--many of whom were members of the English legal elite including Lord Mansfield and Philip Yorke son of Lord Chancellor Hardwicke--exposed Brunias to the changing socio-cultural milieu in the metropole which included the legal politics of slavery. One year after *Somerset* in 1773 Joseph Chatoyer and his followers halted British encroachment into Carib territories and sued for

¹ Quoted in John Fleming, *Robert Adam & His Circle in Edinburg & Rome* (Cambridge, Massachusetts: Harvard University Press, 1962), 369fn.

peace. *Somerset* had provoked an uptick in rebellion throughout the Caribbean and Brunias witnessed the Carib war and his paintings of Chatoyer evoke images of Black autonomy and resilience.

It was Agostino Brunias' brush that purportedly painted the eighteen buttons depicted on Toussaint L'Ouverture's military regalia.² The extant scholarship on Brunias' oeuvre has aroused sharp historiographical discord. The contemporaneous eighteenth century literature avows that his Caribbean art romanticized colonial enslavement--establishing him as a painter for the plantocracy.³ More nuanced interpretations see Brunias' work as "insufficiently colonial" while Mia L. Bagneris avers that his brush "simultaneously served the plantocracy *and* revealed

² Scholars continue to debate the genesis of the buttons currently housed at the Cooper-Hewitt museum. File documentation at the Cooper-Hewitt suppositively claim that while imprisoned in the French Alps following his forced deportation from Saint-Domingue by Charles Leclerc's expeditionary forces L'Ouverture befriended a boy charged with his care to whom he bequeathed his military livery. The documents also suggest that a prison guard took possession of the eighteen-buttons and sold them to Jean Milare a French scholar living in the Ardennes. However, it is well-documented that in 1939 the buttons were purchased in Paris by the American expatriate Pauline Riggs Noyes, wife to the millionaire adventurer Robert Noyes. Mrs. Riggs departed France prior to the German invasion in 1940 and following her death donated the buttons to the Cooper-Hewitt. See Ann Geracimos, "A Mystery in Miniature," *Smithsonian* 30 (2000), 20-22. Published seven years after the buttons became part of the Cooper-Hewitt's collection, *The Complete Button Book* illustrates the buttons with analysis stating: "From a set of eighteen painted ivory buttons believed to have once adorned the coat of Toussaint L'Ouverture, the coachman who became dictator of Haiti. The buttons display colorful scenes of Haitian native life and are mounted within gilt rims. A loan exhibit at the Museum of the Cooper Union for the Advancement of Science and Art. Slightly over 1". See Lillian Smith Albert and Kathryn Kent, *The Complete Button Book* (Garden City, New York: Doubleday & Company, Inc., 1949), 398.

³ Bryan Edward's *The History, Civil, and Commercial of the British Colonies in the West Indies* (London: J. Sewell, Knight and Triphook, 1795) uses four of Brunias' prints to buttress his argument that colonial enslavement was benign and paternalistic. Edward's inherited numerous Jamaican plantations upon the death of his uncle in 1773 and briefly returned to England where he unsuccessfully ran for parliament on two separate occasions. Four years prior to his death in 1800 he ultimately became MP for the corrupt borough of Cornish.

the instability of the racialized foundations upon which it was built.”⁴ Yet this scholarship fails to place Brunais within the larger socio-political framework of English abolitionism. This section considers the degree to which Brunais and his art were influenced by the politics of anti-slavery. It will encompass three parts. The first component consists of a brief biographical analysis of Brunias’ experiences with the architect Robert Adam while in Italy and London. No known extant writings of Brunias exist. The bulk of personal data written about the artist is therefore derived from the private papers of Adam who may have brought Brunias to the metropole under an indenture. An examination of the burgeoning anti-slavery movement will form the second component. The current historiography argues that the early English abolitionist movement coupled with Black determinism did not profoundly affect liberation for enslaved people of African descent until the late-eighteenth or early-nineteenth century. Indeed, a persistent theme throughout this work takes exception to that claim and underscores the nascent emancipationist crusade which erupted in England in the 1760s leading to *de facto*, if not *de jure* freedom in 1772 for Afro-Britons living in the metropole. Such activity eventually spearheaded the end of enslavement throughout much of the British Atlantic. The third component utilizes primary source documentation to paint a picture of the socio-cultural and material milieu of enslaved and free people of color in the Caribbean. In doing so, this paper demonstrates how the visual in Brunias’ art captured ethnographic images which surreptitiously suggested agency and resistance amongst the Afro-Carib community in Domenica at a time when the plantocracy increasingly lobbied for colonial servitude. It was the early politics of anti-slavery as well as Black agency

⁴ Omise’eke Natasha Tinsley, *Thieving Sugar: Eroticism between Women in Caribbean Literature* (Durham, North Carolina: Duke University Press, 2010), 21; Mia L. Bagneris, *Colouring the Caribbean: Race and the Art of Agostino Brunias* (Manchester: Manchester University Press, 2018), 216.

that led to this assertive pro-slavery agenda. Brunias' subjective experiences along with his exposure to European abolitionism led to a rich legacy of anti-colonial ethnographic art. While some of his contemporaries explicitly painted themselves "into their art," it was Toussaint L'Ouverture who expressed Brunias' vision of freedom in the Black diaspora.

Agostino Brunias and Robert Adam

Despite his recent notoriety as a keen observer and painter of Carib peoples, Brunias' life is best described as cryptic and enigmatic.⁵ While compiling an unmatched oeuvre of ethnographic Caribbean art, and presenting three paintings before the Royal Academy in 1777 and 1779, following his death in 1796 Brunias' name does not resurface in art history literature until the 1820s.⁶ Yet research for this chapter unearthed a German document published in 1808 which translates: "A. Brunias, Alexander William Devis, and Mr. Home are landscape painters,

⁵ Brunias' paintings did not receive serious scholarly attention amongst the contemporaneous art community until the 2000s. Mia L. Bagneris uncovered an inter-office memorandum dated 7 August 1981 which circulated at the Yale Center for British Art (YCBA) regarding an obscure Italian painter named Agostino Brunias. The writer of the Yale memo suggested selling ten works by Brunias--at the time owned by the philanthropist and benefactor to the YCBA Paul Mellon--since they did not fit within the Anglo milieu of the center. After listing six reasons which advocated selling the art, the author of the communique closed with "I do not think we ought to stub our toe over such an unimportant pebble." Quoted in Bagneris, *Colouring the Caribbean*, 3.

⁶ By the 1820s and 1830s the following description of Brunias was typical with his name misspelled and inaccurate information (Brunias did very few landscapes): "Brunias, Augustine. This painter was a native of Italy, and after residing in London some time, went to Domenica in the West Indies. He painted ornaments for ceilings and pannels [sic], also landscapes, and in the exhibitions of the Royal Academy, in the years 1777 and 1779, were some views in the island of Domenica painted by him. He was an engraver." See Matthew Pilkington, A.M., *A General Dictionary of Painters; Containing Memoirs of the Lives and Works of the most Eminent Professors of the Arts of Painting, From its Revival, by Cimabue, in the Year 1250, to the Present Time* (2 vols, London: Printed for Thomas M'lean, 26, Haymarket, 1824), vol 2, 543; See also John Gould, *Biographical Dictionary of Painters, Sculptors [sic], Engravers, and Architects From the Earliest Ages to the Present Time; Interspersed with Original Anecdotes* (2 vols, London: G. and A Greenland, Poultry, 1838), vol. 1, 76.

who have all worked with great energy and force. Brunias traveled to the island of Domenica and completed, among others, two paintings that show a Negro dance and a fight between English and French Negroes.”⁷ While Brunias’ name resurfaced with greater weight in the 1820s and 1830s the biographical information was often inaccurate--speciously crediting him as a landscape artist--with both first and last name incorrectly documented.

Born circa 1730 in Rome, Brunias studied art at the Academia di San Luca where in 1754 he won an award for the 3rd prize painting in the second class.⁸ Like most gentlemen of aristocratic or gentry pedigree in that same year the celebrated Scottish architect Robert Adam began his three year “Grand Tour” of continental Europe which ultimately inspired the neo-classical “Adam style.” Since becoming fashionable in the seventeenth century, the Italian peninsula featured prominently for the Grand Tourist. In her biography *Robert Adam and Scotland: Portrait of an Architect* (1992), Margaret H. B. Sanderson notes that the Caledonian was ruthlessly driven and determined to one-up the competition--most notably, fellow Scotsman William Chambers--who in 1755 settled his offices in London after studying Chinese design in the 1740s. Not known for professional reserve and modesty, Adam wrote from Rome that upon returning to England he would emerge as “the remover of taste from Italy to England.”⁹ Like many of his fellow countrymen who excelled in the arts, law, and letters, Adam became part of

⁷ J. D. Fiorillo, *The History of the Arts and Sciences since the Reestablishment of the Same until the end of the Eighteenth Century*, Edited by a Society of Educated Men (Göttingen: Johan Friedrich Röwer, 1808), 721. I am thankful to Dr. Jonathan Wiesen for translating this document.

⁸ Lennox Honeychurch, “Chatoyer’s Artist: Agostino Brunias and the Depiction of St. Vincent” *The Journal of the Barbados Museum and Historical Society* 50 (2004), 105.

⁹ Quoted in Margaret H. B. Sanderson, *Robert Adam and Scotland: Portrait of an Architect* (Edinburgh: Her Majesty’s Stationary Office, 1992), 40.

the Scottish “brain-drain” flowing due South to the English metropole and the architect developed a lifelong “love-hate relationship with his native country.”¹⁰ This binary was unsurprising since Adam sought acceptance as an urbane architect in protestant England and therefore a degree of Scottish self-loathing proved inescapable. While sketching classical Roman architecture and compiling notes later used to inspire numerous neo-classical country homes, churches, mausoleums, and urban residences throughout Britain, Adam encountered Brunias in Rome self-employed as a street-side souvenir artist.¹¹ In a career move that forever reshaped his life, the twenty-eight-year-old contracted to a position as draftsman in Adams’ new London firm in 1758.

John Fleming’s biographical work *Robert Adam & His Circle in Edinburg and Rome* (1962) offers the most comprehensive treatment of Brunias’ experience while in the employ of Adam. The architect referred to Brunias as a “bred painter,” and considering Adams’ use of bright interior design or *chiaroscuro*, it is unsurprising that the Italian impressed him.¹² Yet the relationship proved passive-aggressive at best and possibly rooted in indentured servitude.¹³

¹⁰ Sanderson, *Robert Adam and Scotland*, 1-2.

¹¹ Honeychurch, “Chatoyer’s Artist,” 106.

¹² John Fleming, *Robert Adam & His Circle in Edinburg & Rome* (Cambridge, Massachusetts: Harvard University Press, 1962), 216.

¹³ Oddly Adams’ biographers do not promote this narrative. Both Fleming and Yarwood provide overlapping quotations from his private papers--yet with no analysis pertaining to potential indentured status for Brunias or Dewez. Sanderson dismissively notes that a draftsman--not mentioning Brunias or Dewez by name--felt enslaved by Adam. See Sanderson, *Robert Adam and Scotland*, 40. Bagneris’ analysis does suggest the possibility of some form of indenture or quasi-bondage also citing the abovementioned Dewez letter. However, she supposes it could be the contemporaneous “*language of slavery*” which is possible yet goes on to speciously compare Brunias’ rough voyage from Italy to the Middle Passage. See Bagneris, *Colouring the Caribbean*, 20-21.

Adam contracted another artist named Laurent-Benoit Dewez and without a working knowledge of English the two draftsmen boarded a vessel on 6 July 1758 for the metropole.¹⁴ Robert Adam had established the firm with his brother James and often praised the Italians stating, “I really would not have the courage to settle in London without them—that is saying much.”¹⁵ Yet in December 1758 Dewez absconded, stating that he was made to work as a “slave.” In correspondence with his brother dated 11 December, Adam noted that:

I received a letter from him [Dewez] from Dover telling me that as I had used him as a slave he imagined I had authority to do so and says he always suspected some paper that I had desired Brunias and him to sign witness to when you was in London in February was a paper that made him a slave and that till such time as I would send him an attestation by the hand of a notary public that no writing made in England could be brought against him he would not return back.¹⁶

Did Adam surreptitiously attempt to indenture Dewez and Brunias for travel expenditures and subsequent services? Dewez clearly felt he and Brunias had unintentionally signed a contract binding them to a long-term contract. While such longevity placed the indenture open to abuse Blackstone had argued that the law protected the relationship as it was common practice in the

¹⁴ While Adam often referred to Brunias and Dewez collectively as “Italians,” Dewez was born in the southern region of Belgium known as Wallonia. After leaving England he emerged as an architect of some note in the Low Countries, designing numerous abbeys in the Austrian Netherlands where his brother Michel-Paul-Joseph Dewez (1742-1804) worked as an accomplished silversmith. At the peak of Laurent Dewez’ career he was accused of mishandling funds when commissioned to construct a prison which led to his professional decline. The de-Christianization campaign during the French Revolution resulted in the destruction of numerous cathedrals designed by Dewez. See Kevin Brown, “Artist and Patrons: Court Art and Revolution in Brussels at the end of the *Ancien Regime*,” *Dutch Crossing: Journal of Low Countries Studies* (2017).

¹⁵ Quoted in Fleming, *Robert Adam & His Circle*, 217.

¹⁶ Quoted in Fleming, *Robert Adam & His Circle*, 369fn.

eighteenth century.¹⁷ Adam does note that jointly the draftsmen would cost him “about £150 a year” and refers to them as a “worthless dog...wretch...and...mere slave” while simultaneously touting their artistic abilities.¹⁸ This was indicative of his passive-aggressive nature.

Adam might have taken advantage of the Italians’ sparse knowledge of the King’s English and he fit the profile of the parsimonious Scotsman, often falling out with friends and employees over pecuniary matters. In a dispatch written to his brother while still in Rome, Adam reveals that Dewez and Brunias only speak Italian and French which prohibited his draftsmen from interacting with the competition, therefore having “no chance of being soon debauch’d by evil communication!”¹⁹ Clearly Adam sought to isolate his charges and leave them ill-informed of their civil rights. Based on the 11 December communiqué Dewez unequivocally felt enslaved and Brunias surely expressed trepidation over the dubious document in question. Fleming’s biography speculates that Dewez never returned as Adam does not mention him following the aforesaid letter.²⁰ Brunias eventually fled after Adam repeatedly took credit for his art and the experience likely affected him on a personal level. Prior to embarking for England Adam had noted in his diary that Brunias lived a provincial life “never without the walls of Rome.”²¹ Living and working in London under the suspect tutelage of the architect must have profoundly shaped Brunias’ perspective once he took his brush to the Caribbean. His

¹⁷ Sir William Blackstone, *Commentaries on the Laws of England I* (Oxford: Clarendon Press, 1765), 413.

¹⁸ Quoted in Fleming, *Robert Adam & His Circle*, 216, 366fn.

¹⁹ Quoted in Doreen Yarwood, *Robert Adam* (New York: Charles Scribner’s Sons, 1970), 76.

²⁰ Fleming, *Robert Adam & His Circle*, 369fn.

²¹ Quoted in *Ibid.*, 237.

parochial outlook surely evolved as he negotiated a life in eighteenth-century London encumbered with new people and a changing social climate.

Notwithstanding such adversative experiences, Adam exposed Brunias to the plum of august British society while in his service. Adam was an impenitent social-climber who surrounded himself with friends from London's political and legal elite, including Scotsman William Murray, 1st Earl of Mansfield.²² Sanderson notes that Adam "felt most at ease with fellow-Scots, his 'Caledonian Club' as he called them" which was expected in light of prevailing English attitudes of xenophobia and anti-Catholicism.²³ Mansfield had also represented part of the talent escaping from the Celtic Fringes of Caledonia. The future Chief Justice left Scotland in 1718 never to return and entered school in Westminster to study under the High-Church Tory-turned Jacobite, Francis Atterbury.²⁴ Although Brunias likely departed for St. Vincent with his benefactor and the future Governor of Domenica Sir William Young, 1st Baronet prior to

²² Adams' coterie also included Philip Yorke (later 2nd Earl of Hardwicke) whose father Attorney General Philip Yorke (later lord chancellor Hardwicke) and Solicitor General Charles Talbot (later Baron Talbot) championed an influential extra-judicial opinion on 14 January 1729 which seemingly upheld the proprietary claims of absentee planters who brought their captives to the metropole. 33 Dict. Of Dec. 14547, 1729, "Opinion of Sir Philip York[e], then Attorney-General, and Mr. Talbot, Solicitor-General," quoted in Helen Tunncliffe Catterall, ed. *Judicial Cases Concerning American Slavery and the Negro, vol I, Cases from the Courts of England, Virginia, West Virginia, and Kentucky*. (Washington: Carnegie Institution of Washington, 1926), 12.

²³ Sanderson, *Robert Adam and Scotland*, 48. While the majority of Scottish people embraced state Presbyterianism, pre-Reformation Catholic-Jacobite pockets of religious opposition existed in Aberdeen, Inverness, and the Western highlands.

²⁴ In 1780 the Chief Justice's Jacobite upbringing and his "demerits as a friend of religious liberty" led Lord John Gordon and members of his Scotch anti-popery party to incinerate Mansfield's residence during protests of the Roman Catholic Relief Act of 1778. See Lord John C. Campbell, *The Lives of the Chief Justices of England: From the Norman Conquest Until the Death of Lord Mansfield* (2 vols, Edward Thompson Co.: Philadelphia, Pennsylvania, 1851), vol 2, 389, 397, 402.

Mansfield's 1772 judicial verdict, the Anglo-American press extensively covered the trial. With Black majorities in the Caribbean abolitionist rhetoric was excluded from the West Indian press yet vessels arrived with news, rumor, and insinuation which included the changing politics of slavery.²⁵ John Fielding had noted many of the Blacks rebelling in the Indies were enslaved as domestics in England and Bryan Edwards reported on the numerous servants returning to Jamaica with anti-slavery literature on their person.²⁶ Moreover, once in the Caribbean, Brunias was surrounded by a circle of cosmopolitan planters and politicians (Young was a member of the Royal Academy) who fervidly protested *Somerset*. While Brunias likely stood outside of this inner circle, in all probability the artist was privy to the endless dialogue sparked by Black freedom in the metropole which threatened to usurp the institution of slavery in the West Indian and American colonial fringes.

Brunias and anti-Slavery in 1760s London

In 1764 eight years prior to Mansfield's verdict in *Somerset* Adam--with the assistance of Brunias--began remodeling the Chief Justice's neoclassical residence Kenwood House and in

²⁵ Andrew Lewis, "'An incendiary press': British West Indian newspapers during the struggle for abolition," *Slavery & Abolition* 16 (1995), 346.

²⁶ Sir John Fielding, *Extracts from such of the Penal Laws, as Particularly relate to the Peace and Good order of this Metropolis: With Observations for the better Execution of some, and on the Defects of others*. (London: Printed by H. Woodfall and W. Strahan, Law Printers to the King's most Excellent Majesty; For T. Cadell, opposite Catherine Street in the Strand, and T. Evans, King Street, Covent Gardens., 1769), 144; quoted in M. Dorothy George, *London Life in the Eighteenth Century* (Kegan Paul, Trench, Trubner & Co., Ltd., London, in the History of Civilization series edited by C.K. Ogden, 1925), 135; *The Proceedings of the Governor and Assembly of Jamaica, in Regard to the Maroon Negroes: Published by Order of the Assembly. To which is Prefixed, An Introductory Account, Containing, Observations on the Disposition, Character, Manners, and Habits of Life, of the Maroons, and a Detail of the Origin, Progress, and Termination of the Late War between those People and the White Inhabitants* London: Printed for John Stockdale, Piccadilly, 1796); quoted in Julius S. Scott's, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution* (New York: Verso, 2020), 90.

1779 Brunias dedicated a painting presented before the Royal Academy to Sir Ralph Payne a well-known friend to Mansfield. Joseph and Anne Rykwert's monograph *Robert and James Adam: The Men and the Style* (1984) illuminates the architectural work that the Adams' completed for their patron and "old friend" Lord Mansfield who later arbitrated in favor of the brothers when entangled in a legal imbroglio over their patent on stucco design.²⁷ Such networking amongst the Adams' opened social and professional doors for Brunias and the draftsman was expected to overhear conversation pertaining to the changing socio-political milieu in the metropole. Indeed, before leaving for the West Indies with Young the British abolitionist movement gained weighty momentum in London as unfree Afro-British servants increasingly absconded and appealed to the English courts for a writ of *habeas corpus* demanding freedom.²⁸ The three high profile cases involving Black domestics--Joseph Harvey (1762), Jonathan Strong (1765) and Thomas John Hylas (1768)--were adjudicated while Brunias resided in London. London served as the locus of Black resistance in the 1760s and the exposure generated by the legal system aroused determined captives and eighteenth-century liberals. Following Brunias break from the Adams' firm in the mid-1760s *The Royal Academy of Arts: Complete Dictionary* (1706) list two residences for the artist--20 Broad Street, Carnaby Market

²⁷ Joseph and Anne Rykwert, *Robert and James Adam: The Men and the Style* (Milano: Electa Editrice, 1984), 146. For a detailed analysis of the litigation see Yarwood's, *Robert Adam*, 158-159.

²⁸ By the late 1750s Afro-British domestics progressively absconded the service of their enslavers and turned to the judicial system or members of the abolitionist movement for succor. See Graph 3.0 and 4.0.

and 7 Broad Street, Soho, which placed him in the heart of the budding anti-slavery movement.²⁹ The colonial pro-slavery plantocracy and authority figures in the metropole increasingly displayed hostility toward Black Londoners whom they viewed as part of the lower-class “lawless and furious rabble.”³⁰

Articles discoursing the socio-cultural, legal, and moral difficulties arising from domestic slavery were commonplace and surely reached the sagacious artist eyes of Brunias. In the 1760s one-third of Londoners read newspapers which increasingly highlighted the plight of Afro-British captives in the metropole and those toiling in the colonial peripheries of America and the British West Indies. The historical record does not reveal if or when Brunias developed a working knowledge of the King’s English. Yet it was likely since the artist was fluent in Italian and French and had friends who could translate the news of the day. The social introductions which Brunias encountered via Robert and James Adam coupled with the ever more abolitionist press most likely left him with a powerful sense of anti-slavery resolve. Brunias’ status as a cultural and political outsider along with his early experiences laboring under the yoke of Adams’ hand prospectively affected his outlook toward marginalized groups. Residing and working in the metropole where information travelled quickly via the press and word of mouth, Brunias was in all probability aware of the unfolding social, legal, and political developments touching the Black community. The artist was possibly in tune with radical movements led by men like the journalist and Member of Parliament John Wilkes whom Mansfield once

²⁹ Algernon Graves, *The Royal Academy of Arts: A Complete Dictionary of Contributors and their Work from its Foundation in 1769 to 1904* (London: Henry Graves and Co. Ltd and George Bell and Sons, 1906), 321.

³⁰ Peter Fryer, *Staying Power: The History of Black People in Britain* (Atlantic Highlands, New Jersey: Humanities Press, 1984), 76.

prosecuted. Support for Wilkes unsettled elites and the so-called working-class mob responsible for the Wilkite riots viewed “black people as fellow victims of their own enemies.” Many feared an Anglo-African alliance which might battle “against a system that degraded poor whites and poor blacks alike.”³¹ Peter Linebaugh and Marcus Rediker argue that the “Wilkes and Liberty” movement augmented a trans-Atlantic proletarian insurrection in which multi-ethnic sailors, slaves, and indentured servants formed anti-impressment mobs and joined forces demanding higher maritime wages and fewer hours in both England and the colonial fringes. In 1768 “sturdy boys and negroes” successfully fought against impressment in Boston’s *Liberty* Riot and in the same year a contemporary observer in London noted that underpaid and overworked “wretches of a mongrel descent...immediate sons of Jamaica, or African blacks” assisted their white counterparts in dismantling vessels during the river strike.³²

Even before this conglomerate of insurgents or “many headed hydra” revolted counterattacks by enslaved colonials dated to the 1730s. There were numerous insurrections by captives in the West Indies and a violent rebellion at Stono in the North American colony of South Carolina.³³ Frequent articles from Jamaica reported on the “rebellious Negroes” who

³¹ Fryer, *Staying Power*, 76.

³² Quoted in Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Verso Books, 2000), 219, 221, 228. See also W. Jeffery Bolster, *Black Jacks: African Seamen in the Age of Sail* (Cambridge, Massachusetts: Harvard University Press, 1997), 27, 148-149; Marcus Rediker, *Between the Devil and the Deep Blue Sea* (Cambridge, Massachusetts: Cambridge University Press, 1987), 80, 250.

³³ For a detailed analysis of the Stono Rebellion see Peter H. Wood’s seminal work *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: W.W. Norton & Company, 1974).

increasingly formed maroon societies in the Caribbean foothills.³⁴ The *Gentleman's Magazine* reported *ad nauseam* on the unfolding social and legal machinations affecting the Afro-British community. Samuel Johnson--while not in Robert Adams inner-circle--was an admirer of the architect's work and wrote extensively for the periodical.³⁵ In 1792 the magazine amongst many others published Adams' obituary. Printed for the upper-classes, the architect possibly included it as a source for news and information. It is not hard to imagine that Brunias quickly assimilated the English vernacular and referenced Adams' periodicals and newspapers which kept him well-informed of contemporaneous events in the English metropole and colonial edges. In 1791, five years before his death, Brunias' art was subject to an article in the *Gentleman's Magazine*. Once Toussaint L'Ouverture's Haitian Revolution erupted in 1791 the West Indian plantocracy sought to contain the spread of Black liberation. Accordingly, members of the press portrayed enslaved captives as contented and happy servants to the Caribbean colonial junta. Published in concert with select Brunias paintings and a pro-slavery verse the article stated, "Sir William Young has a series of pictures in which the negroes on our plantations are justly and pleasingly exhibited in various scenes" and in a futile attempt to suppress Black fortitude and abolitionist sentiment this early publicity established Brunias' catalogue as anti-

³⁴ "From *Jamaica*, March 22, that the rebellious Negroes about port Antonio, on the north of that Island, were much increased, by the revolt of 10 or 12 together from their masters, that they have destroyed several plantations and estates, that besides what arms and ammunition some time ago they took from the soldiers and sailors, 'tis feared, they are privately supplied by the Spainiards from Cuba." *Gentleman's Magazine* IV (1734), 277.

³⁵ Yarwood, *Robert Adam*, 125.

emancipationist.³⁶ Yet it does confirm Brunias' penchant for focusing his ethnographic art on people of color rather than grand portraits of elite planter families and their estates.

In Britain the impact of *Somerset* affected domestic enslavement and the trade far more directly than in the West Indies.³⁷ Unlike the English metropole these slave societies remained exclusively reliant on unfree labor, and planters like Brunias' benefactor Sir William Young lobbied for the preservation of these colonial slave-based economies. After *Somerset* Young's Jamaican planter foil Edward Long feared that Mansfield's ruling might apply to the *lex loci* [colonial law].³⁸ Abetted by English abolitionists and the legal system, the unfree Afro-British community demanded emancipation and the radical setting in London punctuated into the Black Atlantic. While the Anglo-American trade lasted until 1808 and colonial bondage another twenty years the nascent drive for Black freedom in the metropole eliminated human bondage in Britain and ignited a firestorm which expedited the extirpation of slavery in the trans-Atlantic

³⁶ *Gentleman's Magazine*, XI (1791), 358. Quoted in Bagneris, *Coloring the Caribbean*, 93.

³⁷ The Caribbean slave societies remained part of the British empire long after the *Somerset* judgement. The economies in these colonial West Indian slave empires remained solely dependent on unfree labor, and there remained legal sanctions imposed on captives of African descent considered a "thing" or "property" rather than a "person" or "subject." But, most significantly, unlike in England, in the West Indies there was what Elsa V. Goveia calls a comprehensive and elaborate legal "superstructure" in the "form of police law" which governed these chattel slaves. The lack of such rigid police laws in England helped benefit those like James Somerset, who, if unwilling to serve, would be recognized "as having special status" under the protection of common law. See Elsa V. Goveia, "The West Indian Slave Laws of the Eighteenth Century" in *Caribbean Slave Society and Economy*, ed. Hilary Beckles & Verne Shephard (London: Ian Randle, Kingston, and James Currey, 1991), 349-350, 353.

³⁸ Edward Long, *Candid Reflections Upon the Judgement lately awarded by The Court Of King's Bench, In Westminster-Hall, On what is commonly called the Negro-Cause, By A Planter* (London: Printed for T. Lowndes, 77, Fleet Street, 1772).

peripheries. Before departing for Roseau on the leeward coast of Domenica, Agostino Brunias played witness to these salient events which profoundly impacted his psyche and colonial art.

The Anti-Slavery Art of Agostino Brunias

The eighteen-buttons which potentially adorned the tunic of Toussaint L'Ouverture exemplified a link to Agostino Brunias--an intellectual meeting of the minds [figure 1.0].



Figure 1.0. The Eighteen Buttons Toussaint L'Ouverture housed at the Cooper-Hewitt

Why might have Brunias' oeuvre appealed to the prominent Haitian Revolutionary? The following examination of his art posits that Brunias' brush encapsulated ethnographic visual paintings which mirrored Afro-Carib agency, resistance, and the preservation of traditional African socio-cultural norms despite European colonial enslavement. Brunias left for the West Indies in the late-1760s--possibly not until 1770--with Sir William Young as his patron. Young enlisted the German neoclassical artist Johan Zoffany to paint a family mural prior to departing

for Domenica in 1764 [figure 1.5]. Accompanied by his cello, Sir William and his second wife Elizabeth with their youngest Olivia command the focal point of the portrait. His eldest son the future governor of Tobago and Member of Parliament for the pocket borough of St. Mawes, William Young, 2nd Baronet, mounts his steed with an African servant affectionately posturing with Sir William and his younger brothers. The nameless Black domestic was a favorite servant



Figure 1.5. Johann Zoffany, *The Family of Sir William Young*, c. 1767-1769, oil on canvas.

to Young the 2nd as a child which accounts for the loving pretense depicted in the portrait.

Zoffany juxtaposes the soft lily-white skin tone of the eighteen Young family members, which reflects perfection and virtue, with the dark and exotic complexed African servant whose shielding gaze is indicative of the stereotypical passive yet protective African servant. His silk oriental livery acutely contrasts with that of the Young family and identifies with the exoticism of the east Asian orient.

The Zoffany portrait typifies the type of art which highlighted the material wealth and commerce of Europeans living in both the metropole and the colonial fringes. Yet Brunias' catalogue exclusively captures images of enslaved and free people of color as well as the native Afro-Carib community. Indeed, not one extant painting by Brunias highlights the opulence of his sponsor Young, which includes ownership in African human chattels. In the same year that Brunias dedicated a portrait to Lord Mansfield's friend Sir Ralph Payne, the Chief Justice also commissioned Zoffany to paint his interracial grandniece Dido Elizabeth Belle and her cousin Elizabeth Murray [figure 2.0]. This famous portrait shows Belle in the background yet standing



Figure 2.0. Johann Zoffany, Dido Elizabeth Belle and Lady Elizabeth Murray, 1779.

taller than Murray with index finger to cheek. Could Belle be simply highlighting her smile or furtively denoting the difference in her skin color? Although Belle was a free person of color,

like the nameless servant in the Young portrait her beaded Hindu headdress reflects the patronizing elements of orientalism. While only separated in age by one year with a thoughtful mien Lady Murray paternalistically extends her right arm to a mirthful Belle who appears childlike. Murray pinches a book in her left hand while her interracial cousin carries a basket full of produce. Such imagery suggests contemporaneous attitudes of the intellectual inferiority of African descended people while linking them to intensive labor and agriculture. In 1763 Lord and Lady Mansfield accepted Belle into their country estate Kenwood which Robert Adam--with the aid of Brunias--redecorated in 1764. Belle was the biological daughter of Royal Navy Admiral Sir John Lindsey and when Mansfield died he willed her £500 and provided an additional £100 per annum. The Chief Justice had a very loving relationship with Belle who resided at Kenwood for thirty years. When the American loyalist Thomas Hutchinson (1711-1780) visited the Hampstead estate, his diary indicated that Mansfield doted “upon her every minute...for this thing or that.”³⁹ Due to his Scottish Jacobite heritage Mansfield experienced racism and backlash and the so-called Papists Act of 1778 led the Gordon rioters to set fire to his beloved Kenwood. The fate of England’s several thousand slaves therefore rested upon a judicial officer intimately familiar with discrimination and his biological relationship with Belle maybe buttressed Mansfield’s sympathy toward the plight of Blacks in England.⁴⁰

Prior to accepting the unpaid post as Lieutenant-governor of Domenica in 1768 Sir William Young first left for the Caribbean in 1764 and served as President of the Commission

³⁹ Quoted in Gene Adams, “Dido Elizabeth Belle: A Black Girl at Kenwood,” *Camden History Review* 12 (1984), 13-14.

⁴⁰ Lord John Campbell noted that Mansfield “was actuated by the enlightened principles of toleration” for he “steadily protected, by the shield of the law, both dissenters and Roman Catholics from the assaults of bigots who wished to oppose them.” Quoted in John Lord Campbell, *The Lives of the Chief Justices of England* (2 vols, Philadelphia, Pennsylvania, 1851), vol 2, 388-389.

for the Sale of Lands in the Ceded Islands when France lost Domenica in the Seven Years' War (1756-1763).⁴¹ While born in the Leeward Island of Antigua, Young was of Scottish descent and like numerous other colonial administrators blighted by Scottophobia he sought fortune in the Caribbean. Selected to the Governorship on 17 November 1770, he held the post until 1778 when French forces reclaimed Dominica during the American Revolution. While President of the Commission for the Sale of Lands in the Ceded Islands, Young lobbied for colonial planters, who, unaccustomed to the extreme tropical climates, outnumbered by the native Black Carib majority, and put-off by the dearth of European women, sought to quickly accumulate wealth and return to the English metropole. European colonization proved largely ineffective and Thomas Atwood's *History of the Island of Domenica* illustrated the attitude of the nascent absentee planter class on the island and European fears of miscegenation:

It is much to be lamented, that in the English West India islands...there prevails a great aversion to forming matrimonial connections, as colonization is thereby much impeded, and many evils, to the disadvantage of the British empire in that part of the world, are thereby greatly promoted. This aversion is, in a great measure, to be attributed to the views of the generality of Europeans, who having submitted to a voluntary exile, which they suppose is to be only for a few years, flatter themselves they shall soon return wealthy to their own countries. Buoyed up with these notions, they look upon matrimony as a bar to their exceptions; and in the meantime, content themselves with the company of a mulatto or negro mistress, who brings them a spurious race of children, the maintenance of whom, together with the extravagance of their sable mothers, soon dissipates the first savings of their keeper's hard-earned wealth. When, as often is the case, worn out by the climate, or other disasters, they at last see their folly, but generally too late to prevent its consequences.⁴²

⁴¹ Thomas Atwood, *The History of the Island of Dominica: An Account of the Civil, Government, Trade, Laws, Customs, and Manners of the different Inhabitants of that Island, its Conquest by the French, and Restoration to the British Dominions* (London: Printed for J. Johnson, No. 72, St. Paul's Churchyard, 1791), 195, 197.

⁴² Atwood, *The History of the Island of Domenica*, 209-210.

Warfare with the French backed Black Caribs led by Joseph Chatoyer (d. 14 March 1795) also frustrated European colonization efforts. In 1773 Brunias depicted the leader in his *Chatoyer the Chief of the Black Charaibes in St. Vincent with his wives* [figure 2.5]. While accompanied by

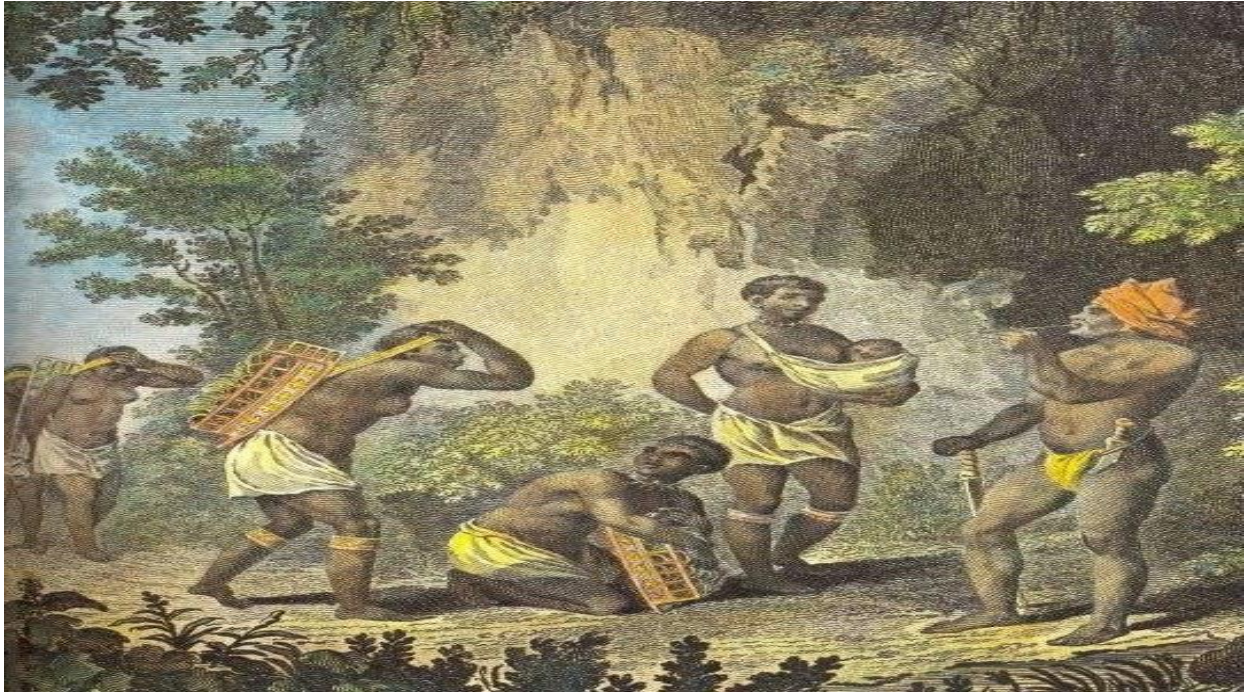


Figure 2.5. Chatoyer the Chief of the Black Charaibes in St. Vincent with his five wives drawn from the life by Agostino Brunyas – 1773.

his five wives, Chatoyer's presence dominates the image. Brunias situates the Black Carib warrior in the foreground and manipulates the pendulous foliage above Chatoyer to reinforce his commanding presence. Chatoyer's pentologue of wives follow him in order of importance, as they negotiate St. Vincent's mountainous terrain struggling to hoist the weighty *pegals* like beasts of burden as one wife drops to her knees with exhaustion. Another spouse carries their progeny in a traditional African sling while Chatoyer strikes an imposing pose, left hand extended to the meerschaum bowl of his clay pipe as he draws smoke derived from the

indigenous Vincentian tobacco leaf.⁴³ Chatoyer steadies his akimbo gait with a walking staff, right knee slightly protracted, reminiscent of a sovereign or military leader. Indeed, Chatoyer's palpable headdress emerges as a crown and his wives appear as court courtiers. A manipulated version of this portrait represented one of four Brunias images cited in the aforementioned proslavery tract *The History, Civil, and Commercial of the British Colonies in the West Indies* (1795) which established Brunias as a planter's painter.⁴⁴ Yet his nuanced brush merged traditional ethnographic images of African marital practices and customs with European notions of monarchical authority and military hegemony. Brunias painted this image in 1773 the same year that Young and the British succumbed to Chatoyer and his followers in the First Carib War (1769-1773). Highlighting Chatoyer's regal and confident countenance, Brunias appears to celebrate the victorious warrior, who, standing along a mountain path, surveys the windward side of Domenica which he successfully defended against European encroachment.

Compiled from the private papers of Sir William Young, his son the aforementioned William Young, 2nd Baronet posthumously published *An Account of the Charaibs: In the Island of St. Vincents* (1795) which highlighted the First Carib War and revealed contemporaneous European fears of African liberation occurring in the late eighteenth-century Caribbean. Stymied by "French *intruders* with Negro *usurpers*" [author's italics] Young's polemic portrays the British as negotiators while Chatoyer and "*the ill-disposed Charaibs*" cloaked their "pledge for peace" in war. Published in 1795 during the wake of L'Ouverture's Saint-Domingue Revolution

⁴³ Atwood noted that tobacco was native to St. Vincent and Black Carib husbandry methods superseded that of their European counterparts: "Tobacco grows in great perfection, but is only cultivated by the negroes, who raise it in their gardens for their own use." *Ibid.*, 84.

⁴⁴ See Bryan Edward's *The History, Civil, and Commercial of the British Colonies in the West Indies* (London: J. Sewall, Knight and Triphook, 1795).

the work clearly serves as a rebuke to French colonial administrators to quickly quell the insurrection for fear that Black emancipation might spread to the British West Indies.⁴⁵

Atwood's *The History of the Island of Domenica* (1791) contains a similar admonition.

Published the same year that revolution erupted in Haiti his original text noted that Dominican maroons led by the Black Carib leader Farcel "have quitted the island, and have retired among the French settlements, or among the Carribbees at Saint Vincent's." However, Atwood's post-publication footnote finds Farcel and his followers abruptly active "under the command of this chief, having been joined by a number of other negro slaves, from different plantations of the French inhabitants...occasioned by the late Revolution in France."⁴⁶ Such discourse underscored English concerns over L'Ouverture's campaign in Saint-Domingue as self-liberated captives on the island defied French rule just as Chatoyer did against British colonials until his death in 1795.

Despite Young's derision for Chatoyer, along with an individual portrait of the Garifuna leader, his patron Brunias painted the previously analyzed work of him accompanied with his

⁴⁵ Compiled from the papers of Sir William Young, 2nd Baronet, *An Account of the Charaibs: In the Island of St. Vincents with the Charaib Treaty of 1773, and other original Documents* (London: Printed for J. Sewell, Cornwall and Knight and Triphook, Booksellers to the King, St. James Street, 1795), 14, 50. Included with the work is a supposed copy "of the declaration of Joseph Chatoyer, Chief of the Charaibs" allegedly found on his person when killed by Major Leith of the St. Vincent's militia which stated: "Where is the Frenchman who will not join his brothers, at a moment when the voice of liberty is heard by them? Let us then unite, citizens and brothers round the colors flying in this island; and let us hasten to co-operate to that great piece of work which has been already commenced so gloriously. But should any timorous men still exist, should any Frenchman be held back through fear, we do hereby declare to them, in the name of the law, that those who will not be assembled with us in the course of the day, shall be deemed traitors to the country, and treated as enemies." See Young, *An Account of the Charibs*, 116-117. There can be little doubt that this highly publicized declaration was penned by Young and his planter circle who utilized it as pro-slavery propaganda.

⁴⁶ Atwood, *The History of the Island of Domenica*, 250fn.

family, as well as a likeness of Chatoyer when signing the Anglo-Carib peace accord in 1773 [figure 3.0]. While the extant literature rightly celebrates L'Ouverture as the great emancipator



Figure 3.0. Agostino Brunias, *Treaty between the British and the Black Caribs*, oil on canvas.

of Haiti, Chatoyer and the Black Caribs of St. Vincent seemingly lose their place in African diaspora history. The Anglo-Carib accord represented the first time a major European power conceded to people of African descent in the Caribbean. Signed a year after *Somerset* one cannot discount the trans-Atlantic impact that Mansfield's 1772 verdict and the incipient British anti-slavery campaign had on the West Indies. The English abolitionist George Pinkard noted that "events in the metropole have excited significant fermentation in the Windward islands"

which undoubtedly fueled Black fortitude in the Grenadine archipelago.⁴⁷ Additionally, L'Ouverture was surely influenced by Chatoyer and the Black Carib triumph over English colonials.

Art historian Mia L. Bagneris posits that Brunias' painting of the accord dichotomizes "the Black Caribs as savages next to the refined image of the civilized British soldiers."⁴⁸ Commissioned to paint the oil on canvas, Brunias' brush indeed portrays British hegemony. Chatoyer and his followers stand defused, weapons at their feet, while an English subaltern, hand in his singlet, remains armed. Yet his nuanced countenance reflects respect for the Black Caribs and Chatoyer's imposing posture--standing taller than his English antagonists--illustrates intelligent deliberation, as he ponders the terms hand pressed against his chin. The senior British officer standing on the edge of the tent interior is possibly Sir William Young, his glower directed at Chatoyer. Perhaps an underhanded nod from Brunias to his benefactor? The traditional African attire adorning the Black Caribs, including Muslim and orientalist inspired headdress, demonstrates agency and indifference to European cultural customs rather than oblique savagery. Such subtleties underscore Brunias' ability to undermine his unaware patron and provide authentic ethnographic images hiding in plain sight. Brunias' Dominican art often effectively highlighted hand-gestures like that of Chatoyer. Bagneris further claims that Brunias' *Caribbeans on a Path (Les Caraibes noirs de Saint-Vincent)* represents Young's insistence that

⁴⁷ George Pinckard, M.D. *Notes on the West Indies* (London: Longman, Hurst, Rees, and Orme, 1806); quoted in Janet Polansky, *Revolutions without Borders: The Call to Liberty in the Atlantic World* (New Haven: Yale University Press, 2015), 138.

⁴⁸ Bagneris, *Coloring the Caribbean*, 42.

Black Caribs were inferior to native or Red Caribs of French lineage [figure 3.5].⁴⁹ Her analysis notes that the grounded *pegal* was “a quintessentially Carib item” which the kneeling African upon dropping is now resorting. Bagneris further asserts that her imbalance both literally and metaphorically illustrates the inability of Black Caribs to properly negotiate the native Red Carib Antillean basket.⁵⁰ Yet the body language of the gesturing male is something that only an “on



Figure 3.5. Caribbeans on a Path (*Les Caraïbes noirs de Saint-Vincent*).

the spot” artist like Brunias might accurately visualize. The procuring male is haggling for produce and the female seller is in control having none of his quibbling. Indeed, such hand-gesturing is familiar in African society and represents contemplation.⁵¹ With arms draped

⁴⁹ Like Young’s account Atwood’s *The History of the Island of Domenica* also demonizes the Black Caribs for eviscerating the Red Carib native population whom he views as the true “ancient inhabitants, who were found there [Domenica] when this island was first discovered by Europeans.” He notes that the “passive” and “idle” Red Caribs are “chiefly of French extraction, and most of them came from the islands of that nation; from whence they have retired on account of the severity of the French laws, which prohibit them from wearing shoes, stockings, ornaments, or any dress after the fashion of white people.” See Atwood, *History of Domenica*, 219, 221.

⁵⁰ Bagneris, *Colouring the Caribbean*, 68-69. Bagneris utilizes Young’s *An Account of the Charibs* throughout her work to buttress the argument that Brunias’ negative visual portrayal of the Black Caribs was influenced by the writing of his patron.

⁵¹ I would like to thank my PhD committee chair Dr. Ras Michael Brown for this insight.

around the *pegal* her partner in commerce simply waits for instruction upon agreeing to the terms. Trade and market transactions amongst both Red and Black Caribs as well as Europeans played a salient role in Brunias' catalogue.

David Bindman's recent article aptly claims that Brunias' art--which often centered around finely outfitted mulâtresses--endeavored "to blur rather than clarify the barriers between the populations of the island, and to show racial mixture as natural and positive."⁵² The corpus of Brunias oeuvre is complete with scenes depicting racial ambiguity as evidenced in his *A Planter and his Wife, with a Servant, c. 1780* [figure 4.0]. The coiled hair of the planter suggests creole ethnicity yet the tawny or cinnamon skin tone of both the planter and his partner while noticeable is faint. The enslaved African servant blends with the environs of St. Vincent.



Figure 4.0. Agostino Brunias, *A Planter and his Wife, with a Servant, c. 1780*, oil on canvas.

⁵² David Bindman, "Representing Race in the Eighteenth-Century Caribbean: Brunias in Domenica and St. Vincent" in *Eighteenth-Century Studies* 51 (2017), 12.

Only her stark white cotton bonnet and dress--intersected by her left arm--draws attention to the servant's race. Such racial malleability is subtly portrayed in Brunias' *Linen Market, Dominica*, c. 1780 [figure 4.5]. The larger Sunday markets in both Kingston and Rousseau drew significant



Figure 4.5. Agostino Brunias, *Linen Market, Dominica*, c. 1780, oil on canvas.

crowds as produce, linens and various sundries were sold to free people of color and Europeans. The focus of the work is the female dressed in white covered by a parasol with her African servant in toe. Surrounding her are twenty-eight others—a mixture of tawny complexioned mulâtresses, mulâtto, as well as darker complexed Africans, and a lone European male (who also resembles Young) donning a silk top hat, his gait supported by a cane. Rather than demonizing his patron is Brunias making a larger statement about the plantocracy *writ large*? At first glance the female appears to be of European descent, however, Brunias restrained brush

illuminates the uncertainty of her race. In *Slavery, Sugar, and the Culture of Refinement: Picturing the British West Indies, 1700-1840* (2008), Kay Dian Kriz asserts that such racial uncertainty in “Brunias mulâtresses provoke the fantasy of possessing a body that both is and is not white, bearing the marks of refined whiteness and the promise of sexual pleasure so closely associated with blackness.”⁵³ Kriz supposes that the silk-hatted European gazing in the direction of the lady in white is her companion and represents such prurient pleasures. Yet as the single White face amongst a crowd of African and interracial bodies might his comportment also reflect trepidation of a socially mobile Black majority engaging in a “free” market economy? Captives throughout the Black Atlantic—of note, Olaudah Equiano, the Afro-British servant Jack Beef, Venture Smith, and Elizabeth Hobbs Keckley—self-manumitted via industrious work while held in bondage. Enslaved in Virginia, Keckley bought her own freedom earning money as a seamstress and while travelling in Philadelphia Equiano heavily profited from selling sundries to abolitionists Quakers which led to his self-purchase from Robert King for £70 in 1766.⁵⁴

Brunias catalogue is punctuated with market scenes like *Linen Market, Dominica* which celebrates Black mobility, commerce, and of equal import the exchange of information and ideas. News of *Somerset’s* case quickly spread to the American colonies leading to emancipation for northern Blacks and moored vessels, like those depicted in the backdrop of Brunias linen market scene carried like information to the Caribbean. Indeed, Equiano had just

⁵³ Kay Dian Kriz, *Slavery, Sugar, and the Culture of Refinement: Picturing the British West Indies, 1700-1840* (New Haven and London: Published for The Paul Mellon Centre for Studies in British Art, 2008), 55.

⁵⁴ See Olaudah Equiano, *The Interesting Narrative of the Life of Olaudah Equiano or Gustavus Vassa, the African. Written by Himself.* ed. Vincent Carretta (New York: Penguin Books, 1995), 137.

returned from the West Indies on 22 May 1772 the day Mansfield delivered his verdict and soon befriended Granville Sharp.⁵⁵ Atwood's *The History of the Island of Domenica* discourses at length on captives who "make tolerable sums of money" by "breed[ing] hogs, rabbits, fowls...which they actually supply the markets every Sunday...to a considerable amount." Indeed, he notes that due to planter neglect the enslaved population of Domenica provided the fair share of goods to the market of Roseau and profited handsomely:

Sunday, is the chief market day there, as it is in all the West Indies; on this day the market is like a large fair, the negroes from the plantations, within eight miles of Roseau, come thither in great numbers, each one bringing something or other to dispose of for himself, often to the amount of four dollars; and money of them, who bring kids, pigs, or fowls, seldom return home without fifty or sixty shillings, the produce of their articles.⁵⁶

Yet fears of enslaved Africans openly engaging in commercial activities disquieted planters who ostensibly felt that Sundays should be reserved for European religious services. The Scottish wife of a West Indian planter and proslavery apologist Mrs. A. C. Carmichael expressed such concerns in her memorial *Five Years in Trinidad and St. Vincent*. Arriving in Trinidad on a Sunday morning Carmichael noted that "I saw, for the first time, bands of negroes proceeding from the different estates, some with baskets...others with wooden trays on their heads, carrying the surplus produce...to market" and accustomed "to a devout observance of the Sabbath-day, I could feel little pleasure—for it was something to learn that negro slaves were in possession of,

⁵⁵ Vincent Carretta, *Equiano, The African: Biography of a Self-Made Man* (Athens & London: The University of Georgia Press, 2005), 206.

⁵⁶ Atwood, *The History of the Island of Domenica*, 180, 254.

and could sell, the loads of surplus produce...and receive their cash in hand.”⁵⁷ Atwood’s tome also expressed concern over captives working their gardens on Sundays since accepting the Trinity “might probably be the means of promoting good order amongst those people, and securing their future welfare.”⁵⁸ As a member of the Jamaican plantocracy, Atwood experienced the abovementioned Tacky’s Rebellion which remained unrivaled in the Caribbean until L’Ouverture’s Haitian uprising in 1791. Moreover, the mountainous topography on the island provided cover for numerous marrons who resisted their enslaved status by fleeing to the foothills. Thus, rather than concern over church truancy, both Carmichael and Atwood’s disquietude reverberated that of Brunias’ lone top-hatted European on a Sunday afternoon in Domenica.

While only touching the surface of Brunias catalogue, the aforementioned sample is representative of his larger corpus of ethnographic art. The Italian left for England as a literal outsider, and his Catholic faith further served to divorce him from the conventional Protestant milieu in the metropole. Contracted by Adam under suspect circumstances, Brunias’ early experience with the Scottish architect possibly affected his portrayal of unfree African descended people once in the Antilles. Moreover, Brunias likely witnessed the xenophobia and racism which Adam and his “Caledonian club” encountered. With the rise of Afro-British resistance in the metropole, aided by the budding English abolitionist movement, Brunias observed the birth of Black emancipation which culminated in Lord Mansfield’s verdict in *Somerset’s* case. Publicity of the trials involving Afro-British servants who sought freedom through the judicial

⁵⁷ Mrs. A.C. Carmichael, *Five Years in Trinidad and St. Vincent: A View of the Social Condition of the White, Coloured, and Negro Population of the West Indies* (2 vols, London: Whitaker and Co., Ave-Marie Lane, 1834), vol 1, 4-5.

⁵⁸ Atwood, *The History of the Island of Domenica*, 259.



Figure 5.0 Joseph Chatoyer and Toussaint L'Ouverture

system spread throughout the Atlantic diaspora. Unlike his contemporaries, once in the British West Indies, Brunias exclusively portrayed the native Black and Red Carib community rather than landscaping the wealth and opulence of his benefactor Sir William Young. Despite Young's derision for his foe Joseph Chatoyer, Brunias' brush depicted the Black Carib as a victorious warrior who successfully led the indigenous Afro-Vincentian community to triumph over British colonial encroachment. Toussaint L'Ouverture assuredly viewed Chatoyer as the "sole national hero" of St. Vincent and the Grenadines--an honor posthumously conferred on the Garifuna warrior. The eighteen buttons encapsulate Brunias larger catalogue and their likeness to his art is indisputable. L'Ouverture represented the incarnation of Chatoyer and the eighteen

buttons possibly embodied an homage to the Black Carib leader and the anti-slavery art of Agostino Brunias [figure 5.0].

CONCLUSION

“One might have thought that after nearly 250 years there would be nothing left to discuss about what Lord Mansfield did or did not intend to say when he delivered his ruling in *Steuart v. Somerset*.”¹

--Ruth Paley (2006)

“More than two hundred and fifty years after he became a judge, Lord Mansfield remains a dominant presence, not just to legal scholars but also to judges and lawyers in Britain, the United States, Canada, and other nations that follow the Anglo-American tradition.”²

--Norman S. Poser (2013)

The corpus of this dissertation centers on *Somerset's* case and its emancipatory impact in the Anglo-American diaspora. Yet in order to properly explicate how and why the suit was adjudicated its reach extends from the Late Middle Ages when a cascading chain of premeditated events led the nascent British Empire into the Trans-Atlantic Slave Trade. Just as the system of villeinage died out and Parliament rescinded the 1547 Vagrancy Act in 1549 four years later in 1553 English explorers visited equatorial Africa under the guise of seeking a legitimate exchange in the spice trade. The following year Guineans visited the English metropole to train as interpreters and their presence elicited racial stereotypes with observers fixated on skin-color. The racial semantics of English explorers which the writer and lawyer Richard Hakluyt recorded in his *Principal Navigations* (1589) proved the genesis for tropes which defined New World Africans and led to their enslavement. These metanarratives were eternalized by sixteenth and seventeenth-century English writers like Samuel Purchas and the playwright William Shakespeare whose tragedian *Othello* (1603) and *The Tempest* (1623) acted out before throngs of

¹ Ruth Paley, “Imperial Politics and English Law: The Many Contexts of *Somerset*,” *Law and History Review* 24 (2006), 659.

² Norman S. Poser, *Lord Mansfield: Justice in the Age of Reason* (Montreal & Kingston: McGill-Queen's University Press, 2013), 396.

a cross-class of theater spectators were rooted in racial discourse. Popular pro-slavery publications by planter-politicians Edward Long, Samuel Estwick, and Bryan Edwards among others cemented race into the socio-cultural and legal ether of eighteenth-century England with tropes carboned from the Hakluyt testimonies. Edwards lobbied for the Trans-Atlantic Slave Trade while Long and Estwick violently protested Mansfield's decision in *Somerset*, wrapping their invective in polygenic palaver to portray New World Africans as simian sub-human commercial chattels.

Less than a decade after the 1553-1554 voyages in 1562 under the dictate of Queen Elizabeth I the slaver and profiteer Sir John Hawkins traded 1,163 captives from the Spanish Caribbean until his disgrace at San Juan d'Ulloa in 1569 left him out of favor with the sovereign. Yet waiting in relief was his cousin and fellow "Sea-Dog" Sir Francis Drake and in 1605 England secured the first of its many sugar island colonies with Barbados and two years later in 1607 the mainland North American tobacco-based colony of Virginia. Within fifty years of the first expedition the Rubicon was irrevocably crossed as the moving pieces of race-based bondage were interconnected. Villeinage, the Vagrancy Act, and English conduct toward the poor and non-Anglo outsiders in the Celtic Fringes provided a blue print for the enslavement of New World Africans. The Guinea Company, initially formed in 1618 during the monarchy of James I, held exclusive trading rights with West Africa in 1663 as the Royal Adventurers. Beginning in 1672 the joint-stock venture reemerged as the Stuart crown-controlled Royal African Company (RAC) holding a monopoly over the British carrying trade for the next twenty-five years. There was an initial trickle of body servants accompanying planters from the Caribbean who--unprepared for the hostile environs and increased Black majorities--sought to earn wealth and escape back to the English metropole as soon as possible. The Glorious Revolution of 1688

which led to free trade put an end to the RAC cartel a decade later in 1698 and set the stage for the eighteenth-century deluge of humans exchanged in the British slave trade. This turned the trickle into an uninterrupted stream leading to a discernable Black presence in England which was estimated at 15,000 in 1772. The Bristol and London based migrant trade was barred via the RAC monopoly ensuring the wholesale displacement of white indentures with New World Africans during the “plantation revolution.” With augmented enslaved majorities fighting diasporic warfare, the colonial Black Codes markedly increased in severity by 1698, and English planters were loath to impose the newly codified, draconian measures on white indentured servants who became ever more averse to toiling side-by-side with enslaved Blacks bound in perpetuity. Entrenched in a racial hierarchy with profit a fortuitous secondary derivative, it was determined via legislative statutes and Black Codes that intensive colonial labor shift to an all-Black enterprise once the English secured their African work force.

Since Parliament never legislated domestic slavery in England the occupying unfree Black specter quickly created socio-cultural and legal problems, leading to the first Afro-British case *Butts v. Penny* (1677). The absolutist Stuart monarch Charles and his brother, James, the Duke of York and future King, used crown hegemony in an effort to influence the lower courts and adjudicate *de jure* domestic slavery in England. This illicit monarchical subterfuge exceeded the supremacy of Parliament and at the same time colonials were codifying Black Codes and legislating statutes only adding to the legal collusion and ensuing jurisdictional confusion. The late-seventeenth and eighteenth century judicial process was therefore a veritable legal teeterboard embedded in race as the lower courts contradicted one another over the legality of Afro-British slavery in the English metropole. The case law was imbued in legal technicalities, minutiae, unresolved cases, loss-of-service damages for captives obtained in the colonies, and

the courts' advice that the enslaver might benefit by modifying the language of his initial pleading after the action had commenced. The Glorious Revolution ended the era of Stuart absolutism and after the incorruptible Lord Chief Justice John Holt was invested with the coif in 1689 he adjudicated the anti-slavery verdicts in *Chamberline* (1696/7), *Smith v. Brown and Cooper* (1706) and *Smith v. Gould* (1706). Yet these suits proved narrowly defined and did not serve as a slavery test case. While the reign of Stuart court codology ceased, the decisions by Holt and subsequent anti-slavery judicial officers ran into powerful pushback from the West Indian merchant class and sugar baron backed syndicate, many of whom were Members of Parliament or colonial Legislators.

The enslaved Afro-British servants who lived in a state of *de facto* bondage were well aware of the tenor of court decisions via word of mouth and many took advantage of anti-slavery verdicts by absconding from enslavers and appropriating the English court system or working with the clergy who sent them out of the realm. Some sought succor from fellow Blacks and took on the appearance of a free "Blackjack" sailor or blended into large cities like London, Liverpool, Cardiff, Bristol, and Glasgow forming pockets of resistance as what I coin 'metropolitan maroons.' Other Afro-British servants forced back to the colonies upon reaching puberty returned to the Americas with a taste of freedom and defiantly battled diasporic warfare. Published adverts for 'runaways' were ubiquitous and listed every year except in 1747. Black agency and resistance therefore remained relentless even in the face of pro-slavery decisions like the infamous 1729 Yorke-Talbot *obiter*. Yet the number of 'runaways' declined following the 1729 opinion due to the sterling reputation among the legal community of Attorney General Philip Yorke (later 1st Earl of Hardwicke) and Solicitor General Charles Talbot (later 1st Baron Talbot) which served to strengthen the *dictum* and extend its life. This was only compounded by

the pro-slavery verdicts in *Pearne* (1749) and *Crofts* (1749) the former adjudicated by Philip Yorke (now Lord Chancellor Hardwicke) in a proper court and the latter having no connection to Hardwicke. Due to *Pearne* and *Crofts* the 1750s saw fewer runaways than any previous decade in the eighteenth century and enslavers no longer uncertain of prosecution placed ‘for sale’ listings in record numbers.

Despite the legal setbacks which impacted the Afro-British population the 1760s proved a salient decade for Black freedom and civil rights. Only one year after his appointment in 1761, Lord High Chancellor Robert Henley wasted no time in reversing *Pearne* (1749) in his own anti-slavery case *Shanley v. Harvey* (1762), the first of three highly impactful Afro-British freedom suits in the 1760s when *habeas corpus* was first extended to an enslaved Afro-Briton. The subsequent litigation involving Jonathan Strong (1765) and Thomas John Hylas (1768) increasingly illuminated the anti-slavery cause and coupled with the rise of Granville Sharp extended the surge of ‘runaways’ first provoked in 1758. The 1760s represented a high water mark as more servants absconded in Britain during this critical decade than any other in the eighteenth century. With Sharp serving as a legal and moral conduit between servants and the courts the anti-slavery *zeitgeist* pervaded the 1760s and domestic slavery was already in decline vanishing at an accelerated pace. With slavery on the run this goaded increased pro-slavery editorials in the British press ramping up the racial assault on the African character. These writers, many of whom sensed that the fragile *de facto* legitimacy of domestic slavery was teetering on the precipice, ever more admonished absentee proprietors for transporting servants to the metropole since so many were challenging their enslaved status and absconding. Why hazard losing an enslaved Afro-Briton to freedom in England when Black intensive labor was a *sine qua non* to cultivating Caribbean sugarcane monoculture which lined the planter pocketbook

and monetized the British Empire. With masterless Blacks occupying the streets of London, Liverpool, and Bristol editorials and pro-slavery tracts warned of racial remapping and the exaggerated Black population figures hinted at an African invasion of the British Isles. Yet the language of race served to turn against the merchants and planters as polite English society had witnessed the brutality of slavery close at hand as the eruption of runaways led to increased public beatings by slave hunters and owners bent on transporting recalcitrant servants back to the Caribbean or Continental colonies.

When the case of James Somerset came before Lord Chief Justice Mansfield on 24 January 1772 he had previously adjudicated the Afro-British suit *Rex v. Stapylton* eleven months earlier on 20 February 1771. Mansfield was therefore well versed in the case law and his background as a Scotsman born into a poor Jacobite family led to a lifetime of personal persecution placing him in a unique position to adjudicate the case. The fact that Mansfield also had an interracial grandniece whom he loved unconditionally demonstrated that the fate of England's Black population rested with a judicial officer intimately familiar with race. Parliamentary historian Ruth Paley points out that scholars remain fixated on what Lord Mansfield uttered in his oral verdict despite the recent sescentennial of the trial. The early hagiographic literature lionizes Mansfield and general English histories written during the eighteenth and nineteenth centuries up through the twentieth view *Somerset* as ending *de jure* slavery in England. The major participants such as James Somerset and Granville Sharp as well as the merchants and planters such as Edward Long who endured the abolitionist pang reasoned the decision ended slavery in England. Concerns immediately turned to the colonies and the Anglo-American press editorialized on *Somerset* and its potential impact on the British carrying trade and bondage in mainland North America and the Caribbean. Domestic slavery was

mortally wounded and quickly bleeding out by the 1760s as there were three high profile Afro-British cases from 1762 to 1768 another in 1771 and *Somerset* in 1772. With these increased freedom suits runaways were absconding at will and anti-slavery had a small but dedicated cohort spearheaded by the determined coadjutor Sharp. The number of runaways reached unprecedented levels from 1758 through the 1760s as captives took advantage of the nascent abolitionist milieu. Following *Somerset* the figures took a nosedive, and fifty seven or seven percent of the 830 ‘runaways’ occurred during the post-*Somerset* era and that number is reduced to thirty seven or four percent identified as Black. This quantitative evidence is coupled with the fact that two of the total number of eighty-two ‘for sale’ adverts or two point four percent were placed in eighteenth-century British newspapers following the trial. Domestic slavery in England had succumbed to its mortal wounds first inflicted during the early 1760s with *Shanley* (1762) and Mansfield’s precedent stood up to legal scrutiny in other courts of law time and again. While his subsequent adjudication in the *Zong* (1783), *Jones v. Schmoll* (1785), and *Rex v. Ditton* (1785) suits were unrelated to the legality of domestic slavery in England and therefore did not countermand *Somerset*. Public auctions for Afro-British servants were now part of the past historical record and along with South Asians from the Indian subcontinent Chinese Asians in debt bondage materialized as the new convention among elites.

The emancipatory impact of *Somerset* spread to neighboring Scotland whose Civilian or Roman based legal system--despite the 1707 Act of Union--remained separate from English commercial law which fixated on property. Following the precedent set in *Somerset* Scotland adjudicated *Knight v. Wedderburn* (1778) which emancipated the plaintiff Joseph Knight and in contrast to Mansfield due to the malleability of Scots law the suit criminalized slavery with greater force and specificity. Indeed, as the quantitative evidence illustrates a disproportionate

number of thirty seven percent of the fifty seven post-*Somerset* runaways were listed in Scottish newspapers when the percentage prior to the case hovered in the single digits. Slavers had therefore expressly avoided English ports-of-entry mooring their vessels in Scottish entrepôts due to the ruling in *Somerset*. Scotland had effectively served as a geographical legal loophole until adjudication in *Knight* closed this gap. Following the suit there were eight published runaways or one percent of the 830 total adverts listed in eighteenth century British newspapers and one dubious ‘for sale’ posting or one point two percent of the eighty two listings. The transatlantic effect the case had on the British Empire proved monumental. The suit had reverberating significance in the Caribbean via word of mouth leading to an uptick in rebellion. The First Carib War led by the Afro-Vincentian Joseph Chatoyer came on the heels of *Somerset* and it proved the first time a major European power succumbed to Blacks. The Italian-born artist commissioned by the future Governor of Domenica Sir William Young, 1st Baronet, Agostino Brunias was living in St. Vincent during the War. Brunias was likely indentured to the famous architect Robert Adam--a friend to fellow Scot Lord Mansfield--and after arriving in England in 1758 the artist lived in London during the 1760s when Afro-British captives were absconding *en mass* and inchoate abolitionism was on the rise. Brunias painted Chatoyer three times despite the contempt his benefactor held for the Garifuna warrior and the artist focused his paintings on Vincentian people of color rather than glorifying enslavers with plantation portraits emerging as a proto-abolitionist. Brunias past experience living under the yoke of Adams’ employee coupled with his expatriate status in London--the hub of anti-slavery activity--elicited a reflective shift in his ethnographic art once in the Caribbean.

In mainland British North America *Somerset* immediately provoked southern captives to abscond and attempt the perilous transatlantic journey to English free soil. It also galvanized

evangelicals like the Methodist John Wesley and the French-born Quaker Anthony Benezet. Wesley's *Thoughts upon Slavery* (1774) was inspired by *Somerset* and the case incited Benezet to rededicate himself to an Anglo-American anti-slavery coalition. The colonial press covered *Somerset* extensively with reprints from metropolitan coverage which triggered editorials both supporting and condemning Mansfield's decision. Its detractors were fearful the suit would regulate the British carrying trade and upend provincial laws which codified slavery in the American south thereby gutting the plantation-based economy. Indeed, a growing cohort of scholars tether *Somerset* and its impact on abolition and increased rebellion directly to the American Revolution which the plantocracy provoked to preserve the institution of slavery. The French and American Revolutionary War commander Marquis de La Fayette developed a desire late in life to assist captives once in America. He joined the French-based Society of the Friends of the Blacks in 1787 and befriended Granville Sharp and Thomas Clarkson with whom he engaged in a letter writing campaign sharing ideas and anti-slavery literature. La Fayette convened with President George Washington to resettle emancipated Blacks at Cayenne in Guinea and lost his spouse to illness in the process. Following the Revolutionary War, Granville Sharp reminded the Maryland Society for Abolition of the paradox which existed between American slavery and freedom--in short, it offered whites liberty from British tyranny and Blacks perpetual bondage.

This dissertation begins by emphasizing the *longue durée* association with race and New World slavery to the late medieval English institutions of villeinage and legislated chattel slavery coupled with numerous Parliamentary statutes impacting the English poor and those in the Celtic peripheries. It closes with the legal impact of *Somerset* in colonial America and the *antebellum* United States. In the colonies it was immediate and led to upwards of twenty thousand

abolitionist from as far South as Virginia and as far North as Massachusetts to incite state assemblies to appeal to the British Parliament in order to cease importing captives and ban the Trans-Atlantic Slave Trade. *Somerset's* case was rooted in the central question: Does a captive acquired where slavery was legally codified become emancipated once on free soil? When southern fugitives absconded onto free soil abolitionist litigators cited the precedent in *Somerset* which frequently led to emancipation. Following the American Revolution fears that *Somerset* might apply to the *lex loci* and challenge slavery in the southern colonies proved a moot point. Yet the case developed into a powerful weapon for the anti-slavery alliance in the *antebellum* United States. One of the founding fathers, James Madison, insisted that the Fugitive Slave Acts-which allowed southerners a long legal reach in reclaiming runaway captives once in free states-be included in the United States Constitution. The slave patrols which demanded the return of these southern captives incensed northerners just as colonial enslavers like Charles Stewart whose legal reach extended across the Atlantic vexed Granville Sharp and Lord Mansfield. During the *antebellum* period the courts cited the free soil precedent in *Somerset* multiple times which included the infamous *Dred Scott v Sanford* (1857) case where Scott was transported from the slave state of Missouri into the free state of Illinois and Wisconsin territory while denied United States citizenship. The New York Supreme Court of Appeals verdict in *Lemmon v. People* (1857) defied *Dred Scott* and the sojourner laws which previously allowed enslavers in transit to inhabit free states for a predetermined time without fear of their captives absconding with the aid of anti-slavery activist or state authorities. The year 1857 proved an explosive one in the United States and the politics of slavery incited disunion four years later and the anti-slavery legacy of *Somerset* indirectly contributed to inciting disunion and dismantling southern bondage.

In December 2022 I attended the “Somerset v. Steuart 250 Workshop” presented by the American Philosophical Society at the McNeil Center for Early American Studies at the University of Pennsylvania. The conference closed with esteemed Somerset historian and workshop moderator David Waldstreicher pointing out that the scholarship has become entrenched in articles and missing is an updated book length monograph on the subject. For those of us immersed in Somerset the plethora of articles on various components on or surrounding the suit is evident. This recent article-based scholarship often specifically addresses one detail in a long chain of events leading up to or following *Somerset* involving too much spilled ink. One such article written by a legal scholar on *Calvin’s Case* (1608) a suit which I cite in this dissertation comprises seventy two pages of narrative and lacks any fragment of cultural analysis. I am not a legal specialist but rather a cultural historian, yet both are ably and cogently included in this dissertation. From the beginning I sought to dissect *Somerset* by returning to the genesis of English racial construction, the origins of British slavery, and the carrying trade, which the scholarship has lacked--the *longue durée* approach pioneered by French Annales scholars Marc Bloch and Lucien Febvre. This is a fundamental difference in my methodology compared to the short term specificity of the article-based and even monograph history on Somerset of late. Yet in contrast to long term analyzes, I also believe a single event can operate as a watershed or turning point reshaping history. Starting with Edward Fiddes, the scholarship pushed away from the idea that Mansfield’s verdict had, to any degree, an emancipationist impact in the English metropole much less in the British Empire. In part, this was a knee-jerk reaction to the hagiographic literature which had portrayed the Lord Chief Justice as a “white savior” who with a single hand emancipated 15,000 Afro-British servants marking the beginning of the end of slavery in the Anglo-American diaspora.

Fiddes started a trend in Somerset studies which upended the Mansfield hagiography and went on to infect neo-Fiddes revisionist like Jerome Nadelhaft, James Walvin, and F.O. Shyllon among others who aver that the decision failed to change the status of the Black servant class in England which remained fully intact and uninterrupted until 1833. Notwithstanding the resurgence of the humanitarian school, starting with David Brion Davis and Seymour Drescher, and continuing with the recent trans-Atlantic scholarship on Somerset, numerous historians remain loath to offer Mansfield any semblance of credit. These scholars suffer from the archetypal blind spot rooted in distancing themselves from “white savior” history regardless of the circumstances. My analysis makes the case that Black resistance which galvanized the white judicial hearings and disinterested anti-slavery humanitarianism worked in tandem leading to the Afro-British triumph over domestic slavery in England. In short, it was Black agency first which galvanized subsequent legal and moral efforts to end slavery in the metropole. Regarding Mansfield’s verdict the primary source documentation speaks to both the pervasive anti-slavery attitudes of the time, the major trial participants, the planter class, and Anglo-American press all of whom felt *Somerset* ended bondage in the metropole. My seminal approach to the quantitative evidence illustrates the connect between pro- and anti-slavery suits and the number of ‘runaways’ and ‘for sale’ listings. One of the scholars present at the “Somerset v. Steuart 250 Workshop” was fortuitously, Dr. Simon Newman, creator of the “Glasgow University Runaway Project” where I utilized the ‘runaway’ and ‘for sale’ listings. When I told him of my ebb-flow methodology in his lithe Scottish accent Dr. Newman replied, “why didn’t I think of that?” He subsequently scanned my figures and to his knowledge no one has comprehensively tapped into the adverts placed online in 2018. The methodology provides material evidence that due to the explosion of ‘runaways’ starting in 1758 through the 1760s Afro-British domestics were leaving

enslavers at will and bondage in the metropole was severely wounded and on its way to collapse. In turn, the ensuing dearth of ‘runaways’ and ‘for sale’ adverts post-*Somerset* establishes that regardless of Mansfield’s intent the verdict served to put a nail in the proverbial coffin of slavery in England and galvanized resistance in the colonies. This data and the additional quantitative analysis clarifies that Black agency coupled with the law and anti-slavery coadjutors worked together. The evidence offers an original contribution to the scholarship of *Somerset*, its Afro-British legal antecedents, and the persistent determination of an Afro-British population that took on their enslaved status head and feet first changing the course of history.

The spreadsheet I created which lists the year, gender, age (if provided), and publishing organ of all 830 ‘runaway’ and eighty two ‘for sale’ adverts allowed for the construction of original graphs and I derived percentages from all four components. I included the reference number for each individual ‘runaway’ and ‘for sale’ listing which will enable future scholars to analyze the adverts in greater detail while utilizing my graphs and percentages. Located in the appendices as well are my constructed bar graphs illustrating the percentage of ‘runaway’ and ‘for sale’ adverts listed in some sixty eighteenth-century British newspapers which I also utilized when determining my central thesis. Reading all of the adverts confirmed my belief that the institution of slavery does not hold up to comparative analysis. In other words, “domestic slavery” was equally as insidious, cruel, and restricting as “war slavery” as both entail ownership, torture, and children who lived under the fear of being uprooted and sent back to the colonies at the enslavers caprice leading to family separation. The described condition of numerous ‘runaways’ was appalling and I inject this belief into the dissertation while highlighting instances of enslaver cruelty. Hitherto scholarship on the Black presence in eighteenth-century England fails to properly describe the plight of Afro-British servants. The

past history also disappoints when emphasizing the so-called “St. Giles Blackbirds” those Blacks who congregated in the area located on the West edge of London of whom were numerous ‘runaways’ with little recourse to their current impoverished condition. Yet this was resistance, and my dissertation redresses this by emphasizing the diasporic warfare that the Afro-British population fought in the den of Atlantic slavery. These captives appropriated the English court system demanding their freedom and sought aid from clerics, anti-slavery coadjutors, and fellow Blacks in the metropole. Historians have failed to include the eighteenth-century Afro-British population in the battle for emancipation segregating them from their Afro-Caribbean or African-American counterparts battling “war slavery.” Yet these what I term “metropolitan marrons” were equally battling diasporic warfare with both groups overcoming disparate circumstances in the fight for freedom.

Peter Novick argues that historical objectivity remains an unattainable “Noble Dream” yet I developed an argument based on the extant primary source evidence and also took the initiative to create original quantitative data--as the saying goes the numbers do not lie. I evenly quote from the secondary source literature be it New Left and Marxist or anti-Marxist orthodoxy. Eric Williams and Seymour Drescher are equally at home in my dissertation and while one invariably injects bias into their argument I have done my best to remain an objective scholar. Lastly, in addition to naming a historical school of thought (neo-Fiddes) more importantly my use of visual evidence to support the impact of anti-slavery and *Somerset* in the West Indies offers an original understanding that the movement and case had in the British Caribbean.

BIBLIOGRAPHY

Library and Archival Collections

Morris Library, 606 Agriculture Drive, Carbondale, Illinois, 62901.

Newberry Non-Circulating Reference Library, 60 West Walton Street, Chicago Illinois, 60610-0090

Special Collections, Lehigh University, Linderman Library 30 Library Drive, Bethlehem, Pa 18015

Temple University Beasley School of Law Library, 1719 North Broad Street, Philadelphia, Pa 19122

heinonline.org

ons.gov.uk

runaways.gla.ac.uk

slavevoyages.org

Published Primary Sources

Acts of Assembly, Passed in the Island of Jamaica; From 1681, to 1737, inclusive. London: Printed by John Baskett, Printer to the King's Most Excellent Majesty, 1738.

Atwood, Thomas. *The History of the Island of Dominica: An Account of the Civil, Government, Trade, Laws, Customs, and Manners of the different Inhabitants of that Island, its Conquest by the French, and Restoration to the British Dominions.* London: Printed for J. Johnson, No. 72, St. Paul's Churchyard, 1791.

Blackstone, Sir William. *Commentaries on the Laws of England*, 3 vols. Oxford: Clarendon Press, 1765.

"Candidus," *A Letter to Philo Africanus, upon slavery. Together with the opinions of Sir John Strange, and other eminent lawyers upon this subject, with the sentence of Lord Mansfield, in the case of Somerset and Knowles.* London: Printed for W Brown, Booksellers, Corner of Essex-Street, Strand, 1787.

Campbell, John Lord. *The Lives of the Chief Justices of England.* 2 vols, Philadelphia, Pennsylvania, 1851.

Cattrell, Helen Tunnicliff ed. *Judicial Cases Concerning American Slavery and the Negro, I.* Washington, D.C.: Carnegie Institution of Washington, 1926.

Carmichael, Mrs. A.C. *Five Years in Trinidad and St. Vincent: A View of the Social Condition of the White, Coloured, and Negro Population of the West Indies*. 2 vols, London: Whitaker and Co., Ave-Marie Lane, 1834.

Certain Considerations Relating to the Royal African Company of England In Which The Original, Growth, and National Advantages of the Guiney Trade, are Demonstrated: As Also That the Same Trade cannot be carried on, but by a Company and Joint-Stock. Printed in the Year, MDCLXXX.

Chopkins, Samuel. *A Dialogue, concerning the Slavery of the Africans; Shewing it to be the Duty and Interest of the American Colonies to emancipate all their African Slaves: with an Address to the Owners of such Slaves*. Dedicated to the honorable Continental Congress. Norwich: Printed and sold by Judah P. Spooner, 1776.

Clarkson, Thomas. *The History of the Rise, Progress, and Accomplishment of the Abolition of the African Slave-Trade by the British Parliament*, 2 vols. London: Printed by R. Taylor and Co., Shoe-Lane, for Longman, Hurst, Rees, and Orme, Paternoster-Row, 1808.

Edwards, Bryan. *The History, Civil and Commercial of the British Colonies in the West Indies* 3rd ed. Vol 2. London: Printed For John Stockdale, Piccadilly, 1801.

England and Great Britain: Laws, Statutes, etc. 5 Ed. I, c.3 (1277); 14 Ed. I, c. 4 (1286); 18 Ed. I, c. 3 (1290); 39 Ed. I, c. 4 (1311); 23 Ed. III, c. 7 (1349); 12 Rich. II, c. 7 (1388); 19 Hen. VII, c. 12 (1528); 27 Hen. VIII, c. 25 (1536); I Ed. VI, c. 3 (1547); I Ed. VI, c 16 (1549); 44 Eliz. I, c. 2 (1601); 9 and 10 Will III, c. 26 (1698); 1 Anne, c. 21 (1701); 7 Anne, c. 11 (1708); 5 Geo. II, c. 7 (1732); 23 Geo. II, c. 31 (1750); 39 Geo. III, c. 56 (1799).

English Reports, Vols. 27, 28, 74, 77, 81, 83, 84, 87, 90, 91, 92, 99, 107, 166. Edinburgh: William Green & Sons, 1903-1924.

Equiano, Olaudah. *The Interesting Narrative of the Life of Olaudah Equiano or Gustavus Vassa, the African. Written by Himself*. ed. Vincent Carretta. New York: Penguin Books, 1995.

Estwick, Samuel. *Considerations on the Negroe Cause Commonly so Called, Addressed to the Right Honorable lord Mansfield, Lord Chief Justice of the Court of King's Bench, &c*. 3rd. Ed. London: Printed for J. Dodsley, in Pall-Mall, 1773.

Fielding, Sir John. *Extracts from such of the Penal Laws, as Particularly relate to the Peace and Good order of this Metropolis: With Observations for the better Execution of some, and on the Defects of others*. London: Printed by H. Woodfall and W. Strahan, Law Printers to the King's most Excellent Majesty; For T. Cadell, opposite Catherine Street in the Strand, and T. Evans, King Street, Covent Gardens, 1769.

Fiorillo, J. D. *The History of the Arts and Sciences since the Reestablishment of the Same until the end of the Eighteenth Century, Edited by a Society of Educated Men*. Göttingen: Johan Friedrich Röwer, 1808.

Gardner, W. J. *A History of Jamaica from its Discovery by Christopher Columbus to the Present Time*. London: Elliot Stock, 62 Paternoster Row, E.C., 1873.

Gould, John. *Biographical Dictionary of Painters, Sculptors, Engravers, and Architects From the Earliest Ages to the Present Time; Interspersed with Original Anecdotes*. 2 vols, London: G. and A Greenland, Poultry, 1838.

Graves, Algernon. *The Royal Academy of Arts: A Complete Dictionary of Contributors and their Work from its Foundation in 1769 to 1904*. London: Henry Graves and Co. Ltd and George Bell and Sons, 1906.

Great Britain. Board of Trade. *Report of the Lords of the Committee of Council, appointed for the consideration of all matters relating to trade and foreign planning. The evidence and information they have collected concerning the present state of the trade to Africa, particularly the trade of slaves; and concerning the effects and consequences of this trade, as well in Africa and the West Indies, as to the general commerce of this kingdom* (London, 1789).

Hakluyt, Richard. *The Principle Navigations, Voyages and Discoveries of the English Nation*. 2 vols, London 1589; facsimile edition with an introduction by D. B. Quinn and R. A. Skelton London, 1965.

Hargrave, Francis. *An Argument in the Case of James Sommersett a Negro wherein it is attempted to demonstrate the present Unlawfulness of Domestic Slavery in England to which is prefixed a State of the Case* 2nd ed. London: Printed for the Author: And told by W. Otridge, opposite the New Church, in the Strand; and G. Kearsly, near Serjeant's-Inn, Fleet-street, 1775.

Henning, William Waller. *The Statutes at Large being a Collection of all the Laws of Virginia, from the first Session of the Legislature in the year 1619*. 2, vols. Richmond, Virginia: Printed by and for Samuel Pleasants, Junior, Printer to the Commonwealth, 1810.

Hill, Birkbeck ed. *Boswell's Life of Johnson: Including Boswell's Journal of a Tour to the Hebrides and Johnson's Diary of a Journey into North Wales*. Oxford: Clarendon Press, 1887.

Hoare, Prince. *Memoirs of Granville Sharp, Esq. Composed from His Own Manuscripts And Other Authentic Documents In The Possession Of His Family And Of The African Institution*. London: Printed for Henry Colburn and Co., 1820.

The Holy Bible New International Version: Containing The Old Testament and The New Testament. Grand Rapids, Michigan: Zondervan Bible Publishers, 1978.

Howell, Thomas Bayly. *A Complete Collection of State Trials and Proceedings for High Treason and Misdemeanors from the Earliest Period to the Present Time, with Notes and other Illustrations*, vol 20, London: Printed By T. C. Hansard, Peterborough-Court, Fleet-Street, 1814.

The Interesting Narrative of the Life of Olaudah Equiano; or Gustavus Vassa, the African. Penryn: Printed by and for W. Cock; And Sold By His Agents Throughout the Kingdom, 1815.

Journals of the Continental Congress, 1774-1779, vol 2. ed. from the original records in the Library of congress by Worthington Chauncey Ford; Chief, Division of Manuscripts. Washington, D.C. Government Printing Office, 1905.

Kennedy, Melvin D. *Lafayette and Slavery: From His Letters To Thomas Clarkson and Granville Sharp*. Baltimore, Maryland: J. H. Furst Company, 1950.

Latham, R.C. and William Matthews, eds., *The Diary of Samuel Pepys*. 11 vols, London: Bell and Hyman, 1970-83.

Lee, Sidney. ed. *Dictionary of National Biography 1885-1900, Vol 33*. London: Elder Smith & Co., 1893.

Lemmon v. People ex rel. Napoleon, 26 Barb. 270, 1857 N.Y. App. Div. LEXIS 173 (Supreme Court of New York, General Term December 30, 1857, Decided). <https://advance-lexis-com.proxy.lib.siu.edu/api/document?collection=cases&id=urn:contentItem:5HM5-7VP1-F04H-V3S5-00000-00&context=1516831>

[Long, Edward]. *Candid Reflections Upon the Judgment lately awarded by The Court Of King's Bench, In Westminster-Hall, On what is commonly called The Negro-Cause, By a Planter*. London: Printed for T. Lowndes, 77, Fleet Street, 1772.

_____. *The History of Jamaica or, General Survey of the Antient and Modern State of the Island, With Reflections on Its Situation Settlements, Inhabitants, Climate, Products, Commerce, Laws, and Government*. 3 vols, London: Printed For T. Lowndes, In Fleet-Street, 1774.

Northup, Solomon. *Twelve Years a Slave*. Introduction by Philip S. Foner. 1855 Reprint, Mineola, New York: Dover Publications, Inc., 1970).

Peabody, A.P. D.D. *Memoir of the Honorable Emory Washburn, L.L.D.* Cambridge: Press of John Wilson and Son, 1879.

Pilkington, Matthew. A.M. *A General Dictionary of Painters; Containing Memoirs of the Lives and Works of the most Eminent Professors of the Arts of Painting, From its Revival, by Cimabue, in the Year 1250, to the Present Time*. 2 vols, London: Printed for Thomas M^lean, 26, Haymarket, 1824.

Plucknett, Theodore F.T. *A Concise History of the Common Law*, 2nd ed. Rochester, New York: The Lawyers Co-Operative Publishing Co., 1936.

The Proceedings of the Governor and Assembly of Jamaica, In Regard To The Maroon Negroes: Published By Order Of The Assembly. To Which Is Prefixed, An Introductory Account, Containing, Observations On The Disposition, Character, Manners, And Habits Of Life, Of The Maroons, And A Detail of the Origin, Progress, and Termination of The Late War Between Those People And The White Inhabitants. London: Printed for John Stockdale, Piccadilly, MDCCXCVI.

Rodgers, George C. and David R. Chesnutt, eds. *The Papers of Henry Laurens*. 13 vols, The University of South Carolina Press, for the South Carolina Historical Society: Columbia, South Carolina, 1980.

Rushworth, John. *Historical Collections: 1637* (3 of 5). *Historical Collections of Private Passages of State: Volume Two, 1629-38*. London: D. Browne, 1721), 461-481. *British History Online*. accessed August 18, 2022, <http://www.british-history.ac.uk/rushworth-papers/vol2/pp461-481>.

Sharp, Granville. "A letter from Granville Sharp, to Jacob Bryant, Esq. Concerning the defense of the Negroes." *An Appendix to the Representation, of the Injustice and dangerous Tendency of Tolerating Slavery, or of Admitting the Least claim of Private Property in the Persons of men in England*. London: Printed For Benjamin White, (No 63) In Fleet-Street, and Robert Horsefield, (No 22.) in Lugate Street, 1772.

_____. *The Just Limitation of Slavery in the Laws of God, Compared with the unbounded claims of the African traders and British American Slaveholders*. London: Printed by B. White, and E. and C. Dilly, 1776.

_____, *Letter from Granville Sharp, Esq. of London, to the Maryland Society for Promoting the Abolition of Slavery, and the Relief of Free Negroes and Others, Unlawfully Held in Bondage*. Baltimore: Printed by D. Graham, L. Yundt, and W. Patton, in Calvert-Street, near the Court-house, 1793.

_____. "Copy of the Trial before Lord Chief Justice Wilmot, 3 December 1765." *Letter Book 1768-1773*.

_____. *A Representation on the Injustice and Dangerous Tendency of Tolerating Slavery; or of Admitting the Least Claim of Private Property in the Persons of Men, In England*. London: Printed For Benjamin White, (No. 63) In Fleet-Street, And Robert Horsfield, (No. 22.) In Ludgate-Street, 1769.

Smith Billy G. and Richard Wojtowicz. *Blacks who Stole Themselves: Advertisements for Runaways in the Pennsylvania Gazette, 1728-1790*. Philadelphia, Pennsylvania: University of Pennsylvania Press, 1989.

A South Carolina Protest Against Slavery: A Letter from Henry Laurens, Second President of the Continental Congress, to his son, Colonel John Laurens; Dated Charleston, S.C., August 14th, 1776. New York: G. P. Putnam, 1861.

The Thistle; A Dispassionate EXAMINE of the Prejudice of Englishmen in general to the Scotch Nation; and particularly of a late arrogant Insult offered to all Scotchmen, by a Modern English Journalist. London: Printed for H. Carpenter, in Fleetstreet, 1746.

Thomas Thistlewood Papers. James Marshall and Marie-Louise Osborn Collection, Beinecke Rare Book and Manuscript Library, Yale University.
[https://archives.yale.edu/repositories/11/resources/Accessed January 29, 2023.](https://archives.yale.edu/repositories/11/resources/Accessed_January_29,_2023)

Washburn, Emory. *Sketches of the Judicial History of Massachusetts: From 1630 to the Revolution in 1775.* Boston, Massachusetts: C.C. little and J. Brown, 1840.

Wesley, John. *Thoughts upon Slavery.* London: Re-printed in Philadelphia, with notes, and sold by JOSEPH CRUNKSHANK, 1773.

Wesley, W.N. ed. *Lives of Eminent English Judges of the Seventeenth and Eighteenth Centuries.* Philadelphia: T. & J. W. Johnson, 197 Chestnut Street, 1846.

Wigglesworth, Edward. *Calculations on American Population, with a Table for eliminating the annual Increase of Inhabitants in the British Colonies: The Manner of its Construction Explained and its use Illustrated.* Boston: Printed and Sold by John Boyle in Marlboro-Street, 1775.

Mr. William Shakespeares Comedies, Histories & Tragedies Published According to the True Originall Copies, ed. London: I. Laggard and E. Blount, 1623.

William B. Wilcox., ed. *The Papers of Benjamin Franklin,* vol 19, New Haven and London: Yale University Press, 1975.

Williams, Gomer. *History of the Liverpool Privateers and Letters of Marque with an account of the Liverpool Slave Trade.* London: William Heinemann, 1897.

Yorke, Philip C. ed. *The Diary of John Baker.* London: Hutchinson, 1931.

Young, Sir William 2nd Baronet. *An Account of the Charaibs: In the Island of St. Vincents with the Charaib Treaty of 1773, and other original Documents.* London: Printed for J. Sewell, Cornwall and Knight and Triphook, Booksellers to the King, St. James Street, 1795.

British Newspapers and Periodicals

Bristol Journal, 1772.

Craftsman; or, Say's Weekly Journal, 1772.

Daily Advertiser, 1772.

Drewry's Derby Mercury, 1772.

Felix Farley's Bristol Journal, 1757, 1772, 1792.

Gazetteer and New Daily Advertiser, 1772.

General Evening Post, 1772.

Gentleman's Magazine, and Historical Chronicle, 1733, 1734, 1735, 1740, 1741, 1742, 1746, 1764, 1766, 1769, 1771, 1772, 1792.

London Chronicle, 1764, 1771, 1772, 1773.

London Daily Advertiser, 1756.

London Packet, 1772.

Middlesex Journal or, Chronicle of Liberty, 1772.

Morning chronicle, and London Advertiser, 1772.

Morning Post and Daily Advertiser, 1777.

The Prompter, 1735.

Public Advertiser, 1772.

Wilford's Monthly Chronicle, 1730.

Colonial American Newspapers and Periodicals

New York Gazette, 1772.

Pennsylvania Chronicle, 1772.

Pennsylvania Gazette, 1772, 1773.

Providence Gazette, 1772.

Secondary Monographs

- Abaka, Edmund. *House of Slaves and "Door of no Return:" Gold Coast/Ghana Slave Forts, Castles & Dungeons and the Atlantic Slave Trade*. Trenton, New Jersey: Africa World Press, 2012.
- Albert, Lillian Smith and Kathryn Kent. *The Complete Button Book*. Garden City, New York: Doubleday & Company, Inc., 1949.
- Bagneris, Mia L. *Colouring the Caribbean: Race and the Art of Agostino Brunias*. Manchester: Manchester University Press, 2018.
- Baker, J. H. "Hargrave, Francis (bap. 1741, d. 1821), legal writer." *Oxford Dictionary of National Biography*. 23 Sep. 2004; Accessed 29 Dec. 2022.
- Barker, Anthony. *The African Link: British Attitudes to the Negro in the Era of the Atlantic Slave Trade, 1550-1807*. Totowa, New Jersey: Frank Cass, 1978.
- Beckles, Hilary McD. *Afro-Caribbean Women and Resistance to Slavery in Barbados*. London: Karnack House, 1988.
- _____. *White Servitude and Black Slavery in Barbados, 1627-1715*. Knoxville, Tennessee: The University of Tennessee Press, 1989.
- Block, Sharon. *Rape & Sexual Power in Early America*. Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia: University of North Carolina Press, 2006.
- Blumrosen, Alfred W. and Ruth G. Blumrosen. *Slave Nation: How Slavery United the Colonies and Sparked the American Revolution*. Naperville, Illinois: Sourcebooks, Inc., 2005.
- Bolster, W. Jefferey. *Black Jacks: African American Seaman in the Age of Sail*. Cambridge, Massachusetts: Harvard University Press, 1997.
- Bradley, Patricia. *Slavery, Propaganda, and the American Revolution*. Jackson, Mississippi: University Press of Mississippi, 1998.
- Brenner, Robert. *Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550-1653*. Princeton, New Jersey: Princeton University Press, 1993.
- Brewer, Holly. "Debating Status and Power for Subjects—through the Religious Debates of the Early British Atlantic": 25-51. chapter in *State and Citizen: British America and the Early United States*, ed. Peter Thompson and Peter S. Onuf. Charlottesville and London: University of Virginia Press, 2013.

- Burnard, Trevor. *Jamaica in the Age of Revolution*. Philadelphia, Pennsylvania: University of Pennsylvania Press, 2020.
- _____. *Mastery, Tyranny, & Desire: Thomas Thistlewood and His Slaves in the Anglo-Jamaican World*. Chapel Hill: University of North Carolina Press, 2004.
- Braidwood, Stephen J. *Black Poor and White Philanthropists: London's Blacks and the Foundation of the Sierra Leone Settlement, 1786-1791*. Liverpool: Liverpool University Press, 1994.
- Brown, Christopher Leslie. *Moral Capital: Foundations of British Abolitionism*. Chapel Hill: The University of North Carolina Press, 2006.
- Brown, Vincent. *Tacky's Revolt: The Story of an Atlantic Slave War*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2020.
- Canny, Nicholas. "Identity Formation in Ireland: The Emergence of the Anglo-Irish." *Colonial Identity in the Atlantic World, 1500-1800*, ed. N.C. and Anthony Pagden Princeton: Princeton University Press, 1989.
- _____. "The Marginal Kingdom: Ireland as a Problem in the First British Empire," in *Strangers within the Realm: Cultural Margins of the First British Empire*, ed. Bernard Bailyn and Philip D. Morgan (Chapel Hill, North Carolina: The University of North Carolina Press, 1991): 35-66.
- Carretta, Vincent. *Equiano, The African: Biography of a Self-Made Man*. Athens & London: The University of Georgia Press, 2005.
- Coard, Bernard. *How the West Indian Child is Made Educationally Sub-Normal in the British School System*. London: New Beacon Books, 1971.
- Colley, Linda. *Britons: Forging the Nation, 1707-1837*. New Haven and London: Yale University Press, 1992.
- Coupland, Sir Reginald. *The British Anti-Slavery Movement*. London: Thorton, Butterworth, Limited, 1933.
- Craton, Michael. *Sinews of Empire: A Short History of British Slavery*. London: Maurice Temple Smith Ltd, 1974.
- Davis, David Brion. *The Problem of Slavery in the Age of Revolution, 1770-1823*. Oxford: Oxford University Press, 1975.
- _____. *The Problem of Slavery in Western Culture*. Ithaca, New York: Cornell University Press, 1966.

- Delbourgo, James. *Collecting the World: Hans Sloane and the Origins of the British Museum*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2017.
- Drescher, Seymour. *Capitalism and Anti-Slavery: British Mobilization in Comparative Perspective*. New York: Oxford University Press, 1987.
- _____. *Eronocide: British Slavery in the Era of Abolition*. Pittsburg, Pa.: The University of Pittsburg Press, 1977.
- Dunn, Richard S. *Sugar and Slaves: The Rise of the Planter Class in the English West Indies, 1624-1713*. New York: W.W. Norton & Company, 1972.
- Elton, G. R. *England under the Tudors*, 3rd. Ed. Routledge: London and New York, 1991.
- _____. *The Parliament of England: 1559-1581*. Cambridge: Cambridge University Press, 1986.
- Ferrer, Ada. *Freedom's Mirror: Cuba and Haiti in the Age of Revolution*. New York: Cambridge University Press, 2014.
- Fleming, John. *Robert Adam & His Circle in Edinburg & Rome*. Cambridge, Massachusetts: Harvard University Press, 1962.
- Fifoot, Cecil. *Lord Mansfield*. Oxford: Oxford University Press, 1936.
- Finkelman, Paul. *Slavery in the Courtroom: An Annotated Bibliography of American Cases*. Washington, D.C.: Library of Congress, 1985.
- Franklin, John Hope. *From Slavery to Freedom: A History of Negro Americans*. New York: Alfred A. Knopf, 1947.
- Fryer, Peter. *Black People in the British Empire: An Introduction*. London: Billing 7 Sons, Ltd, 1988.
- _____. *Staying Power: Black People in Britain since 1504* (Atlantic Highlands, NJ.: Humanities Press, 1984.
- Fuentes, Martha J. *Disposed Lives: Enslaved Women, Violence, and the Archive*. Philadelphia: University of Pennsylvania Press, 2016.
- Garner, Bryan A. ed. *Black's Law Dictionary*, 7th ed. St. Paul, Minnesota: West Publishing Company, 1999.
- George, M. Dorothy. *London Life in the Eighteenth Century*. Kegan Paul, Trench, Trubner & Co., Ltd., London, in the History of Civilization series edited by C.K. Ogden, 1925.

- Gerbner, Katharine. *Christian Slavery: Conversion and Race in the Protestant Atlantic World*. Philadelphia, Pennsylvania: University of Pennsylvania Press, 2018.
- Gerzina, Gretchen Holbrook. *Black London: Life Before Emancipation* (New Brunswick, New Jersey: Rutgers University Press, 1995.
- Goldenberg, David M. *The Curse of Ham: Race and Slavery in Early Judaism, Christianity, and Islam*. Princeton: Princeton University Press, 2003.
- Goveia, Elsa V. "The West Indian Slave Laws of the Eighteenth Century." in *Caribbean Slave Society and Economy*, ed. Hilary Beckles & Verne Shephard .London: Ian Randle, Kingston, and James Currey, 1991.
- Green, Toby. *The Rise of the Trans-Atlantic Slave Trade in Western Africa, 1300-1589*. New York: Cambridge University Press, 2012.
- Hall, Douglas. *In Miserable Slavery: Thomas Thistlewood in Jamaica, 1750-86*. Mona, Jamaica: The University of the West Indies Press, 1999.
- Hannah-Jones, Nicole and Caitlin Roper, Ilena Silverman, and Jake Silverstein, eds. *The 1619 Project*. New York: One World, 2021.
- Hamilton, Douglas J. *Scotland, the Caribbean and the Atlantic World, 1750-1820*. Oxford: Oxford University Press, 2009.
- Hazlewood, Nick. *The Queen's Slave Trader: John Hawkyins, Elizabeth I, and the Trafficking in Human Souls*. New York: HarperCollins Publishers, 2004.
- Heywood, Linda M. and John K. Thornton. *Central Africans, Atlantic Creoles, and the Foundation of the Americas, 1585-1660*. New York: Cambridge University Press, 2007.
- Heward, Edmund. *Lord Mansfield*. London and Chichester: Sweet & Maxwell, 1979.
- Higginbotham, A. Leon Jr. *In the Matter of Color: Race and the American Legal Process. The Colonial Period*. Oxford: Oxford University Press, 1978.
- Holdsworth, W.S. *A History of English Law*. London: Methuen and Company, 1926.
- Horn, James. *Adapting to a New World: English Society in the Seventeenth-Century Chesapeake*. Chapel Hill & London: University of North Carolina Press, 1994.
- Horne, Gerald. *The Apocalypse of Settler Colonialism: The Roots of Slavery, White Supremacy, and Capitalism in Seventeenth-Century North America and the Caribbean*. New York: Monthly Review Press, 2018.

- _____. *The Counter-Revolution of 1776: Slave Resistance and the Origins of the United States of America*. New York and London: New York University Press, 2014.
- James, C. L. R. *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution*. London: Secker & Warburg, Ltd., 1938.
- Johnson, Sylvester A. *African American Religions, 1500-2000: Colonialism, Democracy, and Freedom*. New York: Cambridge University Press, 2015.
- Jordan, Winthrop D. *White Over Black: American Attitudes Toward the Negro, 1550-1812*. Chapel Hill, North Carolina: The University of North Carolina Press, 1968.
- Kaplan, Sidney and Emma Nogrady Kaplan. *The Black Presence in the Era of the American Revolution*, 2nd ed. Amherst, Massachusetts: The University of Massachusetts Press, 1989.
- Kettler, Andrew. *Smell of Slavery: Olfactory Racism and the Atlantic World*. New York: Cambridge University Press, 2020.
- Kinsley, James ed. *The Poems of William Dunbar*. Oxford: Oxford University Press, 1979.
- Klingberg, Frank J. *The Anti-Slavery Movement in England: A Study in English Humanitarianism*. New Haven: Yale University Press, 1926.
- Kriz, Kay Dian. *Slavery, Sugar, and the Culture of Refinement: Picturing the British West Indies, 1700-1840*. New Haven and London: Published for The Paul Mellon Centre for Studies in British Art, 2008.
- Langford, Paul. *A Polite and Commercial People: England, 1727-1783*. Oxford: Oxford University Press, 1992.
- Lewis, Andrew. "‘An incendiary press’: British West Indian newspapers during the struggle for abolition" *Slavery & Abolition* 16 (1995): 346-361.
- Linebaugh, Peter and Marcus Rediker. *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*. Boston: Verso Books, 2000.
- Little, Kenneth. *Negroes in Britain*. London: Routledge & Kegan Paul Ltd, 1948.
- MacCaffrey, Wallace T. *Queen Elizabeth and the Making of Policy, 1572-1588*. Princeton, New Jersey: Princeton University Press, 1981.
- Macauley, Thomas. *The History of England from the Accession of James the Second*, 5 vols. Chicago, Illinois, 1888.

- Martinez, Julia, Claire Lowrie and Frances Steele and Victoria Haskins. *Colonialism and Male Domestic Service across the Asian Pacific*. London: Bloomsbury Academic, 2019.
- Novick, Peter. *That Noble Dream: The "Objectivity Question" and the American Historical Profession*. Cambridge: Cambridge University Press, 1988.
- Morgan, Jennifer L. *Laboring Women: Reproduction and Gender in New World Slavery*. Philadelphia, Pennsylvania: University of Pennsylvania Press, 2004.
- Ogg, David. *England in the Reigns of James II and William III*. New York: Oxford University Press, 1955.
- Oldham, James ed. *The Mansfield Manuscripts and the Growth of English Law in the Eighteenth Century*. 2 vols, Chapel Hill and London: The University of North Carolina Press, 1992.
- Pakenham, Thomas. *The Scramble for Africa: White Man's Conquest of the Dark Continent From 1876 to 1912*. New York: Avon Books, 1991.
- Pares, Richard. *A West-India Fortune*. London: Longmans, Green and Co., 1950.
- Patterson, Orlando. *Slavery and Social Death: A Comparative Study*. Cambridge, Massachusetts: Harvard University Press, 1982.
- Peabody, Sue. *There Are No Slaves in France: The Political Culture of Race and Slavery in the Ancien Régime*. New York: Oxford University Press, 1996.
- Pease, Jane H. and William H. Pease. *The Fugitive Slave Law and Anthony Burns: A Problem in Law Enforcement*. ed. Harold M. Hyman Philadelphia: J.B. Lippincott Company, 1975.
- Pettigrew, William. *Freedom's Debt: The Royal African Company and the Politics of the Atlantic Slave Trade, 1672-1752*. Chapel Hill: The University of North Carolina Press, 2013.
- Philip D. Morgan. "British Encounters with Africans and African Americans, circa 1600-1780" in *Strangers within the Realm: Cultural Margins of the First British Empire*, ed. Bernard Bailyn and Philip D. Morgan. The University of North Carolina Press: Chapel Hill, North Carolina 1991.
- Polansky, Janet. *Revolutions without Borders: The Call to Liberty in the Atlantic World*. New Haven: Yale University Press, 2015.
- Poser, Norman S. *Lord Mansfield: Justice in the Age of Reason*. Montreal & Kingston: McGill-Queen's University Press, 2013.

- Rabin, Dana. "Empire on trial: Slavery, Villeinage and Law in Imperial Britain." *Legal Histories of the British Empire: Laws, Engagements and Legacies*. Oxfordshire: Routledge Press, 2015.
- _____. *Britain and its Internal Others, 1750-1800*. Manchester, England: Manchester University Press, 2017.
- Rediker, Marcus. *Between the Devil and the Deep Blue Sea*. Cambridge, Massachusetts: Cambridge University Press, 1987.
- Rugemer, Edward B. *Slave Law and the Politics of Resistance in the Early Atlantic World*. Cambridge, Massachusetts: Harvard University Press, 2018.
- _____. *The Problem of Emancipation: The Caribbean Roots of the American Civil War*. Baton Rouge, Louisiana: Louisiana State University Press, 2008.
- Rykwert, Joseph and Anne. *Robert and James Adam: The Men and the Style*. Milano: Electa Editrice, 1984.
- Sacks, David Harris. *The Widening Gate: Bristol and the Atlantic Economy, 1450-1700*. Berkeley and Los Angeles, California: University of California Press, Ltd., 1991.
- Sanderson, Margaret H. B. *Robert Adam and Scotland: Portrait of an Architect*. Edinburgh: Her Majesty's Stationary Office, 1992.
- Schafer, Judith Kelleher. *Slavery, the Civil Law, and the Supreme Court In Louisiana*. Louisiana State University Press: Baton Rouge and London, 1994.
- Schama, Simon. *Rough Crossings: Britain, The Slaves and the American Revolution*. New York: HarperCollins Publishers, 2005.
- Scobie, Edward. *Black Britannia: A History of Blacks in Britain*. Chicago, Illinois: Johnson Publishing Company, Inc., 1972.
- Scott, Julius S. *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution*. London and New York: Verso, 2018.
- Sharp, Andrew ed. *The English Levellers*. Cambridge: Published by the Press Syndicate of the University of Cambridge, 1998.
- Sherrard, O.A. *Freedom From Fear: The Slave and His Emancipation*. New York: St. Martin's Press, 1959.
- Shyllon, F.O. *Black Slaves in Britain*. Oxford: Published for The Institute of Race Relations, 1974.

- Sidbury, James. *Becoming African in America: Race and Nation in the Early Black Atlantic*. Oxford: Oxford University Press, 2007.
- Smith, Billy G. and Richard Wojtowicz, *Blacks who Stole Themselves: Advertisements for Runaways in the Pennsylvania Gazette, 1728-1790*. Philadelphia, Pennsylvania: University of Pennsylvania Press, 1989.
- Stenton, F. M. *Anglo-Saxon England*, 3rd Ed. Oxford: Oxford University Press, 1971.
- Thomas, Hugh. *The Slave Trade: The Story of the Atlantic Slave Trade: 1440-1870*. New York: Simon & Schuster, 1997.
- Tinsley, Omise'eke Natasha. *Thieving Sugar: Eroticism between Women in Caribbean Literature*. Durham, North Carolina: Duke University Press, 2010.
- Trevelyan, George. *The English Revolution, 1688-1689*. Oxford: Oxford University Press, 1938.
- Walling, R.A.J. *A Sea-Dog of Devon: A Life of Sir John Hawkins, English Naval Commander, Privateer and Slaver of the 16th Century*. Pantianos Classics 1907.
- Walvin, James. *Black and White: The Negro in English Society*. London: Allen Lane The Penguin Press, 1973.
- _____. *England, Slaves and Freedom, 1776-1838*. Jackson and London: University Press of Mississippi, 1986.
- _____. *Slavery and the Slave Trade, A Short Illustrated History*. Oxford: University Press of Mississippi, 1983.
- Wareing, John. *Indentured Migration and the Servant Trade from London to America, 1618-1718*. Oxford: Oxford University Press, 2017.
- Watson, J. Stephen. *The Reign of George III: 1760-1815*. Oxford: Oxford University Press, 1992.
- Wheeler, Roxann. *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture*. Philadelphia: University of Pennsylvania Press, 2000.
- Whitford, David M. *The Curse of Ham in the Early Modern Era: The Bible and the Justifications for Slavery* (Surrey, England: Ashgate Publishing Limited, 2009).
- Wiecek, William M. *The Sources of Antislavery constitutionalism in America, 1760-1848*. Ithaca and London: Cornell University Press, 1977.
- Williams, Eric. *Capitalism and Slavery*, 2nd ed. Chapel Hill: The University of North Carolina Press, 1994.

_____. *From Columbus to Castro: The History of the Caribbean, 1492-1969*. New York, 1970.

Wise, Stephen M. *Though the Heavens May Fall: The Landmark Trial That Led to the End of Human Slavery*. Da Capo Press: Cambridge, Massachusetts, 2005.

Wood, Peter H. *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion*. New York: W.W. Norton & Company, 1974.

Yarwood, Doreen. *Robert Adam*. New York: Charles Scribner's Sons, 1970.

Secondary Articles

Adams, Gene. "Dido Elizabeth Belle: A Black Girl at Kenwood." *Camden History Review* 12 (1984): 10-14.

Bindman, David. "Representing Race in the Eighteenth-Century Caribbean: Brunias in Domenica and St. Vincent." *Eighteenth-Century Studies* 51 (2017): 1-21.

Blanck, Emily. "Seventeen-Eighty Three: The Turning Point in the Law of Slavery and Freedom in Massachusetts." *The New England Quarterly* 75 (2002): 24-51.

Blouet, Olwyn M. "Bryan Edwards, F.R.S., 1743-1800." *Notes and Records of the Royal Society of London* 54 (2000): 215-222.

Bradley, Patricia. "Colonial Newspaper Reaction to the Somerset Decision." Paper presented at the annual Meeting of the Association for Education in Journalism and Mass Communication. (67th, Gainesville, FL, August 5-8, 1984): 1-29.

Brewer, Holly. "Creating a Common Law of Slavery for England and its New World Empire." *Law and History Review* 39 (2022): 765-834.

Brown, Kevin. "Artist and Patrons: Court Art and Revolution in Brussels at the end of the *Ancien Regime*." *Dutch Crossing: Journal of Low Countries Studies* (2017).

Cain, P.J. and A.G. Hopkins. "The Peculiarities of British Capitalism: Imperialism and World Development." in Shigeru Akita, ed. *Gentlemanly Capitalism, Imperialism, and Global History* (London: Longman, 2002): 207-255.

Cotter, William R. "The Somerset Case and the Abolition of Slavery in England." *History* 79 (1994): 31-56.

Davies, C.S.L. "Slavery and Protector Somerset; The Vagrancy Act of 1547." *Economic History Review* 19 (1966): 533-549.

Edwards, Paul. et al., "The History of Blacks in Britain." *History Today* 31 (1981): 33-51.

- Evans, Chris and Göran Rydén. “‘Voyage Iron’: An Atlantic Slave Trade Currency, its European Origins, and West African Impact.” *Past & Present*, Volume 239, Issue 1, May 2018, Pages 41–70, <https://doi.org/10.1093/pastj/gtx055>
- Fiddes, Edward. “Lord Mansfield and the Somerset Case.” *Law Quarterly Review* 50 (1934): 499-511.
- Finkelman, Paul. “Anthony Burns, Judge Loring, Harvard Law School and the Fugitive Slave Law in Boston.” *Massachusetts Legal History* 73 (2004): 1-50.
- Fisher, Ruth Ann. “Granville Sharp and Lord Mansfield.” *Journal of Negro History* (1943): 381-389.
- Geracimos, Ann. “A Mystery in Miniature.” *Smithsonian* 30 (2000): 20-22.
- Gorkom, Joris van. “Skin color and phlogiston Immanuel Kant’s racism in context.” *History and Philosophy of the Life Sciences* 42 (2020). <https://doi.org/10.1007/s40656-020-00311-4>
- Hamer, Philip M. “Laurens of South Carolina: The Man and His Papers.” *Proceedings of the Massachusetts Historical Society* 77 (1965): 1-14.
- Honeychurch, Lennox. “Chatoyer’s Artist: Agostino Brunias and the Depiction of St. Vincent.” *The Journal of the Barbados Museum and Historical Society* 50 (2004):104-128.
- Kesselring, Krista J. “Slavery and Cartwright’s Case Before Somerset.” *Legal History Miscellany* 2018: 1-7. <https://legalhistorymiscellany.com/2018/10/10/slavery-and-cartwrights-case-before-somerset/>
- Kidd, Colin. “North Britishness and the Nature of Eighteenth-Century British Patriotisms.” *The Historical Journal* 39 (1996): 361-382.
- Lewis, Andrew. “‘An incendiary press’: British West Indian newspapers during the struggle for abolition” *Slavery & Abolition* 16 (1995): 346-361.
- Mason, Keith. “The Absentee Planter and the Key Slave: Privilege, Patriarchalism, and Exploitation in the Early Eighteenth-Century Caribbean.” *The William and Mary Quarterly* vol. 70 (January 2013): 79-102.
- Mason, Matthew. “North American Calm, West Indian Storm: The Politics of the *Somerset* decision in the British Atlantic.” *Slavery & Abolition* 41 (2020): 723-747.
- Minter, Patricia Hagler. “‘The State of Slavery’: *Somerset*, *The Slave*, *Grace*, and the Rise of Pro-Slavery and Anti-Slavery Constitutionalism in the Nineteenth-Century Atlantic World.” *Slavery & Abolition* 36 (2015): 603-617.

- Nadelhaft, Jerome. "The Somerset Case and Slavery: Myth, Reality, and Repercussions." *Journal of Negro History* (1966): 193-208.
- Oldham, James. "New Light on Mansfield and Slavery." *Journal of British Studies* 27 (1988): 45-68.
- Paley, Ruth. "Imperial Politics and English Law: The Many Contexts of Somerset." *Law and History Review* 24 (2006): 659-664.
- Paley, Ruth. "Somerset, James (b. c. 1741, d. in or after 1772), slave." *Oxford Dictionary of National Biography* 23 September 2004 Accessed 20 July 2022.
- Paley, Ruth, Cristina Malcolmson and Michael Hunter. "Parliament and Slavery, 1660-1710." *Slavery and Abolition* 31 (June 2010): 257-281.
- Patisso, Giuseppe and Fausto Ermete Carbone. "Slavery and Slave Codes in Overseas Empires" chapter in *Modern Slavery and Human Trafficking*, ed. Jane Reeves (London: IntechOpen Limited, 2021): 41-58.
- Price, Polly J. "Natural Law and Birthright Citizenship in Calvin's Case (1608)." *9 Yale J.L. & Human* (1997): 73-145.
- Ragatz, Lowell Joseph. "Absentee Landlordism in the British Caribbean, 1750-1833." *Agricultural History* 5 (January 1931): 7-24.
- Richardson, David. "Liverpool and the English Slave Trade." undated article.
- Scammell, G. V. "Essay and Reflection: On the Discovery of the Americas and the Spread of Intolerance, Absolutism, and Racism in Early Modern Europe." *The International History Review* 13 (1991): 502-521.
- Shapiro, Samuel. "The Rendition of Anthony Burns." *The Journal of Negro History* 44 (1959): 34-54.
- Shaw, Thomas. "The Enlightenment of Lord Mansfield." *Journal of Comparative Legislation and International Law* 3rd Series, Vol. 8, No. 1 (1926): 1-8.
- Sheridan, Richard B. "From Jamaican Slavery to Haitian Freedom: The case of the Black Crew, Deep Nine." *Journal of Negro History* 67 (1982): 328-339.
- Slack, Paul A. "Vagrants and Vagrancy in England, 1598-1664." *Economic History Review* 27 (1974): 360-379.
- Waldstreicher, David. "Reading the Runaways: Self-Fashioning, Print Culture, and Confidence in Slavery in the Eighteenth-Century Mid-Atlantic." *William and Mary Quarterly* 56 (1999): 243-272.

Washburn, Emory. "Somerset's Case and the Extinction of Villeinage and Slavery In England." *Proceedings of the Massachusetts Historical Society* 7 (1863-64): 308-326.

Weiner, Mark S. "New Biographical Evidence on *Somerset's Case*." *Slavery and Abolition* 23 (April 2002): 121-136.

Wiecek, William. "*Somerset*: Lord Mansfield and the Legitimacy of Slavery in the Anglo-American World." *University of Chicago Law Review* 42 (1974): 86-146.

Tullett, William. "Grease and Sweat: Race and Smell in Eighteenth-Century English Culture" in *Cultural and Social History* 13:3 (2016): 307-322. DOI 10.1080/14780038.2016.1202008

Wilson, Nan. "Legal Attitudes to Slavery in Eighteenth-Century Britain; English Myth; Scottish Social Realism and their Wider Comparative Context." *Journal of the Institution of Race Relations* 11 (1970): 463-475.

Dissertations

Bauer, Carol Phillips. "Law, Slavery, and Sommerset's Case in Eighteenth-Century England: A Study of the Legal Status of Freedom." Ph.D. diss., New York University, 1976.

APPENDIX A

LIST OF BRITISH 'RUNAWAY' AND 'FOR SALE' ADVERTISEMENTS: 1700-1780

Data collected and spreadsheet created by the author from the Glasgow University
 "Runaway Slave in Eighteenth-Century Britain project."

YEAR	AGE	NEWSPAPER/CITY OF PUBLICATION	FOR SALE/RUN-AWAYS	GENDER	REFERENCE NUMBER
1700	35	Flying Post or the Post Master	Runaway	M	r0063
1700	28	Flying Post or the Post Master	Runaway	M	r0418
1700	16	London Gazette	Runaway	M	r0664
1700	28	Post Boy	Runaway	M	r0419
1700	22	Post Boy	Runaway	M	r0663
1701	21	English Post with News Foreign and Domestic	Runaway	M	r0065
1701	20	Flying Post or the Post Master	Runaway	M	r0665
1701	N/A	London Gazette	Runaway	M	r0064
1701	20	London Gazette	Runaway	M	r0067
1701	20	London Gazette	Runaway	M	r0068
1701	31	London Post with Intelligence Foreign Domestic	Runaway	M	r0666
1701	11	Post Boy	Runaway	M	r0420
1701	N/A	Post Man and the Historical Account	Runaway	M	r0427
1701	N/A	Post Man and the Historical Account	Runaway	M	r0428
1701	23	Post Man and the Historical Account	Runaway	M	r0448
1702	16	Flying Post or the Post Master	Runaway	F	r0069
1702	15	Flying Post or the Post Master	Runaway	M	r0066
1702	20	London Post with Intelligence Foreign Domestic	Runaway	M	r0667
1702	18	Post Boy	Runaway	M	r0668

1702	15	Post Man and the Historical Account	Runaway	M	r0449
1702	20	Post Man and the Historical Account	Runaway	M	r0669
1702	N/A	Post Man and the Historical Account	Runaway	M	r0670
1703	16	Post Man and the Historical Account	Runaway	F	r0450
1703	N/A	Daily Courant	Runaway	M	r0392
1703	15	Daily Courant	Runaway	M	r0671
1703	15	London Gazette	Runaway	M	r0070
1703	20	London Gazette	Runaway	M	r0071
1703	N/A	Post Man and the Historical Account	Runaway	M	r0672
1704	16	Daily Courant	Runaway	M	r0072
1704	17	Daily Courant	Runaway	M	r0073
1704	17	Daily Courant	Runaway	M	r0840
1704	16	English Post with News Foreign and Domestic	Runaway	M	r0828
1704	18	London Gazette	Runaway	M	r0675
1704	14	London Gazette	Runaway	M	r0839
1704	N/A	Post Man and the Historical Account	Runaway	M	r0429
1704	15	Post Man and the Historical Account	Runaway	M	r0673
1704	N/A	Post Man and the Historical Account	Runaway	M	r0674
1705	19	Daily Courant	Runaway	F	r0075
1705	12	Daily Advertiser	For Sale	M	
1705	12	Daily Courant	Runaway	M	r0074
1705	16	London Gazette	Runaway	M	r0076
1705	18	London Gazette	Runaway	M	r0676
1705	20	London Gazette	Runaway	M	r0679
1705	19	Post Man and the Historical Account	Runaway	M	r0430
1705	24	Post Man and the Historical Account	Runaway	M	r0677
1705	19	Post Man and the Historical Account	Runaway	M	r0678

1705	21	Post Man and the Historical Account	Runaway	M	r0680
1706	16	London Gazette	Runaway	F	r0597
1706	21	London Gazette	Runaway	M	r0791
1706	18	Post Man and the Historical Account	Runaway	M	r0681
1706	36	Post Man and the Historical Account	Runaway	M	r0682
1706	18	Post Man and the Historical Account	Runaway	M	r0683
1707	21	Daily Courant	Runaway	M	r0077
1707	24	Daily Courant	Runaway	M	r0684
1707	16	Daily Courant	Runaway	M	r0685
1707	17	London Gazette	Runaway	M	r0078
1707	16	London Gazette	Runaway	M	r0079
1707	16	London Gazette	Runaway	M	r0688
1707	16	Post Boy	Runaway	M	r0686
1707	N/A	Post Man and the Historical Account	Runaway	M	r0431
1707	N/A	Post Man and the Historical Account	Runaway	M	r0432
1707	15	Post Man and the Historical Account	Runaway	M	r0687
1707	16	Post Man and the Historical Account	Runaway	M	r0689
1708	23	Post Man and the Historical Account	Runaway	F	r0433
1708	17	British Apollo	Runaway	M	r0690
1708	18	Daily Courant	Runaway	M	r0080
1709	22	British Apollo	Runaway	M	r0082
1709	18	Daily Courant	Runaway	M	r0081
1709	14	Daily Courant	Runaway	M	r0083
1709	20	Daily Courant	Runaway	M	r0084
1709	25	Observer	Runaway	M	r0691
1709	28	Post Man and the Historical Account	Runaway	M	r0692
1710	12	Tatler	For Sale	M	
1710	20	Daily Courant	Runaway	M	r0085
1710	20	Daily Courant	Runaway	M	r0086

1710	20	Daily Courant	Runaway	M	r0087
1710	15	Daily Courant	Runaway	M	r0089
1710	28	London Gazette	Runaway	M	r0088
1711	N/A	Daily Courant	Runaway	F	r0092
1711	20	Daily Courant	Runaway	M	r0048
1711	32	Daily Courant	Runaway	M	r0094
1711	23	Daily Courant	Runaway	M	r0694
1711	17	London Gazette	Runaway	M	r0091
1711	25	London Gazette	Runaway	M	r0451
1711	N/A	Post Boy	Runaway	M	r0693
1711	14	Post Boy	Runaway	M	r0421
1711	17	Post Boy	Runaway	M	r0422
1711	18	Post Boy	Runaway	M	r0479
1711	N/A	Post Boy	Runaway	M	r0480
1711	17	Post Boy	Runaway	M	r0481
1712	21	London Gazette	Runaway	F	r0090
1712	22	Daily Courant	Runaway	M	r0695
1712	17	Daily Courant	Runaway	M	r0697
1712	17	Post Boy	Runaway	M	r0842
1712	15	Post Man and the Historical Account	Runaway	M	r0696
1713	17	Daily Courant	Runaway	F	r0598
1713	20	Daily Courant	Runaway	M	r0097
1713	23	Daily Courant	Runaway	M	r0098
1713	N/A	Daily Courant	Runaway	M	r0099
1713	13	Daily Courant	Runaway	M	r0100
1713	18	Daily Courant	Runaway	M	r0699
1713	11	Daily Courant	Runaway	M	r0700
1713	24	London Gazette	Runaway	M	r0095
1713	14	Post Boy	Runaway	M	r0423
1713	19	Post Boy	Runaway	M	r0698
1714	22	Daily Courant	Runaway	M	r0101
1714	20	Daily Courant	Runaway	M	r0103
1714	24	Daily Courant	Runaway	M	r0104
1714	19	Daily Courant	Runaway	M	r0105
1714	N/A	Daily Courant	Runaway	M	r0604
1714	12	Daily Courant	Runaway	M	r0701
1714	21	London Gazette	Runaway	M	r0102
1714	19	Post Boy	Runaway	M	r0605

1715	14	Daily Courant	Runaway	M	r0703
1715	N/A	London Gazette	Runaway	M	R0054
1715	20	London Gazette	Runaway	M	r0106
1715	19	Post Boy	Runaway	M	r0702
1715	16	Post Man and the Historical Account	Runaway	M	r0434
1715	27	Post Man and the Historical Account	Runaway	M	r0435
1715	19	Post Man and the Historical Account	Runaway	M	r0452
1716	19	Evening Post	For Sale	M	
1716	17	Daily Courant	Runaway	M	r0108
1716	10	Daily Courant	Runaway	M	r0704
1716	21	Flying Post or the Post Master	Runaway	M	r0107
1716	18	London Gazette	Runaway	M	r0705
1716	N/A	Post Man and the Historical Account	Runaway	M	
1717	18	Daily Courant	Runaway	M	r0109
1717	14	Daily Courant	Runaway	M	r0110
1717	30	Daily Courant	Runaway	M	r0707
1717	N/A	London Gazette	Runaway	M	r0706
1717	21	Post Man and the Historical Account	Runaway	M	r0454
1717	21	Weekly Journal or Saturday's Post	Runaway	M	r0455
1718	16	Daily Courant	Runaway	M	r0112
1718	15	Daily Courant	Runaway	M	r0111
1718	16	Daily Courant	Runaway	M	r0113
1718	12	Post Boy	Runaway	M	r0708
1718	15	Post Boy	Runaway	M	r0424
1718	20	Post Man and the Historical Account	Runaway	M	r0437
1718	15	Post Man and the Historical Account	Runaway	M	r0438
1718	20	Weekly Journal or British Gazetteer	Runaway	M	r0114
1719	22	Daily Courant	Runaway	F	r0115
1719	17	Daily Courant	Runaway	F	r0117
1719	12	Daily Courant	For Sale	M	

1719	22	Daily Courant	For Sale	M	
1719	8	Daily Courant	For Sale	M	
1719	15	Daily Courant	Runaway	M	r0118
1719	13	Daily Courant	Runaway	M	r0119
1719	N/A	Daily Courant	Runaway	M	r0393
1719	N/A	Edinburgh Evening Courant	Runaway	M	r0001
1719	11	Edinburgh Evening Courant	Runaway	M	r0116
1719	22	Evening Post	Runaway	M	r0709
1719	22	Evening Post	Runaway	M	r0709
1719	18	Post Boy	Runaway	M	r0425
1719	12	Post Boy	Runaway	M	r0456
1719	11	Post Man and the Historical Account	Runaway	M	r0439
1719	12	Post Man and the Historical Account	Runaway	M	r0440
1719	12	Post Man and the Historical Account	Runaway	M	r0441
1720	N/A	Daily Post	Runaway	F	r0127
1720	23	Daily Courant	Runaway	M	r0120
1720	23	Daily Courant	Runaway	M	r0121
1720	24	Daily Courant	Runaway	M	r0122
1720	15	Daily Courant	Runaway	M	r0124
1720	18	Daily Courant	Runaway	M	r0125
1720	N/A	Daily Post	Runaway	M	r0123
1720	20	Daily Post	Runaway	M	r0126
1720	N/A	Edinburgh Evening Courant	Runaway	M	r0030
1720	N/A	Post Boy	Runaway	M	r0426
1721	N/A	Daily Post	Runaway	F	r0214
1721	14	Daily Courant	For Sale	M	
1721	12	Daily Post	For Sale	M	
1721	14	Applebee's Original Weekly Journal	Runaway	M	r0019
1721	25	Daily Courant	Runaway	M	r0710
1721	20	Daily Courant	Runaway	M	r0712
1721	N/A	Daily Courant	Runaway	M	r0128
1721	19	Daily Courant	Runaway	M	r0129
1721	19	Daily Courant	Runaway	M	r0130

1721	14	Daily Post	Runaway	M	r0711
1721	15	Daily Post	Runaway	M	r0131
1721	N/A	Daily Post	Runaway	M	r0394
1721	N/A	Daily Post	Runaway	M	r0395
1721	12	Evening Post	Runaway	M	r0458
1721	N/A	Post Man and the Historical Account	Runaway	M	r0457
1721	12	Whitehall Evening Post	Runaway	M	r0459
1722	22	Daily Courant	Runaway	F	r0133
1722	N/A	Daily Courant	Runaway	F	r0135
1722	N/A	Daily Courant	Runaway	F	r0136
1722	N/A	Weekly Journal or Saturday's Post	Runaway	F	r0462
1722	18	Daily Courant	Runaway	M	r0713
1722	N/A	Daily Courant	Runaway	M	r0134
1722	20	Daily Post	Runaway	M	r0132
1722	N/A	Daily Post	Runaway	M	r0460
1722	13	Evening Post	Runaway	M	r0461
1723	N/A	Daily Courant	Runaway	M	r0137
1723	20	Daily Courant	Runaway	M	r0138
1723	20	Daily Post	Runaway	M	r0714
1723	21	Evening Post	Runaway	M	r0482
1723	30	Post Boy	Runaway	M	r0463
1723	N/A	St. James Evening Post	Runaway	M	r0464
1724	15	Daily Post	Runaway	F	r0139
1724	9	Daily Courant	Runaway	M	r0141
1724	14	Daily Post	Runaway	M	r0715
1724	14	Daily Post	Runaway	M	r0140
1724	N/A	Daily Post	Runaway	M	r0142
1724	10	Daily Post	Runaway	M	r0143
1724	24	Daily Post	Runaway	M	r0144
1724	24	Daily Post	Runaway	M	r0606
1724	14	Parker's London News or the Impartial Intelligencer	Runaway	M	r0599
1725	8	Daily Post	For Sale	M	
1725	12	Daily Post	Runaway	M	r0716
1725	30	Daily Post	Runaway	M	r0145
1725	N/A	Daily Post	Runaway	M	r0717
1726	20	Daily Post	Runaway	F	r0146

1726	N/A	Daily Journal	Runaway	M	r0152
1726	21	Daily Post	Runaway	M	r0147
1726	23	Daily Post	Runaway	M	r0151
1726	24	London Gazette	Runaway	M	r0150
1726	N/A	London Gazette	Runaway	M	r0148
1726	N/A	London Gazette	Runaway	M	r0149
1726	N/A	Post Man and the Historical Account	Runaway	M	r0466
1727	10	Evening Post	For Sale	F	
1727	17	Daily Post	Runaway	F	r0154
1727	18	Edinburgh Evening Courant	Runaway	F	r0002
1727	20	Daily Courant	Runaway	M	r0718
1727	N/A	Daily Journal	Runaway	M	r0396
1727	20	Daily Post	Runaway	M	r0719
1727	22	Daily Post	Runaway	M	r0153
1727	24	Daily Post	Runaway	M	r0155
1727	20	Daily Post	Runaway	M	r0156
1727	15	Daily Post	Runaway	M	r0157
1727	26	Daily Post	Runaway	M	r0158
1727	30	Daily Post	Runaway	M	r0159
1727	20	St. James Evening Post	Runaway	M	r0467
1728	25	Daily Journal	Runaway	F	r0164
1728	11	Evening Post	For Sale	M	
1728	35	Daily Journal	Runaway	M	r0720
1728	18	Daily Journal	Runaway	M	r0160
1728	20	Daily Journal	Runaway	M	r0161
1728	27	Daily Journal	Runaway	M	r0162
1728	N/A	Daily Journal	Runaway	M	r0165
1728	40	Daily Journal	Runaway	M	r0166
1728	N/A	Daily Post	Runaway	M	r0721
1728	14	Daily Post	Runaway	M	r0722
1728	15	London Evening Post	Runaway	M	r0163
1728	26	Whitehall Evening Post	Runaway	M	r0468
1729	14	Daily Journal	For Sale	F	
1729	26	Daily Journal	Runaway	M	r0476
1729	26	Daily Post Boy	Runaway	M	r0475
1729	18	London Gazette	Runaway	M	r0168
1729	N/A	London Journal	Runaway	M	r0469

1730	11	Daily Journal	Runaway	M	r0169
1730	N/A	Daily Journal	Runaway	M	r0442
1730	N/A	Daily Post Boy	Runaway	M	r0447
1730	N/A	Daily Post Boy	Runaway	M	r0470
1730	25	Daily Post	Runaway	M	r0723
1730	N/A	Daily Post	Runaway	M	r0170
1730	21	Evening Post	Runaway	M	r0171
1730	N/A	Gloucester Journal	Runaway	M	r0829
1731	N/A	Daily Journal	Runaway	F	r0173
1731	N/A	Fog's Weekly Journal	Runaway	F	r0172
1731	20	Daily Advertiser	Runaway	M	r0174
1731	N/A	Daily Advertiser	Runaway	M	r0176
1731	21	Daily Journal	Runaway	M	r0177
1731	N/A	Daily Post	Runaway	M	r0178
1731	26	Daily Post	Runaway	M	r0179
1731	21	Evening Post	Runaway	M	r0471
1731	14	London Evening Post	Runaway	M	r0175
1732	9	Daily Post Boy	For Sale	M	
1732	17	Daily Advertiser	Runaway	M	r0185
1732	20	Daily Advertiser	Runaway	M	r0533
1732	21	Daily Journal	Runaway	M	r0724
1732	N/A	Daily Journal	Runaway	M	r0725
1732	13	Daily Journal	Runaway	M	r0181
1732	16	Daily Journal	Runaway	M	r0182
1732	22	Daily Post Boy	Runaway	M	r0472
1732	22	Daily Post	Runaway	M	r0726
1732	22	Daily Post	Runaway	M	r0180
1732	N/A	Daily Post	Runaway	M	r0183
1732	18	Daily Post	Runaway	M	r0184
1732	N/A	Edinburgh Evening Courant	Runaway	M	r0031
1732	20	London Evening Post	Runaway	M	r0473
1732	N/A	Whitehall Evening Post	Runaway	M	r0474
1733	11	Daily Advertiser	For Sale	M	
1733	20	Daily Advertiser	Runaway	M	r0494
1733	N/A	Daily Advertiser	Runaway	M	r0501
1733	N/A	Daily Journal	Runaway	M	r0186
1733	17	Daily Journal	Runaway	M	r0187
1733	N/A	St. James Evening Post	Runaway	M	r0417

1734	18	Daily Advertiser	Runaway	M	r0502
1734	18	Daily Advertiser	Runaway	M	r0503
1734	N/A	Daily Advertiser	Runaway	M	r0508
1734	21	Daily Journal	Runaway	M	r0727
1734	24	Daily Journal	Runaway	M	r0188
1735	N/A	Daily Advertiser	Runaway	M	r0497
1735	19	Daily Advertiser	Runaway	M	r0498
1735	29	Daily Advertiser	Runaway	M	r0499
1735	16	Daily Advertiser	Runaway	M	r0504
1735	20	Daily Advertiser	Runaway	M	r0540
1735	N/A	Daily Advertiser	Runaway	M	r0541
1735	15	Daily Advertiser	Runaway	M	r0542
1735	24	Daily Advertiser	Runaway	M	r0543
1735	52	Daily Advertiser	Runaway	M	r0544
1735	30	Daily Advertiser	Runaway	M	r0545
1735	30	Daily Advertiser	Runaway	M	r0546
1735	N/A	Daily Advertiser	Runaway	M	r0549
1735	20	Daily Journal	Runaway	M	r0189
1735	N/A	Daily Journal	Runaway	M	r0190
1735	N/A	Daily Journal	Runaway	M	r0192
1735	N/A	London Evening Post	Runaway	M	r0191
1736	N/A	Daily Advertiser	Runaway	F	r0659
1736	16	Daily Advertiser	Runaway	M	r0495
1736	20	Daily Advertiser	Runaway	M	r0506
1736	14	Daily Advertiser	Runaway	M	r0509
1736	24	Daily Advertiser	Runaway	M	r0513
1736	24	Daily Advertiser	Runaway	M	r0548
1736	N/A	Daily Advertiser	Runaway	M	r0549
1736	20	London Gazette	Runaway	M	r0193
1737	N/A	Daily Advertiser	Runaway	F	r0512
1737	13	Daily Advertiser	Runaway	M	r0505
1737	20	Daily Advertiser	Runaway	M	r0507
1737	20	Daily Advertiser	Runaway	M	r0510
1737	17	Daily Advertiser	Runaway	M	r0511
1737	17	Daily Advertiser	Runaway	M	r0550
1737	N/A	Daily Advertiser	Runaway	M	r0551
1738	22	Daily Advertiser	Runaway	M	r0553
1738	N/A	Daily Advertiser	Runaway	M	r0552
1738	16	Daily Advertiser	Runaway	M	r0554

1738	12	Daily Advertiser	Runaway	M	r0555
1738	N/A	Daily Advertiser	Runaway	M	r0556
1739	N/A	Caledonian Mercery	Runaway	M	r0036
1739	22	Daily Advertiser	Runaway	M	r0557
1739	19	Daily Advertiser	Runaway	M	r0558
1739	N/A	Daily Advertiser	Runaway	M	r0559
1739	21	Daily Advertiser	Runaway	M	r0560
1739	12	Daily Advertiser	Runaway	M	r0561
1739	17	London Daily Post and General Advertiser	Runaway	M	r0194
1740	8	London Daily Post and General Advertiser	For Sale	F	
1740	14	London Daily Post and General Advertiser	For Sale	M	
1740	N/A	Caledonian Mercery	Runaway	M	r0038
1740	N/A	Caledonian Mercery	Runaway	M	r0039
1740	22	Daily Advertiser	Runaway	M	r0520
1740	22	Daily Advertiser	Runaway	M	r0521
1740	22	Daily Advertiser	Runaway	M	r0522
1740	23	London Daily Post and General Advertiser	Runaway	M	r0195
1740	16	London Daily Post and General Advertiser	Runaway	M	r0196
1741	19	Daily Advertiser	For Sale	M	
1741	N/A	Daily Advertiser	Runaway	M	r0523
1741	N/A	Daily Advertiser	Runaway	M	r0524
1741	19	Daily Advertiser	Runaway	M	r0525
1741	17	Daily Advertiser	Runaway	M	r0526
1741	19	Daily Advertiser	Runaway	M	r0527
1741	13	Daily Advertiser	Runaway	M	r0528
1741	13	Daily Advertiser	Runaway	M	r0529
1741	25	Daily Advertiser	Runaway	M	r0530
1741	N/A	Daily Advertiser	Runaway	M	r0531
1741	21	Daily Advertiser	Runaway	M	r0532
1741	12	Daily Advertiser	Runaway	M	r0579
1742	20	Daily Advertiser	Runaway	F	r0516
1742	20	Daily Advertiser	For Sale	M	
1742	5	Daily Advertiser	For Sale	M	
1742	12	Daily Advertiser	Runaway	M	r0197

1742	17	Daily Advertiser	Runaway	M	r0198
1742	18	Daily Advertiser	Runaway	M	r0199
1742	21	Daily Advertiser	Runaway	M	r0200
1742	N/A	Daily Advertiser	Runaway	M	r0514
1742	8	Daily Advertiser	Runaway	M	r0515
1742	21	Daily Advertiser	Runaway	M	r0517
1742	21	Daily Advertiser	Runaway	M	r0518
1742	20	Daily Advertiser	Runaway	M	r0519
1742	27	Daily Advertiser	Runaway	M	r0580
1743	19	Daily Advertiser	Runaway	F	r0207
1743	19	Daily Advertiser	Runaway	F	r0208
1743	N/A	Daily Advertiser	For Sale	M	
1743	12	Daily Advertiser	Runaway	M	r0731
1743	N/A	Daily Advertiser	Runaway	M	r0201
1743	N/A	Daily Advertiser	Runaway	M	r0202
1743	N/A	Daily Advertiser	Runaway	M	r0203
1743	9	Daily Advertiser	Runaway	M	r0204
1743	30	Daily Advertiser	Runaway	M	r0205
1743	15	Daily Advertiser	Runaway	M	r0206
1743	27	Daily Advertiser	Runaway	M	r0209
1743	27	Daily Advertiser	Runaway	M	r0210
1743	26	Daily Advertiser	Runaway	M	r0212
1743	26	Daily Advertiser	Runaway	M	r0213
1743	13	Daily Advertiser	Runaway	M	r0215
1743	23	Daily Advertiser	Runaway	M	r0216
1743	N/A	Daily Advertiser	Runaway	M	r0217
1743	9	Daily Advertiser	Runaway	M	r0390
1743	7	Daily Advertiser	Runaway	M	r0416
1744	15	Daily Advertiser	For Sale	M	
1744	16	Daily Advertiser	For Sale	M	
1744	16	Daily Advertiser	For Sale	M	
1744	9	Daily Advertiser	For Sale	M	
1744	9	Daily Advertiser	For Sale	M	
1744	N/A	Bristol Oracle and Country Intelligencer	Runaway	M	r0779
1744	N/A	Caledonian Mercery	Runaway	M	r0055
1744	12	Daily Advertiser	Runaway	M	r0733
1744	27	Daily Advertiser	Runaway	M	r0211
1744	N/A	Daily Advertiser	Runaway	M	r0218

1744	25	Daily Advertiser	Runaway	M	r0219
1744	N/A	Daily Advertiser	Runaway	M	r0220
1744	18	Daily Advertiser	Runaway	M	r0221
1744	24	Daily Advertiser	Runaway	M	r0222
1744	N/A	Daily Advertiser	Runaway	M	r0223
1744	N/A	Daily Advertiser	Runaway	M	r0224
1744	45	Daily Advertiser	Runaway	M	r0225
1744	16	Daily Advertiser	Runaway	M	r0226
1744	22	Daily Advertiser	Runaway	M	r0227
1744	28	Daily Advertiser	Runaway	M	r0228
1744	N/A	Daily Advertiser	Runaway	M	r0229
1744	16	Daily Advertiser	Runaway	M	r0230
1744	N/A	Daily Advertiser	Runaway	M	r0397
1744	N/A	Daily Advertiser	Runaway	M	r0398
1744	15	Daily Advertiser	Runaway	M	r0405
1744	18	Daily Advertiser	Runaway	M	r0609
1744	27	General Advertiser	Runaway	M	r0734
1745	20	Daily Advertiser	Runaway	F	r0582
1745	12	Daily Advertiser	Runaway	M	r0735
1745	N/A	Daily Advertiser	Runaway	M	r0231
1745	18	Daily Advertiser	Runaway	M	r0232
1745	15	Daily Advertiser	Runaway	M	r0233
1745	18	Daily Advertiser	Runaway	M	r0234
1745	22	Daily Advertiser	Runaway	M	r0581
1746	20	Daily Advertiser	Runaway	F	r0593
1746	14	Daily Advertiser	For Sale	M	
1746	14	Daily Advertiser	For Sale	M	
1746	22	Caledonian Mercery	Runaway	M	r0043
1746	30	Daily Advertiser	Runaway	M	r0535
1746	20	Daily Advertiser	Runaway	M	r0536
1746	22	Daily Advertiser	Runaway	M	r0583
1746	12	Daily Advertiser	Runaway	M	r0584
1746	14	Daily Advertiser	Runaway	M	r0585
1746	17	Daily Advertiser	Runaway	M	r0586
1746	21	Daily Advertiser	Runaway	M	r0587
1746	N/A	Daily Advertiser	Runaway	M	r0588
1746	16	Daily Advertiser	Runaway	M	r0589
1746	N/A	Daily Advertiser	Runaway	M	r0590
1746	N/A	Daily Advertiser	Runaway	M	r0591

1746	11	Daily Advertiser	Runaway	M	r0592
1746	11	Daily Advertiser	Runaway	M	r0594
1746	18	Daily Advertiser	Runaway	M	r0651
1746	N/A	Daily Advertiser	Runaway	M	r0662
1746	22	Edinburgh Evening Courant	Runaway	M	r0004
1746	N/A	Felix Farley's Bristol Journal	Runaway	M	r0792
1746	25	General Advertiser	Runaway	M	r0235
1746	N/A	General Advertiser	Runaway	M	r0236
1746	27	General Advertiser	Runaway	M	r0237
1746	19	General Advertiser	Runaway	M	r0399
1746	N/A	General Advertiser	Runaway	M	r0400
1746	25	General Advertiser	Runaway	M	r0534
1746	15	Glasgow Journal	Runaway	M	r0003
1748	N/A	Daily Advertiser	Runaway	F	r0565
1748	17	Daily Advertiser	For Sale	M	
1748	N/A	Caledonian Mercery	Runaway	M	r0039
1748	N/A	Caledonian Mercery	Runaway	M	r0823
1748	18	Daily Advertiser	Runaway	M	r0562
1748	25	Daily Advertiser	Runaway	M	r0563
1748	17	Daily Advertiser	Runaway	M	r0564
1748	N/A	Daily Advertiser	Runaway	M	r0566
1748	13	Daily Advertiser	Runaway	M	r0567
1748	18	Daily Advertiser	Runaway	M	r0568
1748	17	Daily Advertiser	Runaway	M	r0569
1748	N/A	Daily Advertiser	Runaway	M	r0570
1748	N/A	Daily Advertiser	Runaway	M	r0571
1748	25	Daily Advertiser	Runaway	M	r0825
1748	18	Daily Advertiser	Runaway	M	r0833
1748	12	General Advertiser	Runaway	M	r0739
1748	28	General Advertiser	Runaway	M	r0238
1748	N/A	General Advertiser	Runaway	M	r0239
1748	12	General Advertiser	Runaway	M	r0739
1748	N/A	Glasgow Courant	Runaway	M	r0051
1749	40	Daily Advertiser	Runaway	M	r0595
1749	24	Daily Advertiser	Runaway	M	r0596
1749	24	General Advertiser	Runaway	M	r0240
1749	N/A	General Advertiser	Runaway	M	r0241

1749	N/A	Whitehall Evening Post or London Intelligencer	Runaway	M	r0740
1750	20	Daily Advertiser	Runaway	F	r0573
1750	40	Daily Advertiser	Runaway	F	r0578
1750	14	Daily Advertiser	For Sale	M	
1750	13	Daily Advertiser	For Sale	M	
1750	13	Daily Advertiser	For Sale	M	
1750	N/A	Daily Advertiser	Runaway	M	r0537
1750	20	Daily Advertiser	Runaway	M	r0572
1750	25	Daily Advertiser	Runaway	M	r0574
1750	N/A	Daily Advertiser	Runaway	M	r0575
1750	N/A	Daily Advertiser	Runaway	M	r0576
1750	13	Daily Advertiser	Runaway	M	r0577
1750	22	Daily Advertiser	Runaway	M	r0650
1750	N/A	London Evening Post	Runaway	M	r0538
1751	11	General Advertiser	For Sale	M	
1751	20	General Advertiser	Runaway	M	r0741
1751	N/A	General Advertiser	Runaway	M	r0742
1751	N/A	General Advertiser	Runaway	M	r0242
1751	31	General Advertiser	Runaway	M	r0243
1751	20	General Advertiser	Runaway	M	r0244
1751	16	General Advertiser	Runaway	M	r0742
1751	20	General Evening Post	Runaway	M	r0245
1752	17	Covent Garden Journal	For Sale	M	
1752	17	Daily Advertiser	For Sale	M	
1752	N/A	Covent Garden Journal	Runaway	M	r0246
1752	30	General Advertiser	Runaway	M	r0247
1753	N/A	Public Advertiser	For Sale	M	
1753	22	Edinburgh Evening Courant	Runaway	M	r0005
1753	14	London Evening Post	Runaway	M	r0744
1753	25	London Evening Post	Runaway	M	r0249
1753	15	Public Advertiser	Runaway	M	r0743
1753	19	Public Advertiser	Runaway	M	r0248
1753	20	Public Advertiser	Runaway	M	r0250
1753	19	Public Advertiser	Runaway	M	r0251
1753	20	Public Advertiser	Runaway	M	r0324
1754	13	Public Advertiser	For Sale	M	

1754	N/A	Felix Farley's Bristol Journal	Runaway	M	r0780
1754	N/A	Public Advertiser	Runaway	M	r0415
1754	20	Whitehall Evening Post or London Intelligencer	Runaway	M	r0745
1755	15	Public Advertiser	Runaway	M	r0746
1755	N/A	Public Advertiser	Runaway	M	r0252
1755	30	Public Advertiser	Runaway	M	r0253
1755	18	Public Advertiser	Runaway	M	r0254
1755	27	Public Advertiser	Runaway	M	r0256
1755	18	Whitehall Evening Post	Runaway	M	r0255
1756	14	Public Advertiser	For Sale	M	
1756	25	Caledonian Mercery	Runaway	M	r0047
1756	22	Edinburgh Evening Courant	Runaway	M	r0029
1756	25	Glasgow Courant	Runaway	M	r0045
1756	25	Glasgow Journal	Runaway	M	r0046
1756	21	London Evening Post	Runaway	M	r0258
1756	21	London Evening Post	Runaway	M	r0259
1756	22	Public Advertiser	Runaway	M	r0747
1756	20	Public Advertiser	Runaway	M	r0257
1756	14	Public Advertiser	Runaway	M	r0260
1756	14	Public Advertiser	Runaway	M	r0261
1756	16	Public Advertiser	Runaway	M	r0262
1757	35	Public Advertiser	Runaway	F	r0266
1757	N/A	Williamson's Liverpool Advertiser & Mercantile Register	For Sale	M	
1757	20	Williamson's Liverpool Advertiser & Mercantile Register	For Sale	M	
1757	20	Williamson's Liverpool Advertiser & Mercantile Register	For Sale	M	
1757	32	Daily Advertiser	Runaway	M	r0414
1757	18	Edinburgh Evening Courant	Runaway	M	r0006
1757	18	Felix Farley's Bristol Journal	Runaway	M	r0781
1757	18	Felix Farley's Bristol Journal	Runaway	M	r0782

1757	N/A	Felix Farley's Bristol Journal	Runaway	M	r0783
1757	N/A	Public Advertiser	Runaway	M	r0263
1757	20	Public Advertiser	Runaway	M	r0265
1757	N/A	Public Advertiser	Runaway	M	r0267
1757	N/A	Public Advertiser	Runaway	M	r0268
1757	N/A	Public Advertiser	Runaway	M	r0270
1757	N/A	Public Advertiser	Runaway	M	r0271
1757	22	Public Advertiser	Runaway	M	r0272
1757	17	Public Advertiser	Runaway	M	r0273
1757	20	Public Advertiser	Runaway	M	r0296
1757	20	Public Advertiser	Runaway	M	r0412
1757	14	Public Advertiser	Runaway	M	r0610
1757	20	Public Advertiser	Runaway	M	r0413
1758	18	Public Advertiser	Runaway	F	r0284
1758	16	Public Advertiser	Runaway	F	r0285
1758	N/A	Williamson's Liverpool Advertiser & Mercantile Register	For Sale	M	
1758	16	Felix Farley's Bristol Journal	Runaway	M	r0784
1758	N/A	Felix Farley's Bristol Journal	Runaway	M	r0790
1758	14	Glasgow Courant	Runaway	M	r0049
1758	19	London Chronicle	Runaway	M	r0660
1758	30	Public Advertiser	Runaway	M	r0274
1758	14	Public Advertiser	Runaway	M	r0275
1758	N/A	Public Advertiser	Runaway	M	r0276
1758	N/A	Public Advertiser	Runaway	M	r0277
1758	27	Public Advertiser	Runaway	M	r0278
1758	28	Public Advertiser	Runaway	M	r0279
1758	28	Public Advertiser	Runaway	M	r0280
1758	N/A	Public Advertiser	Runaway	M	r0281
1758	N/A	Public Advertiser	Runaway	M	r0282
1758	N/A	Public Advertiser	Runaway	M	r0283
1758	20	Public Advertiser	Runaway	M	r0286
1758	11	Public Advertiser	Runaway	M	r0611
1758	20	Williamson's Liverpool Advertiser & Mercantile Register	Runaway	M	r0641

1759	10	Gazetteer and London Daily Advertiser	For Sale	M	
1759	N/A	Caledonian Mercery	Runaway	M	r0040
1759	N/A	Felix Farley's Bristol Journal	Runaway	M	r0785
1759	N/A	Gazetteer and London Daily Advertiser	Runaway	M	r0411
1759	25	Public Advertiser	Runaway	M	r0287
1759	25	Public Advertiser	Runaway	M	r0288
1759	N/A	Public Advertiser	Runaway	M	r0289
1759	N/A	Public Advertiser	Runaway	M	r0290
1759	N/A	Public Advertiser	Runaway	M	r0291
1759	N/A	Public Advertiser	Runaway	M	r0292
1759	N/A	Public Advertiser	Runaway	M	r0293
1759	N/A	Public Advertiser	Runaway	M	r0294
1759	N/A	Public Advertiser	Runaway	M	r0295
1759	N/A	Public Advertiser	Runaway	M	r0539
1759	20	Public Advertiser	Runaway	M	r0612
1760	N/A	Daily Advertiser	Runaway	F	r0800
1760	N/A	Daily Advertiser	Runaway	F	r0800
1760	N/A	Daily Advertiser	Runaway	F	r0802
1760	18	Daily Advertiser	Runaway	F	r0804
1760	30	Daily Advertiser	Runaway	F	r0805
1760	N/A	Daily Advertiser	Runaway	F	r0812
1760	N/A	Daily Advertiser	Runaway	F	r0813
1760	24	Daily Advertiser	Runaway	F	r0814
1760	21	Daily Advertiser	For Sale	M	
1760	10	Felix Farley's Bristol Journal	For Sale	M	
1760	30	Daily Advertiser	Runaway	M	r0478
1760	35	Daily Advertiser	Runaway	M	r0798
1760	40	Daily Advertiser	Runaway	M	r0799
1760	45	Daily Advertiser	Runaway	M	r0801
1760	21	Daily Advertiser	Runaway	M	r0803
1760	13	Daily Advertiser	Runaway	M	r0806
1760	17	Daily Advertiser	Runaway	M	r0807
1760	15	Daily Advertiser	Runaway	M	r0809
1760	26	Daily Advertiser	Runaway	M	r0810
1760	26	Daily Advertiser	Runaway	M	r0811

1760	20	Daily Advertiser	Runaway	M	r0815
1760	16	Daily Advertiser	Runaway	M	r0816
1760	16	Daily Advertiser	Runaway	M	r0817
1760	21	Daily Advertiser	Runaway	M	r0818
1760	N/A	Daily Advertiser	Runaway	M	r0830
1760	19	Edinburgh Evening Courant	Runaway	M	r0007
1760	18	Edinburgh Evening Courant	Runaway	M	r0008
1760	N/A	Edinburgh Evening Courant	Runaway	M	r0009
1760	18	Edinburgh Evening Courant	Runaway	M	r0010
1760	30	Gazetteer and London Daily Advertiser	Runaway	M	r0301
1760	N/A	Gazetteer and London Daily Advertiser	Runaway	M	r0613
1760	28	Public Advertiser	Runaway	M	r0296
1760	N/A	Public Advertiser	Runaway	M	r0299
1760	N/A	Public Advertiser	Runaway	M	r0300
1760	25	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0298
1760	26	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0652
1760	N/A	Whitehall Evening Post	Runaway	M	r0297
1760	N/A	Williamson's Liverpool Advertiser, and Mercantile Chronicle	Runaway	M	r0642
1761	19	Daily Advertiser	For Sale	F	
1761	N/A	The Public Ledger, Or, Daily Register of Commerce and Intelligence	For Sale	F	
1761	14	Public Advertiser	Runaway	F	r0653
1761	19	Daily Advertiser	For Sale	M	
1761	20	Public Ledger	For Sale	M	
1761	20	The Public Ledger, Or, Daily Register of Commerce and Intelligence	For Sale	M	
1761	23	Public Advertiser	Runaway	M	r0306

1761	N/A	Caledonian Mercery	Runaway	M	r0011
1761	19	Daily Advertiser	Runaway	M	r0303
1761	11	Daily Advertiser	Runaway	M	r0831
1761	22	Glasgow Journal	Runaway	M	r0050
1761	N/A	Public Advertiser	Runaway	M	r0302
1761	25	Public Advertiser	Runaway	M	r0305
1761	N/A	Public Advertiser	Runaway	M	r0309
1761	21	Public Advertiser	Runaway	M	r0391
1761	19	Public Advertiser	Runaway	M	r0614
1761	19	Public Advertiser	Runaway	M	r0615
1761	N/A	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0749
1761	N/A	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0750
1761	N/A	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0751
1761	26	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0307
1761	21	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0308
1761	24	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0600
1761	28	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0616
1761	24	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0654
1761	25	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0655
1761	20	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0656
1761	25	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0657

1761	26	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0658
1761	18	Whitehall Evening Post	Runaway	M	r0304
1761	N/A	Williamson's Liverpool Advertiser, and Mercantile Chronicle	Runaway	M	r0643
1762	13	Public Advertiser	Runaway	M	r0315
1762	28	St. James's Chronicle or the British Evening Post	Runaway	M	r0321
1762	N/A	Felix Farley's Bristol Journal	Runaway	M	r0786
1762	18	Felix Farley's Bristol Journal	Runaway	M	r0787
1762	N/A	Gazetteer and London Daily Advertiser	Runaway	M	r0319
1762	16	Public Advertiser	Runaway	M	r0311
1762	16	Public Advertiser	Runaway	M	r0316
1762	N/A	Public Advertiser	Runaway	M	r0317
1762	21	Public Advertiser	Runaway	M	r0318
1762	N/A	Public Advertiser	Runaway	M	r0320
1762	N/A	St. James's Chronicle or the British Evening Post	Runaway	M	r0312
1762	N/A	St. James's Chronicle or the British Evening Post	Runaway	M	r0313
1762	N/A	St. James's Chronicle or the British Evening Post	Runaway	M	r0314
1762	16	Williamson's Liverpool Advertiser, and Mercantile Chronicle	Runaway	M	r0644
1763	14	Public Advertiser	Runaway	F	r0322
1763	25	Public Advertiser	Runaway	F	r0326
1763	25	Public Advertiser	Runaway	F	r0327
1763	25	Public Advertiser	Runaway	F	r0826
1763	21	Bath Chronicle and Weekly Gazette	Runaway	M	r0443
1763	27	Gazetteer and London Daily Advertiser	Runaway	M	r0325
1763	16	Public Advertiser	Runaway	M	r0323
1763	18	Public Advertiser	Runaway	M	r0827

1763	N/A	Williamson's Liverpool Advertiser, and Mercantile Chronicle	Runaway	M	r0477
1763	21	Williamson's Liverpool Advertiser, and Mercantile Chronicle	Runaway	M	r0645
1763	N/A	Williamson's Liverpool Advertiser, and Mercantile Chronicle	Runaway	M	r0646
1764	22	Gazetteer and London Daily Advertiser	For Sale	F	
1764	N/A	Gazetteer and London Daily Advertiser	Runaway	F	r0601
1764	15	Public Advertiser	Runaway	F	r0339
1764	15	Public Advertiser	For Sale	M	
1764	15	Public Advertiser	For Sale	M	
1764	14	Public Advertiser	For Sale	M	
1764	22	Caledonian Mercery	Runaway	M	r0763
1764	14	Daily Advertiser	Runaway	M	r0388
1764	22	Edinburgh Evening Courant	Runaway	M	r0012
1764	14	Edinburgh Evening Courant	Runaway	M	r0013
1764	N/A	Edinburgh Evening Courant	Runaway	M	r0014
1764	N/A	Gazetteer and London Daily Advertiser	Runaway	M	r0328
1764	30	Gazetteer and New Daily Advertiser	Runaway	M	r0330
1764	21	Gazetteer and New Daily Advertiser	Runaway	M	r0334
1764	19	Gazetteer and New Daily Advertiser	Runaway	M	r0373
1764	14	Glasgow Journal	Runaway	M	r0052
1764	17	Public Advertiser	Runaway	M	r0333
1764	N/A	Public Advertiser	Runaway	M	r0329
1764	30	Public Advertiser	Runaway	M	r0331
1764	15	Public Advertiser	Runaway	M	r0332
1764	25	Public Advertiser	Runaway	M	r0335
1764	25	Public Advertiser	Runaway	M	r0336

1764	25	Public Advertiser	Runaway	M	r0337
1764	N/A	Public Advertiser	Runaway	M	r0410
1764	N/A	Public Advertiser	Runaway	M	r0795
1764	N/A	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0620
1764	20	St. James's Chronicle or the British Evening Post	Runaway	M	r0340
1764	N/A	Williamson's Liverpool Advertiser, and Mercantile Chronicle	Runaway	M	r0453
1764	21	Williamson's Liverpool Advertiser, and Mercantile Chronicle	Runaway	M	r0647
1764	20	Williamson's Liverpool Advertiser, and Mercantile Chronicle	Runaway	M	r0648
1765	12	Gazetteer and New Daily Advertiser	For Sale	F	
1765	18	Gazetteer and New Daily Advertiser	Runaway	F	r0348
1765	N/A	Gazetteer and New Daily Advertiser	Runaway	F	r0350
1765	25	Gazetteer and New Daily Advertiser	Runaway	F	r0351
1765	13	Gazetteer and London Daily Advertiser	For Sale	M	
1765	14	Gazetteer and New Daily Advertiser	For Sale	M	
1765	N/A	Williamson's Liverpool Advertiser & Mercantile Register	For Sale	M	
1765	14	Williamson's Liverpool Advertiser & Mercantile Register	For Sale	M	
1765	13	Edinburgh Evening Courant	Runaway	M	r0015
1765	N/A	Edinburgh Evening Courant	Runaway	M	r0016
1765	N/A	Edinburgh Evening Courant	Runaway	M	r0017

1765	16	Edinburgh Evening Courant	Runaway	M	r0018
1765	38	Gazetteer and New Daily Advertiser	Runaway	M	r0341
1765	38	Gazetteer and New Daily Advertiser	Runaway	M	r0343
1765	N/A	Gazetteer and New Daily Advertiser	Runaway	M	r0345
1765	N/A	Gazetteer and New Daily Advertiser	Runaway	M	r0347
1765	13	Gazetteer and New Daily Advertiser	Runaway	M	r0349
1765	24	Gazetteer and New Daily Advertiser	Runaway	M	r0352
1765	35	Gazetteer and New Daily Advertiser	Runaway	M	r0353
1765	21	Gazetteer and New Daily Advertiser	Runaway	M	r0355
1765	N/A	Glasgow Journal	Runaway	M	r0053
1765	21	London Evening Post	Runaway	M	r0753
1765	38	Public Advertiser	Runaway	M	r0342
1765	38	Public Advertiser	Runaway	M	r0344
1765	21	Public Advertiser	Runaway	M	r0346
1765	35	Public Advertiser	Runaway	M	r0618
1765	17	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0354
1765	N/A	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0356
1765	26	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0619
1765	N/A	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0620
1765	20	Salisbury and Winchester Journal	Runaway	M	r0832
1765	N/A	St. James's Chronicle or the British Evening Post	Runaway	M	r0796

1765	N/A	Williamson's Liverpool Advertiser & Mercantile Register	Runaway	M	r0649
1765	18	Gazetteer and New Daily Advertiser	Runaway	M	r0617
1766	19	Edinburgh Evening Courant	For Sale	F	
1766	16	Caledonian Mercery	For Sale	M	
1766	11	Edinburgh Evening Courant	For Sale	M	
1766	N/A	Caledonian Mercery	Runaway	M	r0041
1766	17	Daily Advertiser	Runaway	M	r0357
1766	14	Edinburgh Evening Courant	Runaway	M	r0824
1766	N/A	Gazetteer and New Daily Advertiser	Runaway	M	r0358
1766	14	Glasgow Journal	Runaway	M	r0056
1766	19	Glasgow Journal	Runaway	M	r0057
1766	32	Public Advertiser	Runaway	M	r0359
1766	N/A	Public Advertiser	Runaway	M	r0621
1766	18	Public Advertiser	Runaway	M	r0622
1766	N/A	Public Advertiser	Runaway	M	r0623
1766	13	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0754
1766	13	Public Ledger, Or, Daily Register of Commerce and Intelligence	Runaway	M	r0754
1766	25	Williamson's Liverpool Advertiser	Runaway	M	r0819
1766	N/A	Williamson's Liverpool Advertiser & Mercantile Register	For Sale	N/A	
1767	35	Public Advertiser	Runaway	F	r0362
1767	N/A	Liverpool General Advertiser, or the Commercial Register	For Sale	M	
1767	22	Williamson's Liverpool Advertiser & Mercantile Register	For Sale	M	
1767	22	Bath Chronicle and Weekly Gazette	Runaway	M	r0837

1767	N/A	Caledonian Mercery	Runaway	M	r0661
1767	N/A	Gazetteer and New Daily Advertiser	Runaway	M	r0361
1767	18	Liverpool General Advertiser, or the Commercial Register	Runaway	M	r0490
1767	N/A	Public Advertiser	Runaway	M	r0360
1767	N/A	Public Advertiser	Runaway	M	r0777
1768	N/A	Edinburgh Evening Courant	For Sale	M	
1768	17	Felix Farley's Bristol Journal	For Sale	M	
1768	10	Gazetteer and London Daily Advertiser	For Sale	M	
1768	9	Liverpool General Advertiser, or the Commercial Register	For Sale	M	
1768	9	Liverpool General Advertiser, or the Commercial Register	For Sale	M	
1768	11	Liverpool General Advertiser, or the Commercial Register	For Sale	M	
1768	17	Edinburgh Advertiser	Runaway	M	r0032
1768	13	Edinburgh Evening Courant	Runaway	M	r0822
1768	N/A	Felix Farley's Bristol Journal	Runaway	M	r0788
1768	25	Gazetteer and New Daily Advertiser	Runaway	M	r0363
1768	16	Gazetteer and New Daily Advertiser	Runaway	M	r0364
1768	11	Gazetteer and New Daily Advertiser	Runaway	M	r0365
1768	35	Gazetteer and New Daily Advertiser	Runaway	M	r0624
1768	N/A	Gazetteer and New Daily Advertiser	Runaway	M	r0625
1768	N/A	Gazetteer and New Daily Advertiser	Runaway	M	r0626
1768	13	Gazetteer and New Daily Advertiser	Runaway	M	r0627

1768	14	Gazetteer and New Daily Advertiser	Runaway	M	r0628
1768	25	Liverpool General Advertiser, or the Commercial Register	Runaway	M	r0493
1768	30	Newcastle Courant	Runaway	M	r0167
1768	16	Public Advertiser	Runaway	M	r0366
1768	N/A	Public Advertiser	Runaway	M	r0368
1768	25	Public Advertiser	Runaway	M	r0369
1768	N/A	Public Advertiser	Runaway	M	r0408
1768	N/A	Public Advertiser	Runaway	M	r0409
1768	17	St. James's Chronicle or the British Evening Post	Runaway	M	r0367
1769	16	Edinburgh Evening Advertiser	For Sale	M	
1769	16	Edinburgh Evening Advertiser	For Sale	M	
1769	13	Edinburgh Evening Advertiser	For Sale	M	
1769	13	Liverpool General Advertiser, or the Commercial Register	For Sale	M	
1769	10	Public Advertiser	For Sale	M	
1769	11	Public Advertiser	For Sale	M	
1769	N/A	Bath Chronicle and Weekly Gazette	Runaway	M	r0444
1769	13	Edinburgh Advertiser	Runaway	M	r0020
1769	15	Edinburgh Advertiser	Runaway	M	r0033
1769	N/A	Edinburgh Advertiser	Runaway	M	r0034
1769	N/A	Gazetteer and New Daily Advertiser	Runaway	M	r0370
1769	19	Gazetteer and New Daily Advertiser	Runaway	M	r0373
1769	23	Gazetteer and New Daily Advertiser	Runaway	M	r0629
1769	12	Gazetteer and New Daily Advertiser	Runaway	M	r0630
1769	30	Gazetteer and New Daily Advertiser	Runaway	M	r0778
1769	16	Glasgow Journal	Runaway	M	r0058

1769	30	Liverpool General Advertiser, or the Commercial Register	Runaway	M	r0489
1769	N/A	Public Advertiser	Runaway	M	r0371
1769	N/A	Public Advertiser	Runaway	M	r0372
1769	18	Public Advertiser	Runaway	M	r0631
1769	14	St. James's Chronicle or the British Evening Post	Runaway	M	r0755
1770	20	Public Advertiser	Runaway	F	r0633
1770	30	Public Advertiser	Runaway	F	r0632
1770	12	Liverpool General Advertiser, or the Commercial Register	For Sale	M	
1770	19	Adams's Weekly Courant	Runaway	M	r0834
1770	16	Gazetteer and New Daily Advertiser	Runaway	M	r0756
1770	20	Gazetteer and New Daily Advertiser	Runaway	M	r0402
1770	16	Glasgow Journal	Runaway	M	r0059
1770	22	Liverpool General Advertiser, or the Commercial Register	Runaway	M	r0483
1770	22	Liverpool General Advertiser, or the Commercial Register	Runaway	M	r0491
1770	22	Liverpool General Advertiser, or the Commercial Register	Runaway	M	r0492
1770	24	Lloyd's Evening Post	Runaway	M	r0376
1770	19	London Evening Post	Runaway	M	r0374
1770	N/A	Public Advertiser	Runaway	M	r0375
1770	N/A	Public Advertiser	Runaway	M	r0634
1771	13	Edinburgh Evening Courant	For Sale	M	
1771	25	Edinburgh Evening Courant	Runaway	M	r0021
1771	13	Gazetteer and New Daily Advertiser	Runaway	M	r0758
1771	30	Gazetteer and New Daily Advertiser	Runaway	M	r0407

1771	15	Liverpool General Advertiser, or the Commercial Register	Runaway	M	r0484
1771	14	London Evening Post	Runaway	M	r0757
1771	30	Public Advertiser	Runaway	M	r0377
1771	14	Public Advertiser	Runaway	M	r0378
1771	20	Public Advertiser	Runaway	M	r0406
1771	24	Public Advertiser	Runaway	M	r0602
1771	17	Public Advertiser	Runaway	M	r0635
1771	15	Public Advertiser	Runaway	M	r0797
1772	N/A	Public Advertiser	Runaway	F	r0760
1772	13	Daily Advertiser	For Sale	M	
1772	15	Daily Advertiser	Runaway	M	r0379
1772	14	Daily Advertiser	Runaway	M	r0380
1772	30	Daily Advertiser	Runaway	M	r0383
1772	11	Daily Advertiser	Runaway	M	r0385
1772	15	Daily Advertiser	Runaway	M	r0496
1772	14	Daily Advertiser	Runaway	M	r0759
1772	N/A	Daily Advertiser	Runaway	M	r0761
1772	23	Edinburgh Evening Courant	Runaway	M	r0020
1772	18	Edinburgh Evening Courant	Runaway	M	r0023
1772	N/A	Gazetteer and New Daily Advertiser	Runaway	M	r0382
1772	N/A	Glasgow Journal	Runaway	M	r0060
1772	16	Glasgow Journal	Runaway	M	r0061
1772	N/A	Gore's Liverpool Commercial Pamphlet	Runaway	M	r0486
1772	40	Liverpool General Advertiser, or the Commercial Register	Runaway	M	r0487
1772	N/A	Manchester Mercury	Runaway	M	r0445
1772	N/A	Morning Chronicle and London Advertiser	Runaway	M	r0381
1772	N/A	Public Advertiser	Runaway	M	r0384
1773	16	Caledonian Mercery	Runaway	M	r0044
1773	13	Daily Advertiser	Runaway	M	r0636
1773	19	Daily Advertiser	Runaway	M	r0637
1773	N/A	Daily Advertiser	Runaway	M	r0638

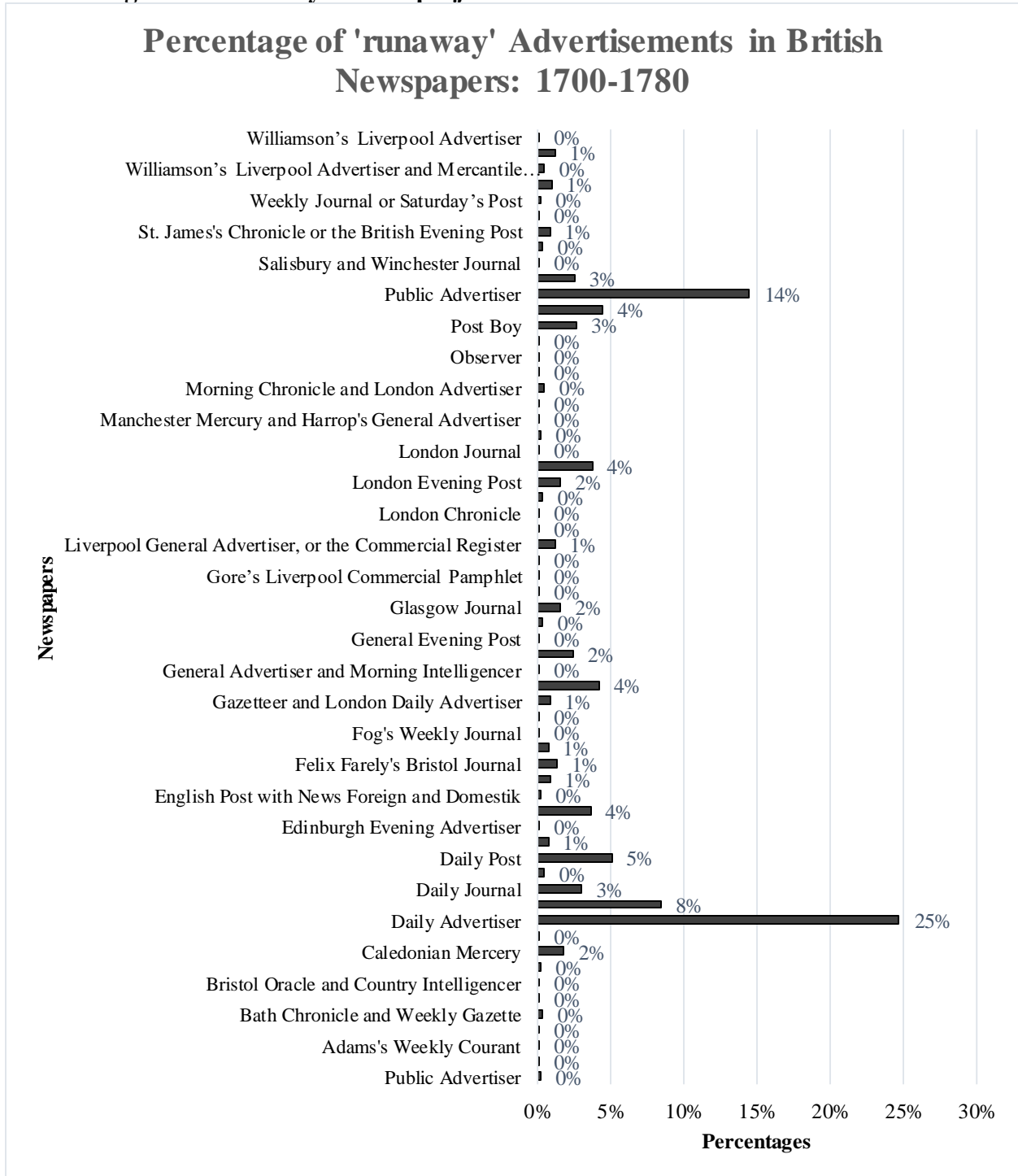
1773	15	Daily Advertiser	Runaway	M	r0764
1773	16	Daily Advertiser	Runaway	M	r0765
1773	18	Edinburgh Evening Advertiser	Runaway	M	r0024
1773	35	Edinburgh Evening Courant	Runaway	M	r0027
1773	37	Edinburgh Evening Courant	Runaway	M	r0446
1773	N/A	Edinburgh Evening Courant	Runaway	M	r0025
1773	16	Edinburgh Evening Courant	Runaway	M	r0026
1773	17	Glasgow Journal	Runaway	M	r0062
1773	35	Glasgow Journal	Runaway	M	r0794
1773	N/A	Manchester Mercury and Harrop's General Advertiser	Runaway	M	r0841
1773	N/A	Morning Chronicle and London Advertiser	Runaway	M	r0762
1773	17	Williamson's Liverpool Advertiser & Mercantile Register	Runaway	M	r0835
1773	25	Williamson's Liverpool Advertiser, and Mercantile Chronicle	Runaway	M	r0836
1774	12	Daily Advertiser	Runaway	M	r0386
1774	20	Daily Advertiser	Runaway	M	r0387
1774	14	Daily Advertiser	Runaway	M	r0388
1774	15	Edinburgh Evening Courant	Runaway	M	r0028
1774	14	London Evening Post	Runaway	M	r0768
1774	N/A	Morning Chronicle and London Advertiser	Runaway	M	r0766
1774	19	Morning Chronicle and London Advertiser	Runaway	M	r0767
1774	14	Public Advertiser	Runaway	M	r0639
1775	12	Daily Advertiser	Runaway	M	r0389
1775	18	Daily Advertiser	Runaway	M	r0769
1775	12	Daily Advertiser	Runaway	M	r0770
1775	N/A	Edinburgh Advertiser	Runaway	M	r0820
1775	28	Hampshire Chronicle	Runaway	M	r0465

1776	8	Public Advertiser	For Sale	M	
1776	15	Daily Advertiser	Runaway	M	r0771
1776	14	Gazetteer and Daily Advertiser	Runaway	M	r0403
1776	14	Public Advertiser	Runaway	M	r0404
1777	6	Daily Advertiser	Runaway	F	r0603
1777	N/A	Bonner & Middleton's Bristol Journal	Runaway	M	r0789
1777	11	Daily Advertiser	Runaway	M	r0772
1777	17	Daily Advertiser	Runaway	M	r0773
1777	16	Daily Advertiser	Runaway	M	r0774
1777	21	Daily Advertiser	Runaway	M	r0775
1778	15	Liverpool General Advertiser, or the Commercial Register	Runaway	M	r0488
1778	17	Public Advertiser	Runaway	M	r0640
1779	8	General Advertiser and Morning Intelligencer	Runaway	F	r0401
1779	14	Liverpool General Advertiser, or the Commercial Register	For Sale	M	
1779	15	Caledonian Mercery	Runaway	M	r0042
1779	15	Edinburgh Advertiser	Runaway	M	r0035
1780	20	Liverpool General Advertiser, or the Commercial Register	Runaway	M	r0485
1780	20	Public Advertiser	Runaway	M	r0776
1780	20	Williamson's Liverpool Advertiser & Mercantile Register	Runaway	M	r0838

APPENDIX B

PERCENTAGE OF 'RUNAWAY' ADVERTISEMENTS IN BRITISH NEWSPAPERS: 1700-1780

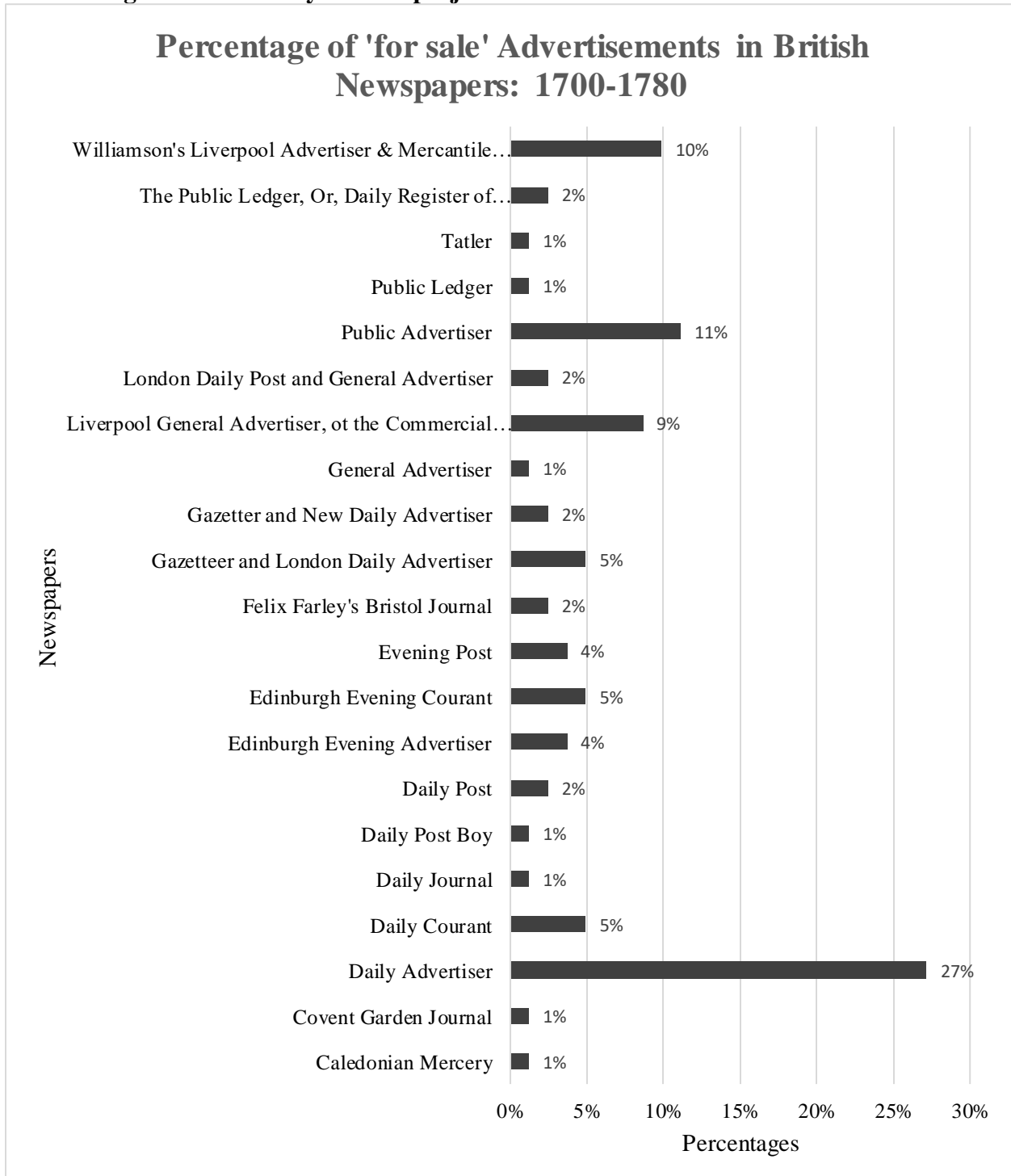
Data collected and graph designed by the author from the Glasgow University "Runaway Slave in Eighteenth-Century Britain project."



APPENDIX C

PERCENTAGE OF 'FOR SALE' ADVERTISEMENTS IN BRITISH NEWSPAPERS: 1700-1780

Data collected and graph created by the author from the Glasgow University "Runaway Slave in Eighteenth-Century Britain project."

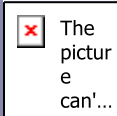


APPENDIX D

PUBLIC DOMAIN CERTIFICATION

https://commons.m.wikimedia.org/wiki/File:Agostino_Brunias_-_Free_West_Indian_Do

This is a faithful photographic reproduction of a two-dimensional, **public domain** work of art. The work of art itself is in the public domain for the following reason:



The author died in 1796, so this work is in the **public domain** in its country of origin and other countries and areas where the **copyright term** is the author's **life plus 100 years or fewer**.

This work is in the **public domain** in the **United States** because it was **published** (or registered with the **U.S. Copyright Office**) before January 1, 1928.

This file has been identified as being free of known restrictions under copyright law, including all related and neighboring rights.

The official position taken by the **Wikimedia** Foundation is that "*faithful reproductions of two-dimensional public domain works of art are public domain*".

This photographic reproduction is therefore also considered to be in the public domain in the United States. In other jurisdictions, re-use of this content may be restricted; see **Reuse of PD-Art photographs for details**.

VITA

Graduate School
Southern Illinois University Carbondale

John David Kemp

john.kemp@siu.edu

The University of Mississippi
Bachelor of Arts, History, August 1993

Lehigh University
Master of Arts, History, December 2001

Dissertation Paper Title:

“‘STATE OF WAR’: BRITISH RACIAL CONSTRUCTION, NEW WORLD
SLAVERY & THE IMPACT OF *SOMERSET’S* CASE IN THE ANGLO-AMERICAN
DIASPORA”

Major Professor: Dr. Ras Michael Brown